

Peace, yet it shall be safe for the party bound, to appear for the safeguard of his Recognisance; and upon the Certificate made by the Justice of Peace to the Sessions of such Release, the Conusor shall be there discharged (at least) against the party who craved the Peace.

And in truth, the appearance of the party bound, seemeth requisite, notwithstanding any Release made. First, for the safeguard of his Recognisance, as aforesaid: Secondly that others may object against him (in the open Sessions) if he hath in any sort broken the Peace, so as he may be there indicted upon the same, &c.

Note also, the King can in no case Release or Pardon the Surety of the Peace, nor such Recognisance (taken in the behalf of any of His Subjects) until it be forfeited, for the mischeif that may come to the party thereby, but being forfeited, then the King, and none other may Release and Pardon the Forfeiture. § 6. Discharge.

1 H. 7. 1. Br. Peace. 15 Br. Cor. 21. But the death (or resignation) of the King dischargeth this Surety of the Peace taken by His Subject: For the Recognisance is to keep the Peace of the King (then being) and when he is dead, &c. it is not his Peace. *Br. Surety 20.*

Lamb. 116 Also the death of the Recognisor (*sc.* of the party principal that is bound) dischargeth his Surety of the Peace and the Recognisance. See 21 Ed. 4. 70. & 15 H. 7. 2. & 13.

Lamb. 116 Also the death of the party, at whose Suit the Peace was taken, dischargeth the Recognisance, if it were to keep the Peace against him alone.

But yet in these three former cases, such death shall not discharge the Recognisance, if it were forfeited before; and therefore it shall be best for the Justice of Peace to send to the next Sessions such Recognisance, (notwithstanding such death) else the King may be defrauded of a Forfeiture, if any were before.

21 E. 4. 40. Br. Peace. 17. The death of the Sureties shall not discharge the Recognisance, neither shall the party principal be compelled to find new Sureties after their death; for if the peace be broken after their deaths, their Executors shall be charged therewith; and there is no mischief by their death; yet *alii è contra ibid. sc.* That the principal shall be compelled to find new Sureties.

Also such Surety for the Peace may be discharged by a *Superseas* made by another Justice of Peace of that County, or by a *Superseas* out of the *Chancery*, or *King's Bench*.

21 H. 4. 40. 10 H. 7. 21 Br. Rec. 21. If the King and the Recognisor be at Issue upon the Breach of the Peace, and the King waves the Issue; yet is not this Recognisance discharged, but remaineth in force, and may be sued again upon a new breach of the peace afterwards.

• What Act shall be (or makes) a Forfeiture of the Recognisance taken for the Peace. C H A P. CXXI. V. 72.

Lamb. 117 **W**HATsoever act is a breach of the Peace, the doing, threatning or intending thereof, against the person of another being present, is a Forfeiture of his Recognisance. §. I. What is a breach of the Peace.

18 E. 4. 28 Br. Peace. 16. And therefore first, this breach of the peace may be committed by using any fearful or threatning Speeches to the person of another; therefore all menacing, or threatning to kill or beat another to his face, is a Forfeiture of his Recognisance; otherwise, if the party so threatned be absent. And yet if the party so bound shall threaten to kill or beat A. who is absent, and after shall lie in wait for him to kill, or beat him, This is a Forfeiture words;