

ture of his Recognisance, without any threatning, assault or affray to the person, 22 E. 4. 35. *Crompt. 135.*

Affault.

So Assaults, *sc.* to strike at, or offer to strike at a Man, although he never hurt or hit him; this is an Assault, 22 *Aff. Pl. 60.* And this is a Forfeiture of this Recognisance. See *Crompt. 137. b. & 40 E. 3. fol. 40.*

Much more all Affrays, or violent and malicious batteries, strikings, beatings, woundings, or other misintreatings of the person of another, are Forfeitures of this Recognisance.

The difference of these three are, menacing beginneth the breach of the Peace, assaulting increaseth it, and battery accomplisheth it.

Or thus, Battery, is the wounding or beating of another, *Fi.*

Affault is, when one unlawfully sets upon the person of another, offering to beat him although he beats him not, or striking at him; though he strikes him not. *Ibid.*

Hither also belongeth lying in wait, besetting his Mansion-House, and not suffering his Servants to go in and out, *&c. Fi.*

Menaces, are threatning words to beat another, or the like, for fear whereof he dares not go about his business. *Ibid.*

For breaches of the Peace, without word or blow given, as to go with weapons, or company unusually, which be in *Affray de pais.* See *Page seq.*

§. 2.
Command.

If he that is bound, do but command or procure another to break the Peace, and that it be done indeed; this is a Forfeiture of this Recognisance. *Br. Peace 20.*

Also false imprisonment, or arresting of another without Warrant, is a Forfeiture of this Recognisance. Now false imprisonment is any unlawful restraint of Liberty. *Fi.*

Lamb. 139

So to thrust another into the Water, whereby he is in danger of drowning, is a Forfeiture of this Recognisance.

So to ravish a Woman against her will.

So to commit Burglary, Robbery, Murther or Man-slaughter (all which are to the person of another) or to procure the same; all and every of these are Forfeitures of this Recognisance.

So to do any Treason against the Person of the King; this is a breach of the Peace, and a Forfeiture of this Recognisance: For although the words of the Recognisance usually be, *Quod gerat pacem erga cunctum populum Domini Regis, & precipue erga A. B.* (and is not *erga ipsum Dominum Regem & cunctum populum, &c.*) Yet because this fact is done against the Head of the Body of the whole Realm, it is to be adjudged a prejudice and hurt, *Ad cunctum populum,* and a breach of the Peace in the highest degree.

But note, That the Act which must make a Forfeiture of a Recognisance for the Peace, must be done or intended to the Person of another (by the opinion of Mr. Marrow.) And the Book of 2 H. 7. importeth as much, saying, That this Surety of Peace is not broken without an Affray, fighting, beating, or the like.

Mar. led. 7
2 H. 7. 2. b.

And yet to be riotously assembled, is a breach of the Peace, and a Forfeiture of this Recognisance, 'for that it is *in terrorem populi.*' Nay, if two Justices of Peace shall record a Riot upon their view (against a Man so bound to the Peace) although it were no Riot, *&c.* yet he cannot plead *Not guilty* in a *Scire facias* upon his Recognisance.

Marr.
Lamb. 316

Also to wear Armor, or Weapons not usually worn, or to go with an unusual number of Attendants, seems also be a breach, or means of breach of the Peace, and a Forfeiture of this Recognisance for the Peace; for they strike