

strike a fear and terror in the People, and be in *Affray del pais*. See *Br. Surety 12 & hic*.

He that is bound to the Peace, ought to carry himself well in his Behavior and Company. See *Ant. sub hoc tit. Et Post. tit. Surety for the Good Behavior*.

Yet the having of Weapons or Company unusual, are in some cases allowed and lawful, and are no breach of the Peace. See hereof *Postea, tit. Pesse Comitatus, & Postea, tit. Riots*.

Also though Assaults and Batteries be for the most part contrary to the Peace of the Realm, and the Laws of the same, yet some are allowed to have a natural, and some a civil Power (or Authority) over others; so that they may (in reasonable and moderate manner only) correct and chastise them for their Offences, without any imputation of breach of the Peace; yea, they may (by the Law) justify the same; and so in such cases the beating or battery of the person of another, maketh no breach of the Peace; but the manner of the battery only doth make the breach of the Peace.

§. 3. Battery justifiable.

And therefore the Parent (with moderation) may chastise his Child within age.

Ex. 21. 20. So may the Master his Servant or Apprentice, for their evil Service.

11. So may the School-master his Scholars.

So may a Gaoler (or his Servant by his command) his unruly Prisoners.

Flow. 18. So may any Man his Kinsman that is mad, &c. And none of these shall be in peril therefore to forfeit any Recognizance of the Peace.

P. Flight- Note, That the Master may strike his Servant with his hand, fist, small staff or stick for correction; and though he do draw blood thereby, yet it seemeth no breach of the Peace, as appeareth by the Statute of 33 H. 8. cap. 12.

Master and Servant.

And where the Servant shall be negligent in his Service, or shall refuse to do his Work, &c. There the Master may chastise his Servant for such negligence or refusal; so as he doth it not outrageously.

38 H. 6. 25. But if the Servant shall depart out of his Masters Service, and the Master happen after to lay hold of him, yet the Master in this case may not beat or forcibly compel his said Servant against his will to return, or tarry with him, or do his service; but either he must complain to the Justice of Peace for his Servants departure; or he may have an Action of Covenant against his Servant, if being required to do his Service he shall refuse it. See *antea tit. Laborers*.

Br. Faux. Imp. 17.

§ El. 4. P. Labor. 5.

38 H. 6. 25. And as the Master without the breach of the Peace cannot by beating or force, compel his Servant to serve him against his will; no more can a Lord or Guardian in Chivalry compel his Ward by beating or by force to come unto him, or tarry with him against his will.

21 Ed. 4. 6. Also the School-Master, with a Rod, may chastise his Scholar which is Lib. Intr. 61. careless and negligent in Learning, or that shall abuse his School-fellows; or for other the like occasions.

21 Ed. 4. 45. Also it is lawful for the Parents, Kinsmen or other Friends of a Man that is mad or frantick (who being at liberty, attempteth to burn an House or to do some other mischief, or to hurt himself or others) to take and put him into an house, to bind or chain him, and to beat him with Rods, and to do any other forcible Act to reclaim him, or to keep him so as he shall do no hurt. *Br. F. Imp. 35*.

22 Aff. p. 56.

Lib. intr. 61.

21 H. 7. 39. Also if a Constable, Serjeant, Bailiff or other Officer of Justice, or any other being of their Company, for the better executing of their Office, shall be forced to strike any Person that will not yield to their Arrest, or that shall

§. 4. An Officer.

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