

4. Or by doing any other thing which shall tend to the breach of the peace; or to put the people in dread or fear; although there be no actual breach of the peace.

Yet note, These four last matters; as they are the breaches of the good abearing; so are they also cause to bind a Man to the peace; yea, they are breaches of the peace, and a forfeiture of the Recognizance for the peace. *Wid. tit. Surety for the Peace.*

The Book of 2 H. 7. fol. 2. before recited, concludeth, That the Justices were not all certainly advised how those words, *de se bene gerendo*, should be taken: Mr. Br. abridging thereof, *tit. Surety* 12 saith, that it was holden That he who is bound to the peace, ought to demean himself well in his Port, (*sc.* Behaviour) and company; not doing any thing that may be the cause of the breach of the peace, or to put the people in fear or trouble; yet the Book seems to mean this of the good Behaviour. See *Fitz. Surety* 21.

§. 3.
Peace and
good Beha-
viour, how
they differ.

But though this extraordinary number of attendants, and wearing of harness, &c. are breaches as well of the peace, as of the good Behaviour; yet it may seem, that this for the good Behaviour, doth include the Peace, and besides importeth some greater or other matters of misbehaviour, and for which the Surety of the peace is not to be granted, (although they also are against the peace and quiet or good government of the Land) and you shall find that this Surety of the good Behaviour is grantable in divers other cases, in which the Surety of the peace is not grantable.

The Surety of the good Behaviour is to be granted at the suit of divers and those being Men of credit, and to provide for the safety of many, whereas the Surety of the peace is usually granted at the request of one; and for the preservation of the peace chiefly towards one.

Also this Surety of good Abearing, is most commonly granted either in open Sessions of the peace; or out of the Sessions, by two or three Justices of peace; whereas that of the peace is usually granted by one Justice of peace, and out of Sessions.

24 H. 7. 8.
Lamb. 123

And yet by the words of the Commission, as also by the common opinion of the learned, as one Justice of peace alone, and out of the Sessions may grant this Surety of the good Abearing (and that either by their own discretion, or upon the complaint of others) as they may that of the peace.

But this is not usual, unless it be to prevent some great and sudden danger; (especially against a Man that is of any good Estate, Carriage or Report.

Also this surety may be granted at the suit of some one person.

But the more difficult and dangerous this surety is to the party bound, the more regard there ought to be taken in granting of it: and therefore, it shall be good discretion in the Justices of peace, that they do not command, or grant it, but either upon sufficient cause seen to themselves; or upon the suit and complaint of divers others (as aforesaid) and the same very honest and credible persons.

Also this surety of good Abearing, is often taken by the Justice of peace, by virtue of a special Writ in the nature of a *Supplicavit*, directed out of the Chancery or Kings Bench; and then the Justice of peace upon such a Writ is to proceed as a Minister, (as in case for the peace, *mutatis mutandis*.) See before *tit. Surety for the Peace, and Supplicavit*.

§. 4.
By Suppli-
cavit.

I once received out of the Chancery such a Writ directed to the Justices of the peace in the County of Cambridge, and to the Sheriff of the said County: and to every of them (and grounded upon the Stat. 34 Edw. 3.) commanding us, and every of us, to take four sureties (besides the party) whereof every one should have Lands of such a yearly value, or Goods of