

the peace: so of Servants and Laborers that shall bear any Weapons contrary to the Statute of 12 R. 2. *Vide antea, tit. Armour.*

6. Also he may bind to the Peace any other person, to whom suspected to be inclined to the breach of the peace. ^{9 Ed. 4. 1.}
^{P. R. 4.}

7. If (out of the presence of the Justice of peace) any man shall threaten to kill, maim or beat another, or do attempt or go about to do it: then any Constable, being present, may arrest such Offender; to come before a Justice of peace, to find Sureties for the peace, and the Justice may bind him to the peace. ^{Crom. 135.}
^{and 141.}
^{P. R. 22.}
^{Fg. Bar.}
^{201.}

8. If any Constable shall perceive any other persons in his presence to be about to break the peace, either by drawing weapons, or by striking or assaulting one another, or by assaulting the Constable himself; he may take assistance, and carry them all before the Justice, to find Sureties for the peace, and the Justice may bind them. ^{H. 7. 7.}

9. If the Constable shall learn, that certain persons be fighting or quarrelling in a house, he may break open the doors, and arrest them, and carry them before a Justice of peace, to find Surety of the peace: and the Justice may bind them. ^{P. R. 22.}

10. Yea, the Justice of peace (either upon his own discretion, or upon any man's complaint) may make his Warrant for any such as have made an affray (though out of his presence) and may bind them to the peace. *Vide antea, tit. Affray.* ^{See Br.}
^{Peace, 21}
^{21 Aff. 27}

11. If one hath received a wound, it seemeth the Justice of peace may take Surety of the peace of the one and the other, (by his discretion) until the wound be cured and the malice be over. *Popham*, late Lord Chief Justice of England (an honourable and grave Judge) did accordingly between *J. mes* and *Benton*, at Cambridge Assizes, 3 Jac.

12. All such as shall go or ride armed (offensively) in Fairs, Markets or else where; or shall wear or carry any Guns, Dags or Pistols charged; it seemeth any Constable, seeing this, may arrest them, and carry them before the Justice of peace, and the Justice may bind them to the Peace; yea, though those persons were so armed or weaponed for their defence upon any private quarrel, &c. for they might have had the peace against the other persons: and besides, it striketh a fear and terrour into the Kings Subjects. ^{2 E. 3. c. 2.}
^{Commiff.}
^{on.}

See more *hic antea, tit. Affray and Armour.*

13. Also the Justice of peace (upon his discretion) may bind to the Peace a common Barrettor. *Vide tit. Barrettor.*

14. So of Rioters. *Vide tit. Rioters, & Lamb. 79.*

15. He that standeth bound to keep the Peace, if he hath broken (or forfeited) his Recognizance by breach of the peace, the Justice of peace may and ought of discretion to bind him anew, and by better Sureties, for the safety of the person in danger; but yet, by good opinions, that must not be done, until the party be convicted of the breach of the peace upon his Recognizance; for before his conviction it resteth indifferent whether the Recognizance be forfeited or no: but after that he is thereof convicted, and that the Forfeiture be levied, the Recognizance is then utterly determined; and then he is to be compelled to find new Surety, or else to be sent to the Gaol. ^{Br. Peac.}
^{17.}
^{Lamb. 117}
^{Crom. 142}

So it seemeth, though the Forfeiture be not levied, yet if the Party be convicted for breaking the peace, he shall be bound of new. *Cromp. 141.* and *Br. Recog. 21.*

16. Also he that standeth bound to keep the peace, if his Sureties be insufficient, the same Justice, or another Justice of peace, may compel him to find better Sureties.

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