

State, for the time being, and his successors in office, in the just and full sum of *one thousand* dollars, for the true payment of which, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents: sealed with our seals, and dated this *May* 1, 1850.

The condition of the above obligation is such, that if the above-bound *John Doe* shall personally appear at the Superior Court, to be held for said county, on the *fourth* Monday in *October* next, then and there, to give evidence in behalf of the State, on a bill of indictment to be preferred, (*or now therein pending*, as the case may be,) against *Peter Smith*, [*for larceny*,] and not depart thence, without leave of the court, then this obligation to be void; else, to remain in full force.

Acknowledged before me, }
James Mack, J. P. }

JOHN DOE. [L. S.]
 RICHARD ROE, *Sec^y*. [L. S.]

Good Behavior.

Security for the peace or good behavior consists in being bound, with one or more sureties, in a recognizance or obligation to the State, entered on record, and taken in some court, or by some judicial officer, such as a justice of the peace, judge, &c., whereby the parties acknowledge themselves to be indebted to the State in the sum required, with condition to be void and of non-effect if the party shall appear in court such a day, and in the mean time keep the peace, either generally towards all the citizens of the State, or particularly also with regard to the person who craves the security; or if it be for the good behavior, then on condition that he shall demean and behave himself well, (or be of good behavior,) either generally or specially for the time therein limited, as for one or more years, or for life. This recognizance, if taken by a justice of the peace, must be certified to the next superior court, and if the condition of such recognizance be broken by any breach of the peace, in the one case, or any misbehavior in the other, the recognizance becomes forfeited or absolute; and thereupon a *scire facias* issues against the party and his sureties, to which they plead and join issue; or make default, and the court proceeds to give judgment and award execution as in other cases.

Any justices of the peace, by virtue of their commission, or those who are *ex officio* conservators of the peace, as the judges of the superior and justices of the inferior courts, may demand such security; or according to their discretion they may commit all breakers of the peace, or bind them in recognizance to keep it. Also constables may apprehend all breakers of the peace, and commit them till they find sureties for the keeping of it. Security of the peace may be granted by justices of the peace and judges, at the request of any citizen, upon due cause shown; or if the justice of the peace is averse to act, it may be granted by a mandatory writ, called a *supplicavit*, issuing out of the superior court, which will compel the justice to act as a ministerial, and not as a judicial officer; and he must make a return to such writ, specifying his compliance under his hand and seal: or the superior court may take such recognizance themselves. A justice of the peace may require sureties of any person being *compos mentis*, whether a fellow justice or other magistrate, or whether he be merely a private man. Wives may demand it against their husbands, or husbands, if necessary, against their wives; but married women, and infants under age, ought to find security by their friends only, and not to be bound themselves, for they are incapable to engage themselves to answer any debt, which is the nature of those recognizances or acknowledgments.

A recognizance may be discharged by the death of the principal party bound thereby, if not before forfeited; or by order of the court to which such recognizance is certified by the justice, if they see sufficient cause; or if he, at whose

request it was granted upon a private account, will release it, or does not make his appearance to pray that it may be continued.

Thus far what has been said is applicable to both species of recognizances for the *peace* and for the *good behavior*; but as these two species of securities are in some respects different, especially as to the cause of granting, or the means of forfeiting them, they are now to be considered separately.

Justices of the peace may bind over to the good behavior all those that be not of good fame, wherever they may be found. Under which general words, a man may be bound to his good behavior for causes of scandal against morality, as well as against the peace;—as for haunting bawdy houses with women of bad fame, or for keeping such women in his own house, or for words in abuse of the officers of justice in the execution of their office; all night-walkers; eaves-droppers; such as keep suspicious company, or are reputed to be pilferers or robbers; such as sleep in the day and wake in the night; common drunkards, whoremasters; the putative fathers of bastards; cheats; idle vagabonds, and other persons whose misbehavior may reasonably bring them within the general words, "*persons not of good fame*,"—an expression that leaves much to be determined by the discretion of the magistrate himself: but if he commits a man for want of sureties, he must express the cause thereof with convenient certainty; and take care that such cause be a good one.—*Clay. Jus. 58.*

Any person wandering or strolling about, or leading an idle, immoral, or profligate course of life, who has no property to support himself or herself, and who is able to work or otherwise to support himself or herself in a respectable way, shall be deemed and considered a vagrant, and shall be indicted as such, as in other cases, and on conviction, shall be punished by confinement and hard labor in the penitentiary for any time not less than two years, nor longer than four years: *Provided, nevertheless*, That after such indictment has been found against any person, such person shall be discharged and released from prosecution, if he or she, after the indictment has been found, and before the trial, shall tender in open court a bond, with sufficient security, for his or her good behavior and future industry for one year: *Provided, also*, That the said bond shall be for any amount not more than four hundred dollars.—*Act of 1847.*

A recognizance for the good behavior may be forfeited by all the same means as one for the security of the peace may be; and also by some others, as by going armed with unusual attendance, to the terror of the people; by speaking words tending to sedition; or by committing any of those acts of misbehavior the recognizance was intended to prevent; but not barely giving fresh cause of suspicion of that which perhaps may never actually happen; for although it is just to compel suspected persons to give security to the public against misbehavior that is apprehended, yet it would be hard, upon such suspicion, without the proof of any actual crime, to punish them by a forfeiture of their recognizance.—*Clay. Jus. 61.*

Warrant for Good Behavior.

STATE OF GEORGIA, } To the Sheriff of said county, and to all lawful
Houston County. } officers.

Forasmuch as I, *James Mack*, one of the justices of the *peace* in and for the said county, am given to understand, by the information, testimony, and complaint of many credible persons, on oath, (or upon the oath of *James Thomas*;) that *John Doe*, of the county aforesaid, and *Richard Roe*, of the county aforesaid, are not of good name and fame, nor of honest conversation, but evil-doers, rioters, barrators, and dis-