

of Peace, with the privity and assent of the Bishop, or Lieutenant, or of any Deputy Lieutenant, residing in the said County, under all their Hands and Seals, to travel about their necessary business out of the compass of five miles. But such Licences must certify the particular cause of the said Licence, and the time of their absence must therein be limited. And the party so Licensed, must first take his Oath before the said four Justices, or any of them, That he hath truly informed them of the cause of his journey, and that he shall not make any causeless stays. See the Form of such Licence *hic postea, tit. Precedents.* See more *tit. Popish Recusants in the Appendix.* And a Licence otherwise is void, and going without such Licence, shall forfeit, as by 35 *El. 2. 3. Jac. 5.*

In pleading a Licence, he must shew that he had taken the Oath of Allegiance, and that the cause of his Licence is true, and that it was granted with the assent of the Bishop or Lieutenant, &c. And if the same person be Justice and Lieutenant, that will not serve.

Woman.

A Woman being a Popish Recusant Convict (her Husband being not convicted) that shall not conform and remain conformed, which shall not go to Church, nor receive the Sacrament a year before her Husband's death, shall forfeit to the King two parts of her Joynture; and two parts of her Dower, in three parts, to be divided, and be disabled to be Executrix, or Administratrix to her Husband.

C H A P. LXXXII. V. 46.

Riots, Routs.

§.1.
One Justice.
Preventing.

Any one Justice of Peace alone, may use all good means to prevent a Riot or Rout before it be done; and for to stay it whilst it is in doing, and in the doing may take and imprison the Rioters, or bind them to their Good Behavior. But being once done, and committed, one Justice of Peace cannot make Inquiry thereof, nor Assess any Fine, nor Award any Process, nor otherwise meddle to punish it in the nature of a Riot or a Rout, but only as a trespass against the Peace, or upon the Statutes of *Northampton*, or of *Forcible Entries*; Whereof see the title *Forcible Entry*.

And yet if one Justice of Peace, sitting in a Judicial place (as in the Sessions) shall see a Riot, he may command them to be Arrested, and may make a Record thereof, and the offenders shall be concluded thereby; but if one Justice of Peace shall see a Riot in another place, and shall command them to be Arrested, and shall make a Record thereof, the offenders shall not be concluded thereby, but may Traverse it: And yet the Justice may Record it, and certify the same to the next Sessions, &c. *Cro. 41.*

If a Justice of Peace will commit a Man to Ward, pretending untruly that he did a Riot, where he did none, the party may have an Action of Trespass against him, *Fitz. Just. 9. tamen vide Co. 8. fol. 121. a.* That the Record of a Force made by a Justice of Peace is not Traversable, for that he doth it as a Judge; and so the Justices Record of a Riot, is not Traversable. See *hic postea*; also see *Br. Judges 2. § 10.* That an Action will not lie against a Justice or Judge of Record, *§ 2. R. 3. 10. hic c. 120. sc. Pro re facta judicialiter.*

§.2.
Enjoyned

Every Justice of Peace (being of and in the County, and having notice of any Riot, Rout, or unlawful Assembly) ought to have a care of the Execution of that Statute made 13 *H. 4. c. 7.* (viz. that the Rioters, &c. be Arrested and removed) for if that Statute be not executed in every part thereof, by some of the Justices, the two next Justices of Peace shall forfeit each of them 100 *l.* and every other Justice of Peace within that County, in whom there shall be any default, shall be finable. And