

11 H. 4. 7.
P. 2.
6. But if the Riot was not committed in the presence of the said Justice of Peace; or that the offenders be departed before the coming of the said Justices, and Sheriff, or Under-Sheriff, then the said Justices, or two of them at the least, within one month, immediately after such Riot, Assembly, or Rout, shall inquire thereof by the Oaths of a sufficient Jury to be returned by the Sheriff, ('who shall return upon every person so by him impaneled in issues at the first day 20 s. at the second 40 s.') and the same Riot, &c. being found by such Inquisition, the Justices must make, or cause to be made a Record in writing, of such their Inquiry or Presentment found before them; which Record also is to remain with one of the said Justices, *P. R. 29.* See the Form thereof, *hic.* §. 21. Inquirers.

The Form of a Precept to be made by the Justices to the Sheriff, to return a Jury, &c. *Vide hic postea.*

The Form of such Inquiry or Presentment. See also the title *Precedents, hic postea.*

Comp. 62. This Inquiry shall not be, but where the Rioters are gone before the coming of the Justices; or where they had not the View of the Riot.

It is not necessary that one of the Justices of Peace (which shall make Inquiry of a Riot) be of the *Quorum.*

Lam. 316. Although the words of the Statute are, the same Justices (sc. which came to see the Riot) shall inquire; yet if any other two Justices of Peace of that County shall do it, that will suffice.

Also the Justices of Peace although they go not to see the Riot, yet they may inquire thereof within the month after.

Lam. 317. Neither is it of such necessity, to have the Inquiry within the month, *Time.* that for default thereof the Presentment shall be void; for the Justices of Peace may inquire thereof at any time by force of their Commission; but if it be not within the month, then every of the two next Justices are in danger to lose 100 l. for it. And yet if these Justices do charge the Jury within the month, and do give day unto them for to yield their Verdict and Presentment after the month, the Statute is not offended.

But yet it seemeth that the Justices of the Peace are not bound upon the penalty of 100 l. to inquire within the month of all petty Riots, but only of such Riots as are notorious and dangerous, and in the nature of Insurrections or Rebellions.

Lam. 316. At this Inquiry, the Sheriff, or Under-Sheriff, ought to be present with the Justices of Peace, but the Sheriff, or Under-Sheriff, be now as Ministers only for the returning of the Jury (for this Inquiry) and be not herein associated with the Justices, as they were before in Arresting the Rioters, and Recording their disorder; and therefore they are now to be spared from being Judges therein. Howbeit by this their presence, they may help to espie the evil; and besides, it addeth force and credit to the Certificate. §. 22. Sheriff.

Lam. 317. If the Justices do assemble themselves, the Sheriff and the Jury, to make Inquiry of a Riot within the month, and the Parties be agreed amongst themselves; so as none will sollicite the Inquiry, nor give in evidence for the King upon that Riot, yet ought the Justices to proceed (*Ex Officio*) to make Inquiry of that Riot, seeing it may be that some of the Jury may have knowledge of the Riot. §. 23. Ex Officio.

P. R. 29. And also the Justices ought to make Proclamation, That if any Man *Evidence.* will give evidence for the King concerning that Riot, or (generally) will inform the King's Justices of any Riots, Routs, &c. And thereupon some other persons may perhaps come forth to inform him therein.

Comp. 62. But if (at the Parties request) the Justices shall dismiss the Jury without Inquiry, they are finable for the same.

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