

care and discretion herein; for by the Statute *2 H. 5. c. 8.* the offenders are as well to be imprisoned, as fined, and it seemeth much more serviceable, and more agreeing with the intent of the Law. Besides, this Fine is called in diverse places in the * old Statute, Ransom, (or *Redemptio* in *Latin*) and seemeth by the propriety of this word to imply, That the offenders ought first to be imprisoned, and then to be ransomed, and delivered in consideration of this Fine. To which purpose see Mr. *Horne* in his *Mir. of Just. l. 3.* where he sheweth that Ransom is the Redemption of a Corporal Punishment due by Law to any offence.

And these Fines the Justices of Peace are willed by the Statute (*2 H. 5. c. 8.*) to put in greater sums than they were wont to be put in such cases, for the bearing of the charges of the Justices and other Officers, &c. as is before said.

At the Common Law, a Riot was punishable as a Trespass, and as well the Fine, as the Imprisonment were at the discretion of the Judges; and in the same manner the Statute of *13 H. 4.* inabled the Justice of Peace to punish such offenders. But now as well the Imprisonment, as the Fine of such offenders are to be increased by the said Statute, *2 H. 5. c. 8.*

And therefore where the Justices of Peace are remiss herein (*scil.* in not sufficiently punishing such offenders by due Fine and Imprisonment) the Lords in the *Star Chamber*, have often assessed upon Rioters for the same Riot (for which the Justices of Peace have formerly assessed a Fine in the Country) a greater penalty, if they see cause: And yet in this case the offenders be not twice punished for one offence, but that one part of the due punishment is inflicted at one time, and part at another.

So lastly, if the Truth of a Riot cannot be found by the Justices of Peace upon such Inquiry (being hindered by the perverseness of the Jurors, or by the unlawful maintenance, countenance, or embracery of other persons that put themselves into the cause,) then within one month next after the Inquiry, the same Justices and Sheriff, and Under-Sheriff, shall certify before the King and his Council (to the Body and Board of the Privy Council, or into the * *Kings Bench*, *Cromp. 63.*) So much of the Fact and Circumstances thereof, as may by any ways or means appear unto them, with the certainty of the names of the principal offenders, upon pain of One hundred pounds to every of the said Justices, Sheriff, or Under-Sheriff: And also the said Justices, with the Sheriff or Under-Sheriff, ought in the same Certificate to certify the names of such maintainers and embracers, with their misdemeanors; and of the time, place, and other circumstances, and the impediments, why the truth of the Riot, &c. is not found, upon pain of forfeiture of Twenty pound a piece to every of the Justices and Sheriff, *Cromp 63. b. & 199 b.* The form of such Certificate, see *hic.*

The end of this Certificate is but only to put and force the offenders to answer thereto before the King and his Council: And though the words of the Statute do make this Certificate to be of the force of a Presentment of twelve Men against the offender; yet such Certificate is no Conviction, but that the offenders may * *Traverse* it, by the words of the same Statute. And so this Certificate to be of the nature of a Declaration, or Indictment at the common Law; and therefore it ought to comprehend the certainty of the time, place, persons, and other material circumstances.

If this Certificate be not made within one month after the Inquiry, then is it not according to the Statute, and so not good to force the offenders to answer.

§. 28. Certificate.

* But such Traverse, and Certificate shall be sent into the King's Bench, and there be tried. Time.

If