

Riots. C H A P. CXXXV. V. 85.

Statutes. **I**T may easily and manifestly appear to all such as have been conversant in our Chronicles, how pernicious and dangerous to this Kingdom, unlawful Assemblies have been in all precedent ages, yea, such as at the first were very small, and began upon very small occasion; yet not being repressed in time, grew to such greatness and height, that they afterwards put in hazard the State and Government of this Land. And therefore it is behoveful and good wisdom for all Justices of Peace, to indeavour by all good means to quench the beginnings and first sparkr of such Assemblies, as knowing that for want of timely restraint, they may soon grow to the like danger again.

Now for the better suppressing of such unlawful Assemblies, and partly for the better inabling of the Justices of Peace therein, there were three Statutes devised and provided specially by the wisdom of the Realm, and are remaining yet in force; That is to say, The Statute of 13 H. 4. 7. 2 H. 5. 8. & 19 H. 7. 13.

The Statute of 13 H. 4. authorising, nay upon a great penalty injoyn-
ing the Justices of Peace (together with the Sheriff) to arrest, remove and punish the offenders. 13 H. 4. cap. 7.

But for that the aforesaid Statute gave no remedy to the party grieved, if the Justice of Peace or Sheriff should make default; as also for the better stirring up of the Justices in this business, the Statute of 2 H. 5. was made, authorising the Lord Chancellor of England (at the instance of the party grieved) to grant a Commission, to inquire of the defaults of the two next Justices of Peace and Sheriff, in not executing of the aforesaid Statute of 13 H. 4. And withal providing, how the charges of the Justices, spent about the suppressing and inquiry of such Riots, should be born; and also limiting what punishment, as well the offenders attainted of such Riots, as also all such as should not be ready to assist and aid the said Justice to repress such Rioters, should suffer. 2 H. 5. 1.

And lastly, for that the two former Statutes did not express of what sufficiency the Jurors impannelled to enquire of Riots, should be; nor what Issues they should lose, if they appeared not; nor any certain punishment was inflicted upon the maintainers or imbracers of such Jurors: Therefore the Statute 19 H. 7. was made. But so much of these things as concern the Justices of peace, do appear more particularly here before: And therefore now I will proceed in this business. 19 H. 7. 13.

First, What shall be said to be a Riot, Rout or unlawful Assembly, within the meaning of these Statutes. C H A P. CXXXVI.

§. I. **A**N unlawful Assembly, Riot or Rout, is where three or more shall gather together, come or meet in one place, to do some unlawful act with violence, and that unlawful act must be *Malum in se*, and not *Malum prohibitum*. As when three persons or more, shall come and assemble themselves together, to the intent, to do any unlawful act, with force or violence against the person of another, his possessions or Goods. As to kill, beat or otherways to hurt, or to imprison a Man; to pull down a House, Wall, Pale, Hedge or Ditch; wrongfully to enter upon, or into another Br. Riot 4.
Gromp. 68
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