

another Mans Possession, House or Land, &c. Or to cut or take away Corn, Grass, Wood or other Goods wrongfully; or to hunt unlawfully in any Park or Warren; or to do any other unlawful act (with Force or Violence) against the Peace; or to the manifest terror of the people; if they only meet to such a purpose or intent, although they shall after de- part of their own accord, without doing any thing, yet this is an unlaw- ful Assembly.

Br. Riot  
4. 5.  
Lamb. 179  
281.  
Br. 4.

unlawful  
Assembly

If after their first meeting, they shall ride, go or move forward toward the execution, of any such act (whether they put their intended purpose in execution, or not.) This is a Rout.

And if they execute any such thing in deed, then it is a Riot.

Br. 4, 5.

And yet by the opinion of some, a Rout is only whete such a compa- ny (of three or more) are so assembled, for their own common or pro- per quarrel (and not in the quarrel of any other person.) As whete the Inhabitants of a Town do assemble together to pull down a House, Wall, Pale, Ditch or other Inclosure, pretending to have title of Common, or a Way there; or to beat a Man that hath done them some publick offence. But yet the word *Rout*, seemeth to have a more large and ample meaning; as appeareth by the Statute of 18 Ed. 3. c. 1. speaking of Routs that are brought in the presence of the Justices; and the Statute of 7 R. 2. c. 6. treating of Riding in great Routs.

Riot

Master *Finch* described them shortly thus, *Fi. lib. 2.*

Br. 4, 5.  
Lamb. 180

An unlawful Assembly is, when above the number of two shall assem- ble to do any unlawful Act.

A Rout is, when they set forward to do it.

A Riot is, when they do it in deed.

But at the Common Law (before the making of these Statutes) these Facts and unlawful Assemblies committed or done, were of none other qualities in their natures, than other common Trespasses; although some- times by the discretion of the Justices, a greater fine was assessed in such cases than was for other common Trespasses.

Now in Riots, Routs, and unlawful Assemblies, these four Circum- stances are to be considered.

§. 2.  
Circum-  
stances

First, The number of the persons assembled.

Secondly, The intent and purpose of meeting.

Thirdly, The lawfullness or unlawfulness of the act.

Fourthly, The manner and circumstances of doing it.

For the number, there must necessarily be three persons at the least, so gathered together; for else it can be no Riot, Rout or unlawful As- sembly within the meaning of these Statutes.

The num-  
ber.

“By the Statute 1 Ma. 12. & 1 El. 16. if above the number of two; and “under twelve assembled together, had gone about unlawfully to kill any “Subject, or to cast open any Inclosure, destroy any Deer, Conies, Dove- “house or Fish, to pull down Houses, burn Stacks of Corn, or abate Rents, “or prices of Corn or Victuals, if they had not departed upon Procla- “mation, but should after attempt to do any of those things, they were “to be imprisoned by the space of one year, without Bail. P. 20.

P. 16, 17.

By the same Statute of 1 Ma. 12. & 1 El. 16. if twelve persons or more; assembled together, should have intended, or gone about to change any Laws, or to have done any of the former things, if they had not departed within one hour after Proclamation; it had been Felony in them all:

P. 31.

And by the same Statute, if the number had been forty, or above, that had assembled together, to the intent to have done any of the former things contrary to those Statutes, or any other felonious or rebellious act; if they had