

had continued together three hours after Proclamation, it had been Felony; but these two last Statutes stand now discontinued.

But an assembly of an hundred persons or more, (yea though they be in armor) yet if it be not in terror or affright of the people, and were assembled without any intent to break the Peace, it is not prohibited by any of these Statutes, nor unlawful. See *infra*.

S. 3.
The same.

For the intent: It seemeth it can be no Riot, &c. except there be an intent precedent to do some unlawful act, and with violence or force.

And therefore, if divers be assembled, and none of them do know to what end or purpose they are met; This can make no Riot or Rout, till the intent be known.

If the Master (intending to make a Riot) taketh with him his ordinary Servants, and maketh an affray or other outrage with them. This is no Riot in the Servants, except their Master had made them privy to his intent before; but the Master only shall be punished for this. Yet *Quere*, whether this shall be adjudged, or punished in the Master as a Riot.

And in this former Case it is not material, though the number of his Servants that go with him are above his degree, so long as they be his Household Servants. *Lamb. 184. P. R. 25.*

If divers being lawfully assembled, shall quarrel or fall out upon the sudden, without any former such intent. This is no Riot, but a sudden affray.

If divers be at an Ale-house, and without any intention of affray they suddenly fall together by the Ears. This is no Riot, but a sudden affray, because they had no such intention before.

If a Jury being together, shall fall out and fight. This is no Riot, because they were lawfully assembled.

Also where there be three or more gathered together, either to execute the Justice of the Law, or for the exercise of valor, and tryal of activity, or for the increase of amity or neighbourly friendship, (and not being met with an intent to break or disturb the Peace, or to offer violence or hurt to the person of any) such Assemblies be not prohibited by any of these Statutes, nor unlawful; as if the Sheriff, Under-Sheriff or Bailiff, shall take power (what number they shall think good) to execute the Kings Process, &c. It is lawful: So of other Officers. See more thereof *postea tit. Posse Comitatus.*

So it is a lawful Assembly, which is gathered together to run at Tilt, &c. by the Kings Commandment.

So the assembly of People, and their use of harness upon *Midsummer* night in *London*, being only for disport, is lawful; and though it be with a great Assembly of People, and in Armor; yet it being neither in affright of the people, nor *malum in se*, nor to do any act with force or violence against the Peace, it is lawful.

If Stage-players, by their shows, occasion an extraordinary and unusual concourse of people to see them, and their tricks, this is an unlawful Assembly and Riot: For which they may be indicted and fined, as *Coke* said. *M. 12 Jac. Rolls Rep. 2 part p. 109.*

Also if divers do assemble and gather together, to drink at an Ale-house, or at a *Christmas* dinner, or at a match of shooting, or such lawful disport; or else to play at Football, Bucklers, Bear-baitings, Dancings, Bowls, Cards or Dice, or such like unlawful Games or Disports. This is neither Riot, Rout nor unlawful Assembly within these Statutes, nor here prohibited: For these Meetings usually are not with any intent to offer or do violence or hurt to the Person, Possessions or Goods of any other; neither

Crompton
P. R. 25.

Lamb. 184
Crompton 61

Crompton

Lamb. 184

Ibid.

2 H. 7. r.
Br. Riot
20.

Br. 20.