

Crows of Iron, and other things necessary for to remove the said Wear, and made a Trench in his Land, that did erect the Wear, to turn the Water, so as they might the better take up the said Wear, and they did remove the same Nufance. This was holden neither any Forcible Entry, nor yet any Riot.

But in the Cases aforesaid, if in removing any such Nufance, &c. the persons so assembled shall use any threatning words (as to say, they will do it in spight of the other; or they will do it, though they die for it, or such like words) or shall use any other Behaviour, in apparent disturbance of the Peace, then it seemeth to be a Riot; and therefore where there is cause to remove any such Nufance (or to do any like act) it is the safest not to assemble any multitude of People, but only to send one or two persons, or (if a greater number) yet no more than are needful, and only with meet Tools, to remove, pull or cast down the same, and that such persons tend their business only without disturbance of the Peace or threatning Speeches.

For the manner of doing an lawful thing, may make it unlawful. Also the manner of doing any unlawful act, by an Assembly of People, may be such (and so handled) as that it shall not be punished as a Riot.

As if I shall assemble a meet company to carry away a piece of Timber or other thing (whereto I pretend a Right) that cannot be carried without a great number, if the number be not more than are needful for such purpose, although another Man hath better right to the thing so carried away; and that this act be a wrong and unlawful: Yet is it of it self no Riot, except there be withal threatning words used, or other disturbance of Peace.

For the Manner and Circumstances. C H A P. CXXXVIII. V. 87.

AS there must necessarily be three persons at the least assembled together to make a Riot, &c. so their being together, and their demeanor must be such, as shall or may breed some apparent disturbance of the Peace; either by threatning Speeches, turbulent Gesture, shew of Armor or Actual Force or Violence (to the terror and fearing of the peaceable sort of People, or to the imboldning and stirring up of such as are busiheaded and of evil disposition, by such Fact; or else it can be no Riot, &c. For, as I said before, the manner of doing a lawful thing, may make it unlawful, &c. *converso.*

And therefore, if divers in one company, going to the Church, Fair or Marker, shall go armed; or one going to the Sessions, or other like Assembly, shall go with his Servants in Harnes (to the terror of the People) though he or they have no intent to fight, or to commit any Riot; yet this is a Rout by the manner of his or their going, being needless, disordered, and against the Law. See 2 Edw. 3. c. 3.

But in the former Cases, if they had gone in privy Coats of Plate, Shirts of Mail, or the like, to the intent to defend themselves from some adversary. This seemeth not punishable within these Statutes, for that there is nothing openly done in terror of the people.

One N. W. together with fourscore persons, came with Spades, Mattocks, Pistols, Swords and Daggers in the night, to a piece of Ground (where Sir Tho. St. had made a great Wear cross over the River of Trent, in the County of Nottingham, to the great Nufance of Passengers there, &c.) and there they made one or two little Trenches to let out the water,