

To be riotously assembled when then at the supposed time
of the fact committed were known both in their persons
and Number for which Uncertainty the Judgment aforesaid ought
to be arrested the reasons whereof may appear by the Statute
prime Maria Cap: 12: it enacts several ways for punishing Riots
proportionable to the Number assembled and Nature of the fact intended
for the want of which no certain Judgment can be given therefore
ought to be arrested as aforesaid that the said Indictment
is also untrue may appear by words proceedings together
with words of substance viz: with several others riotously
assembled &c: whereas no evidence at all being to make
good the Matter contained in the Indictment: did make appear
that any person was concerned in the said Assault save and
Ann North & that by the confession of the party supposed to be
injured unto Mary Chandler one of the Doctors as may appear
by her Oath therefore the said Ann could not be charged with
a Riot for which fault in the said Indictment contained
Judgment ought to be arrested as aforesaid

Reason therefore Riots must consist of about two persons in Number
and Under which which persons must appear or appear prime
Maria Cap: 12: and next with One intent to disturb the peace
otherwise it cannot be a Riot for if three or more meet
and one of the three burn a house make an Assault commit
a trespass or forcibly enter another mans house the rest
present making no show of aiding or assisting therein such
persons be only present cannot be said Riotters and be conse-
quently the party offending not liable to be indicted of a Riot
but the party Agriev'd may otherwise bring his Complaint or
Action for the Injury or damage as the Law is such as for
direct but that they have otherwise proceeded in the present
aforesaid and Indicted the said Ann for Riottously making an
Assault whereas no evidence made it appear nor the Jury found
any other than bare matter of fact against the said Ann
Judgment ought to be arrested