

And yet there is no doubt, but that the Justices of Peace (without the Sheriff or Under-Sheriff) upon all Riots, may and ought first to go to the place, and such Riotors as they shall see or find riotously assembled they may and ought to arrest them, and to take away their Armor and Weapons, and to remove and commit the Riotors, or may cause them to find Sureties, for the Peace or Good Behavior; and for want of such Sureties, may commit them to the Gaol. All which, any one Justice of Peace may do.

P. Riots 2. Comp. 67. b. Also two Justices of Peace after the Riot committed (without the Sheriff or Under-Sheriff) as it seemeth, may and ought to inquire of the Riot; and if upon such Inquiry the Riot be found, the said Justices may Fine and Imprison the offenders, as hereafter appeareth. §. 9. Inquiry.

But whether two Justices of Peace seeing a Riot, may record the same upon their own view, without the Sheriff or Under Sheriff, and thereupon (without any Inquiry) may Fine them for the same, and may commit them to prison till they have paid the same Fine, is to be considered. I know the common opinion to be, That they cannot Record the Riot (without the Sheriff, or Under-Sheriff) for, say they (by the Statute) the Sheriff or Under-Sheriff are associated to the Justices of Peace, and have equal Authority with them therein; and then consequently the Justices of Peace alone upon their own view, without Inquiry, can neither fine them, nor imprison them for their Fine. View. Sheriff.

14 H. 7. 9. b. See Co. 10. 103. b. Sub. is matter. Yet *Finoux*, Chief Justice, saith, That this * Statute of 13 H. 4. was made for the common profit of the Realm, and for a hasty remedy, and to avoid a present mischief like to happen; and therefore shall be construed largely for the common good, and in furtherance and advancement of expedition of Justice. * M. Lamb. thinketh it to be the Statute of 34 E. 3. 1. that Finoux meant, rather than the Statute of 13 H. 4.

11 P. 6. 55. Also we see, that any one Justice of Peace may do all these things, in case of a Forcible Entry, *sc.* Any one Justice of Peace may come with the power of the County, if need be, and may arrest the offenders and may record the force by him viewed: And this Record shall be a sufficient Conviction, so that he may thereupon commit the offenders to the Goal, and may fine them.

P. 11. Also this Statute of 13 H. 4. doth relate to the said Statute of Forcible Entries, 8 H. 6. touching the Conviction of offenders by the Record of the Justices

Fitz. Just. 9. 17. 14 H. 7. 8. Comp. 65. 196. P. Just. 18. Also by some good Authority, if two Justices of Peace (without the Sheriff) shall see a Riot, they may arrest them and make a Record thereof, and the offenders shall be concluded by such Record, for that the view of the Riot is not to be traversed *Lamb.* 313.

Also the Statute of 34 E. 3. 1. seemeth to inable two Justices of Peace to imprison and fine Rioters, and that without inquiry, and then consequently, it seemeth they are to make a Record of the Riot. See *Lamb.* 291, 292. *Ideo Quere.*

And yet *Quere*, whether two Justices of Peace (upon the Statute of 13 H. 4. 7.) without the Sheriff, may not, nay ought not, upon the penalty of 100 l. upon their view of a Riot, Record the Riot, and without inquiry fine the offenders, and imprison them till they have paid their Fine (as Convict by their view and Record) though this may seem to be more for the Kings advantage, rather than to hazard the Fine upon the finding it by inquiry. But it rather seemeth; That the Justices upon their own view of a Riot, may Record it, and commit the offenders, and then to certify or send the Record into the *Kings Bench*, where the offenders shall be fined. And this I take to be more warrantable, and safer for the Justices, if they shall not inquire thereof.