

of the Design thereof Handled, *pl. Cr. lib. 1 Glap. 65. s. 3.*  
 A Man and his wife being pursued & wounded and bruised  
 in the Street under Colour of Night by a Company of  
 five or six Men that came out of a certain Shop, who  
 after committing of the fact immediately returned to  
 the Shop: it was found Reasonable to prefer an Arbitrary  
 punishment Damages and Expenses against some persons  
 that they were of the said Company who so came out in  
 Reason. Albeit it was pleaded for the Defendants, that  
 coming out upon a Noise or Praying, joining in the  
 Confusion not by Standers, it is no relevant qualification  
 of guilt and peril in the Riot, Unless it were shewed, that  
 every particular person in that Company did find it  
 or by their Council and Acting against the Pursuants  
 it their going in Among the persons quarrelling relevant  
 to prefer an and part, Unless they had a specialty the aggrieved  
 because they might have interposed with a good inter-  
 vention to Aid or separate the parties quarrelling, which  
 law presumes they did till the contrary appear. *27* One  
 of the persons in Testimony of his Innocent Intention  
 did immediately after the Cry was over for a  
 party of the guard to secure the persons the publick  
 of the Riot. In respect it was answered, of the every  
 person accidentally on the Street in the case of a  
 tumult, cannot be understood so as to be aggrieved,  
 Unless some evident Act of Reception were qualified.  
 Yet the persons coming out with the offenders, both  
 upon the fact and returning with them after for-  
 mission thereof, makes them necessary in the opinion  
 of lawyers, Monoth. *pl. Cr. lib. 1 Glap. 65. s. 3.*  
*ca. 350. Jul. Clar. Statut. lib. 5. s. 3. in. Stat. 1. 90 n. 8.*  
*Add. lib. n. 138. pag. 9.* Who hold that assisters or  
 makers, *nee prohibens delictum cum poliorit, Videtur*  
*esse Carrius facinorosa delinquente profla*

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 associant. Nor doth the Canonic qualify any fact to Disturb  
 their Design of separating the parties, or quelling the tumult  
 or protest that they Note, *pl. Cr. lib. 1 Glap. 65. s. 3.*  
 their Intention, which seems necessary for the Execution  
 of those who interpose as Aiders, *27* The joining for the Riot  
 by one of the Persons may be very beneficial with the help  
 Principal actor in the Cry: for if offenders were allowed  
 to find themselves quit by what they do, for Com mis-  
 sion of Criminal delict protests or Colors, *pl. Cr. lib. 1 Glap. 65. s. 3.*  
 to wanting, *3 Feb. 1788* Cairns of Aughtonhall, Gilmore &  
 Porterfield. If a Number of persons met together at a fair or  
 Market or any other lawful and Innocent Occasion, they  
 on a sudden quarrel to fall together by the cry, to be  
 guilty of a Riot, but only of a sudden affray, to be  
 None are charged, but those who actually engage in the  
 cause the Design of their Meeting was Innocent and law-  
 ful, and the subsequent breach of the peace happened  
 expected by without any previous Intention for coming  
 But if in an assembly of persons met together on any law-  
 full occasion, a sudden proposal be started of going to  
 gather in a Body to pull down a house or the like, or  
 to do any other act of Violence to the Disturbance of the  
 Publick peace, and such Motion be agreed to and Executed,  
 Accordingly; the persons concerned cannot but be rioters,  
 because their associating themselves together for such a  
 New purpose, is no way Excusatory by their coming  
 at first upon another, *pl. Cr. lib. 1 Glap. 65. s. 3.*  
 In every Riot there must be some such Circumstances,  
 either of actual Force or Violence to the person of a Man,  
 or to his possessions, or at least of a Apparent tendency  
 thereto, and are naturally apt to strike a terror into the  
 people, as the show of Armour, threatening Speeches,  
 or turbulent Gestures Handled *lib. 1 Glap. 65. s. 3.*  
 Injury or Grievance intended to be Revenged or Remedied  
 by a riotous assembly, which the law only to some pri-  
 vate quarrel, or the interests or Disputes of particular  
 persons and no way concern the publick Handled