

of Pudsey, reported by Crompton, and cited by Hale, turned upon this point. The offenses they respectively stood charged with as principals, were committed far out of their sight and hearing: and yet both were held to be present. It was sufficient, that at the instant the facts were committed, they were of the same party and upon the same pursuit, and under the same engagements and expectations of mutual defense and support, with those that did the facts."

Thus far I have proceeded, and I believe it will not be hereafter disputed by any body, that this law ought to be known to every one who has any disposition to be concerned in an unlawful assembly, whatever mischief happens in the prosecution of the design they set out upon, all are answerable for it. It is necessary we should consider the definitions of some other crimes, as well as murder; sometimes one crime gives occasion to another, an assault is sometimes the occasion of manslaughter, sometimes of excusable homicide. It is necessary to consider what is a riot. 1. Hawk, Chap. 65, Sec. 2. I shall give you the definition of it. "Whosoever more than three persons use force or violence, for the accomplishment of any design whatever, all concerned are rioters."

Were there not more than three persons in Dock Square? Did they not agree to go to King street, and attack the main guard? Where then, is the reason for hesitation, at calling it a riot? If we cannot speak the law as it is, where is our liberty? And this is law, that wherever more than three persons are gathered together, to accomplish any thing with force, it is a riot. 1. Hawk, Chap. 65, Sec. 2.—"Wherever more than three, use force and violence, all who are concerned therein are rioters; but in some cases wherein the law authorizes force, it is lawful and commendable to use it. As for a sheriff, 2 and 67 Poph. 121, or constable 3 H. 7, 10, 6, or perhaps even for a private person, Poph. 121, Moore 656, to assemble a competent number of people in order, with force to oppose rebels, or enemies, or rioters, and afterwards with such force, actually to suppress them."

I do not mean to apply the word "rebel" on this occasion.