

THE
Proceedings and Judgment

Against the

RIOTERS;

Thomas Pilkington Esq;
Samuel Shute Esq;
Henry Cornish, Alderman.
Ford Lord Grey of Wark.
Slingsby Bethel Esq;
Sir Thomas Player, Knight.
Francis Jenks.

John Deagle.
Richard Goodenough.
Richard Freeman.
John Wickham.
Robert Key.
Samuel Swinock. And
John Jekyll Senior.

Who were Fined at the *Kings Bench* Court at *Westminster* on the 26th of this Instant *June*, 1683. for a Riot and Battery committed by them upon the Person of the late Lord Mayor, &c. in *Guild Hall*, at the Election of Sheriffs, containing what remarkably occurred in the Debates admitted upon passing Judgment of Fine.

As also the Fining of one *Mr. Turne*, for making a Riot upon the Mayor of *Rye*. in the County of *Suffex*.

Entred according to Order.

ON the Eighth day of *May* last, the Parties above mentioned were Tryed in the *Gilde-Hall* of the City of *London*, upon an Information in Law, for riotously, routously and unlawfully opposing the Proceeding in the *Hall* on *Midsummer* Day last, upon the Election of Sheriffs to the City of *London*. Country of *Middlesex*, & Assaulting *Sir John Moore*, then Lord Mayor, which being by divers Witnesses made apparent, and they by the Jury after consideration found guilty, Mr. Attorney General, on the 15th of *June*, Anno. 1683. moved in the Court of *King's-Bench* at *Westminster*, that Judgment might be awarded against them upon their former Conviction, in order to their being Fined for the Riot, &c. But the L. C. Justice *Saunders*, and Mr. Justice *Raymond*, by reason of their Indispositions, being neither of them on the Bench, Mr. Justice *Jones*, with the consent of Mr. Attorney General, referred it to the 19th Instant, when Mr. Attorney again moved for Judgment, alledging the heinousness of the Crime, viz. That it was an open Affront to Justice and Magistracy, and might prove an Evil President if it should escape unpunished, which he prayed it might not do, but that since they had been fairly Convicted, the Court, in pursuance thereof, would Award such Fines as might deter others from the like Attempts, &c. Upon this Motion Mr. *Williams*, of Council for the Defendants, moved, That seeing there had first a *Venire* been directed to Mr. *Pilkington* and Mr. *Shute*, late Sheriffs of *London*, and afterward an *Alias Venire* to the present Sheriffs, and yet that in the Information all the Defendants were joyned, though, as he suggested, that at the time of the first *Venire*, some of them were not made known, and that since Mr. *Pilkington*, Mr. *Shute*, &c. had Appeared upon the first, and many of the others not till the second; he humbly prayed that an Error might be thereon assigned.



To which the King's Council replied, That if any prejudice was sustained in the methods and manner of Proceeding to the Tryal of the Persons convicted of the Riot and Battery, it was sustained on the part of the King; and seeing he was willing to dispense with it that not in the least affected the Defendants, unless in redounding to their Advantage, for that they had a Legal Tryal, all of them pleading Not Guilty, and putting themselves upon their Country, to try the Issue between the King and them, which Country had found them guilty of the Offences before mentioned, and that now nothing remained but the Judgment of the Court in Awarding their Fines, &c.

To this it was Alleged, That seeing they were Assembled in *Guild-Hall* upon a Lawful Occasion, they could not be guilty of a Riot, or the like Misdemeanour, the Legality of their first Assembling not admitting thereof: But this Allegation was overruled by many demonstrations, plainly making it appear, that although an Assembly be never so Legally Convened, yet if they Tumult or break the Peace, the Legality of the Assembly cannot bear them out: And moreover, that when the Lord Mayor had Adjourned the Pole, the Assembly was no longer a Lawful Assembly, but ought immediately to have departed to their respective Habitations, which the Defendants not only delayed to do, but in contempt of Authority, continued the Pole, and in a Riotous manner Assaulted the Person of the Mayor. And that for Inference, If a Congregation be Assembled at a Church to hear Divine Service, which in it self is lawful yet if blows happen, or a Riotous or disorderly Tumult is made, the Legality of the Meeting shall in no wise excuse the Authors of such Disorders from the Penalties of the Law, &c. of which Opinion were not only the Council for the King, but the Judges likewise.

These, and such like, being the Arguments of this day, Mr. Justice *Jones* being indisposed, and Mr. Justice *Raymond* not coming upon the Bench, the passing Sentence was deferred till *Friday* the 22th Instant, and from thence till *Monday* the 25th Instant, at what time Mr. Justice *Jones* being indisposed, it was put off till this present *Tuesday*, being the 26th of *June*; when as Mr. Attorney moved for Judgment, requiring that the Parties found Guilty upon the Information, might be Fined, and was seconded by Mr. Serj. *Jefferies*, both of them praying that they might have good Fines set on them, as an Example to deter others from the like Attempts; as also did Mr. *Jones*, of Council for the King, when on the other side Sir *F. Winnington*, Mr. *Williams*, Mr. *Wallop*, Mr. *Pollifsein*, Mr. *Thompson*, and Mr. *Holt*, of Council for the Defendants, urged many Arguments for the Extenuation of the Fines, seeing they were at the mercy of the Court, alledging, that the Defendants did that of which they were convicted rather out of Ignorance than Malice, or any Design they had to injure or affront the Government, as not being then capable to determine whether the Right to Adjourn the Common Hall lay in the Lord Mayor or Sheriffs. But after the Arguments on both sides had been heard Mr. Justice *Jones* proceeded to declare the Heinousness of the Fact, and what an Evil Precedent it might prove if it should pass unpunished; and after some Conference with Mr. Justice *Wubens*, he proceeded to Award their Fines as followeth.

On *Thomas Pilkington* Esq; by reason of his being a Prisoner, only 500 l. *S. Shute* Esq; 1000 Mark, *Ford L. Grey* of *Wark* 1000 Mark, Sir *Tbo. Player* Kt. 500 Mark, *Slingsby Bethell* Esq; 1000 Mark, *H. Cornish* 1000 Mark, *Francis Jenks* 300 Mark, *R. Freeman* 300 Mark, *R. Goodenough* 500 Mark, *John Deagle* 400 Mark, *Robert Key* 100 Mark *John Wickham* 100 Mark, *S. Swinock* 500 Mark, and on *John Feakel Senior* 200 Mark; all of them appearing in Court except the Lord *Grey*, Mr. *Key*, and Mr. *Goodenough*, and according as they appeared to be of Ability, so were their Fines Regulated.

In the Court of *Kings-Bench* this day likewise one Mr. *Turne* of *Rye*, in the County of *Suffex* was Fined 200 Mark, for making a Riot upon the Mayor of the said Town, and Two of the Town-Officers Fined 20 Mark apiece, for assisting him therein, and strictly commanded to deliver the Insigns of the Mayoralty, which he had seized into his hands, under pretence that himself had been Elected Mayor of the said Corporation.