

a right to the Goods taken away by him. Mr. Jones offered on d. Oct 34. to prove it doth not concern a trial before the Justices, but only a Cognizance of the Matter before the Court of Sessions, which was by the production of the Evidence of Justices. And having spoken and returned of the Evidence, the Court said Right is now first to decide. 2. The Justice offered to prove, that he was in possession of Casting Lead and Dred, and Winning of sand for the use of his lands, which at the time he was only a Declarator of Right, the Defendant without proving being or immemorial possession, that being only necessary in a Declarator of Right, the Defendant's possession may be defended by Violence, yet so long the Justice was in possession, it was unlawful to dispossess him forcibly without the Authority. Now if a singular Consideration quod per Magistram fieri debet. All that the Justice's Court was an Act of Justice, was only to have made a final Interruption, by way of imprisonment, or at most, by putting some part of the of the Goods, the Law allows are now in the Court's hands, for which the Justice cannot pretend ignorance, for if they were put into a Charge of Corning, the Court found the Libel to be void to infer an arbitrary judgment; the Justice always preserving his possession of Casting Lead and Dred on such lands for the Space of Five Years before the Interruption; and he pleaded the Defendant's possession for the Pennells 22 December 1704. Defendant's possession for the Pennells, that one who had to infer an arbitrary punishment, that one who had a lack of the titles of Grants, and began the Expire of a lack of Grants in favour of the Defendant's possession, which was in favour of the Defendant's possession, and Civil Manner to Draw these titles, would be proved by many persons assembled together with force and Arms, and a power of Arms, and drawn away off the Field, taken and wounded. Albeit it was pleaded for the Pennells that he could not warrantably venture to the possession of Drawing the titles by the Virtue of the said Act, standing the prohibition which

which was but an Intimation of the New Act's Manner right; without a previous warrant against the former Landman to whom they were to be made in the Land, and paid a joint duty for Stock and Litter, Declaring but that to be required: Now then the Landlord's Court, after a Warning served against the tenants to Remove; Summary this possession without a Decree of Removal, for Respect the Right of the former Landman was not in question, but only the Pennells' Violent Act. And the Justice's Court did certainly Intitle him to Demand his Land in a Civil and sober Manner; and since the Pennells had in a spiritious for Justice, in doing these things, the Court did not offer to Draw, unless they had previously Required him to do it as the Act of Parliament Directs. But the Defendant's Plea for the Pennells; that the Landman and his servants offered to draw the Libel by force and Violence other ways than by pulling their hands to sticks and taking the hands out of Stouch and Rich's Relevant to Et do the Libel. Because no man can be forced to do the Libel. Because no man can be forced to do what he did not possess, and if he do so, he may be lawfully resisted 17 January 1705 Mungo John, Star and other tenants of the Defendant of St. Mungo. In how ten being Inducted of a trial for causing his servants and the tenants to break down and destroy a Dam, the necessary for keeping up and conveying the water to one Mill, which was with it, and to other Mills, the water standing upon a River into which the said water after ward falls, whereby the water was quite diverted from its usual Course; and from being serviceable to those Mills, for as the upper Mill was altogether stopped from going, and the lower Mill hundred to go without extraordinary Expence, Albeit the proprietors of those Mills had been in the Duty of possession of the Dredged water for several years. It was pleaded for the Pennells, 1. The propriety