

Proprietors of the Undermill have no Right to the said Dam, more than the proprietor of a Mill at Kells or Berrwick could pretend a Privilege in all the Rivers or brooks that fall into the River towards the Head of it to the Head where his Mill stands. If the Justice of peace be the proper Judge of such a small Crime, as if it may be Retained a Fine, viz. the beating down a Dick and a Shilling in Value, which is not Composed to be put into the Hands of Justice, for where ever it hath been supposed that Crimes befall in themselves but of high Consequence should be tried before the Justice (who by his Office is up to do in full Court) such and such things as relate to the points of Duty, as the Slaying of a Crime, or the like. If the fact be better doth not amount to a Crime, but cause thereof no Violence up or Amisus Injusticiis, but only a Design to save the Damned Right by a fine, or corruption of the person via facti, which is not held to be a Crime, but the person and his predecessors do a Crime in up to make such Interruptions. It was held for the purpose of the proposed loss of the Undermills, as no more be disturbed in the Individuals to their Mills, in the Right and possession of the Mills. Nor doth it Matter that there may be Interequent Mills: being one had or acquit may save Dividit Mills, and the proprietor of the Under Mill shall no less Interequent than the Upper mill, nor the fact. Albeit, viz. the fact being Interequent for demolishing a work of public use, was about and that the Public had found Mills from Injuried Act 22 Parl. iii G. C. And to absolve their gains in any Manner of way, hath always been for the good of the Kingdom both public and private and Civil Association, as before Goals and Mills and Millwood. If Law amongst the Men who attempt to Excite the Law for himself or his

Vindicate his own Right: because he is guilty of a public Disorder whatever be his Intention. Interruptions are lawful, but then they must be accommodated to the Nature of the thing. Any man may Interrupt Privately by process or taking Instruments: But no person can be in possession of a right or Interrupt or stop via facti by Violence another who comes to Disturb him. The Lords found the Damns to be Interruption or assisting to put down and utterly Stop buying the Dam dikes and then by Intentionally diverting the Water from the Upper Mill, and the use of it from the Lower Mills, of which the proprietors had been in possession, by Raising or Repairing the Aqueduct before it fell into the Water on which their Mills stand, when by their Mills or any of them were laid Waste or put from going, Relevant to the for an arbitrary punishment and Reparation of Damages against the Person. But Justice held the Defense, that he or his predecessors were in up to bring the water libated to the Service of his own Mills, so as to put the Upper Mill Intentionally, Relevant to the fact, 14 Downb. 1713 Major Mours & his servants being going in Company with several others to a Mill, and from thence in a Cart and Richard Manners carrying away some quantity of Meal or other Victual, or being Act and guard there, was in a fact at the King's Breach of Peace found Relevant to suffer an arbitrary punishment. Albeit it was pleaded for the Person, that the scarcity of grain at the time gave occasion to the Murthering and the Unlawful taking away the Meal from the Persons who were going to transport it: and any Injury done to them was past from and Abolished by their Accepting of the Meal again. Which Defense was Rejected: in regard it was a Reforming and Misconducting the King's Land, to hinder the Exportation of their Victual, which the Law not only allows but Encourages and Invites them