

Lib. X. should not agree to their measures they are without question disturbers of the peace and punishable as such

2. It seems a settled Point in Law that the bare meeting together of three or more persons (which number must be to make a Riot) with intent to do an act which in it self would be a Riot if put in execution, are not Rioters without proceeding to some degree of Violence as beating a man or forcing him to quit his Lands or Goods, but when the meeting can be proved to be with Intent to Commit a Riot, the least Degree of force and Violence to any man or his possession will suffice and I Conceive taking away part of Langs Wheat field and one of his Houses and keeping the Possession of them would (without the other Circumstances of Aggravation attending the Case of Taylor and his Companions) make a Riot, but it would be proper to enquire whether they removed the Fences lockt the Doors or did any other Act which may evince their claiming and Continuing to Claim a Right to what the other quitted for fear of them.

p. 87 3. I am clearly of opinion they may be regularly prosecuted in the Provincial Court for that Court has the same Authority in Maryland that the Kings Bench has in England And we have instances enough in our Law Books that Riots and forceable Entries are frequently tried at the Kings Bench Bar its true there are several Acts of Parliament for the better and more speedy Prevention and Supression of Riots Routs and forceable entries impowring the Justices of the peace to proceed and directing in what manner but none of those Acts takes away the Iurisdiction of the Superior Courts of Iudicature there being no Negative words in any of them as that the Offendors shall not be proceeded against in any other Court or to that Effect without which the Superior Court as is clear by Multitudes of Book Cases can never be Ousted of its jurisdiction the Statute of 13 H 4 Cap 7 directs the Iustices and Sheriff in case they cant discover the Truth i: e: such Evidence as may Iustify them in punishing the Offendors according to Law (or as it hath been adjudged) when the Offendors have so much Interest or Influence that they cant be duely punished, to certify all the Circumstances appearing to them to the King and Council which Certificate was to be made in a months time and of equal Authority with a presentment by a Iury, it is evident by this provision and all those Contained in the other Statutes that they were all Calculated and designed for the furtherance of Iustice by punishing transgressors and protecting peacable People in the quiet Enjoyment of their Lands and Goods and certainly the restraining of those Courts where it is presumed no Interest or Influence will prevent Iustice being done would be destruc-