

so that the whole matter Contained in the said Representation is as this Respondent is advised Clearly out of the before recited Provisoe and Consequently this Respondent answerable to the said Philip Lee only by due Course of Law Lib. X.

And the Respondent further sheweth that the said Representation is a Complaint in the nature of an Original Suit Charging the Respondent with withholding from the said Philip something that he Claims as right which the Respondent is advised is altogether Improper for your Honours Consideration in the first Instance not being more triable by your Honours than other Suit or Controversy whatsoever and that your Honours Cannot as this Respondent is advised Apply the proper and only Remedy which the Law hath Given the said Philip if he has any just Claim against the Respondent which is to Award him damages which only can be Assessed by a Iury

The Respondent further humbly shews your Honours that by the 29th Chapter of Magna Charta no man is to be taken or imprisoned or disseised of his Freehold or Liberties or Free Customs or Outlawed or Exiled or otherwise destroyed or Condemned but by lawful Iudgment of his Peers or by the Law of the Land

That by a statute made the 25th of Edward the third Chapter 4th it is Enacted that from thenceforth none shall be taken by Suggestion or Petition to the King or his Council unless by Indictment or presentment of good and lawful people of the neighbourhood or by Process by writt Originall at Common Law and that none shall be put out of his Franchise or Freehold but by Course of the Common Law and by another Statute made 16 Cha^s Chap 10 It is enacted and declared that neither his Majesty nor his privy Council had or ought to have any Iurisdiction power or Authority by English Bill petition Articles Libell or any other Arbitrary way whatsoever to examine or draw into Question Determine or dispose of the Lands Tenements Hereditaments Goods or Chattels of any the Subjects of the Kingdom of England but that the same ought to be tried and determined in the Ordinary Courts of Iustice and by the Ordinary Course of the Law p. 210

And the Respondent further saith that in as much as the Representation is in the nature of an originall Suit for a matter Clearly out of the Act of Assembly Mentioned in the representation and only examinable and Triable by the Course of the Common Law & tends to subvert Trialls by Iury and is in the Example of it (as the respondent is advised) Dangerous to the Liberty of the Subject

The Respondent Claims the Benefit of defending himself touching any Claim the said Philip Lee might have against