

by mainprize, bail, nor by baston, without making gree to the said parties of that whereof they were judged, unless it be by writ or other commandment of the king upon pain to lose his office, and the keeping of the said prison. And moreover, if any such warden from henceforth be attainted by due process, that he hath suffered or let such prisoner to go at large against this ordinance, then the plaintiffs shall have their recovery against the same warden by writ of debt." In the act providing some rule for executions, passed in 1642, there was the following clause: "And if the sheriff, after there is a prison built, suffer such party in execution to go at liberty out of the prison without consent of the chiefest creditor, he shall be liable as in case of escape;" and in the act for securing creditors, (1676, Ch. 17,) the following: "When persons are taken in execution for debt or on mesne process, the sheriff shall keep them by such means, and in such manner as prisoners in England, by the law of England, are and may be restrained; and if any sheriff shall voluntarily or negligently suffer any such prisoner to escape, such sheriff shall pay the debt or damage to the creditors. The act for the regulation of officers fees, (Nov. 1779, Ch. 25, S. 5,) speaks of the sum for which the sheriff shall be liable in any action of escape. It is stated in Harris' Entries, (1 Vol. 640,) that actions of escape are generally brought upon the sheriff's bonds; but although this may be done under the bonds taken since the act of 1794, Ch. 54, these statutes are not thereby repealed or absolutely superseded. The last part of this statute does not appear to have been applicable to the province.

CHAP. 15. The penalty for arresting of priests during divine service.

See the note on 50 Edw. 3, Ch. 5.



*Statutes made at Westminster, 5 Rich. 2, Stat. 1.—A. D. 1381.*

CHAP. 8. The penalty where any doth enter into lands where it is not lawful, or with force.

This statute, and the others on the same subject, which will be hereafter noticed, have always been practised under in the province and in the state.

In the records of the provincial court, from the year 1692, there are a considerable number of cases of indictments and inquisitions; and there is among them one of the force, being *recorded* by a justice of the peace, pursuant to the statute of 15 Rich. 2, Ch. 2, but that proceeding is not usually had, nor that by indictment, although the offence is still liable to be so prosecuted.

For the effect of this statute connected with the others, see 4 Bl. Com. 147; 3 Bl. Com. 179, and 2 Bac. Abt. title Forceful Entry; but this statute alone, may be considered in force with respect to the entry on lands which the party entitled may make. See 3 Bl. Com. 175 and 179; see 23 Hen. 8, Ch. 14, referring to this statute. This statute is mentioned in the letter from S. Chase, which has been referred to.



*Statutes made at Westminster, 7 Rich. 2.—A. D. 1383.*

CHAP. 6. The statute of Winchester confirmed, and every sheriff shall proclaim it.—(Part.)

See the note on 13 Edw. 1, St. 2, Ch's. 1 and 4. This being a confirmation, is in force in the same manner as to the general doctrine of the pursuit of felons.