

For an Infant shall suffer no imprisonment or corporal pain for any offence by him committed against any Statute, wherein an Infant is not expressly named.

But yet he may forfeit the penalty of a Penal Statute, and so by a Penal Statute may forfeit and lose his Goods, if he be of years of discretion. See *Doct. & Stud.* 147, 148.

And an Infant of the age of eighteen years, may be a Disseisor with Force, and may be imprisoned for the same. 22 *Edw.* 4, *Old Nat. Br.* 128. Infant

That Infants may be imprisoned by expresse words in some Statute. See *hic, cap.* 45.

But if an Infant commandeth another to enter, or hold with Force to his use, which is done accordingly; yet the Infant shall not be punished, for such offence, for the commandment therein was void.

Also a *Feme Covert*, (by her own act) may commit a Forcible Entry or Detainer; and upon the Justices view of the Force, she shall be imprisoned therefore, (and she may be fined in such case:) But such Fine set upon the Wife, shall not be levied upon the Husband; for the Husband shall never be charged for the act or default of his Wife, but when he is made a party to the Action, and Judgment given against him and his Wife, *Co.* 9. 72. and *Co.* 11. 61. And if upon the tryal it be found to be her only act, she only shall be taken and imprisoned. Fime co-vert.

Divers do enter with Force to the use of *A.* who is not then present with him, but doth after agree thereto: This agreement after maketh *A.* to be a Disseisor, but not to be punished for the Force. *Quere*, if *A.* had counselled, consented or agreed thereto before the Entry. It seemeth, that a commandment, consent or agreement before or after, though it may make one a Disseisor; yet it is not to be punished by the Justice of Peace upon these Statutes, for that a Forcible Entry cannot be adjudged against a Man, without an actual Entry be also made by him, or he at least present.

But if *A.* that shall command or counsel others thereto, shall also be present at the time of the Entry, although he doth then nothing, yet he is now become a principal, and punishable by these Statutes. *Vide* 17 *Aff. pl.* 14. §. 7. consent.

If divers do come in one company, to enter into Lands, &c. where their Entry is not lawful, and all of them saving one did enter, and demean themselves in peaceable manner, and one only doth enter with Force, or (after Entry made) doth use Force and Violence. This shall be adjudged a Forcible Entry in them all (although the Force were against their will;) for where divers do come in one company to any place to the intent to do any unlawful thing, be it robbery, homicide, riot, affray or any trespass, here the act of one of them shall be adjudged the act of all of that part that are present, and every of them shall be adjudged a principal doer, although they stand by and do nothing. So it seemeth, though some of them came without any intent of evil, if they came together in company with the other offenders, or if they came after; yet if they be either aiding, or countenancing to the offenders, they shall be also adjudged principal doers, as well as the other. And yet *Fineux* Chief Justice, 2 *H.* 8. made a difference where their intent at the first was to do an unlawful act, and where not. *Cro.* 161. See *Co. L.* 157.

An indictment upon the Statute of 8 *H.* 6. for the King, is not good; for the King cannot be disseised, nor put out of his Freehold; neither can the King bring any Action upon the Statute of 8 *H.* 6. nor any other Action which might prove him out of Possession of the Land. *P. R.* 39. b. The King's person out.