

And if the Kings Termor be put out by Force, he cannot prefer a Bill of Indictment (upon the Statute of 8 H. 6.) that he was put out, and the King disseised: But he must have an Information of Intrusion in the Exchequer. Crompt. 76

The Kings  
Tenant.

Yet it seemeth, that upon complaint made to the Justice of Peace by the Kings Termor, of any such Force, the Justice of Peace, may, nay ought to amove the Force, and upon his view thereof to record it, and to commit the Offenders to Prison, and may fine them; and after such Force removed, the Kings Termor may presently re-enter (if he can) in peaceable manner.

Lessee for  
years.  
Copiholder

If a Forcible Entry or Detainer shall be made upon any Lessee for years, Tenant at Will, or upon a Copiholder, whether it be by a stranger, or by the Lessor, or by the Lord, the Justices of Peace upon their view thereof, are to remove such Force, and may commit to the Prison, the parties which made such Entry, or which shall hold it with Force, and may fine them: But whether the Justice of Peace might make Restitution, and set them (*sc.* The Lessee for years, Tenant at Will, or Copiholder) into their Possessions again, hath been much questioned.

§. 8.  
Restitution  
upon View.

Some hold opinion, That the Justices of Peace might put them in possession again; and of this opinion was Mr. Marrow and Mr. Lambert; and to maintain this opinion, these Reasons may be given. Lamb. 749

First, for that the words of the old Statutes seem to warrant it; for the Statute of 15 R. 2. in the Preamble thereof, as also the Statute of 8 H. 6. in the Body thereof, hath this word [ *Possessions* ], which word most properly doth extend to a Lease for years, &c.

Again, that clause of the Statute 8 H. 6. which provideth the Restitution, is thus. If it be found that any doth contrary to this Statute, then the said Justices, &c. shall put the party so put out in full possession, &c.

Now it cannot be denied, but that he which by Force expulseth Lessee for years, Tenant at Will, or a Copiholder, doth contrary to this Statute; also they be the parties put out.

Again, the same mischief and inconvenience which these Laws do labour to remove, is to Lessee for years, Tenant at Will, and to the Copyholder.

And we may find it usual, that where Statutes are made for to remedy any common mischief, there to help things in the same degree, one action, thing, place and person, hath in construction been taken for another: And a good Expounder, saith Sir Edm. Co. 11, 34. maketh every sentence to have his operation to suppress all the mischiefs before the said Act, and principally those that are specified in the Act. Co. 11, 33  
34  
Plow. 174

And again, saith he. It is the office of the Judges always to make such construction of Statutes as may repress the mischief, and advance the remedy, and to suppress all Evasions which may continue the mischief, and to add Force and Life to the cure, and remedy, according to the true intent of the Makers of the Statute. Co. 11, 73. b. & Co. 3, 7. Co. 3, 7  
& 12, 73

Restitution

Others hold the contrary, *sc.* That Lessee for years, nor Copiholder, or Tenant at Will, could not have Restitution by the hands of the Justice of Peace, and this seemed to be the common opinion. Their reason was,

For that the words in the Statute of 8 H. 6. (in that clause which specially provideth the Restitution) as thus. The said Justices, &c. shall re-seise the Lands or Tenements, and thereof shall put the party so put out, in full possession, &c. Which words [ *Lands or Tenements* ] are only to be understood of them that have Inheritance, or a Freehold at the least, But