

But to this it may be answered, That the said Statute of 8 H. 6. (in the Body thereof) hath these words, *Where any do make any Forcible Entry into Lands, Tenements or other Possessions, or them hold Forcibly, &c.* Which words [*Possessions*] extendeth to a Lease for years, &c. And then the word [*Possessions*] being in the same Statute, we shall find that a Statute is to be expounded upon all the parts thereof together, and not upon one part alone by it self. To which purpose, see *Lincoln Colledge Case*, and *Doctor Bonhams Case* in Sir *Edm. Cokes Reports*.

But it seemeth to those which held this last opinion, That if a Lessee for years, Tenant at will, or a Copiholder, be Forcibly put out, or held out by any stranger, if they will have restitution, their Indictment must be made and preferred in the Lessor or Lords name; and the Jury must find that the Lessor or Lord of such Copihold, is disseised, and the Lessee or Copiholder, is put out with Force. And hereupon the Lessor or Lord shall have Restitution; and so by their Restitution, their Lessee or Copiholder is restored also: But such Lessee or Copiholder cannot (say they) prefer an Indictment in their own name, upon the Statute 8 H. 6. for that they have no Freehold.

And to that purpose I find some Precedents of Indictments in this form, That is to say, Into one Messuage at, &c. then being the Freehold of *M. D. Esquire* with Force and Arms, &c. with strong hand, and unlawfully upon the possession of *J. L.* then Farmer of the said *M. D.* the said Messuage did enter, and him the said *J. L.* with Force, and Arms, and strong hand, and unlawfully then did from thence expel and put out, and the said *M. D.* thereof unjustly Disseise, &c. See after *tit. Precedents*.

Also by this opinion, if a Lessee for years, Tenant at Will or a Copiholder, be Forcibly put out by their Lessor or Lord, such Lessee or Copiholder, bath no remedy at all by Indictment upon this Statute, for they have no Freehold, and therefore can have no Restitution upon this Statute.

Also by this opinion, if the Lessee for years be put out by his Lessor, and after the Lessee putteth out the Lessor again Forcibly, the Lessee shall not be indicted; neither shall the Lessor have Restitution upon this Statute, for that the Lessor is not ousted nor disseised of his Freehold; For the possession of the Lessee is such a Seisin of the Lessor of his Freehold, that he may have an Assize if his Lessee be put out.

And so of a Copiholder, not having forfeited his Estate, if his Lord notwithstanding shall enter upon him, and put him out, and the Copiholder shall re-enter upon his Lord with Force, the Copiholder shall not be indicted, nor yet the Lord restored, for the reason aforesaid.

And so by this last opinion, the very mischief specified and intended to be helped by these Statutes, should seem still to remain in all cases between such Lessees and Copiholders, and their Lessors or Lords, so as there can be no Inquiry nor Restitution in cases of Forcible Entry or Detainer between them.

But howsoever the Law be taken for the Indictment or Restitution thereupon, yet in case that Lessee for years, Tenant at will, or a Copiholder, be Forcibly put out or held out, either by a stranger, or by their Lessor or Lord, the Justice of Peace, or any one of them, by the Statute of 15 *Rich. 2. cap. 2.* might safely remove the Force, and upon view thereof commit the Offenders to prison; and then the Lessee for years or Copiholder, might presently re-enter, if peaceably they would so do, and so might have his possession again, without any Restitution made him by the Justice.