

Thirdly, Where the party in possession, is in by Right, and of a lawfull State; and where by wrong. And therefore if the Disseisor (or other person that cometh in by a wrongful and unlawful title) hath continued such his possession peaceably by the space of three years, without interruption. It seemeth he shall not be aided by either of these Statutes of 8 H. 6. or 31. Eliz.

21 H. 6.  
18. b.  
F. Entry  
20.  
Br. Force  
6.  
Vid. 23 H.  
8. p. 164.

For if a Disseisor hath continued his possession forcibly by the space of twenty years together, yet he may be indicted upon the Statute of 8 H. 6. before a Justice of Peace, of the Forcible detaining of the same; and the same being found, the said Justice of Peace is to release the same, and to award Restitution to the party disseised, or so put out.

14 H. 7. 28  
Br. Force  
19.

Fourthly, Where the party hath continued such his possession three years without interruption, and where his possession hath been interrupted or discontinued.

For if a Man hath been in peaceable possession of Land, &c. by the space of three years, and above, by a good title, and then is disseised and expelled by force, and the Disseisee re-entreteth peaceably; or the Disseisor is therefore indicted upon the Statute of 8 H. 6. and the Disseisee is thereupon restored, and is in possession accordingly; yet in these cases the Disseisee cannot justifie the Detainer of the possession of those Lands by force, because his possession was once interrupted: But after, (such interruption and re-entry, or restitution) if he shall continue a peaceable possession again for three years together, then it seemeth he may justifie the Detainer of the possession thereof by force, by vertue of the Proviso in the Statute of 8 H. 6.

Br Force  
Dyer 144  
42 B. 29.

If a Disseisor hath continued his possession peaceably three years, and after the Disseisee doth re-enter, or doth make his Claim so near as he dareth, and then the Disseisor re-enters again, or continueth his possession (after such Claim) here the Disseisor cannot justifie to hold the same with force; for by the re-entry or claim of the Disseisee, the first Disseisin and possession of the Disseisor was determined, and the Disseisor is in of a new Disseisin.

23 H. 8.  
Br. Force  
c. 22.  
Lis. 49.

And if he that hath been a lawfull possessor of Lands by the space of twenty years together, be once clearly and wholly removed from the possession of the same Land, he cannot come with force, or multitude, to put himself in possession thereof again, and to detain the same with force, because his possession was not interrupted: And if he be indicted (upon the Statute of 8 H. 6.) for such Forcible Entry, he shall not be relieved (touching the Restitution) by the Statute of 31. Eliz. for that he had not the occupation of the said Lands, nor had been in quiet possession thereof by the space of three years together, next before the day of such Indictment found.

Dyer 141

How many several Remedies the Party hath, which forcibly and actually is either put out or kept out of the Possession of his Houses or Lands, &c. contrary to these Statutes. C H A P. CXXIX. V. 80.

1. Action upon the Statute of 8 H. 6.

First, The party so grieved (having an Estate for Life, in Tail, or Fee) may have his Action, or Action of Trespass of Forcible Entry upon the Statute of 8 H. 6. against such Disseisor; and thereif the Defendant be convicted of Force, he shall fine to the King, and also answer to the Plaintiff his treble damages, and treble costs of Suit; and also the Plaintiff shall

16 B. 6.  
10. 211.  
22. 200.  
1. 4.  
1. 8. 1.  
4 H. 4. c. 8.  
1 R. 2. c. 9.  
8 H. 6. c. 9.  
P. 2.  
F. N. B.  
248. c. 2.  
240. 2.