

Co. 10. shall thereupon have a Writ of Restitution to restore him to his former  
115. Estate. Co. L. 257.

But (this Action being at the Suit of the party, and only for the Right) this Remedy (by Action) is only where the Entry of the Defendant was not lawful: For if a Man entrench with Force, where his Entry is lawful; as if a Disseisee shall enter upon the Disseisor with Force, he shall not be punished by way of Action: But yet he may be indicted upon the Statute, and upon such Indictment found, the party put out (sc. the Disseisor) shall be restored; for the Indictment is for the Force, and for the King: And here the offender (sc. the Disseisee) shall make fine to the King, although his Right be never so good. Br. Forc. 11. 15 H. 7. 17.

Secondly, Also the party so grieved, if he will lose the benefit of his treble Damages and Costs, he may be aided, and have the assistance of the Justices of Peace, and that after divers sorts. First, he may purchase a Writ out of the Chancery (directed to the Sheriff only, or to the Sheriff and Justices of Peace, and to every of them) for to remove the Force. And this is upon the Statute of Northampton, 2 E. 3. c. 3. the form of which Writ you may see. F. N. B. f. 249.

2 writ upon the Statute of Northampton.

But upon this Writ, the Justice of Peace is to proceed only as a Minister, and to certify his doings herein; and that Justice of Peace to whom the Writ shall be delivered, ought for to execute it, sc. he may remove the Force: But here he may not put the party in possession again, who was put out.

For the manner of the Justices proceeding herein, see in the other Title of Forcibly Entry before.

Thirdly, Also the party grieved, may at the General Sessions of the Peace, within the same County, prefer his Bill of Indictment, upon the Statute of 8 H. 6. for such Forcible Entry or Detainer: Which being found there, the Complainant shall be restored to his possession by a Writ of Restitution, granted out of the same Court to the Sheriff.

3 Indictment in Sessions.

Also the party so grieved, for a more speedy remedy, may Complain to any one or more Justices of the Peace of the same County, of the said Force; and thereupon the said Justices of Peace may Ex Officio, and without any Writ, either do Execution of the Statute of Northampton, as aforesaid; or else the said Justice of Peace, upon such Complaint, must go to the place where such Force is, to see it, and to remove the Force, and to arrest and commit the offenders, and shall also keep a special Sessions to inquire of the said Force. And if upon such inquiry, such Force shall be found, then the said Justice shall restore the party grieved to his possession again; and here no other Justice of Peace can grant a Superfedeas to stay the same Restitution.

4 By the Justices out of Sessions. Remedium plus Fessum.

See more hereof before in the other Title of Forcible Entry.

Also the party grieved may remove such Indictment, found either at such General or Special Sessions, by a Certiorari into the Kings Bench, and the Judges of that Court may award a Writ of Restitution, to the Sheriff of the County, to restore the possession to the party.

Now when the Justice of Peace shall make such inquiry, he shall direct his Precept or Warrant to the Sheriff, commanding him to cause to come before the said Justice of Peace at some good Town there near, twenty four sufficient and indifferent persons dwelling near to the said Lands or Tenements (whereof every one shall have in Freehold Lands or Tenements, forty shillings by the year at the least) to inquire upon their Oaths of such Force, &c. See before in the other Title of Forcible Entry.

inquiry

Upon