

Upon default of appearance of those Jurors, the Justice of Peace may award an *Alias*, and after that *Pluries infinite*, till they come; but so that at the day of the second Precept or Writ, the Sheriff must return forty shillings in Issues, upon every one of them, and at the third Writ five pound; and at every day after, the double. 8 H. 6. c. 9.  
Lamb. 161

And although any of such Jurors shall not have forty shillings Freehold Land *per annum*, yet their Presentment of such Force is good for the King, so as the offenders shall fine therefore to the King; but whether the party shall have Restitution upon such a Presentment, it being pleaded or shewed at that time of the Restitution to be made, seemeth a doubt. Lamb. 155

If the Sheriff shall return smaller Issues upon the Inquirors than the Statute doth appoint, yet the party indicted shall not impeach the Inquiry therefore. Lamb. 156

Neither is it cause to impeach the Inquiry, though the Justice of Peace do not go to see the place where the Force is. *Marrow.*

And it is convenient upon such Inquiry, that the Evidence be given openly to the Jury, to the intent it may appear to the Justice of Peace, or Court, whether there shall be reasonable cause to stay Restitution; or no, after the Indictment found. See *Dyer* 122.

Of Restitution to be made to the Party put out. C H A P. CXXX.  
*Vide* 81.

**S. 1.** *Restitution* **I** Will here shortly recite the words of the Statute, which for this business of Restitution will give the better light.

And if upon such Inquiry, it be found before the said Justices that any have done contrary to this Statute (*viz.* have entred, or held with force) the said Justices of Peace, &c. shall reſeiſe the ſaid Lands or Tenements ſo entred upon, or holden, and put the party ſo put out, in full poſſeſſion of the ſame Lands and Tenements ſo entred upon and holden, as before. 8 H. 6. c. 9

Here we ſee that after ſuch Forcible Entry or Holding, ſo found by Inquiry, the ſaid Juſtices of Peace, &c. ſhall reſeiſe the ſaid Lands or Tenements, and ſhall remove the Force (*ſc.* all ſuch offenders as ſhall be found in the Houſe, or upon the Lands, that either entred or held with Force) and upon the Prayer of the party ſo put out, the ſaid Juſtices of Peace ſhall reſtore him to his poſſeſſion again. P. R. 35.

And herein the Juſtices of Peace need not ſtay, or ſtand upon the right and title of either of the parties. See hereof a little after.

But no Reſtitution ſhall be made, but where the Forcible Entry, or Detainer, is firſt found by Inquiſition. *Br. Force* 27.

**S. 2.** *Indictment the Form.* Concerning the Inquiſition or Indictment, the Juſtices of Peace ſhall do well to peruſe and regard the ſame, to ſee if it be ſufficient; for the Juſtices of Peace ought not to award Reſtitution, where the Indictment ſhall appear to them to be any way inſufficient in the Law, either in Matter or Form. Crompt. 166.

1. Firſt therefore to have Reſtitution, the putting out (by expreſs words) muſt be in the Indictment, and found by the Inquiſition: For another Man may enter upon me, and yet not put me out, and then there needeth no Reſtitution to be made by the Juſtices. Lamb. 156.  
257.

And this putting out is to be underſtood only of Houſe or Land, and not of a Rent, Common and Advowſon, and ſuch like, into which an actual Entry cannot be made: and therefore none ſhall have Reſtitution, but ſuch only as are put out of Houſe or Land. See before under this title.

2. Alſo