

upon the other. But if (upon the Writ of Restitution) it be not returned that I have Restitution, then I may afterwards have Restitution against B, upon the other Verdict if B hath re-entred upon the first Restitution made to me. *Marrow.*

A is disseised, or put out with Force by B. and after B is put out with Force by C. And all this is found by one and the same Inquisition. Here B may have Restitution against C. (for B hath more right to the possession than C.) and then may A have Restitution against B. But upon this Inquisition, if A have Restitution first, then B shall not have any Restitution, otherwise, if these had been found by several Inquisitions.

Who shall Award and make this Restitution. C H A P. XXXI. 1782

After the Force is found by the Inquest, the Justice of Peace (before whom the said Force shall be found) may himself put the party in possession again; or he may make his precept (under his own Seal) to the Sheriff to do it. *Dyer 187.*

The form of the Precept to the Sheriff to make Restitution. See *post tit. Precedents.*

But no other Justice of Peace hath any Authority (by the Statute) to grant or award Restitution, but only he or they before whom the Force was found by Inquisition. Nay the Justices of Oyer and Terminer, nor the Justices of Gaol-delivery, nor the Justices of Peace at their General Sessions of the Peace, cannot grant this Restitution, except the Indictment were found before them. And yet by some opinions, if it shall happen that the Justice of Peace, before whom such an Indictment shall be found, before Restitution made, shall happen to die, or to be removed, then may the residue of the Justices of Peace at their General Sessions of the Peace grant a Writ of Restitution.

Also the Justices of the Kings Bench (in regard of their supreme authority in all Cases of the Crown) either upon certificate, or delivery (to them made by the Justice of Peace before whom such Force was found) of the Presentment of such Force; or if the said Presentment or Indictment shall be removed before them by *Certiorari*, in both these Cases the Justices of the Kings Bench may award Restitution. See before in the other Title *Forcible Entry, Fitz. Entry 36. & Cro. 159.*

But neither the Justices of the Kings Bench; nor any other (besides him or them that made the Inquiry) can personally restore the party, but only by way of Precept to the Sheriff.

The Sheriff (if need be) may take the power of the County, to execute the Precept of the Justices of Peace herein.

And if the Sheriff upon such a Precept, or upon a Writ of Restitution from the Sessions, &c. shall return that he cannot make Restitution, for resistance, &c. he shall be amerced for making such a Return, because in such Cases he might have taken the power of the County to assist him therein. See the like Case, *Fitz. Execution 147.*

Note, that the same Justice or Justice of Peace, before whom the Force was found by Inquisition, and which have granted his or their Warrant to the Sheriff, to make Restitution, may afterwards grant his or their *Superseas* to the Sheriff to stay the same Restitution. But no other Justice or Justices of Peace, hath or have authority to grant any *Superseas* in such case; &c. See *Dyer 173. & 187.*

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