

illo casu non manu forti, nec cum multitudine gentium, sed licito et quieto modo tantum; et si quis in contrarium fecerit, et inde debite convictus fuerit, per imprisonment corporis sui puniatur, et Finem ad voluntatem Domini Regis faciat, prout in eodem Stat. inter alia plenius continetur: Quidam tamen T. H. de I. in Comitatu præd' Ycoman, et alii, &c. Statutum præd' minime ponderant. 2. die Maii, anno Regni Domini Caroli, &c. 21 vi et armis, viz. baculis, gladiis, falcastris et bifurcis in unum Clausum I. C. Militis, jacent. apud D. in Com. præd' in quodam loco ibidem vocat. H. super possessione ejusdem I. C. Militis, ubi ingressus eis aut eorum alicui non datur per Legem, Ingressum fecerunt, et cent. perticas sepium vivar. ipsius I. Militis, adtunc et ibidem crescent. eradicaver' evulserunt et spoliaverunt, in dicti Domini Regis nunc contemptum, et ad grave dampnum ipsius I. C. Militis, et contra formam Statut. præd', &c.

' The Lord Cromwel was indicted for a Forcible Entry upon Andrews, and in the latter end they conclude thus, *Et si domus præd' non fuit in possessione Domina Reginae*, they find it *billa vera*: this was adjudged a void Indictment, for it is *quasi a Conditione præd'*. *Yelv. p. 15.*

' Fenton and others indicted, *quod unum messag. &c. existens solum et liberum tenem. I.S. ingressum fecerunt*, and adjudged good. 1. *Ingressum fecer.* without saying *in messuag.* is good. 2. *Existens* without *adtunc* relates to the time of the Entry. *Yelv. p. 27.* Yet *Latch 109.* is contrary.

' Ford was indicted for a Forcible Entry and Detainer, and the Jury found as to the Forcible Entry *Ignoramus*, and as to the Forcible Detainer *Billa vera*, the Indictment being removed by *Cerciorari*, and adjudged naught. *H. 4 Jac. B. R. Yelv. p. 99.*

' *Sbillet* and 7 others were indicted for a Forcible Entry upon the possession of *B. Farmer de C.* and disseising *C.* but lay no expulsion of *B.* and adjudged naught: but if it had not been alledged that *B.* was *Farmer de C.* but generally that they entred *super possessionem B.* and disseised *C.* it had been good enough. *M. 7 Jac. B. R. Yelv. p. 195.*

' An Indictment was endeavoured to be quashed, because it is not said that he entred *manu forti*; but the Court said it was good, if it be said, *quod extratenuit manu forti.* 2. Exception, because a Forcible Entry cannot be *in medietat. manerii*; but the Court held it good. *Latch. p. 224.*

Note, that upon Indictments, &c. the Jury be only charged with the effect of the Bill of Indictment, *sc.* whether the parties be guilty of the Forcible Entry, (or other Fact) or not; and not whether they be guilty in or under such manner and form as the Indictment or Bill specifies, or not, (*sc.* not whether it were with Staffs and Swords, &c. which is but matter of form, and must be kept in every Indictment, though the parties had neither Staff, Sword nor other Weapon.) And so when the Jury say *Billa vera*, they say true, as they take the effect of the Bill to be. And if there be false Latin in the Bill of Indictment, and the Jury find it *Billa vera*, yet their Verdict is true, *sc.* as to the Fact; and their Verdict stretcheth not to the form of words, but to the effect of the matter, and to the Fact, *sc.* they are to inquire whether there were any such Fact done by the parties, or not. And so though the Bill vary from the day, from the year, and from the place, and the Jury find *Billa vera*, yet they have given a true Verdict. *Doctor and Student 162; 163.*

And therefore the Justices of Peace before whom such Indictments of Forcible Entry or of Riots, &c. shall be taken, shall do well to inform the Jury, that they are bound to regard the effect of the Bill of Indictment, or the Fact, and not the Form.