

the King's Bench, and so to refer the farther proceedings therein to them. See the other Title, *Forcible Entry*.

§. 10.
Default of
the Justices.

And although these Statutes do inflict no penalty upon the Justices of Peace, if they shall not execute these Statutes; yet if upon complaint (or other notice given of such Force) they shall not at least remove the Force, record it, and commit the Offenders, they are punishable.

In the Case of *Drayton Bassett* (in the County of *Stafford*) about *An. 22 Eliz.* certain Justices of Peace of that County, although they dwelt not near to the place) where a great Riot was committed by a forcible Detainer, were for their Default fined in the *Star-Chamber*, upon the Statute of *17 R. 2. c. 8.* (as *M. Crompton* reporteth) which Statute is, That the Sheriff, and all other the Kings Officers, shall suppress Rioters which shall Assemble themselves in outrageous or greater numbers, See *Crompton. Author. des Courts, fol. 32.*

Although the Justice of Peace ought to commit to the Gaol, and may fine all such as he shall see continuing their Force at his coming to the place; yet upon Force found by the Enquiry only, and not viewed and seen by the Justice, (although this Presentment of the Jury be a Conviction of the Offenders, yet) it seemeth the Justice of Peace may neither fine nor send to the Gaol the said Offenders, by the Statute of *8 H. 6.* which appointeth the Enquiry: for the Justice hath power by the said Statute to make Restitution only, as saith *M. Lambert 162.* yet *M. Crompton* holdeth the contrary *sc.* that the party indicted shall be fined for the Force found, although the Statute of *8 H. 6.* speaketh not of the Fine.

But howsoever the Justice of Peace (upon Force found by the Enquiry) is to remove the Offenders that be present, that so he may restore the other, and may bind the Offenders to their Good Behaviour; and if the Offenders be gone, yet the Justice may make his Warrant to take the Offenders, and may after send them to the Gaol, until they have found Sureties for their Good Behaviour.

Note, that if such Forcible Entry or Detainer shall be made by Three persons or more, then it is also a Riot; and then (if there be no former Enquiry thereof made) it seemeth the two next Justices of Peace (upon notice thereof) ought to enquire thereof (as a Riot) by a Jury, within One month, upon pain to either of them making default to forfeit *100^l.*

§. 11.
Defaults of
Sheriffs.

Also One Justice of Peace may (as it seemeth) Hear and Determine the Defaults of Sheriff and Bailiffs, in not returning sufficient Jurors (whereof every one shall have Lands, &c. to the value of Forty shillings by the year at the least) before him, to inquire of such Forcible Entry or Detainer: and the said Justice of Peace may proceed therein as well by Bill, at the Suit of the party grieved, for himself, as also by Indictment only for the King; and the same Process shall be made against such persons Indicted or Sued by Bill in this behalf, as should be made against persons Indicted or Sued by Writ of Trespas with Force and Arms against the Kings Peace. What the Process in such case is, *vid. tit. process.*

Two Justices.

And though any one Justice of Peace may proceed in every of these former Cases of Forcible Entry or Detainer, as aforesaid, yet if Two or more Justices shall joyn therein together, it is better; for *Plus vident oculi quam oculus;* & *securius expediuntur negotia commissa pluribus.* Co. + 46.

Corporate
Towns.

Also the Mayor, Justice or Justices of Peace, and the Sheriffs and Bailiffs of Cities, and Boroughs having Franchise, shall have in the said City, Towns and Boroughs, like Authority to remove such Entries, and to inquire

Crompton.
161. b.
162. a.

Cro. 68. b.

8 H. 6. 9.
P. Just. 8. 9.
Rast. 174.

8 H. 6. 9.
Rast. 174.