

quire of such Entries, or putting or holding out, and in other Articles aforesaid rising within the same, as the Justices of Peace and Sheriffs in Counties and Shires have.

Ed. 3. 3. Also every Justice of Peace, to whom a Writ upon the Statute of Northampton concerning the removing of a Force shall be delivered, ought to execute the same Writ, sc. he ought to remove the Force, and to certify his doings therein into the Chancery. §. 12. The Statute of Northampton.

And for that the Justice of Peace to whom this Writ shall be delivered is herein but a Minister, and is to certify that which he shall do therein, I will here set down the manner how he shall proceed to execute this Writ.

First, When the Justice of Peace shall come to the place where the Force is supposed, by this Writ, he may cause Three Oyes for silence to be made, and then he may make Proclamation in the Kings name to this effect.

Lam. 173. The Kings Majesties Justice of Peace streightly chargeth, and in his Majesties Name commandeth, all and every person to keep silence, whilst his Majesties Writ, &c. be read, and Proclamation be thereupon made accordingly.

2. Then may he read or cause to be read, the Writ, or may declare the effect thereof.

3. Then let Three other Oyes be made; and thereupon make Proclamation again, as followeth.

Fitz. 249. His Majesties said Justice doth in His Highness name, and by virtue of His Majesties Writ, streightly charge and command, That no manner of person, of what estate, degree or condition soever, now being within the house of B. & C. (named in the said Writ) shall go armed, or keep force of Armour or Weapon, nor do any thing there, or elsewhere, in disturbance of His Majesties Peace, or in offence of the Statute made at Northampton in the Second year of King Ed. 3. upon pain of losing his said Armour and Weapons, and of imprisoning his body at his Majesties pleasure.

God save the King.

4. Then the Justice of Peace may enter and search whether there be any force of Armour or Weapon worn or born, against this Proclamation, otherwise he may enquire thereof by a Jury, (for so the Writ it self doth Warrant him.) And if after Proclamation any such Offenders be found, he ought to imprison the Offenders, and to seize to the Kings use, and prize (by the Oaths of some present) the Armour and Weapons so found with them; and the Offenders so imprisoned are to remain in prison until that some other Commandment be given concerning them from His Majesty, or his Justices. See the Writ, Fitz. 249. and the Title, Bailment postea.

Crom. 74. 162. But if, upon the Proclamation made, they do depart in peaceable manner, then hath the Justice no Warrant by the Writ to commit them to prison, nor to take away their Armour.

But when the Justice hath removed the Force, (upon this Writ) he may not put the party that was put out, in possession again; for if he do, it seemeth both the Justice and the party also are punishable: for the Writ doth authorize the Justice only to remove the Force, and not to make Restitution.

The form of this Writ upon the Statute of Northampton, you may see in Fitz. N. B. 249.

comp. 51. b. 52. a.

Cro. 68. b.

H. 6. 9. Just. 89. Raft. 174.

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