

ate divers of her Majesty's said Subjects, having Entries made upon their Possessions, having had such quiet and long Possession, for disturbing of such Entrers, and for keeping of their Possession against such Entrers, by Colour of Indictments of Forcible Entry, or forcible keeping Possession, found against them, by Means of the Oaths of such Entrers, have been removed and put out of their Dwelling-houses, and other their Possessions which they have quietly held by the Space of three Years together, or longer Time, next before such Indictments found against them, against the true Meaning and Intent of the said Proviso or Clause contained in the said Act: (2) For Remedy of which Inconvenience, and for true Declaration and Explanation of the Law therein, (3) Be it ordained, declared and enacted by the Authority of this present Parliament, That no Restitution upon any Indictment of Forcible Entry, or holding with Force, be made to any Person or Persons, if the Person or Persons so indicted, hath had the Occupation, or hath been in quiet Possession by the Space of three whole Years together, next before the Day of such Indictment so found, and his, her or their Estate or Estates therein not ended or determined; which the Party indicted shall and may alledge for Stay of Restitution, and Restitution to stay until that be tried, if the other will deny or traverse the same: (5) And if the same Allegation be tried against the same Person or Persons so indicted, then the same Person or Persons so indicted to pay such Costs and Damages to the other Party, as shall be assessed by the Judges or Justices before whom the same shall be tried; the same Costs and Damages to be recovered and levied, as is usual for Costs and Damages contained in Judgments upon other Actions. 5 R. 2, Stat. 1, c. 7. 15 R. 2, c. 2. 4 H. 4, c. 8. 21 Jac. 1, c. 15.

I. 8 H. 6, c. 9.

III. The Proviso in the Stat. of 8 H. 6, c. 9, touching Continuance of Possessions by three Years. 1 Salk. 353. No Restitution shall be made, if the Party indicted hath been three Years in quiet Possession, and his Estate not ended, Raymond, 84, 85. Dyer, 141. Costs shall be awarded against the Party indicted, if his said Allegation be found against him.

See the note to 5 R. 2, Stat. 1, c. 8.