

and of the value of the goods distrained, and thereupon the defendant is entitled to final judgment for the arrearages of such rent, if the goods be of that value, or to the value of the goods if less than the rent. Where the plaintiff is nonsuit at the trial, or there is a verdict against him, the same jury find the arrearages and value of the goods, nor is it necessary that the avowant should pray that they should do so, *Dorsey v. Hays*, 7 H. & J. 370, and, as has been said, there can be no judgment under the Statute if the jury do not find both; see also *Sheape v. Culpepper*, 1 Lev. 255. But the Statute relates to rent-arrear only, and therefore, in other cases, an enquiry may be granted to supply omissions of the jury at the trial, see *Dewell v. Marshall*, 2 W. Black. 921, where there was a defective verdict in replevin for distress on a poor-rate; and so in the case of an avowry for distress *damage feasant*, *Humphreys v. Misdale*, Comb. 11. In case of the avowant succeeding on demurrer, the act only requires an inquiry of the value of the distress (saying nothing of the arrearages), the reason being that the demurrer admits the amount of rent to be as stated in the avowry, *Pool v. Longuevill*, 2 Wms. Saund. 286, n. 5. But, in other cases, the defendant should be prepared to prove to the jury both the amount in arrear and the value of the goods, and that the plaintiff was in possession during the time for which rent is claimed. It lies with the latter to prove that any of the rent has been paid.

In the index to the notes to Wms. Saund. will be found a table of the proceedings in such cases, which it may be convenient to copy here.

In case of demurrer found for defendant:

Under Stat. 17 Car. 2,	{ a writ of inquiry into the value, &c., judgment for arrears alleged in case, &c., and costs; execution by <i>fi. fa.</i>
At common law,	
	{ a writ for a return irreplevisable, and judgment for damages and costs, found by a writ of inquiry; execution for the latter by <i>fi. fa.</i>

In case of verdict for defendant:

Under Stat. 17 Car. 2,	{ the jury who try the issue find the value and arrears; judgment for the arrears in case, &c., and costs; execution by <i>fi. fa.</i>
At common law,	
	{ same as demurrer, but the jury find the costs, &c.

In case of nonsuit before issue joined:

Under Stat. 17 Car. 2,	{ a suggestion in nature of an avowry, and writ of inquiry into the value and arrears; judgment for arrears in case, &c., and costs; execution by <i>fi. fa.</i>
At common law,	
	{ same as in demurrer, but goods not irreplevisable; a suggestion, &c., if before avowry.