

the lands, tenements or messuages, are situate, and upon due proof made before them, the said justices, that the said lessor or lessors had been quietly and peaceably possessed of the lands, tenements or messuages, so demanded to be delivered up as aforesaid, that he, she or they, being so possessed as aforesaid, let or leased as aforesaid the said lands, tenements or messuages, for a term which is now passed and expired, and that they have given notice in the manner aforesaid to the tenant or tenants in possession to quit the same, and the said tenant or tenants have refused or neglected so to do, then and in such cases it shall and may be lawful to and for the said justices, and they are hereby authorized and required, forthwith to issue their warrant, under their hands and seals, to the sheriff of the said county directed, commanding him to summon twelve good and lawful men of his said county, to be and appear on the premises before the said justices, on a day in the said warrant mentioned, which shall be the fourth day after issuing the said warrant; and also at the same time to issue their summons to the tenant or tenants in possession, to be served by the said sheriff, that he, she or they, be and appear on the day and at the same place in the said warrant mentioned, to shew cause, if any he, she or they have, why restitution of the possession of the said lands, tenements or messuages, so demised, let or leased, as aforesaid, should not be forthwith made to such lessor or lessors, his, her or their heirs, executors, administrators or assigns; and if, upon hearing the said parties, or in case the said tenant or tenants in possession shall neglect to appear, after being summoned as aforesaid, proof thereof being made, it shall appear in testimony to the said jury, and be so on their oath by them found, that the said lessor or lessors had been in possession of the lands, tenements and messuages, as aforesaid, and that he, she or they, had demised, let or leased them as aforesaid, that the said lease or estate is fully ended and expired, that due notice to quit as aforesaid had been given to the said tenant or tenants in possession, and that he, she or they, refused so to do, then it shall and may be lawful to and for the said justices thereupon to award restitution of the possession of the said lands, tenements and messuages, and shall forthwith issue their warrant, under their hands and seals, to the sheriff directed, commanding him forthwith to deliver to the said lessor or lessors, his, her or their heirs, executors, administrators or assigns, the possession of the said lands, tenements and messuages, in as full and ample a manner as the said lessor or lessors were possessed of the same at the time when the said lease was made and executed; and the said justices, in such case, are further authorized and required to give judgment for costs against said tenant or tenants so holding over as aforesaid, and thereupon to issue forthwith execution, if required by the said lessor or lessors, his, her or their heirs or assigns; provided nevertheless, that if the said tenant in possession shall allege, that the title to the said lands, tenements and messuages, is disputed and claimed by some other person or persons whom he shall name, in virtue of a right or title accrued or happening since the commencement of said lease, by descent, deed, or under the last will and testament of the said lessor or lessors, and if thereupon the person so claiming as aforesaid shall forthwith appear, or upon a summons, immediately to be issued by said justices, and returnable in six days next following, shall appear before the said justices, and shall, on oath or affirmation, by the said justices to be administered, declare, that he verily believes that he is entitled in manner aforesaid to the said lands, tenements and messuages, in question, and shall, with two sufficient sureties, enter into bond to the lessor or lessors, his, her or their heirs or assigns, in such sum as the said justices shall think proper, not less than three hundred pounds, to prosecute his, her or their claims at the next county court which shall be held in and for said county thereafter, that then, and not otherwise, the said justices shall forbear to award restitution of the possession as aforesaid, and cease to give judgment for the costs as aforesaid; provided also, that if the said claim shall not be prosecuted as aforesaid, that the said justices shall proceed to award restitution of the possession as aforesaid, and issue their warrant as aforesaid, and give judgment and issue execution for the costs as aforesaid, within ten days after the end of said court, in the same manner as herein before enjoined and directed.