

on, or by the party upon whose complaint it was granted, even as that for the Peace may.

P. R. 22.  
Cromp.  
237.  
Cromp.  
146.

It seemeth also a *Super sedas* of the good Behaviour may be granted by the Justices of the Peace (as well as for the Peace, *mutata mutandis*) upon good Sureties taken by the said Justices, of the party, to be of the good Behaviour. §. 7.  
*Super sedas*.

If a man be bound to the good Behaviour (before the Justice of Peace) and to appear at the next Assizes or Sessions, yet the party bound may by a *Cerciorari* remove the Recognizance into the Chancery or King's Bench before the day, and then he shall not need to appear at the Assizes or Sessions; for they shall have no Record, whereupon he may be called there. §. 8.  
*Cerciorari*.

*Forcible Entry and Forcible Detainer.* C H A P. CXXV. V. 76.

Lamb. 138  
Crom. 76.

THE Common Law being the preserver of the common Peace of the Land, hath always abhorred force, as the capital Enemy thereto. §. 1.  
*Common Law*.  
3. 12. and yet, before the Reign of King Richard the Second, the Common Law seemed to permit any man to have entred into Lands and Tenements with force and arms, and also to have kept and detained them with force, where his Entry was lawful.

15 H. 7. 17  
Et. For. 11

And at this day, if a man doth enter into any Lands or Tenements with force, or multitude of people where his Entry is lawful, he is not punishable by action, either at the Common Law, nor by action upon any Statute; for where the title of the Plaintiff is not good, there he hath no cause of action, although the Defendant doth enter with force: but in such case he that entred with force, must be indicted upon the Statute: or otherwise complaint may be made thereof to the Justices of Peace: and as well upon such indictment, as upon such complaint, the Offender shall be punished; yet the party (*ousted*) shall not be restored without indictment, and the force thereby found. *Vide antea, tit. Forcible Entry.*

5 R. 2. c. 7.  
Regl. 182.

And for the better restraining of such force and forcible Entries into Lands and Tenements, and to inflict condign punishment upon the Offenders therein, it was first provided by the Statute 5 Rich. 2. That no man should enter into Lands or Tenements with force or multitude, though he had good Right or Title to enter, but should enter only in peaceable and lawful manner. See *Plo. 86. b.* §. 2.  
*Statutes*.

15 R. 2. c. 2

But this Statute provided no speedy remedy, or extended to holding with force, nor gave any special power therein to the Justices of Peace, but upon a general enquiry, in a general Sessions of the Peace, (and not otherwise) and therefore by another Statute made 15 Rich. 2. It was further provided, That if any man should detain (or hold) with force, after such Forcible Entry made, upon complaint thereof made to any Justice of Peace, the same Justice shall presently take and come with the power of the County, and shall go and view the same, &c. and if the same Justice do find any holding the same forcibly, that then they should be imprisoned in the Goal by the same Justice, as convict, by the Record of the same Justice; there to remain until they have made Fine and Ransome to the King.

8 H. 6. c. 9.

Yet neither of the former Statutes extended to those that entred peaceably, and then held with force, nor yet doth give any remedy, if the parties who made the Entry with force, and removed before the coming of the Justice of peace, nor yet ordained any pain against the Sheriff, if he did not obey the precepts of the said Justices, for to execute the said Statute, when the