

of the offence committed. This is taken from the Act of Feb. 1777, ch. 6. In *Washington & Balt. Turnp. Co. v. the State*, 19 Md. 239, it was held that this section did not apply to a proceeding by *scire facias* authorized by an Act of Assembly against a Corporation to forfeit its charter, though the result might be a forfeiture of the franchise. In the same case the Court waived the decision of the question, whether this provision may be availed of on the general issue without being specially pleaded, see *Hodsden v. Harridge*, 2 Wms. Saund. 63. The point appears to have been raised in *Hall v. the State*, 12 G. & J. 329, where it was adjudged, that a party sentenced by a justice of the peace to pay a fine might remove the sentence into the County Court by *certiorari*, and if the *certiorari* were there quashed and the sentence remitted, might carry the record by writ of error into the Court of Appeals.⁴ The proceedings there were actually set aside by the Court of Appeals for a defect of jurisdiction in the justice of the peace. However, it seems, that if an information *qui tam* be brought after a year on a Penal Statute giving one moiety to the king and the other to the informer, it is naught only as to the informer, but good for the king, 2 Hawk. P. C. 386. See also *Bake v. the State*, 21 Md. 442.

⁴ See *Rayner v. State*, 52 Md. 368; *Kane v. State*, 70 Md. 546.

CAP. XI.

An Act of Explanation or Declaration of the Statute of *octavo Regis H.* 6, concerning Forcible Entries, the Indictments thereupon found.

Whereas there is one good Act made and established in the eighth Year of the Reign of King *Henry* the Sixth, against such Persons as should make Forcible Entry into Lands, Tenements and other Possessions, or them should Forcibly hold; and one very good Proviso or Clause, in the said Act contained, as ensueth:

II. Provided always, That they which keep their Possessions with Force, in any Lands and Tenements whereof they or their Ancestors have continued their Possession in the same by three Years or more, be not endamaged by Force of the said Statute.

426 * III. And whereas divers of the Queen's Majesty's good and loving Subjects, and their Ancestors, or those whose Estate they have, for many Years together, above the Space of three Years or more, have been in quiet Possession of their Dwelling-houses, and other their Lands and Possessions; and now of