Forcible Entry Act (Ireland) 1634

Chapter 13 (10 Chas.1 sess.3)

An Act for explanation of the Forcible Entry Act, 1429, and to enable certaine judges and justices, to give restitution of possessions in certaine cases.[1]

WHEREAS there is one good act made and established in England, in the eight yeare of the raign of King Henry the sixth, the Forcible Entry Act, 1429, and one very good proviso or clause in the said act contained, as insueth, viz. "Provided alwayes, That they which keep their possessions with force in any lands and tenements, whereof they or their auncestors have continued their possession in the same by three years or more, bee not endamaged by force of the said statute;" and whereas divers of the Kings Majesties good and loving subjects, and their auncestors, or those whose estate they have for many years together, above the space of three yeares or more, have been in the quiet possession of their dwelling-houses, and other their lands and possessions; and now of late, divers of His Majesties said subjects having entries made upon their possessions, having had such quiet and long possession, for disturbing of such entries, 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 oathes 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;

Proviso in 1429 c.9 as to continuance of possession three years. Explanation thereof.

[I.] For remedy of which inconvenience, and for true declaration and explanation of the law therein, no restitution upon any indictment of forcible entry, or holding with force, be made unto any person or persons, if the person or persons so indicted hath or have had the

If party indicted of forcible entry, or detainer, had the occupation or

quiet possession three years before indictment found, and his estate not determined, no restitution shall be. If that traversed, restitution to stay till tried. If found against him, costs to be assessed by the judges.

occupation, or hath or have been in the 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 nor determined, which the party indicted shall and may alledge for stay of restitution, and restitution to stay untill that be tryed, if the other will deny or traverse the same; and if the same allegations be tryed 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 tryed, the same costs and damages to be recovered and leveyed as is usuall for costs and dammages contained in judgements upon other actions.

Resitution upon indictment of forcible entry, or detainer shall be given to the tenant for years by elegit, &c. as given to tenants of estates of freehold.

II. AND such judges, justices, or justice of the peace[2], as by reason of any act or acts of Parliament now in force, are authorized and enabled, upon enquiry, to give restitution of possession unto tenants of any estate of free-hold of their lands or tenements which shall be entred upon with force, or from them with-holden by force, shall by reason of this present act have the like and the same authority and ability from henceforth (upon indictment of such forcible entries, or forcible with-holding before them duely found) to give like restitution of possession unto tenants for tearme of years, tenants by copy of court roll, guardians by knights service, tenants by elegit, statute-merchants and staple, of lands or tenements, by them so holden, which shall be entred upon by force, or holden from them by force.

S.III rep. by 1978 c.23 s.122(2) sch.7 Pt.II

References

1. Short title "The Forcible Entry Act (Ireland) 1634", 1951 c.1 (NI)
2. Now a resident magistrate, 1964 c.21 (NI) s.13