

the said Justices would inquire of the same. And therefore the Stat. of 8 H. 6. doth give remedy, first where any man shall enter with force, or shall enter peaceably, and after detain, hold or keep possession by force. Also these two last Stat. of 15 R. 2. and 8 H. 6. do enable any one Justice of peace to give present remedy, viz. to remove the force, and commit the Offenders, in cases of Forcible Entry, or holding against the aforesaid Stat.

And the said Stat. of 8 H. 6. extendeth further, reaching the Offenders, if they were removed or gone before the coming of the Justices; giving an inquiry, and restitution, and also punishing the Sheriff that shall not obey the precepts of the Justice in this behalf.

So that these Statutes do now give full remedy, and do prohibite, and are made against these three degrees or sorts of force, viz. against,

1. Such as enter peaceably, and then hold forceably.
2. Such as enter with force, and then hold peaceably.
3. Such as do both enter forceably, and hold forceably.

I have (here before) already shewed in some measure how the Justice of peace shall demean himself in the execution of these Statutes; now I will proceed to give him some further light in this business, in these particulars following.

1. First, what is a Forcible Entry, and what is a forcible holding within the meaning of these Statutes.
2. Who may commit a forceable Entry, &c. and upon whom.
3. Where a force, or forceable holding, is justifiable, or lawful.
4. What, and how many several remedies the party hath, that is so put out, or kept out of his Possessions.
5. The manner or proceeding of the Justice of peace by inquiry.
6. Of restitution to be made to the party so put out, by whom and to whom.
7. What causes there may be for staying the Justice of Peace from making restitution.

What is a Forcible Entry, or holding within these Statutes.

C H A P. CXXVI. V. 77.

§. I. **F**orce, in the Common Law, is most usually applied to the evil part, and signifieth unlawful violence used either to things or persons, Co. L. 161. b.

Our Law taketh knowledge of two manners of force; the one may be termed a force in Judgment of Law, which accounteth every private Trespass to be a force; so as if I do but pass over another mans ground without Licence, he may have his action of Trespass against me, why or wherefore with force and arms, &c. See Co. L. 257.

The other manner of force is more apparent, and always carrieth some fearful shew and matter of terror with it.

This last sort of force is, that which is prohibited by these Statutes: and therefore note, That every force punishable by these Statutes, must have one of these two Badges, sc. it must be either *Mann forti*, with force or strong hand, or *Multitudine*, with multitude of People, Lamb. 145. and 5 R. 2. c. 7.

Mann forti, viz. either with apparent violence (in deed, or in word) offered to the person of another, as threatening Speeches, turbulent Behaviour, or violence, or else that they be furnished with offensive weapons (by them not usually born) whether they offer violence or fear of hurt