

Lamb. 149 And a Forcible Detainer, must be understood of a Forcible Detaining ^{Forcible} or With-holding of the Possession of Lands or Tenements, and not of the ^{Detainer.} Person of a Man, as before.

8 H. 6. c. 9. Note also, though the Entry were at the first peaceable and lawful, yet
P. R. 4. if there be after a Holding by Force, it is punishable by the Statute, except where there was at the first a lawful and peaceable Entry, and thereupon a lawful Possession, peaceably continued by the space of three years together without interruption: For there a Man may hold and keep such Possession with Force against all others. (saving against the Kings Officers)

Lamb. 164 If the Justice of Peace shall come to the house or place that is supposed
Lamb. 148 to be holden with Force, and there shall find the Doors or Gates shut,
P. R. 4. 1. and he or they within shall deny him to enter, (or will not suffer him to
Cromp. 70 enter) this is a Forcible Holding and Detainer, though there be no Weapons shewed or used, and though there be but one person in the house, or upon the ground.

Ibid. So it is, if when the Justice of Peace entred the house or ground, he shall find there any persons in Harness, or otherwise armed, or having Harness, Armor or other Weapons (not usually born by them) lying ready by them. This is Forcible Detainer.

Ibid. So it is, if the Justice of Peace shall find in the house any great number of People, other than the ordinary family or company.

P. R. 41. Also, if a Man shall enter peaceably into a house, and after shall bring into the same more Weapons than he and his ordinary Family do usually wear, or shall make any use of such Weapons as he doth find in the house, to defend his Possession therewith. These are Forcible Detainers within these Statutes.

Ibid. If a Man that hath peaceably entred into an house, will bestow Men with Force, (*sc.* with Harness, Guns or other Weapons) in some other house or place not far distant, to the intent that they may be ready to assault such as shall enter upon him. This is a Detainer with Force.

Lamb. 149 So it is, if the Disseisor of an House or Land, shall forestal the way of
Cromp. 69 the Disseisee, with Force and Arms, so that the Disseisee dareth not enter, or come near thereto for fear of death, &c.

So if a Man shall distrain for a Rent Service, or a Rent Charge, and a Rescous shall be made unto him. This is a Disseisin with Force. *Co. L. 161. b.*

P. R. 39. So it is, if a Man shall keep his Cattel in another mans Ground by Force, claiming Common there, where he hath no Common. And in this case, the Justice of Peace upon Complaint to him made, may remove this Force; and upon view thereof, may record it, and commit such offenders to prison, and may fine them therefore, as it seemeth, but cannot award Restitution.

Also there may be a Forcible Detaining of Possession by word only without any Forcible Act.

Lamb. 149 As if *A.* hath wrongfully, though peaceably entred into the House, or
Cromp. 70 upon the Land of *B.* and hath put out *B.* and shall presently threaten or
P. R. 39. say to *B.* That if he do come thither again to enter, he will kill him. This seemeth a Forcible Entry by *A.* And if *B.* shall afterwards come again to make his Entry, and then *A.* shall threaten to kill him. If he entred there this is a Forcible Detainer in *A.*

S. 4.
By words.

And it seemeth, that to threaten to maim, beat or to do other bodily hurt to *B.* in the case aforesaid, amounteth to a Forcible Entry, or Detainer, for that death may insue upon such beating or hurt. See 39 H. 6. 50. 7 E. 4. 21. But to threaten to burn the house, or to spoil his goods therein (if *B.* shall come thither, to enter again.) This seemeth not to amount to

39 H. 6. 50
Br. Durcs
12. 116.

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