

But if the Entry were peaceable; and after such Entry made, they cut or take away any other man's Corn, Grass, Wood, or other Goods without apparent violence or force; though such acts are counted a Disseisin with force, yet they seem not to be punishable by these Statutes, for the Justices of Peace are not to remove, imprison, or fine such Offenders. Lamb. 145

Also, if one or more shall enter into another man's House or Land peaceably, and after his or their Entry, shall by force or violence, cut or take away any Corn, Grass or Wood, &c. or shall forcibly or wrongfully carry away any other Goods there being; this seemeth to be a Forcible Entry, punishable by these Statutes. Cromp. 76  
11 H. 4. 16

So it is, if a man shall distrain with Force for a Rent (be it due or not due) this doth countervail any Entry with Force; Lamb. 147. Br. Ferc. 1. 20 H. 6. 11.

And in these cases of Trespas only, the Justice of Peace (upon complaint to him made) may, as it seemeth, remove such Force; and upon view thereof, may imprison and fine such Offenders. §. 3.  
By words.

If a Disseisor hath entred peaceably, and being entred, shall presently threaten to kill the Disseisee (if he re-enter) this seemeth a Forcible Entry in the Disseisor. See more *postea sub hoc tit.*

But note, that a Forcible Entry cannot be without an actual Entry, for the words of the Statute be, *whosoever doth enter, &c.* 2 H. 7. 16.  
Br. For. 25

Note also, if one that hath right to enter upon Land, shall go with divers in his company, and with weapons, over the Land whereto he hath right to the Church, Market or some other place; this is no Entry with Force, except he shall express his intent, that he doth enter there claiming the Land. Cromp. 79

Note also, that if a man shall enter with Force (into House or Land) although he obtained not, nor getteth the actual possession thereby, yet shall he be imprisoned and fined for the only entering with Force (as it seemeth); See the Statute: but Restitution is not to be made, but only where there is a Forcible putting out, or a holding out of another out of his possession, and found by a Jury.

If by fair means, a man (whose Entry is lawful) shall perswade or intice them which are within the House, to come out, and then the door being open or shut by the latch only, he shall enter peaceably, without multitude, offensive weapons, or other violence; this Entry seemeth to be justifiable. Lawful.

So it is, if he shall enter peaceably, and then by gentle perswasions can send them out that are within the House, and after shut the door and keepeth them out; this seemeth justifiable, so that afterwards he holdeth it not forcibly, nor useth violence or threatening Speeches.

So it is, if I shall take a man being out of his house, and then I do put or send into the House my Servant (or some other) in peaceable manner, and do hold away the other by imprisonment of his person; this is no Forcible Entry nor Detainer within these Statutes, but a false Imprisonment, punishable by action only. Lamb. 149

So it is, if he whose Entry is lawful, shall enter peaceably into his house (the doors being open or shut by the latch only) and being so entred, shall continue and abide there peaceably; this is justifiable. And if they which were before in possession, shall put or thrust him out forcibly, this is a Forcible Detainer of their parts. See more hereof *sub hoc tit. postea.*

§. 4.  
Forcible  
Detainer.

Forcible Detainer is a violent act of resistance by strong hand of men weaponed with arms, or other account of fear in the same place, or elsewhere, by which the lawful Entry of the Justices, or any other is barred or hindred.

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