

actual force, as in burglary, as breaking open a door or gate; and in that case it is lawful to oppose force to force; and if one breaks down the gate or comes into my close vi et armis I need not request him to be gone, but may lay hands on him immediately, for it is but returning violence with violence; so if one comes forcibly and takes away my goods, I may oppose him without any more ado, for there is no time to make a request."

As before, the amount of force which one is justified in using is a matter of dispute, but now it would seem that whatever force is necessary is also justified.

Where actual possession has been disturbed by the act of the wrongdoer, the use of force by the owner in recovering possession has been recognised in many cases where persons are concerned. In the case of re-entry upon land, force was recognised provided the re-ejection took place *infra quantum diem*. The Statute of Forcible Entry, 1381, and subsequent statutes made entry vi et armis an indictable offence, but the effect of this has been, not to render a re-entry void, but only to make the entering owner liable to an indictment for assault, breach of the peace, or under the Statutes, of Forcible Entry, as the case may be, "for howsoever he may be punishable at the King's suit, for doing what is prohibited by statute as a contemner of the laws and disturber of the peace, yet he shall not be liable to pay any damages for it to the plaintiff, whose injustice gave him the provocation in that manner to right himself."

The right to retake one's goods peaceably seems to be established beyond all doubt, and those who deny the right to use force in this connection may perhaps have been influenced to some extent by the necessity to the well-being of the community, of bringing the wrongdoer to justice; it might be argued that if recaption were allowed in such a way as to apply in all cases of wrongful dispossession, the owner would have no incentive to do his duty towards his fellow-citizens, either by arresting the wrongdoer or by prosecuting him, but would be induced to compound the felony or misdemeanour by letting the wrong-