

A sworn and known Officer (be he Sheriff, Undersheriff, Bailiff, or Constable, &c.) needs not to shew his Warrant to a man whom he cometh to serve it upon, although he demandeth it: But if the Justice will direct his Warrant to his servant or to another (who is no sworn Officer) to serve it, they must shew their Warrant to the party if he demand it, or otherwise the party may make resistance, and needs not to obey it. *Br. Ex. Impr.* 23.

But a sworn and known Officer, if he will not shew his Warrant to the party, yet he ought (upon the Arrest) to declare the Contents of his Warrant, &c. *Co. 6. 54. & 9. 68.*

And an Officer giveth sufficient notice what he is, when he saith to the party, *I arrest you in the Kings name, &c.* and in such case the party at his peril ought to obey him, though he knoweth him not to be an Officer; and if he have no lawful Warrant, the party grieved may have his Action of False Imprisonment against him. *Co. 9. 69.*

If an Officer do arrest a man for the Peace, or the like, before that he hath any Warrant, and then afterwards doth procure a Warrant, (or a Warrant cometh after to him) to arrest the party for the same cause, yet the first Arrest was wrongful, and the Officer is subject to an Action of False Imprisonment. See the Stat. 43 *El. c. 6.* *Dyer 244. R. Bar. 248 Lamb. 53.*

Where there be two or three known by the name of *I. S. of D. Yeoman*, and upon a Warrant (or other Process) granted out against one of them, another of them is arrested, an Action of False Imprisonment will not lie against the Officer for this; for the Officer is not bound at his peril to take notice which of them is the Offender, &c. And perhaps no particular Offence is mentioned in the Warrant. *Tamen vide L. 5 E. 4. fol. 51. & 48. pro & contra, & 11 H. 4. fol. 90. contra. Ideo quere.*

Where a Warrant is granted out against *I. N. the Son of W. N.* and the Officer thereupon arresteth *I. N. the Son of T. N.* although in truth he be the same person that offended, and against whom the Complaint was made, yet this Arrest is tortious, and the Officer subject to an Action of False Imprisonment. See the like matter, *10 E. 4. f. 12. Br. Faux Imp. 38.*

The Officer, upon any Warrant from a Justice of Peace for the Peace, or good Behaviour, or in any other case where the King is a Party, may by force break open a mans house, to arrest the Offender, &c. See hereof *antea*, in the former title, *Forcible Entry.*

§. 9.
How to be
executed.

If any Officer or other person hath arrested a Man by virtue of his Warrant, which he hath from a Justice of Peace, and then taketh his promise that he will come again to him such a day, to go to the Justice with him according to his Warrant, (and so letteth the party go) who comes not again at the day appointed, it seemeth the Officer cannot after arrest or take him again by force of his former Warrant; for that this was by the consent of the Officer: But if the party arrested had escaped (of his own wrong) without the consent of the Officer, now upon fresh sute the Officer may take him again and again, so often as he escapeth, although he were out of view, or that he shall fly into another Town or County. See more *postea, tit. Imprisonment, & L. 5 E. 4. fol. 12. Br. Faux Imp. 18.* *See Cro. 214. a. b. 148.* *Co. 144. 58.*

Where an Officer hath received a Warrant, he is bound to pursue the effect of his Warrant in every behalf, or otherwise his Warrant will not excuse him of that which he hath done. See *antea, tit. Surety for the Peace.*

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