

break or attempt to disturb or break the Peace, and they may therein take the assistance of others, as aforesaid.

P.R. 14. Also in these Cases following, it is lawful for the Kings Officers, by force to break open a Mans House to arrest Offenders being therein, if the doors shall be all shut, so as the Officer cannot otherwise enter the House, viz.

Co. 5. 91. 1. For the apprehending of any person for Treason, Felony or Suspicion of Felony. 13 E. 9. 4. Br. Coron. 159. 6. 2.

2. Where one hath dangerously wounded another, and then flying into an House, the Constable or other Officer upon fresh Suit, may break open the door, and apprehend the Offender.

So may any other person besides the Officer, as it seemeth. 7 E. 3. 19. *Cromp.* 171.

3. Where there shall be an Affray made in an House, and the doors shut, the Constable, &c. may break into the House to see the peace kept.

4. So upon a Forcible Entry, or Detainer found by Inquisition, before Justices of Peace, or viewed by the Justices themselves. See here *Chap.* 22.

5. Upon a *Capias Utlagatum*, in any personal Action, as also upon a *Capias pro fine*, directed to the Sheriff, the Sheriff may break open the doors, &c. 27 *Aff.* 35.

6. Upon a Warrant or Process, for the apprehending of any Popish Recufant, being Excommunicate, the Officer may break open the House, 3 *Jac.* 4. P. *Rec.* 52.

7. Upon a Warrant for the Peace, or Good Behaviour, the Constables may break open the House, by the opinions of *Popham* and *Clerk*, Justices of Assize, at *Cambridge Assizes*, 3 *Jac.*

8. Lastly, in all Cases where the King is party or hath interest in the business, the Officers may break open the doors, as aforesaid: For no Mans House shall be a Castle against the King, *Co.* 5. 91.

Co. 5. 91. And yet the Sheriff, nor his Officers may not break open any Mans House, to execute the Kings Process (upon the Body or Goods of any person) at the suit of any Subject. *Co.* 5. 92. 95.

But when a House is recovered by any Real Action, or by *Ejectione firme*, there the Sheriff may break open the House, and deliver Seisin or Possession to the Demandant or Plaintiff, &c. For after Judgment, it is no more (in the Right or Judgment of Law) the House of the Tenant or Defendant, *Co.* 5. 91.

Co. 5. 91. But note, that the Officer before he break open the House or Doors of any Person, he must first signifie the cause of his coming, and desire that the doors may be opened unto him.

Co. 5. 91. Note also, although no Man may forcibly keep his House against the Kings Officers in the Cases aforesaid, yet every Mans House is (to himself, his Family, and his Goods) as his Castle, as well for his defence against injury and violence, as also for his repose and rest. And therefore the Law both give to dwelling houses divers priviledges. 6. 3. *Forcible Defence lawfull.*

1. First, That it is a Mans Castle for his defence, as aforesaid. See *Plus infra.*

2. Also a Mans House hath a priviledge to protect him against any Arrest by force of any Process, at the suit of any Subject, as aforesaid.

Co. 11. 2. 3. A Mans House (in some cases) hath a priviledge against the Kings Prerogative, for it hath been adjudged, that Saltpeter-men cannot dig in the Mansion House of any Subject, without his assent in regard of the danger