

do: and this was holden a good Justification without shewing the cause
the Justice of Peace had to imprison him, and without shewing the
Warrant, because it was done in the presence of a Justice of Peace.

Broughton id. Mulshoe, (T) 37 El. ^{14 H. 7. 9.} ^{Br. Peace.}

But the Justices of Peace cannot command by word to arrest another being out of their presence; neither may one in the absence of the Justice arrest another upon his command by Parol, but it must be by a Precept or Warrant in writing, by the greater Opinion of the Justices.

And yet in case of Rioters, the Justice of peace may by word command his servants to arrest them, in the absence of the Justice, by the Opinions of *Finewix* and *Tremale* Justices: see hereof *antea*, tit. Riots. ^{14 H. 7. 9.} ^{10.}

Next their Warrant or Precept by writing ought to be under their hand and seal, or under their hand at least. See *hinc infra*.

§. 2.
By writing
The Form.

And if it be for the Peace or Good Behaviour, or the like, where sureties are to be found or required, there the Warrant ought to contain the special cause and matter whereupon it is granted, to the intent that the party (upon whom it is to be served) may provide his sureties ready, and take them with him to the Justice of Peace to be bound for him: but if the Warrant be for Treason, Murther or Felony, or other capital Offence, or for great Conspiracies, Rebelious Assemblies, or the like, it needs not contain any special cause, but there the Warrant of the Justice of peace may be, to bring the party before him, to make answer to such things or matters generally as shall be objected against him on the Kings Majesties behalf: and this is now the common usage, by the report of Mr. *Crompton*. ^{Crompt. 1} ^{148.}

And I once received a Warrant, brought me by one *Thomas Evans*, (a Pursivant or Messenger of his Majesties Chamber) under the hand of the Right Honourable *Tho. Lord Ellesmere*, late Lord Chancellor of England, for the apprehending of one *James Malin*, for a matter of Contempt; and the said Warrant was in general words, *scil.* to answer to such matters as were objected against him, without any special cause therein mentioned. ^{An. Dom.} ^{1607.}

Also I saw another Warrant granted under the hand of *Popham* Chief Justice, to bring one *Edmonds* (of *Barnwel* by *Cambr.*) before him to answer to such matters as he had to object against him on the Kings Majesties behalf, without any special cause or matter therein set down. ^{3 Jac.}

The like form you shall find in the Book of *Entries*, tit. *Attachment*: *Non omittat*; *Sec. quin attach. E. H. &c. ita quod habeat corpus ejus coram Justic. nostris ad Assissas in Com. tuo capiend. assign. apud W. in Octab. Sanct. Mich. ad respond. nobis de his quæ sibi ex parte nostra tunc ibidem objiceretur, & ad faciendum ulterius & recipiend. quod Curia nostra de eo consider. in hac parte, &c.*

But it is not safe for a Justice of peace to grant out his Warrant with a blank: for about 30 *Bliz.* one wrote to Sir *J. R.* a Justice of peace, to send him a Precept or Warrant with a blank, that he might put therein one whom he would attach upon suspicion of Felony; and the Justice of peace did so, (granting a Warrant with a blank, where he neither knew the parties name nor the matter:) and for this the Justice was fined in the Star-Chamber, as Mr. *Crompton* reporteth, *Author des Courts* 34.

§. 3.
Sealed.

Also the Warrant of the Justice of peace should be under the Seal of the said Justice: for every Justice of peace (being a Judge of Record) hath a Seal of his Office; and when he maketh a Warrant under his Seal