

Justices of that county, or to be carried back into the county from whence the warrant did issue.—(Burn's Justice, Vol. 5, p. 576.) ]

A general warrant is in force, and may be executed at any time during the life of the Magistrate who grants it. An arrest, as I before mentioned, at night is good, and for treason, felony, or breach of the peace may be made on a Sunday.

*What an Arrest.*—An arrest is the apprehending or detaining of the person in order to be forthcoming to answer an alleged or suspected crime. The officer should not merely content himself with securing the offender, but should actually *arrest* him; so that if he escape, or is rescued by others, he or they may be subject to the penalties of *escape on arrest*.

To constitute an arrest, the party should, if possible, be touched by the constable: bare words will not make an arrest without laying hold of the person, or otherwise confining him. But if an officer come into a room, and tell the party he arrests him, and locks the door, this is an arrest, for he is in custody of the officer. Or if in any other way the party submit himself by word and action to be in custody, it is an arrest.

*How made.*—A constable sworn and commonly known, acting within his own township, need not show his warrant, but he should in all cases acquaint the party with the substance of it, and the cause of arrest.

In every case where the constable acts out of his own township where he is not known to be a constable, he should produce his warrant if required; and to avoid all excuse for resistance, it is recommended, whenever demanded, that the constable should produce and allow his warrant to be read; but in no case is he required to part with it out of his possession. If the party snatch or take the warrant the constable has a right to force it from him, using no unnecessary violence in doing so.

*Resisting Officer.*—A constable is bound to use the *utmost* caution and *forbearance* in case of resistance, but he may lawfully use force to overcome resistance. The force used should not exceed the necessity of the case, and should cease the instant resistance is over—to beat or abuse a prisoner who is powerless is both unmanly and illegal.

If the offence be less than felony, and the party fly and will not yield himself, and the constable kill or seriously wound him in pursuit, the law will not protect the constable; he would be held guilty of murder or manslaughter (in case of death) even where