

If there are two Persons of one Name and the same Addition, and he takes the wrong Person, 'tis no False Imprisonment; but if the Warrant is against a particular Man by Name, and he apprehend another who is really the Offender, such Taking is wrongful, and the Party may have an Action of False Imprisonment, but will have but very little Damage given by a Jury.

He may be indicted for any Abuse of the Authority of a Justice, or a Contempt of his Warrant, and will be fined if found guilty; but if he is indicted for not executing a Warrant, the Prosecutor must set forth some particular Act of Disobedience, and not generally that he did not execute it.

Weights and Measures.

Constable may search and examine, if any Person sell Corn, Grain, or Salt, otherwise than by the Standard; for every City, Borough and Town, must have a common Ballance and sealed Weights, and a Bushel sealed, which must be kept by the head Officer or Constable.

Churchwardens.

Churchwardens are very ancient Officers, and are by the Common Law a Corporation, only as to the Goods of the Church, the Property of such Goods being in them; but 'tis not so as to the Lands, for they cannot prescribe by the name of Churchwardens to have the Lands of the Church.

Neither can they have any Action at Common Law, to recover any Goods for the Use of the Church, of which Goods they were never possessed;