when they cannot be ſucceſsfully employed, which may ei­ther ariſe from the unfavourable state of the wind, the opposition of the tide, or the narrow limits of the channel.

WARRANDICE, in Scots law. See Law, N⁰ clxiv. 11.

WARRANT, is a power and charge to a constable or other officer to apprehend a person accuſed of any crime. It may be iffued in extraordinary cases by the privy Council, or secretaries of state; but most commonly it is issued by justices of the peace. This they may do in any cases where they have a jurisdiction over the offence, in order to compel the perſon accuſed to appear before them ; for it would be abſurd to give them power to examine an of­fender, unless they had alſo power to compel him to attend and ſubmit to ſuch examination. And this extends to all treasons, felonies, and breaches of the peace ; and alſo to all ſuch offences as they have power to punish by statute@@. Be­fore the granting of the warrant, it is fitting to examine upon oath the party requiring it, as well to aſcertain that there is a felony or other crime actually committed, with­out which no warrant ſhould be granted ; as alſo to prove the cauſe and probability of suspecting the party against whom the warrant is prayed.

This warrant ought to be under the hand and ſeal of the justice ; ſhould ſet forth the time and place of making, and the cauſe for which it is made ; and ſhould be directed to the constable, or other peace officer, or it may be to any private perſon by name. A general warrant to apprehend all perlons ſuſpected, without naming or particularly describing any perſon in ſpecial, is illegal and void for its un­certainty ; for it is the duty of the magistrate, and ought not to be left to the officer, to judge of the ground of ſuſpicion. Alſo a warrant to apprehend all persons guilty of ſuch a crime, is no legal warrant ; for the point upon which its authority rests, is a fact to be decided on a ſubſequent trial ; namely, whether the perſon apprehended thereupon be guilty or not guilty. When a warrant is received by the officer, he is bound to execute it, ſo far as the juriſdiction of the magistrate and himſelf extends. A warrant from any of the justices of the court of king’s bench ex­tends ever all the kingdom, and is tested or dated *England:* but a warrant of a justice of the peace in one county, must be backed, that is, signed, by a justice of another county, before it can be executed there. And a warrant for appre­hending an Engliſh or a Scotch offender, may be indorſed in the oppoſite kingdom, and the offender carried back to that part of the united kingdom in which the offence was committed.

WARRANTY, Warrantia, in law, a promiſe, or co­venant, by deed, made by the bargainer for himſelf and his heirs, to warrant and secure the bargainee and his heirs, against all men, for enjoying the thing agreed on or granted between them.

WARREN (Sir Peter), an admiral, distinguiſhed by his virtue, learning, and undaunted courage, was deſcended from an ancient family in Ireland, and received a ſuitable education to qualify him for a command in the royal navy, in which he served for ſeveral years with great reputation ; but the tranſaction which placed his great abilites in their full light, was the taking of Louiſbourg in the year 1745, when he was appointed commodore of the Britiſh ſquadron sent on that ſervice. He joined the fleet of tranſports from Boston in Canſo-bay on the 25th of April, having under his command the Superb of 60, and the Launceston and Eltham of 40 guns ; he was afterwards joined by ſeve­ral other men of war ſent from England, and took posseſſion of Louiſbourg on the 17th of June. The French, exaſperated at this loſs, were constantly in the watch to re­take it; and in 1747 fitted out a large fleet for that pur­poſe, and at the same time another ſquadron to proſecute their ſucceſs in the East. Indies. Theſe ſquadrons sailed at the same time ; but the views of the French were rendered abortive by the gallant admiral Anſon and Sir Peter Warren, who had been created rear-admiral, who with a large fleet of ships fell in with the French, defeated the whole fleet, and took the greatest part of the men of war. This was the last ſervice Sir Peter rendered to his country as a com­mander in the British fleet ; for a peace being concluded in the ſucceeding year, the fleet was laid up in the ſeveral har­bours.

He was now choſen one of the repreſentatives in parlia­ment for Westminster ; and in the midst of his popularity he paid a visit to Ireland, his native country, where he died of an inflammatory fever in 1752, sincerely lamented by all ranks of people ; and an elegant monument of white marble was erected to his memory in Westminster abbey.

Warren, is a franchiſe or place privileged by preſcription or grant from the king, for the keeping of beasts and fowls of the warren ; which are hares and coneys, partridges, pheaſants, and ſome add quails, woodcocks, and water-fowl, &c. Theſe being *ferae naturae*, every one had a natural right to kill as he could : but upon the introduction of the forest laws at the Norman conquest, theſe animals being looked upon as royal game, and the sole property of our ſavage monarchs, this franchiſe of free-warren was invented to protect them, by giving the grantee a ſole and excluſive power of killing ſuch game, ſo far as his warren extended, on condition of his preventing other perſons. A man there­fore that has the franchiſe of warren, is in reality no more than a royal game-keeper : but no man, not even a lord of a manor, could by common law justify ſporting on another’s soil, or even on his own, unless he had the liberty of free warren. This franchiſe is almost fallen into diſregard since the new statutes for preſerving the game; the name being now chiefly preſerved in grounds that are ſet apart for breeding hares and rabbits. There are many instances of keen sportsmen in ancient times, who have sold their estates, and reſerved the free-warren, or right of killing game, to themſelves : by which means it comes to paſs that a man and his heirs have ſometimes free-warren over ano­ther’s ground.

A warren may lie open ; and there is no necessity of in- closing it as there is of a park. If any perſon offend in a free-warren, he is puniſhable by the common law, and by statute *21* Edw. III. And if any one enter wrongfully into any warren, and chase, take, or kill, any coneys with­out the conſent of the owner, he ſhall forfeit treble damages, and ſuffer three months impriſonment, &c. by 22 and 23 Car. II. c. 25. When coneys are on the soil of the party, he hath a property in them by reaſon of the possession, and action lies for killing them ; but if they run out of the war­ren and eat up a neighbour’s corn, the owner of the land may kill them, and no action will lie.

WARSAW, a large city of Poland, the capital of that country, and of the province of Maſovia. It is built partly in a plain, and partly on a gentle aſcent rising from the banks of the Vistula, which is about as broad as the Thames at Westminster, but very shallow in ſummer. This city and its ſuburbs occupy a vast extent of ground, and are ſuppo­ſed to contain 70,000 inhabitants, among whom are a great number of foreigners. The whole has a melancholy appear­ance, exhibiting the strong contract of wealth and poverty, luxury and distreſs, which pervades every part of this un­happy country. The streets are ſpacious, but ill paved ; the churches and public buildings are large and magnifi­cent ; the palaces of the nobility are numerous and splen-

@@@[mu] Blackst. Comment. vol. iv. p. 190.