

Of the Office and Duty of a Constable.

BOth the High and Petty Constables are Officers at Common Law, and seem to be constituted at first for the Ease and Assistance of the Sheriff who had the Care of the whole County; but he alone could not so well preserve the Peace as when assisted by others; therefore every County was divided into *Hundreds*; and a High Constable was set over each Hundred, whose Office was to keep the Peace and suppress all Disorders and Riots: Neither was he together with the Sheriff sufficient for that purpose; for afterwards *Petty Constables* were appointed in every Town and Village of each Hundred, and these were to assist the High Constables.

The High Constable is chosen by the Steward at a Court-Leet, or by the Presentment of the Jury there: Such Choosing must be warranted by Custom; and in Places where the Leet is usually kept; and in such Cases the Justices of Peace have no Authority to meddle.

But where there is any Neglect or Refusal to keep a Leet, or to choose a High Constable, the Justices in their *Quarter-Sessions*, may appoint and swear one; and this is now the usual Course.

The *Petty Constable* is chosen by the People of the Parish; but in *Wales* two Justices, (*Quorum unus*) appoint him by Virtue of the Statute 34 H. 8.

The *Petty Constables* ought to be honest and able Men both in Body and Estate, and not of the meaner Sort; and therefore it hath been held that they ought not to be chosen by House or Custom, if not fit to execute the Office.

But 'tis now ruled, That a Custom for the Inhabitants