

bitants to serve by Turns is good; so if it happen on a Woman she must provide one to serve the Office.

Formerly it was a Question, Whether a High Constable could make a *Deputy*? But 'tis now allowed; yet he must answer for the Miscarriages of his *Deputy*, unless he was allowed by the Court of Sessions.

The High Constable is to be resident where he is chosen; and if he is not qualified for the Office, or if he die, or move out of the Hundred, two Justices may choose and swear another; and he is to execute the Office till the next Leet or Sessions, and then the Steward or Justices may either approve him, or appoint and swear another; and he is to continue in his Office for a Year; and if longer, then upon Complaint to the Sessions they may discharge him.

When he is chosen if he refuse, to serve, the Justices may bind him over to the Assises or Sessions, where he may be indicted and fined; but then the Indictment must set forth the Place where he was required to take the Oath of the Constable, and before whom he refused to be sworn; for 'tis not sufficient to alledge generally that it was at the Sessions.

If any Action at Law is brought against him for any Thing done in the Execution of his Office, it must be laid in the County where the Fact was done; and he may plead the General Issue, and give the Special matter in Evidence; and if he recover, he shall have double Costs.

But several Persons are exempted from this Office; as *Attorneys, Clergymen, Justices of the Peace, Infants, Lawyers, Physicians, poor Men, old and sick Persons*, but not Tenants in *Antient Demesne*.

Of