

the Peace; and so was the direction of Sir John Doderidge at Summer Assizes at Cambridge, Anno Dom. 1620.

§ 3. By the opinion of Master Lambert and others, the Constables of Hundreds were first ordained to be chosen by the said Statute of Winchester, *tempore Ed. 1.* And they were appointed for the keeping of the Peace, and to make view of Armour, twice every year, and to present before Justices assigned, defaults of Armour, of Watches, of High-ways, and of Hue and Cry; and also all such as lodged Strangers for whom they would not answer. See *Rastal. 379. c. d. Lamb. Duty of Const. 5. Minsh. verbo Constable.* *When first made.*

§ 4. Petty Constable (in Towns and Parishes) were after devised (for the aid of the Constables of the Hundred,) viz. about the beginning of the Reign of King Ed. 3. as it appeareth by M. Lambert in his Book of *The Duty of Constables* pag. 9. *Petty Constables.*

But it appeareth by *Fineux 12 H. 7. fol. 18. a.* that whereas the Sheriffs of the Counties, at the first, had the Government of their Counties committed to them, afterwards, by reason of the multitude of People, and for that it was too great a thing for one person (*sc.* the Sheriff) to undertake, therefore Hundreds were divided and derived out of the Counties, and in every Hundred there was ordained a Conservator of the Peace, who was called the [High] Constable; and after, Boroughs or Towns were made, and within every of them also was ordained a Conservator of the Peace, who is called the Petty Constable, (and in some places the Borough head :) and this was long before the times that Mr. Lambert speaketh of, *sc.* long before King Ed. 1. or King E. 3. which also may appear by the derivation of the word *Constable* *hic supra*, and that they were in the time of the Saxons: so that it may seem, that as well the High Constable as the Petty Constables, and their Authorities, were by the common Law; and that the old Statutes concerning them are but a recital of the ancient Common Laws.

*The Authority which High Constables and petty Constables have by the Common Law for keeping the Peace, see chap. 1. And the Constables power to make a Deputy. Ibid.*

*Constables may make their Deputies, and such Deputies are within the Statute of 7 Jac. as was resolved in Felp's case, M. 13 Jac. B. R.*

Co. 5. 59. *If a Justice of Peace make a general Warrant to bring a man before me, or any other, &c. It is not at the choice of the Delinquent, but of the Constable, before what Justice to carry him; but a Justice of Peace may make a Warrant to bring an Offender before himself, and it is good.*

*I have seen a M. S. said to be a Collection of Sir Nicholas Hides of the Office of a Justice of Peace; wherein is said, That it was resolved by all the Judges of England, Trin. 5 Car. 1. That Justices of Peace at Sessions may not compel the Constables of Hundreds to attend at the Quarter Sessions, and to present Offenders upon Oath, otherwise it is at the Assizes, &c.*

The chusing and swearing of these petty Constables is reputed properly to belong to the Court-Leet: yet we find it usual and warranted by common experience, that every Justice of Peace doth also swear them, and upon just cause doth and may also remove them. See the Title *Warrants*, cap. 121. *How chosen.*

§ 5. But in ancient time both the High Constable of Hundreds, as also the petty Constable of every Town, were yearly appointed by the Sheriff in his Tourn, and were there sworn, or received their Oath: and it seemeth they