

they may still be chosen or appointed, and sworn in the Sheriffs' Tourn, as well as in the Leet.

Constables lawfully chosen, if they shall refuse to be sworn, the Justice of Peace may bind them over to the Assizes or Sessions of the Peace. And for such his contempt, he is there to be indicted, and thereupon fined and imprisoned. *Dier 29.*

But he cannot commit them, until they will take on them the Office: for such a commitment was adjudged void, M. 1652. And it was there resolved, that they could not choose Constables, but might swear them, or if unfit persons were chosen, might remove them.

§. 6.
Constables
their Abi-
lity.

And here, for the better chusing of these Constables, you shall understand, that the Law requireth that every Constable be *Idoneus homo*, that is, apt and fit for the execution of the said Office; and he is said in Law to be *Idoneus*, who hath these Three things, Honesty Knowledge, and Ability.

Honesty, to execute his Office truly, without malice, affection, or partiality.

Knowledge to understand what he ought to do.

Ability, as well in substance or estate, as in body, that so he may intend and execute his Office diligently, and not through impotency of Body, or want, to neglect the place.

For Constables chosen out of the meaner sort, they are either ignorant what to do, or dare not do that they should, or are not able to spare the time to execute this Office: they are therefore to be able men, and to be chosen of the abler sort of Parishioners; and are not to be chosen either by the house, or other Custom.

And if any shall be chosen Constable who is not thus inabled and qualified, he may by Law be discharged of his said Office, and another fit man appointed in his place. *For the duty of a Constable see Postea title Warrant.*

§. 7. *Leets chusing unable, or unfit petty Constables, is cause of forfeiture of the Leet, and such choice is void. And Two Justices of Peace may remove such a Constable; or rather the Lord of the Leet would be dealt withal to choose fitter Constables; and upon his default, complaint is to be made at the Assizes or Sessions of the Peace, from thence a Warrant to be granted to the Justices of Peace to chuse and swear others more fit. And so was the Direction of the Judge of Assize at Cambridge, Anno. 8. Caroli Regis.*

1. December, 4 Car. William Stockdale elected Constable was discharged, for that his dwelling was not convenient for the well execution of the said Office. *Ex libr. Sefs. Middlef.*

1. *If a Constable die, or remove out of the Parish, his place is to be supplied at the Leet, if that time fall near; otherwise by the Sessions: but if that be too far off, then by the next Justices. Dier 30.*

2. *If a poor weak man be chosen a Constable, the Justices of the Peace must help this. Dier 31.*

3. *A man for his quality otherwise fit to be a Constable, &c. procuring himself to be the Kings servant extraordinary, may notwithstanding be chosen a Constable, and may well perform his ordinary service in the Country. Dier 38.*

4. *Petty Constables conveighing Rogues from Parish to Parish, for their Charges, see hic, cap. 47.*

For the duty of a Constable see their Oath, hic, cap. 121.

Two Justices of the Peace may appoint and swear new Constables, 14 Car. Headboroughs, &c. in case of death or removal of such Officers out of cap. 121.
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