

in six days next after such Distress by you taken shall not pay the said 20 s. that then you cause the said Distress presently to be prized and sold, and the overplus that shall remain upon your said sale of the said Goods, that you render the same overplus to the said G. W. And this shall be your sufficient Warrant herein. Dated, &c.

Before the Justice shall grant out these two last Warrants, he shall do well also first to hear and examine the Offenders.

A Warrant for the removing of a petty Constable, and for the Swearing of another.

CAROLUS, Dei gratia, &c. Vicecom' Cantabr' necnon capitali Constabul' Hundredi de R. & eorum cuilibet, salut. Quia W.P. & R.S. Subconstab' Vill' de C. & K. (certis de causis nos movent') ab Officio suo amoveri & exonerari fecimus: Ideo vobis & cuilibet vestrum, conjunctim & divisim, precipimus & mandamus, quod I.F. & R.M. ad omnia & singula eidem Officio incumbencia bene & fideliter exercenda & exequenda (prout ipsi nobis inde respondere voluerint) jurare faciatis: dictis W.P. & R.S. similiter injungentes, quod ipsi de dicto Officio alterius exercendo & exequendo nullatenus se intromittant, quousq; aliud de nobis habuerint mandatum. Et quicquid inde feceritis, Justiciariis nostris ad Pacem nostram in dicto Com' conservand' assign' ad prox' general' Sessionem Pacis apud C. in dicto Com. tenend' certificetis, hoc Præceptum nostrum tunc & ibidem remittentes. Teste Robert Lawrence Armig', uno Justic' nostror' predict', tali die, &c.

Lam. yy. 3 You shall find this former Precedent in M. Lamb. But upon such Warrant, *quare* who shall give the Oath to the new Constables, whether the High Sheriff, or High Constable that shall execute such Warrant, or the Justice of Peace that granted out such Warrant.

But for this authority of removing petty Constables, and of chusing and swearing new, it is reputed properly to belong to the Leet, (it being one of the ancientest Courts in the Realm, *Br. Lett* 14.) And if the new Elect be not present at the Leet to take his Oath accordingly, then upon Certificate or notice thereof to any Justice of peace of that County, the Justice doth use to send his Warrant for the parties so chosen, and to give them their Oath.

Also in default of the Leet, or otherwise, where there shall be just cause to remove a petty Constable for his insufficiency, or for any misdemeanour, or other, every Justice of peace, *ex Officio*, (as it seemeth) may remove the old Constables, and may chuse and swear new: which also we see to be warranted by common experience. See *Lamb.* of the Duties of Constables, page 19.

And I have seen some Precedents to such purpose, as followeth.

To our loving Friend A. B. of W. Towner.

THese are in his Majesties Name to charge and command you to make your repair unto us, or to some other Justice of peace of this County, to take the Oath of a Constable, to serve his Majesty within the Town of W. (* according to the choice made of you by the Jury at the last Leet holden in your Town.) And hereof fail you not. Dated under the hands of M. N. and N. O. Esquires, two of his Majesties Justices, of peace, &c.

*If they were not chosen at the Leet this clause is to be left out.

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