

HISTORY OF THE CONSTABLES OFFICE

If you say the word “POLICEMAN” most people have a pretty good understanding of what you are talking about: uniforms, police cars with sirens, badges, handcuffs, guns, traffic tickets, etc...

And if you say the word “SHERIFF” again, most people have a pretty good understanding of what you are talking about: rural police officers, subpoenas, star badge, police cars, animal control, etc...

But say the word “CONSTABLE” and the meaning to most people is HAZY. Voters know that people campaign for the office of Constable. They know it is a modern day office which performs some type of function but do they really know what that function is?

Most people are either misinformed or have little or no idea what the Constable does.

Webster’s dictionary defines the **Constable** in four ways:

1. A High Officer of medieval royal household.
2. The Warden or Governor of a Royal Castle of a fortified town.
3. A public officer responsible for keeping the peace and for minor judicial duties.
4. A British Policeman of the lowest rank.

The origin of the Constable began in the Eastern Roman Empire in what is now known as France. “Comes” was defined as an **Officer and Count**, “Stabuli” was defined as an **Officer of the Stable, Chief Equerry, or Marshal**, generally of the “**stabulum**”, **stables**; therefore the “**comes stabuli**” was referred to as “Count of the stable” or “**CONSTABLE**”.

During this period of time, the Constable was chief officer of the King’s household or court and often acted as commander in chief of the army, second only to the King. He was the highest judge in military offenses. As a result, the Constable was the supreme arbitrator in martial displays and tournaments.

In England, Constables were mentioned as early as 871 A.D. and were appointed by the Norman Kings to head military districts that were created when Great Brittan was conquered. The functions of the Constable then were to preserve great tracts of forest for the King's hunting and the gathering of a detailed census or accounting of all land, cattle, etc.... Later the Constables were given Law Enforcement Duties that included bringing the armed forces of the local communities together for the "defense of the Kingdom" and the preservation of the peace against foreigners and other disturbers of the peace.

In 19th Century England, "Scotland Yard" was created as a new Law Enforcement agency which was made up of 17 superintendents, 68 inspectors, 323 sergeants and 2906 constables.

When early America was settled by English colonies the settlers followed the form of government they knew best, the normal English system. This is how the office of the Constable was introduced to the United States.

Constables had the power to levy and collect taxes as well as enforce the orders fo the colonial officials in both civil and criminal matters. As time went on and America came under self rule, the Constable garnered more Law Enforcement power and at one time was responsible for the peace of the City of New York in 1801 and the enforcement of all State Laws and ordinances of the municipal corporation.

In the early history TEXAS, Constables were the Law Enforcement arm, in the colonies lead by Stephen F. Austin with the consent of the Mexican government before we had Texas Rangers. At that time, as they are today, the Constables were elected by popular vote.

Current Duties of the Constable are to:

- Preserve the peace and good order of their precincts, and other precincts within their county.
- To arrest, where authorized by the provisions of the Code of Criminal Procedure, offenders against the Penal Laws of the State of Texas, taking them without delay before the proper Magistrate of Court to be tried.
- To interfere without Warrant, to prevent and suppress crime within their precincts, and other precincts within the county
- Arrest offenders without warrant in order that they may be taken without delay to a magistrate or proper county for examination or trial
- Other duties are to execute and make return to the proper court according to Law: Arrest Warrants, Search Warrants, Witness Attachments, Criminal Subpoenas, and all other criminal process
- Writs and precepts directed to the Constable by any Justice of the Peace, County Court or District Court

On the Civil side, the Constable is to execute and make return to the proper court according to Law: All Writ's of

- Attachment – property & people
- Capias
- Certiorari
- Citations
- Distress Warrants
- Ex-Parte – Protective Orders
- Executions
- Eviction Citations
- Garnishments
- Habeas Corpus
- Injunctions – Restraining Orders
- Mandamus
- Notice (Precepts)
- Order of Sales
- Order of Sale in Tax Suits
- Possession (Non Eviction & Eviction)
- Protective Orders
- Re-entry
- Scire Facias
- Sequestration
- Subpoena
- Trial of Right of Property
- Turnover Orders
- And all other Civil Process, Writs and Precepts Lawfully directed and delivered to them by any Justice of the Peace, County Court, or District Court.

The Constable also attends all sessions of the Justice of the Peace Courts held within their own precinct, and performs all such duties as may be required of a Constable or Deputy Constable, by Law.

In other words, the job of the Constable deals mainly with Civil Litigation but the Constable and their Deputy Constables are fully licensed Peace Officers trained and ready to deal with any type of criminal activity in the precinct or county.

The Constables are elected by the registered voters in their own precinct, paid by the County and their Law Enforcement Commissions are still carried by the Governor of the State of Texas which makes them state officers as they were in the early history of Texas.

Constables are the only Law Enforcement mandated by the Texas Constitution which makes them truly indeed “The People’s Police Officer”