

that in these county court records the designation, jury of inquest, seems to have been used by the clerks more or less indiscriminately for a grand jury or grand inquest, as well as for a jury of inquest summoned by a coroner, or by a sheriff or constable acting as a coroner.

The Act of March 1638/9 "for the appointment of Certain Officers" which like the other acts passed at this session failed to become a law, provided for the appointment in each hundred of a *high constable* with the same power and authority that officer had in England (*Arch. Md. i, 54-55*). This was of course before any counties had been erected. The constable, although the prefix "high" is ordinarily omitted, is constantly mentioned in these county court records. In the commission appointing the members of the Isle of Kent Court, dated March 1, 1654, the court was empowered to deliver for service warrants to the sheriff or constable (*Arch. Md. liv, 24*). Somewhat later the appointment of constables by the county courts seems to have become established and is constantly referred to. There is an entry in the Kent records for June 3, 1661, that "William Elliott was Chosen by the inhabitants of the lower hundred to Offitiett the office of Constable", which indicates that the wishes of a neighborhood were considered in making such appointments (*Arch. Md. liv, 220*). William Elliott, a Quaker, appointed a constable in Kent in 1661, refused the oath "for Contiens sake", and was put under bonds for his future appearance in court (*Arch. Md. liv, 220*).

The number of *constables* in a county varied with its size and the number of hundreds into which it was divided. Thus in September, 1666, four constables were appointed in Somerset County, and in March 1666 six in Talbot County (*Arch. Md. liv, 463, 643*). The oath taken by the Kent constable in 1661 in a general way indicates the duties of his office (*Arch. Md. liv, 203*). He was "withine his Limmits" to see to it that the peace was truly kept, he was to apprehend delinquents, and to execute all precepts and warrants for the Provincial and county authorities, and to "execute all other things belonging to a constable". The records of the county court, however, show in detail the constables' duties, which in certain instances seem to overlap those of the sheriff and coroner. Thus we find him, before the grand jury came into general use, "presenting" to the county court persons accused by him of "loose living", fornication, adultery, drunkenness, swearing, and disturbing the peace. We also find him apprehending runaway servants and occasionally serving warrants, a function usually exercised by the sheriff. As already pointed out, there are several instances in which the constable held juries of inquest over dead bodies, thus exercising the duties of coroner (p. xli). There is an instance where a Charles County constable was sent by a court to view a tobacco crop and report on its condition. Both constables and sheriffs were expected to attend court meetings; the Somerset Court in November 1666 peremptorily ordered two constables who had been absent to appear at the next meeting of the grand jury (*Arch. Md. liv, 649*).

The great majority of those who appeared as *attorneys* in the county courts were really *attorneys in fact*, acting as agents for litigants under a power of attorney in each case, and not as *attorneys at law*, although in the early county