

the Sheriff himself. A sworn bailiff, commonly known to be an officer, acting within his own precinct need not show his writ to the person whom he arrests or serves with process, though he must inform him after such arrest or service of its contents, but a special bailiff must show his warrant if it be demanded; Mackalley's case, 9 Rep. 69; Countess of Rutland's case, 6 Rep. 54, but see Hall v. Roche, 8 T. R. 187.

In *Begbie v. Hayne*, 2 Bing. N. C. 124, the Court, however, were of opinion that this Statute did not apply to bailiffs employed in making distresses for rent arrear, for taking this chapter in conjunction with the thirty-sixth and thirty-eighth chapters, it was clear that the bailiffs mentioned in it were bailiffs employed by lords of Courts for compelling the parties to follow the county, hundred, wapentake, and other like Courts. This appears to be the opinion of Lord Coke, 2 Inst. 445, and was confirmed in *Cro. Eliz.* 14.

In *Giles v. Ebsworth*, 10 Md. 333, it was held that under the Code, Art. 53, sec. 9,¹ (1834, ch. 194, sec. 3,) a landlord cannot himself distrain for rent arrear, but must direct his warrant to a third person. In the same case, however, it was held that where a warrant to distrain is directed to the Sheriff, he may execute it *by one of his sworn deputies*. The Act of 1825, ch. 21, (Code, Art. 23, sec. 10,)² authorized constables to act, and the Court observed that it had been the practice to employ Sheriffs and constables for that purpose. See *Myers v. Smith*, 27 Md. 91.

¹ Code 1911, Art. 53, sec. 9.

² Code 1911, Art. 20, sec. 10.

CAP. XLV.

The Process of Execution of things recorded within the Year, or after.

Because that of such things as be recorded before the Chancellor and the Justices of the King that have record, and be enrolled in their Rolls, Process of Plea ought not to be made by Summons, Attachments, Essoin, View of Land, and other Solemnities of the Court, as hath been used to be done of Bargains and Cove-
144 nants *made out of the Court; (2) from henceforth it

Quia de hiis que recordata sunt coram cancellario domini regis & ejus justitiariis qui recordum habent & in rotulis eorum irrotulata non debet fieri processus placiti per summonitionem attachiamentum essonium visus terre & alias solempnitates cur' sicut fieri consuevit de contractibus & conventionibus factis extra curiam observandum est de cetero quod ea que inveniuntur