

swear jurors and witnesses.⁵⁸ A 1692 act provided that sheriffs were not to exact or receive fees for serving or executing writs, warrants or process in criminal cases, but were to execute the same *ex officio*. Another act of the same year provided that any criminal discharged from imprisonment by order and due course of law should pay his own fees to the sheriff (goaler, clerk and crier added in 1699) either out of his own estate or by servitude. An exception was made in the case of criminal servants, the county paying the aforesaid fees, with provision for the commissioners to obtain reasonable satisfaction from such servants upon the expiration of their time of servitude.⁵⁹

Several orders imposing duties upon the sheriff appear in the *Liber*. By an October 28, 1698 order of the Governor and Council of the province the sheriffs and clerks of the indictments in each county court were ordered to take care that all their fines be "prosecuted to Judgment and Estreated" so that his Majesty's receiver might have a full and true account thereof. Later, at the October 1699 sessions, the Prince Georges County justices ordered that the clerk make a copy of all ameracements since the establishment of the court and turn it over to the sheriff for collection with the county levy. By a November 10, 1698 order of the Governor and Council the sheriffs in each county were to take into their custody all waifs, strays and deodands and deliver them to the royal receivers who were to dispose of them.⁶⁰

Of the duties of sheriffs of a fiscal nature perhaps of greatest importance was the collection of the tobacco in the county levies, the sheriff receiving by law a fee amounting to one-tenth of that collected. On several occasions the sheriffs were also ordered to collect from the public officers having "places of profit" living in their bailiwicks all such sums of tobacco as were directed by law to be assessed and levied from such officers for the public use.⁶¹

The sheriffs also played a role in the election of delegates to the General Assembly. By writ of election from the governor the sheriff in each county was empowered to call together four or more commissioners with the clerk to sit as a court. At this court the sheriff made public proclamation giving notice to all freemen authorized by law to appear at a designated time and place for the election of delegates to the General Assembly. In January 1697/8 the sheriffs played a further role, being ordered to give notice to the delegates chosen "that they be very carefull to thoroughly inform themselves of the true state and Condition of the respective Counties for which they serve," including militia matters, disposition of tobacco levies, condition of churches, court-houses and public records, grievances to be redressed and Indian matters.⁶²

From time to time proclamations covering a wide range of subject matter were issued by the governor under the great or broad seal of the province. They invariably enjoined publication by the several sheriffs in various public and convenient places in their respective counties. Following publication the sheriffs were instructed to deliver them to the clerk of the county court to enter upon record, "by reason all persons may have Resort thereto upon occasion." (Such entry was irregular in Prince Georges County.) They were also to make a separate return to the Council of all proclamations and orders of the Council commanding some act—for their vindication in case any person should be committed for contempt

58. 13 *MA* 510-11; 22 *id.* 576-77.

59. 13 *id.* 471, 550; 22 *id.* 527.

60. 25 *id.* 25; *infra* 430, 615. For reference to an earlier dispute as to whom waifs, etc., belonged, see 23 *MA* 34-35.

61. 13 *id.* 510-11; 22 *id.* 576-77; 20 *id.* 393, 445; 23 *id.* 206; 25 *id.* 30.

62. 23 *id.* 372-73, 381-82.