

or that they come up to the Port of Annapolis in Aprill the usual time when they make up their Accounts being otherwise (by the Opinion of the Lawyers) deemed to be contrary to the Law of England." <sup>71</sup> This order was made in connection with the fear of disturbances by John Coode *et al.* Then in December 1696, the sheriffs, despite their inherent powers, were specifically authorized "in Case of any Riotts or insurrection" to raise the posse of their respective counties and use their authority to suppress them, acquainting the militia officers therewith. <sup>72</sup>

The power wielded by the sheriffs inevitably led to abuses. Despite the prohibition on taking more than their lawful fees, some sheriffs and sub-sheriffs, as a means of evasion, resorted to extorting bills, bonds or writings obligatory from inhabitants without delivering a signed account, as directed by law. To restrain such unlawful conduct an act was passed in 1696/7 prohibiting any sheriff, sub-sheriff or deputy commissary from taking any such instrument without endorsing the account on the back thereof, on penalty of having the instrument voided. <sup>73</sup>

#### *Coroner*

By 1692 act of Assembly the governor was authorized to appoint such person or persons to be coroners as he should judge most able and best qualified for that office in each county. The commissions to such persons were "as near as may be" to concur with the laws and constitutions of England and an oath was to be administered to each such appointee according to the form of the oath of a coroner in England. The form of commission to a coroner merely authorized the holder "to Do and performe all such Acts and things as to the office of a Coroner belongeth within our said County You first having taken the Oaths appointed by Act of Parliament to be taken instead of the Oaths of Allegiance and Supremacy as also the usuall Oath of a Coroner and Test before the Justices of the next County Court to be held within the County." <sup>74</sup> The coroner in Maryland was not a "principal officer" of the court, as in England, where the coroner was elected by the suitors of the county court in open court.

On May 15, 1696 upon representation it was ordered in Council that commissions issue constituting Robert Bradley and Robert Middleton coroners of Prince Georges County. The *Liber* records that Robert Middleton was sworn one of the coroners for Prince Georges County on June 23, 1696. However, there is no indication that Bradley, one of the justices, was ever commissioned as coroner and in November, 1696 the only coroner listed for Prince Georges County was Robert Middleton. However, in December, 1696 it was ordered in Council that John White be appointed coroner "in the Room and stead of Mr. Daniell Bradley and that the said Bradleys Name be Razed out of the Comission granted him (being here presented) and the said Wight's name inserted therein." White "tooke his

71. 20 *id.* 510-11 (*cf.* 20 *id.* 495). Greenfield was permitted by the Council to come to Annapolis to make up an account with the Commissary. 20 *id.* 551. See also the modification of the order during the fleet's stay in the province. 20 *id.* 572. The question came up again in October 1697 when the sheriffs were accused of neglecting their office to attend the Provincial Court. 23 *id.* 254.

72. 20 *id.* 582-83.

73. 38 *id.* 110; 22 *id.* 465. *Cf.* the July, 1699 "Generall agreivance to the good people of this Province that the Sheriffs doe many times Charge unreasonable Fees for the Service of Citation." 22 *id.* 406.

74. 13 *id.* 515; 20 *id.* 189; Greenwood, *op. cit. supra* 7. The duties of coroners were largely governed by the Statute *de officio coronatoris* of 1276 (4 Ed. I, St. 2); see Kilty, *Report on English Statutes* 210. They would also be governed by the common law and 2 Hen. V, St. 1, c.8; 3 Hen. VII, c.1; and 1 and 2 P. & M., c.13, s.5. Alexander, *British Statutes* 71.