

"Carroll County Sheriff in 1926, Part I"  
Carroll County Times Article for 8 July 2001  
by Jay A. Graybeal

The front page of the July 16, 1926 issue of the American Sentinel newspaper included an interesting story about the role of the Carroll County Sheriff. Editor Joseph D. Brooks felt that the State's Attorney had assumed too many of the Sheriff's duties to the detriment of local law and order. The beginning of his article "Why the Listlessness of the Sheriffs of Carroll County?" provided a general history of the office:

"In the ages past in England the sheriff was the chief executive officer of a shire (county), charged with the execution of the laws, serving of judicial writs and processes, and the preservation of the peace, and, in some cases having judicial powers. He was the King's reeve, or steward over a shire (county) and was the governor of the shire, the captain of its forces, the president of its court—a distinctive royal officer, appointed by the king, dismissible at a moment's notice, and strictly accountable to the Exchequer for the taxes or revenues which it was his duty to levy from the shire.

Today in both America and England the office is ministerial, but 'the duty of the Sheriff to preserve the peace of the county' has never been lessened, repealed, or revoked. He is still the high peace officer of the shire in England, and of the county in America, and as such has almost unlimited power in the matter of calling upon citizens to help him preserve the peace of the county. The number and kind of men he may appoint as deputy sheriffs, for whose actions, however, he is accountable, is practically unlimited, and the punishment he may receive for malfeasance in office rather severe.

Unfortunately too many citizens have failed, and still fail, to realize the importance of the office of sheriff, but seem to be under the impression that no one can possibly be too ignorant or untrustworthy to execute the duties of the office.

Within the memory of many citizens of Carroll county the sheriff published all notices of the elections to fill all elective offices of the state, and because of the fact that he appointed all the deputy sheriffs for the polling places and had general charge of the election, the constitution of 1867 prohibited him from succeeding himself in office. If he waited until his successor's term expired he could then be a candidate for another term.

Upon the adoption of the modern election laws placing the boards of supervisors of elections in charge of elections, the duties of the sheriff were lessened, but he still plays an important part in the elections.

But elections were and still are minor duties of the sheriff. The preservation of the peace and good order of the county is more important than serving writs or processes, or feeding the prisoners in the jail. The preservation of the peace involves the health, happiness, and morality of the community, and the inviolable right of a citizen to life, liberty and the pursuit of happiness. These are the things the framers of our constitution and laws have placed upon the shoulders of the sheriff to manage, and for the guarantee of which the sheriff is given almost extraordinary power to detain and arrest those actually guilty of crime, or any one whom he has reason to believe is guilty of committing a crime.

With all the directly delegated authority, to say nothing of that which he acquires by the common law, many citizens cannot understand the apparent listlessness which for a number of years has pervaded the sheriff's office of Carroll county.

Many years ago Carroll county was known to criminals all over the state as an 'open door to the penitentiary,' and many there were who entered by way of that door. In those days with three to four times as many serious criminal cases to be tried at a single term of court, David N. Henning, the then state's attorney whom the people rightfully honored with 16 years in the office, never went outside of his duties in order to obtain evidence. He made the sheriffs do their duty by collecting the necessary evidence and producing the witnesses. Then the sheriffs had open liquor saloons to watch, to hunt down criminals who were incessantly robbing the Baltimore and Ohio Railroad Company, horse thieves, and many other smaller criminals, too numerous to mention. In fact every November term of court had so many criminal cases the General Assembly provided a February jury term in order to dispose of civil cases which could not be handled at the November term.

The policy of Mr. Henning was pursued by Messrs. Fink, Reifsnider, Weant, Steele, and Seabrook, as state's attorneys, with success, because they insisted that the then sheriffs perform their duties and not expect the state's attorney to do their work."

Next week's column will contain the second half of Editor Brooks' article about the Carroll County Sheriff.



*The office of the Carroll County Sheriff, symbolized by the County Jail which also served as his home, came under attack by a local newspaper editor in 1925. Historical Society of Carroll County collection.*