

Carroll County Sheriff in 1926, Part II"
Carroll County Times Article for 15 July 2001
by Jay A. Graybeal

Last week's column contained the first half of a lengthy article about the Carroll County Sheriff that appeared in the July 16, 1926 issue of the American Sentinel newspaper. Editor Joseph D. Brooks continued with his concerns about the 'listlessness' of the sheriff:

"The advent of Mr. [Theodore] Brown as state's attorney seems to have wrought a great change in the office of sheriff of Carroll county. He, apparently, has assumed to perform the duties of his and the sheriff's office, a combination which, to say the least, has not produced the results for which we feel Mr. Brown had hoped.

The less one has to do the less one wants to do, and when, in his eagerness to obtain proper evidence against criminals, Mr. Brown sees fit to take command of the forces of law, and personally conduct them to suspected or known places of crime, and personally lead the invasion of homes, barns, etc. in search of contraband liquor and criminals, he thereby assumes the duty of the sheriff (which he has no legal right to do, and no one expects him to do it) and the latter, feeling that he, in the opinion of Mr. Brown, amounts to very little, naturally lets Mr. Brown run that part of the sheriff's office, hunt up the witnesses, and in fact 'passes the buck' to Mr. Brown. Then the sheriff becomes listless in his duties and when one appeals to him for protection, or any other service, he tells one to go see Mr. Brown.

What we have said about Mr. Brown does not reflect upon him as state's attorney. He has been a good officer, but in doing so we feel certain he has spoiled what might have been pretty good sheriffs by allowing or forcing them to loaf on their jobs, while bootlegging and other crimes flourished.

The courts of the country hold that the duties of the state's attorney begin when the grand jury presents any one for a crime. Upon receipt of the presentment he must prepare an indictment, have the witnesses summoned and prepare to try the case. Many years ago Carroll county had a local law which provided that if the state's attorney, in response to a call from a justice of the peace, attended a hearing before the justice he should receive a fee of five dollars. Not being mandatory, and the cost of a livery team being \$2.50, the state's attorneys refused to go and the law was finally repealed.

The state's attorney is not a sheriff and a sheriff is not a state's attorney, and when one or the other presumes to act outside of his duties by assuming the duties of the other there will be listlessness by one or the other.

It is to be hoped that the sheriff and state's attorney to be elected this November will so conduct their offices that there will be no 'passing the buck,' but that they will cooperate that bootlegging may be kept down to a minimum, or suppressed entirely, and that both offices will recover the dignity to which they are entitled, but which, apparently, has been lost."

The voters in the 1926 election re-elected Republican Theodore F. Brown as State's Attorney over Charles O. Clemson by a vote of 5,109 to 4,779. George C. Fowble defeated Democrat Augustus G. Humbert for the office of Sheriff of Carroll County.



Carroll County State's Attorney, Theodore F. Brown, posed for this formal portrait in 1925. Historical Society of Carroll County collection.