

## THE HIGH SHERIFF.

important are the legal functions of the High Sheriff who, in the language of Sir Edward Coke, "is an officer of great antiquity, and of great trust and authority, having from the Queen the custody, keeping, command, and government in some sort, of the whole country committed to his charge and care."

As to the antiquity of the office, learned writers somewhat differ in their speculations, and we may readily acquiesce in the observations of Mr. Serjeant Atkinson on the antiquarian aspect of the subject: "In England there are many good institutions whose beginnings, like the sources of great rivers, seem to baffle discovery. The office of Sheriff is of this kind."

It may suffice for all useful purposes to say that at every period of the English constitution the office of Sheriff appears as an integral part of its system, forming a feature which no power of the Crown, no resistance of the populace, no intrigues of the aristocracy, have ever been able to efface.

The office of High Sheriff really forms one of the most popular features of our constitution, carrying with it, as Blackstone observes, a strong trace of the democratical part of it. The common law, indeed, vested the whole power of election in the people, in order, as an old statute\* expresses it, "that the commons might choose such as would not be a burthen to them." A statute passed under very bad auspices† deprived the people of this power, and the mode adopted ever since of assigning High Sheriffs has been by certain dignitaries holding office under the Crown, who annually nominate three sufficient persons in each county for the office, from whom the Crown selects usually the first on the list for actual service. Fortunately the practice has grown up of these duties wholly devolving on the Judges meeting at Westminster Hall; and thus a guarantee afforded at all events against men being improperly selected for the shrievalty, and the High Sheriff has little cause to fear a comparison between his own just title to office and that of some whom he has occasionally to proclaim on the hustings as "duly elected."

The office of High Sheriff is still a very important one, and so regarded not only in the letter of the law, but socially by all classes. The duties are rarely neglected, but it would perhaps be an advantage if those who are selected for the shrievalty regarded more their personal obligations on taking office.

The High Sheriff, as we are told by Serjeant Atkinson, "has a right of precedence within his county of every nobleman during the time he is in office,"‡ and his duties, already referred to, show on what various occasions he is called upon to act. We are among those who would gladly see the power and dignity of this

ancient office fully vindicated, instead of the more active duties being so much delegated to others, the undersheriffs and their subalterns the Sheriffs' officers and the javelin men; and even the pomp and ceremony of the office being only observable during the parade and scramble of the commission day at the assizes; and its concomitants, the Sheriff's ordinary and the Sheriff's ball.

On the very many occasions in the course of his year of office on which public meetings of the various classes within his county are, or ought to be held, we would have the High Sheriff take his legitimate part; we would have the principal exercise more power, and the deputies less. It is not too much to ask of a gentleman selected for a single year for such an important office that he should give personal attention to its numerous duties.

Had High Sheriffs during their year of office generally been at the pains to personally inquire whether one important part of their functions, viz., the returning the jury panels, was conducted in a proper manner, whether abuses in the working of our system, lately shown to have grown up in almost every district, were or were not perceptible in the routine of business in their own several counties, the recent exposure of the abuses of our jury system might have been avoided.

If high Sheriffs, in whose name the unpopular work of executing legal process against the goods and persons of debtors, had during their year of office always deemed it a part of their duty, as gentlemen and men of honour, to see that the process so executed in their names was not made a medium of abuse and extortion, much private misery and wrong would have been saved.

If the Sheriff as returning officer at elections had, in days gone by, in the exercise of his common law power, duly inquired into glaring instances of bribery and corruption, before declaring at the hustings unscrupulous aspirants to the rank of M.P. *duly elected*, we should hardly have needed the costly machinery which from time to time has been called into existence with the vain design of suppressing bribery, intimidation, and other corrupt practices at elections. Not only would we have the High Sheriff now personally oversee the performance of his various duties by his subordinates, but we should be glad to find that high functionary hold his own on all public occasions—be something more than a mere attendant in the execution of the commissions of assize, &c., and act in every instance up to the station the law assigns to him—the chief official within his county, showing favour or subservience to none: poor or rich, noble or commoner, popular or unpopular.—*Law Magazine*.

\* 23 Edward I., c. 8.

† 9 Edward II., st. 2.

‡ Sheriff Law, 3.