

A Treatise on
the Law of Sheriffs, Coroners, and Constables;
with Forms.

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(Excerpts from the larger book, which is available thru the following web-link.)

<http://constitutionalgov.us/Archive/Organizing-Townships&Precincts/The%20Law%20Of%20Sheriffs,%20Part%201.pdf>

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**Preface to the Second Edition:** pages iv & v, (pdf page-4)

Law and order! What a righteous expression! But where in America is it to be found in this fourth quarter of the twentieth century? Try going against the desires of some bureaucrats and see how quickly they come against you with their squads of *unlawful* enforcers no matter where you are. These enforcers are not *law* enforcement officers; they are *bureaucratic regulation* enforcement officers, and they are violating the Rights and Liberties of Sovereign American citizens all across the country. While this is happening, the *real* law enforcement officers stand back and watch it happen, or in some cases, even assist them.

It seems as if we have more so-called “law” now than we ever had, and at the same time, we have less “order” in our society than in any time in our country's history.

Whatever happened to old-fashioned “law and order”? I will tell you what happened to it. Somewhere along the line the good people of America fell asleep at the switch. And during that snooze, the concept of the function of the American government (both State and federal) changed from protecting the God-given Rights, Liberties, and Property of the Sovereign Citizens from being plundered, to that of a totalitarian state when *everything* is considered to be the property of the government and therefore, totally controlled by the government. The function of Law enforcement changed from protecting the Rights of the Sovereign Citizens to carrying out the will of the now-imagined-to-be “Sovereign” government.

There was no amendment to either the Constitution of the United States or the Constitution of any of the 50 Free and Independent States that permitted this. A group of people just silently sneaked in to positions of influence and started it happening. Now it has grown to the point where it is almost safe to say that a state of war exists between the Sovereign Citizens of the United States and their State and federal government. Even as this preface is being written, and this book is being prepared to be sent to the printer, a federal judge has upheld a 4-2 decision by the village board of Morton Grove, Illinois to make it illegal for the Sovereign Citizens of that village to own handguns, in spite of that specific Right being secured for them by the Constitution.

What can be done about it? Do we have to have a revolution to get things back on the right track again?

The answer is “No”; we do not need a revolution, but what we do need is a *Restoration Movement*. You see, the other side is already carrying out a revolution. They are revolting against our Constitution and our Republican form of government, and they want to install in its place a totalitarian dictatorship. We simply want to keep the form of government that was established by the Founding Fathers not quite 200 years ago and which worked exceedingly well for the first 150 years.

How can we do this? The answer is relatively simple – Make the government obey the law!

We do not have to devise a new method for accomplishing this. There is already an existing method and it is just waiting for us to pick it up and put it into action. That method is to utilize the only legitimate law enforcement officer, and his support force, in America. That is, the Sheriff and the Posse Comitatus.

The Sheriff is the Executive Officer of the County. He is to make sure that those who violate the Rights of others are to be arrested, given a fair trial, and if guilty, he is to see that the punishment is carried out. To assist him in this function, he may call upon the Posse Comitatus – “the power of the County.” The American system of limited government was established to secure the people's freedom and to allow them to be left alone. Government was a negative force. It was suppose to appear when something wrong was done so that the wrong could hopefully righted and then government would fade back to its very limited function. American government was never suppose to be an omnipresent influence in every aspect of our lives, such as subsidizing welfare, food production, education, employment, food prices, gasoline prices, and in other areas such as controlling television programming, union activity, hours of employment, and on, and on, and on, until government is into *everything*.

The time has come, in fact, it is here, that knowledgable and concerned Americans must use the offices that are properly made available to the Sovereign Citizens to restore our constitutional Republic.

To that end, this superb book on the office of the Sheriff and the function of the Posse Comitatus has been reprinted and made available so that the job may be gotten on with.

Herbert Howard.  
Towson, Maryland.  
January, 1982.

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Preface to the First Edition: pages ii & iii, (pdf page-3)

This book is intended to be used by sheriffs, coroners, and constables and members of the bench and bar. It is written by an active practitioner of more than thirty years experience.

There is no office so important in the administration of justice as that of the sheriff. In every action filed in the courts of record, a sheriff is called upon to perform some service in most of the jurisdictions. The office next in importance is that of constable. His services are commanded for the service of official process, followed by the requirement of his services for all intermediate process, and, finally, to make judgement effective by execution. No attempt has been made in this book to treat purely local statutes or decisions, but it is of necessity a book of general application for use in all jurisdictions where the common law is mainly the rule of decision.

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Walter H. Anderson.
Pocatello, Idaho, November, 1940.

Ss: 7: The Authority of Constable: ---

While the office of constable is not of the same grade and dignity as that attributed to the office of sheriff, still perhaps it is a more important office in the immediate vicinity that the officer serves. The duties and administration of the constable, with reference to the justices or magistrates courts, corresponds with the duties of the sheriff regarding the trial courts of record. He is a peace officer within the limits prescribed by statutory law of his State, and it is sometimes enacted that this duty or function may be performed anywhere within his county. Differently stated, he is in effect the sheriff so far as concerns any matter within the jurisdiction of the justice of the peace. He serves original, mense, and final process, issuing out of these courts. The constable has the same power and is under the same duty to call out the posse comitatus to execute process and, in this respect, he possesses the same powers and has the same authority within his more limited sphere that the sheriff has in a broader sense and with a wider territorial jurisdiction. In short, the constable has all of the powers that appertain to his ancient predecessor under common law. However, the powers of the constable or other officer are often prescribed by statutory enactments, and out of safety these statutes in each jurisdiction should be examined by the officer called upon to act in pursuance thereof, or by virtue of their provisions. He ought to become perfectly familiar with their terms and provisions. With respect to territorial limitations circumscribing the official functions of the constable, it may be stated generally that, in the absence of a constitutional or statutory grant of authority, he cannot act outside of his own district, precinct or town in which he was elected.