

DIGEST OF THE SYSTEM OF CIVIL GOVERNMENT

States the Governor and one or two other State officials constitute a board, which must at certain times examine and check up the accounts, books and vouchers of the State Treasurer and ascertain the amount of funds in the Treasury.

ATTORNEY-GENERAL.

The Attorney-General, as the name implies, is the general legal counsel or lawyer for the various branches of the State government. In all of the States the powers and duties of the Attorney-General are very similar. It is his duty to appear for the State in all actions and proceedings in the Supreme Court in which the State has an interest; to institute and prosecute in all courts all actions, either for or against a State officer, in which the State has an interest; to consult with and advise the various county or state's attorneys in matters relating to their official duties; and when public interest requires he assists them in criminal prosecutions. It is his duty to consult with and advise the Governor and other State officers, and give, when requested, written opinions on legal or constitutional questions relating to their official duties, and to give written opinions when requested by the Legislature or any committee thereof. It is also his duty to prepare, when necessary, drafts for contracts or other writings relating to subjects in which the State is interested. He is required to enforce the proper application of funds appropriated to the various State institutions, and prosecute breaches of trust in the administration of the same; and when necessary to prosecute corporations for failure or refusal to comply with the laws; to prosecute official bonds of delinquent officers or corporations in which the State has an interest. The Attorney-General is required to keep a record of all actions, complaints, opinions, etc.

STATE SUPERINTENDENT OR SUPERINTENDENT OF PUBLIC INSTRUCTION.

This is an office which exists in nearly every State in the Union. In three or four of the States the management of the educational interests of the State is vested in a State Board of Education, but in these cases the secretary of the board assumes most of the detail work that in most of the States devolve upon the State Superintendent. The full title given to this office is not the same in all of the States, but it is generally called "State Superintendent of Public Instruction or Public Schools." In Ohio, Maine and Rhode Island, and a few others, this officer is termed "Commissioner of Schools."

The duties of the State Superintendent are very much alike in all of the States, as he is charged with a general supervision over the educational interests of the State and of the public schools. In many States his authority is not limited to the public schools, and he is authorized by law to demand full reports from all colleges, academies or private schools. It is his duty to secure at regular intervals reports from all such educational institutions and file all papers, reports and documents transmitted to him by local or county school officers. He is the general adviser and assistant of the various county superintendents or school officers, to whom he must give, when requested his written opinion upon questions rising under the school law. It is also his duty to hear and determine controversies arising under the school laws coming to him by appeal from a county superintendent or school official. He prepares and distributes school registers, school blanks, etc., and is generally given the power to make such rules and regulations as are necessary to carry into efficient and uniform effect the provisions of the laws relating to schools. The State Superintendent is required to make a detailed report to each regular session of the State Legislature, showing an abstract of the common school reports; a statement of the condition of public schools and State educational institutions; the amount of money collected and expended, and all other matters relating to the schools or school funds that have been reported to him. He is forbidden from becoming interested in the sale of any school furniture, book or apparatus.

STATE LIBRARIAN.

In nearly all of the States the laws provide for a State officers under the title of "State Librarian." As a rule the office is filled by appointment of the Governor, although in a few States it is an elective office and is filled by direct vote of the people. The State Librarian is the custodian of all the books and property belonging to the State Library, and is required to give a bond for the proper discharge of his duties and safekeeping of the property intrusted to his care, as in many of the States the State Library is an immensely important and valuable collection. In some of the States the Supreme Court judges prescribe all library rules and regulations. In others they have a Library Board of Trustees, which is sometimes made up of the Governor and certain other State officials, who constitute a board of commissioners for the management of the State Library.

ADJUTANT-GENERAL.

In nearly all of the States provision is made for an Adjutant-General, who is either elected by the people or appointed by the Governor. The name of the office implies the branch of work which is handled by its incumbent. It is the duty of the Adjutant-General to issue and transmit all orders of the Commander-in-Chief with reference to the militia or military organizations of the State. He keeps a record of all military officers commissioned by the Governor, and of all general and special orders and regulations issued, and of other matters relating to the men, property, ordinance, stores, camp and garrison equipment pertaining to the State militia or military forces.

PUBLIC EXAMINER OR BANK EXAMINER.

This is a State office that is found in only about one-half of the States. In some States it is known as Bank Comptroller and in others the duties which devolve upon this officer are handled by a "department" in the State Auditor's office. The general duties and plan of conducting this work, in many respects, is very similar, but there is a great difference between the various States in the officers who attend to it. Where this made a separate State office, generally speaking, the requirements are that he must be a skilled accountant and expert bookkeeper, and cannot be an officer of any of the public institutions, nor interested in any of the financial corporations which it may be his duty to examine. He is charged with the duty of visiting and inspecting the financial accounts and standing of certain corporations and institutions organized under the State laws. In several of the States it is made his duty to visit certain county officials at stated intervals, and inspect their books and accounts, and enforce a uniform system of bookkeeping by State and county officers.

COMMISSIONER OR SUPERINTENDENT OF INSURANCE.

In all of the States of the Union the department relating to insurance has grown to be an important branch of State government. The method of controlling the insurance business differs materially in many of the States, although they are all gradually moving in the same direction, viz., creating a department or State office in which all matters relating to insurance and insurance companies are attended to. In former years, in nearly all of the States, the insurance business formed a department in the State Auditor's office, and was handled by him or his appointees. Now, however, in nearly all the Northern States and many of the Southern States, they have a separate and distinct insurance department, the head of which is either elected by the people or appointed by the Governor. The duties and powers of the insurance department of the various States are very similar. A general provision is that the head of this department must be experienced in insurance matters, and he is prohibited from holding an interest in any insurance company. The Commissioner or Superintendent of Insurance has extensive powers concerning insurance matters, and it is his duty to see that all laws respecting and regulating insurance and insurance companies, are faithfully observed; he issues licenses to insur-

ance companies, and it is his duty to revoke the license of any company not conforming to law. Reports are made to him at stated times by the various companies, and he has power to examine fully into their condition, assets, etc. He files in his office the various documents relating to insurance companies, together with their statements, etc., and at regular intervals makes full reports to the Governor or Legislature.

COMMISSIONER OF LABOR STATISTICS.

In several of the States a "Commissioner of Labor Statistics" is appointed by the Governor, who is the head of what may be termed the labor bureau. In a great majority of the States, however, this branch of work is taken care of by a board of labor commissioners, a bureau of statistics or by the State Auditor and his appointees. The general design of this bureau or commission is to collect, assort and systematize, and present in regular reports to the Legislature, statistical details relating to the different departments of labor in the State, and make such recommendations as may be deemed proper and necessary concerning the commercial, industrial, social, educational and sanitary conditions of the laboring classes.

OTHER STATE OFFICERS.

In all of the States there exist one or more other State officers in addition to those already mentioned, which are made necessary by local condition or local business interests. It is, therefore, unnecessary to mention any of these at length in this article. It may be stated, however, that in all of the States may be found two or more of the following State officers, and further, that each one of the following named officers is found in some State in the Union, viz.: Superintendent or commissioner of agriculture, commissioner of mines, secretary of agricultural board, secretary of internal affairs, clerk and reporter of the Supreme Court, commissioner of railways, commissioner of immigration, State printer, State binder, land agent or commissioner, commissioner, register or superintendent of State land office, register of lands, commissioner of schools and lands, surveyor-general, inspector-general, State oil inspector-general, State oil inspector, dairy commissioner.

STATE BOARDS.

Besides the officers and departments which have already been mentioned, there are a number of State boards or bureaus that are necessary in carrying on the complex business connected with the government of a State. The following list of such State boards and bureaus includes all that can be found in the majority of the States; some of them, however, are only found in a few of the States, because they are of a local nature and are only made necessary by the existence of certain local conditions or business interests. It will also be observed that some of the boards named cover the same line of work that has already been mentioned as belonging to some State officer. This grows from the fact that a few of the States place the management of certain lines of work in the hands of a State board, while in others, instead of having a State board they delegate the powers and duties to a single State official. All of the States, however, have a number of the State boards mentioned in this list, the names of which imply the line of work each attends to, viz.: Railroad and warehouse commissioners, board of equalization, board or commission of agriculture, university trustees, board or commissioners of public charities, canal commissioners, penitentiary commissioners, board of health, dental examiners, trustees of historical library, board of pharmacy, commission of claims, live stock commissioners, fish commissioners, inspectors of coal mines, labor commissioners, board of education, board of public works, board of pardons, assessment commissioners.

LEGISLATURE OR GENERAL ASSEMBLY.

The law-making power of every State is termed the "Legislative Department." The legislative power, according to the constitutions of the various States, is vested in a body termed the Legislature or General Assembly which consists of an Upper and Lower House, designated usually as the Senate and House of Representatives. In a few of the States the Lower House is called "The Assembly." In most of the States the Legislature meets in regular session every two years, but this is not the universal rule, as in a few of the States the law provides for annual sessions. In all of the States, however, a provision is made whereby the Governor may, on extraordinary occasions, call special session by issuing a proclamation.

The Legislative Department has the power to pass all such laws as may be necessary for the welfare of the State, and carry into effect the provisions of the constitution. The Legislature receives the reports of the Governor, together with the reports of the various other State officers; they provide by appropriation for the ordinary and contingent expenses of the government; at regular times provided by law they apportion the State into political districts, and make all other provisions for carrying on the State government. There is a general prohibition against the passage of any *ex post facto* law, or law impairing the obligation of contracts, or making any irrevocable grant of special privileges or immunities. Any measure to become a law must be passed by both branches of the Legislature, and then be presented to the Governor for his approval. If he withholds his approval (or vetoes it), the measure may be repassed by a two-thirds vote of the Legislature, when it will become a law notwithstanding the Governor's veto.

SENATE.

The Senate is the Upper House of the Legislature or General Assembly. The various States are divided into senatorial districts, in each of which a Senator is elected—the term of office varying from two to four years. Except in three or four of the States the presiding officer of the Senate is the Lieutenant-Governor, although a President *pro tem.* is usually elected, who acts as presiding officer during the absence of the Lieutenant-Governor. The presiding officer has no vote, however, in the Senate, except when that body is equally divided. Every Senator has one vote upon all questions, and the right to be heard in advocating or opposing the passage of any measure brought before the Legislature. In filling all of the most important State offices that are to be appointed by the Governor, the appointments must be approved or confirmed by the Senate.

HOUSE OF REPRESENTATIVES.

The Lower House of the State Legislature, in nearly if not quite all the States of the Union, is termed the House of Representatives. Like the Senators, every member of the House has the right to be heard in advocating or opposing any measure brought before the body of which he is a member. The House is given the sole power of impeachment, but all impeachments must be tried by the Senate. As a general rule, there is a provision that all bills for raising revenue must originate in the House.

JUDICIARY.

The "Judicial Department" is justly regarded as one of the most important and powerful branches of government of either the State or Nation, as it becomes the duty of this department to pass upon and interpret, and thereby either annul or give validity to all the most important measures and acts of both the legislative and executive branches of the government.

It is impossible in a general article to give a detailed review or description of the construction and make-up of the judicial departments of the various States. The courts are so differently arranged both as to their make-up and jurisdiction that it would be useless to try to give the reader a general description that would accurately cover the ground.

In all of the States, except, possibly, one or two, the highest judicial authority of the State is known as the Supreme Court, and unless questions are involved which give the United States Courts jurisdiction, it is the court of last resort. The Supreme Court is made up of a chief justice and the several associate justices or judges as may be provided

for by the laws of the various States, usually from four to six. Generally these officers are elected by the people, either from the State at large or (in three of the States) as representing certain districts, but this is not the case always, as in several States they are chosen by the Governor or Legislature. In all of the States the Supreme Court has appellate jurisdiction both in law and in equity, and has original jurisdiction in remedial cases, *mandamus*, *habeas corpus* and cases relating to the revenue, but there is no trial by jury in this court.

Various other courts are provided for by the laws of the different States, such as appellate courts, circuit or district courts, probate courts, county courts, superior courts, municipal courts, courts of justices of the peace, etc. The jurisdiction of all these courts is, of course, inferior to that of the Supreme Court, and varies greatly in the different States. Besides these, where there are large cities, various other courts are also established to aid in caring for the enormous amount of judicial work that arises from such vast and complex business interests. The various courts are also provided with the necessary officials for carrying on the judicial business—such as clerks of court, court reporters, bailiffs, etc.

COUNTY GOVERNMENT

So far as the principal county offices are concerned, the general arrangement and method of handling the public business is very much the same in all of the States; but the offices are called by different names, and in minor details—such as transferring from one office to another certain minor lines of work—there are a number of points in which the method of county government in the various States differs. The writer has adopted the names of the principal county offices which are most common in the Northern States, as in the Southern and New England States there are scarcely any two States in which the names or titles of all the county offices are identical.

AUDITING OFFICE AND CLERK OF THE COUNTY BOARD.

Generally the principal auditing officer of the county is known as the "county auditor" or "county clerk." In Illinois, Kansas, Missouri, Nebraska, Oklahoma, Wisconsin and many other States the office is called "county clerk." In Indiana, Iowa, Minnesota, North Dakota, South Dakota, Ohio and others it is termed "county auditor." In a few of the States under certain conditions this office is merged with some other county office. A notable example of this is in the State of Michigan, where they have one official, under the simple title of "clerk," who looks after about all of the work which in most of the States devolves upon both the county clerk and also clerk of court. In all of the States a bond in a moderate sum is required of the county clerk or auditor, and he is paid a salary of from \$1,500 to \$3,500 per year, besides in some States being allowed certain fees, unless it is in a very large and heavily populated county, where the salary paid is of necessity much higher than this amount. No county treasurer or member of the county board is eligible to this office. In general terms it may be stated as a rule the auditor acts as the clerk or secretary of the official county board, although in a few of the States the court clerk is required to look after this matter. The clerk of the county board keeps an accurate record of the board's proceedings and carefully preserves all documents, records, books, maps and papers which may be brought before the board, or which the law provides shall be deposited in his office. In the auditing office an accurate account is kept with the county treasurer. Generally they file the duplicates of the receipts given by the county treasurer, charging him with all money paid into the treasury and giving credit for all warrants paid. The general plan of paying claims against a county is as follows: If the claim is one in which the amount due is fixed by law, or is authorized to be fixed by some other person or tribunal, the auditor issues a warrant or order which will be paid by the treasurer, the certificate upon which it is allowed being duly filed. In all other cases the claim must be allowed by the county board, and the chairman or presiding officer issues a warrant or order which is attested by the clerk. A complete record of all these county warrants or orders is kept, and the accounts of the county treasurer must balance therewith. The above in general terms outlines the most important branch of work which the county clerk or county auditor looks after in most of the States, but in all of the States the law requires him to look after a number of other matters, although in these there is no uniformity between the various States, and no general description of these minor or additional duties could be given that would apply to all the States.

COUNTY TREASURER.

This is an office which exists in all of the States, and it is one of the most important of the various offices necessary in carrying on the business of a county. It is an elective office in all of the States, and the term of office is usually either two or four years, but a very common provision in the various States is that after serving for one term as county treasurer a party shall be ineligible to the office until the intervention of at least one term after the expiration of the term for which he was elected. This provision, however, does not exist in all of the States, as in some of them the county treasurer is eligible for reelection for any number of terms.

The general duties of the county treasurers throughout the various States is very similar. The county treasurer is the principal custodian of the funds belonging to the county. It is his duty to receive and safely keep the revenues and other public moneys of the county, and all funds authorized to be paid to him, and disburse the same pursuant to law. He is required to keep proper books of accounts, in which he must keep a regular, just and true account of all moneys, revenues and funds received by him, stating particularly the time, when, of whom and on what fund or account each particular sum was received; and also of all moneys, revenues and funds paid out by him according to law, stating particularly the time when, to whom and on what fund payment is made from. The books of the county treasurer must always be subject to the inspection of the county board, which, at stated intervals, examines his books and makes settlements with him. In some of the States the provisions of the law relating to county treasurer are very strict; some of them provide for a county board of auditors, who are expected, several times a year, to examine the funds, accounts and vouchers of the treasury without previous notice to the treasurer; and in some it is provided that this board, or the county board, shall designate a bank (or banks) in which the treasurer is required to keep the county funds deposited—the banks being required to pay interest on daily or monthly balances and give bond to indemnify the county against loss. As a general rule the county treasurer is only authorized to pay out county funds on warrants or orders issued by the chairman of the county board and attested by the clerk, or in certain cases on warrants or orders of the county auditing office. A complete record of these warrants or orders is kept, and the treasurer's accounts must balance therewith. In most of the States the law is very explicit in directing how the books and accounts of the county treasurer shall be kept.

COUNTY RECORDER OR REGISTER OF DEEDS.

In a few of the States the office of county recorder or register of deeds is merged with some other county office, in counties where the population falls below a certain amount. A notable example of this is found in both the States of Illinois and Missouri (and there are others), where it is merged with the office of circuit clerk in many counties. The title of the joint office is "circuit clerk and recorder," and the duties of both offices are looked after by one official.

The duties of the county recorder or register of deeds are very similar in the various States, although in some of the Eastern and Southern States the office is called by other names. The usual name, however, is county recorder or register of deeds. In Illinois, Indiana,