

DIGEST OF THE SYSTEM OF CIVIL GOVERNMENT.

any kind unless it is duly executed according to law; he is not obliged to record any instrument unless his fees are paid in advance; *as a rule*, is unlawful for him to record any map, plat or subdivision of land situated within any incorporated city, town or village until it is approved by the proper officers of the same. In many States he is forbidden to enter a deed on the records until it has been endorsed "taxes paid by the proper official; he is required to exhibit, free of charge, all records, and allow copies to be made; he is authorized to administer oaths and take acknowledgments.

CIRCUIT OR DISTRICT CLERK, OR CLERK OF COURT.

In nearly all of the States, each county elects a "clerk of court or courts," sometimes also known as circuit clerk or district clerk, indicating the court with which the office is connected. In some of the States, as has already been stated, the office of clerk of court is merged with some other county office. This is the case in Illinois and Missouri, where in many counties it is connected with the office of county recorder. In Michigan, one official under the name of "clerk" handles the business which usually is given to the clerk of court and county clerk or auditor. In Wisconsin, Missouri, Illinois and other States the name used is "circuit clerk;" in Kansas, Minnesota, North Dakota and many others the office is called "clerk of district court," while in many of the States, including Indiana, Ohio, Iowa and others, it is called simply "clerk" or "clerk of the court or courts."

The chief duty of this official is to act as clerk of the district or circuit court, and sometimes other courts of inferior jurisdiction. It is the clerk's duty to keep the seals and attend the sessions of their respective courts, preserve all the files and papers thereof, make, keep and preserve complete records of all the proceedings and determinations thereof, and carry out such orders as may be required by the rules and orders of their respective courts. They must enter of record all judgments, decrees and orders of the court as soon as possible after they are rendered; keep all its judgments on file as a public record, having them administered oaths, take acknowledgments; take and certify depositions, and are required to exhibit all records free of charge. In nearly all the States the law defines the character of the record books which the clerk of court must keep. Although there is no settled rule in this matter, the general provisions are that he shall keep: First, a general docket or register of actions, in which is entered the title of each action in the order in which they are commenced, and a description of each paper filed in the cause; second, a record of the proceedings in each case; third, a plain docket, in which is entered the judgment in each action, time of issuing execution, satisfaction, etc., and such other books as the courts or the laws may prescribe.

SHERIFF.

In all of the States the office of sheriff is one of the most important of the county offices. The term of office varies in different States, being usually either two or four years, and in several of the States one party cannot hold the office a second term consecutively. The general provisions outlining the duties pertaining to this office are very much alike in the various States, *reasons* of his duties may be said to apply to all of the various States except in a few minor and unimportant details. "The sheriff is charged with the duty of keeping and preserving the peace in his county; or, as has been written, "he is the conservator of peace," and it is his duty to keep the same, suppress riots, affrays, fighting, breaches of the peace and prevent crime, and may arrest offenders "on view" and cause them to be brought before the proper magistrate; and to do this, or to execute any writ, warrant, process, order or decree, he may call to his aid when necessary any person or the "power of the county." It is the duty of the sheriff to serve and execute within his county, and return, all writs, warrants, process, orders and decrees of every description that may be legally directed and delivered to him. He is a court officer, and it is his duty to attend, either in person or by deputy, all courts of record held in his county; by virtue of his office he has custody of the jail. It is his duty to pursue and apprehend felons and persons charged with crime and has custody of prisoners. He is not allowed to purchase any property exposed for sale by him as sheriff.

COUNTY SUPERINTENDENT OR COMMISSIONER OF SCHOOLS.

This is an office which exists under one name or another in nearly every State in the Union. The title of the office in a great majority of the States is "county superintendent," but in Michigan, Missouri, Ohio, New York, and possibly one or two other States, the office is termed "school commissioner," and in several of the States the laws provide for a board of county examiners or school commissioners, who are given considerable of the work that in most of the other States is handled by the county superintendent.

The name of this office implies the duties which devolve upon it, and they are very much alike in all of the States. The incumbent of this office is charged with a general supervision over the schools of the county, and must be a fitting person as to education and moral character. As a rule it is their duty to examine and license teachers, but in a few of the States provision is made for a board of examiners. County superintendents are required to visit and inspect the schools at regular intervals, and give such advice and instruction to teachers as may be deemed necessary and proper. They are required to organize and conduct institutes for the instruction of teachers if deemed necessary, and encourage teachers' associations. They introduce to the notice of teachers and the people the best modes of instruction, the most approved plans of building and ventilating school-houses, etc., stimulate school officers to the prompt and proper discharge of their duties. They receive reports from the various school officers, and transmit an abstract of these reports to the State Superintendent, adding a report of the condition of the schools under their charge. In nearly all the States they are forbidden having any interest in the sale of any school furniture, apparatus or books used in the schools. In many States they have authority to annul a teacher's certificate for proper cause, and in general to take such steps and enforce such methods as will elevate and make more efficient the schools under their control.

COUNTY PROSECUTING OR STATE'S ATTORNEY.

There is a great difference between the various States in the method of handling or attending to the legal business relating to county matters or growing from county affairs. In many of the States the official who attends to this line of work is known as the "county attorney," in other States he is called the State's attorney or prosecuting or district attorney. In a few of the States they divide the State into districts embracing a number of counties, and a district attorney is elected in each district, who in some cases attends to all the legal work of the various counties, and in others he assists the county attorneys in their most important duties and prosecutions. But whatever plan may be followed in the various States, and whatever title may be given to this office, the general duties of the office are very much the same throughout all of the States. It is the duty of the county attorney to commence and prosecute all actions, suits, judgments and prosecutions, civil and criminal, in any court of record in his county in which the "people of the State or county" may be concerned; to prosecute all to and bonds, moneys, fines, etc., accruing to his county; to commence and prosecute all actions and proceedings brought by any official officer in his official capacity; to defend all actions and proceedings brought against his county, or against any county officer in his official capacity; to give legal opinions and advice

to the county board or other county officers in relation to their official duties; to attend, if possible, all preliminary examinations of criminals. When requested, he is required to attend sessions of the grand jury and examine witnesses in their presence, give legal advice and see that proper subpoenas and processes are issued, draw up indictments and prosecute the same. The county attorney is required, when requested by the Attorney-General, to appear for the State in cases in his county in which the State is interested. The county attorney makes an annual report to his superior State officer of all the criminal cases prosecuted by him.

PROBATE OR COUNTY JUDGE.

The method of handling probate matters is not uniform throughout the various States. In many States the higher courts are given jurisdiction over probate matters and in others they have created districts in which are held probate courts, whose jurisdiction extends over several counties and takes in other matters besides purely probate affairs. In a majority of the States, however, particularly in the Western and Northern States, they elect a county or a probate judge, who holds court and handles the probate matters which arise within his county. The jurisdiction of these county or probate courts is not always confined exclusively to probate affairs, being frequently extended to many other matters, and they generally include such matters as apprenticeship affairs, adoptions, minors, etc. In some of the States they have both a county judge and a probate judge, and in these cases the jurisdiction of the latter is confined to such matters as are in line with probate affairs. In Missouri they have a probate judge, and also a county court, composed of county judges, in whom the corporate powers of the county are vested—as the official county board. In Michigan they have probate judge and a probate register. The probate judge is generally given original jurisdiction in all matters of probate, settlement of estates of deceased persons, appointment of guardians and conservators and settlement of their accounts. They take proof of wills, direct the administration of estates, grant and revoke letters testamentary and of administration, appoint and remove guardians, etc.

COUNTY SURVEYOR.

This is an office which is common to nearly all of the States. It is the duty of the county surveyor to execute any survey which may be ordered by any court, or upon application of any individual or corporation, and preserve a record of the survey made by him. Nearly all of the States provide that certain records shall be kept by the county surveyor, and provide for his failure to place on record the surveys made by him. While he is the official county surveyor, yet the surveyors made by him are not conclusive, but may be reviewed by any competent tribunal, and the correctness thereof may be disputed.

COUNTY CORONER.

This is another county office which exists in nearly all of the States. In the average county there is not much work for the coroner, but in the counties in which large cities are located the office is a very important one. In general terms it may be stated that the coroner is required to hold inquests over the bodies of persons supposed to have died by violent or unnatural deaths. In most States he has power to impanel a jury to enquire into the cause of death, but some of them this is not the case, and he is given power to act alone. He can subpoena witnesses, administer oaths; in certain cases provide for a decent burial, and can bind over to the proper court any person implicated in the killing of the deceased.

OTHER COUNTY OFFICES.

The county offices that have already been mentioned are the principal ones found in all of the States. There are, however, a few other county officials besides those mentioned which exist in many of the States, and which should be briefly mentioned in this connection. These are such offices as county physician, county assessor, county collector, county poor commissioner or superintendent of the county poor-house, county chancery or court commissioner, county examiners, board of equalization, board of review, etc. The names of these offices imply the duties. These offices do not exist in all of the States, but in nearly every State the law provides for one or more of these county officials.

COUNTY BOARD.

The powers of every county as a body politic and corporate are vested in a county board. This official county board is generally termed the county "board of supervisors," or "board of commissioners," but there are some exceptions to this, like Missouri, where the county board is known as the "county court." There is considerable difference in the make-up of the county board in the various States. In some it is made up of one member from each township in the county. In others the counties are divided into districts, and one member of the county board is chosen from each district. No general description of this could be given that would be accurate, as some of the States follow both of these plans. For instance, in Illinois some of the counties are governed by a board of supervisors, which is made up of one member from each township, while other counties in the same State are governed by a board of county commissioners, consisting of three or more members, each representing districts into which the counties in question are divided.

The general powers of the county board throughout all of the States is about the same, except in minor details. It represents the legislative and corporate powers of the county. One of their number is always chosen as chairman or president, and acts as the presiding officer. The county board has general charge over the affairs of the county. It is their duty to provide county officers, and adjust claims against the county, etc.; examine, investigate and adjust claims against the county, and have general care and custody of all the real and personal estate owned by the county. At regular intervals they settle with the county treasurer; examine accounts and vouchers. They locate county roads; determine the amount of county tax, and regularly publish a statement of their proceedings; make statements of receipts, expenditures, etc., and make all contracts, and do all other acts in relation to the property that are not specifically delegated to other county officials.

TOWNSHIP GOVERNMENT.

THE method of township government throughout the different States varies so much that it is impossible in this article to treat of it more than in a general way. In many of the States the townships are not organized as bodies corporate, and in other States in some counties they may have township organization, while in other counties in the same State it does not exist. In cases where there is no township organization the law provides that certain county officials shall attend to the local work, or that work which in other localities is assumed by the township officials. But even where they have township organization, the plan of township government in the different States where it exists differs so widely that scarcely any two States may be said to be alike. About the only statements concerning the organized townships that could be made which would apply to all the States are the following: Every organized township in its corporate capacity has power to sue and be sued; to acquire by purchase, gift or devise, and hold property, both real and personal, for the use of its inhabitants; to again to sell and convey the same; and to make all such contracts as may be necessary in the exercise of its powers as a township.

In a great many of the States the township government is carried on after a plan very similar to the county and State governments, hav-

ing various executive officers and a township board in which the corporate and legislative powers of the township are vested. In other States they follow a plan which reserves to the people all corporate and legislative powers, and therefore have no need for a township board, but have various other township officers to carry out the wishes and orders of the voters. Where this plan prevails they hold what is generally termed "town meetings," at which every legal voter of the township has voice. At these meetings reports are laid from the various township officials, and the necessary measures are adopted and directions given for carrying on the township business.

Still other States combine good features from both of the plans above mentioned, and besides the other usual township officials they maintain a township board, which is given certain *restricted* powers, such as those of a review or an auditing board, but they are not vested with the complete corporate and legislative powers of the township, this being reserved in a large measure to the voters, and all questions calling for the exercise of such authority are acted upon at the town meetings. In many of the States the township board just described is made up of three or more of the other township officers, who are ex-officio members of the township board, and they meet at certain times, per-

The principal officials in township organizations in nearly all the States are the following: "Supervisors, or trustees," "clerk," "treasurer," "assessor," "collector," "justice of the peace," "constables," "overseers, supervisors or commissioners of the highways," and "pound-masters," although as has been stated, many of the States do not have all of these officials.

SCHOOL DISTRICT GOVERNMENT.

THE "common school system," or to speak with greater accuracy the method of governing school districts in the various States, differs widely, yet all follow in a general way one of two separate and clearly defined methods, being amended in minor respects to meet local conditions and ideas. All of these methods have their excellent points, and yet it has been claimed by eminent educators that no one of them is free from fault and no appropriation shall be made to support or sustain any school, academy, seminary, college or university controlled or run in the interest of any particular religious denomination, and they prohibit the various school officials from holding any interest in the sale, proceeds or profits of any book, apparatus or furniture used in the schools in which they, as officers, are interested. In many of the States they follow what may be termed the "independent school district" method, inasmuch as each district, so far as its corporate powers are concerned, is entirely separate and independent of other districts. Where this plan is followed the boundaries of each district are clearly defined, and each district is completely self-sustaining. They elect a full set of district officials, and exercise their corporate powers and manage their district affairs within themselves. In this plan the corporate powers of the district are usually vested in a township board, which has general charge of the interests of the district, and makes such contracts and carries into effect such decisions of the schools. The measure of the authority given to these district boards is not the same in all the States, and in many States it is restricted, and a part of the corporate power is reserved to the people themselves, the officials being required, in all important matters, to carry out the wishes and orders of the people of the district as expressed and decided upon at the "district school meetings."

Another method which is followed in many of the States may be termed the "township system." In such States the law provides for the organization of each township for school purposes, or as one large "district," and each township, so far as its educational interests are concerned, is organized, has the necessary officials and becomes a body politic and corporate. As a general rule, where this method prevails, the townships are divided into three or more sub-districts, and these sub-districts are a part of the whole, and the finances and general business is generally managed by a township board made up of representatives from each sub-district. This board is generally clothed with the corporate powers, hires teachers, provides fuel and supplies and makes all the contracts necessary to carry on the various schools in the township. As with independent districts, the powers of this board are not alike in all States where the township system prevails, for in some States their power is very much restricted, and is limited to certain official matters, the corporate powers and right to make important contracts being reserved to the people, who decide on these questions at what are termed the school meetings. In a few of the States where they follow the township system they have no official board. This is the case in Indiana, where they elect a township trustee, whose duty it is to look after all the educational interests of the township, subject to the approval of the people at the regular meetings. In most of the States where the township system prevails the law provides for the organization, under certain conditions, of sub-districts into independent districts, which gives them the power to elect their own officers and act independently of the other schools in the township.

In nearly all of the States one of the two general methods given above is followed, with certain changes to make the plan more efficient and satisfactory, and to better meet the desires and needs of the people of the different States. Many of the States combine good features from wherein each sub-district has its own board, and so far as controlling its own affairs is concerned, is independent of all other districts. But local conditions have in many instances made special and local provisions necessary that are different in each State, and while there may be a vast difference in the methods followed, their aim is the same, and, as a whole, the various systems have accomplished the result of giving throughout the length and breadth of the Union the grandest and most efficient system of free schools that the world has ever known.

CITIES AND VILLAGES.

IN all of the States the laws provide for the local government of cities and villages, so that when they attain a certain population they may be separated from, and thus manage their affairs independent of the township in which they are located, both as to made for local matters and civil authority. In school affairs provision is made for handling the more complex educational interests of villages and cities—the school boards being made larger, and in many cases the scope of their authority is very much extended. In civil matters provision is made in all of the States for the organization of villages and cities as corporate bodies, separate and distinct from the townships, and providing for the necessary officers to carry on the affairs of the municipality.