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MONTANA

COUNTY ARCHIVES



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INVENTORY of

TOOLE COUNTY

INVENTORY OF THE COUNTY ARCHIVES
OF MONTANA

Lucifer H. Evans, National Director
Paul C. Phillips, State Director

Prepared by

Division of Women's and Professional Projects

The Historical Records Survey
Division of Women's and Professional Projects
Works Progress Administration

Ellen S. Woodward, Assistant Administrator
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WORKS PROGRESS ADMINISTRATION

No. 51. TOOLE COUNTY(SHELBY)

Harry L. Hopkins, Administrator
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* * * * *

Missoula, Montana
The Historical Records Survey
October 1938

THE HISTORICAL RECORDS SURVEY

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FOREWARD

The Inventory of County Archives of Montana is one of a number of bibliographies of historical materials prepared throughout the United States by workers on the Historical Records Survey of the Works Progress Administration. The publication herewith presented, an inventory of the archives of Toole County, is number 51 of the Montana series.

The Historical Records Survey was undertaken in the winter of 1935-36 for the purpose of providing useful employment to needy unemployed historians, lawyers, teachers, and research and clerical workers. In carrying out this objective, the project was organized to compile inventories of historical materials, particularly the unpublished government documents and records which are basic in the administration of local government, and which provide invaluable data for students of political, economic, and social history. The archival guide herewith presented is intended to meet the requirements of day-to-day administration by the officials of the county, and also the needs of lawyers, business men and other citizens who require facts from the public records for the proper conduct of their affairs. The volume is so designed that it can be used by the historian in his research in unprinted sources in the same way he uses the library card catalog for printed sources.

The inventories produced by the Historical Records Survey attempt to do more than give merely a list of records - they attempt further to sketch in the historical background of the county or other unit of government, and to describe precisely and in detail the organization and functions of the government agencies whose records they list. The county, town, and other local inventories for the entire country will, when completed, constitute an encyclopedia of local government as well as a bibliography of local archives.

The successful conclusion of the work of the Historical Records Survey, even in a single county, would not be possible without the support of public officials, historical and legal specialists, and many other groups in the community. Their cooperation is gratefully acknowledged.

The Survey was organized and has been directed by Luther H. Evans, and operates as a nation-wide project in the Division of Women's and Professional Projects, of which Mrs. Ellen S. Woodward, Assistant Administrator, is in charge.

Harry L. Hopkins
Administrator

PREFACE

The Historical Records Survey was initiated in Montana in March 1936, as a part of the Federal Writers' Project of the Works Progress Administration. Its purpose was to make an inventory of the public records of the state, counties, and cities, and of other records such as those of churches, fraternal orders, social organizations, and manuscripts in the possession of individuals or families. The national director of the Historical Records Survey planned the general scope of the work and stated the objectives of the survey. He prepared forms for the guidance of field workers in making the inventories of records and gave directions for editing their reports. As the plan developed a survey of the records of every county in the state has been made. For each of the fifty-six counties a volume is to be prepared and each volume is to be numbered according to its place in the alphabetical order of the counties.

The work in the state was planned and managed by a state director, who was, during the first few months, associated with the director of the Federal Writers' Project. In November 1936, the Historical Records Survey was separated from the Federal Writers' Project, but there was no change in its organization.

The plan of the work is as follows: In each county of the state, field workers were assigned to make inventories of all records contained in public offices. Their reports are to give the exact title of each set of records with the limiting dates, the number and size of volumes or containers, a summary of the contents, and a statement of missing records. They are instructed to study the relationship of records, particularly to find those supplementing each other and to report how records were kept at different times and how they were changed from one classification to another. A full description of the nature and scope of the indexes is required. The reports are also to describe the physical condition of records and to give their exact location.

In Toole County, the first survey was made between February 1st and March 31, 1937 by Vernon Smith, assigned by the Works Progress Administration. His field reports were sent to headquarters and checked for accuracy and omissions. In February and March 1938 the records were resurveyed by Thomas Rosenberger. The editorial staff edited the inventories for publication, prepared the historical sketch of Toole County, and wrote the essays on county organization, on county offices, and on the records system. The final draft was prepared by Henry W. Jorgensen.

Ready assistance was given by county officials in explaining the system of keeping records, and in pointing out places in basements and closets where records were to be found. The inventories have been read and approved by the officials whose records systems are described. The State Works Progress Administration has co-operated in assigning the best workers available and has given advice and guidance in administering the project.

Paul C. Phillips
State Director
Historical Records Survey

Missoula, Montana
October 1938

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1. HISTORICAL SKETCH

Toole County, with an area of 1945 square miles, is located in the northern part of the state a little to the west of the center. It is bounded on the north by Canada, on the east by Liberty County, on the south by Pondera, and on the west by Pondera and Glacier Counties. In the northeast rise the isolated Sweet Grass hills, while the remainder of the county is rolling prairie and benchland. The Marias River, which flows through the southern part of the county, is the only stream of any size.

The country now included in Toole County was for generations the home and hunting ground of the Blackfeet Indians.¹ It was also a part of the bison range of the northwest.² These bison furnished the Indians with food, clothing, and shelter, and in later years their pelts were traded for white men's goods.

The first white people, of whom we have any record, to visit the region of Toole County were members of a party led by Meriwether Lewis on his return eastward from the Pacific coast. Lewis has left an interesting description of this county as it appeared to him in the latter days of July 1806.³

After the time of Lewis and Clark the Blackfeet Indians became increasingly hostile to the Americans who for many years did not enter their country even to trade. Apparently, however, a few British traders ventured to visit them. In 1830, Kenneth McKenzie sent a party of four men from Fort Union near the mouth of the Yellowstone to the Blackfoot tribes to see if a trading post might be established among them. This party followed the Missouri to the mouth of the Marias and up this latter river across the southern part of the present Toole County without seeing any Indians, but they did see an abundance of game, and many beavers were in the river. Finally they met a party of Blackfeet with whom they remained for some time. The whites finally persuaded them that they had more to gain by trading than by fighting, and the Indians returned with the white traders to Fort Union.⁴ James Kipp was sent in 1832 to trade with the Blackfeet and he started a post at the mouth of the Marias. The principal trade was in bison or buffalo

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1. Frederick W. Hodge, Hand Book of American Indians, (Washington 1910). Part II, p. 570.
 2. Reuben G. Thwaites, editor, Original Journals of the Lewis and Clark Expedition, (N. Y. 1905). Vol. V, p. 208.
H. A. Trexler, "Buffalo Range of the Northwest" in Mississippi Valley Historical Review, Vol. VII, pp. 348-362.
 3. Thwaites, op. cit., pp. 208-212.
 4. H. M. Chittenden, The American Fur Trade of the Far West, (N. Y. 1935). Vol. I, pp. 331-333.

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(First entry, p. 30)

trade was in bison or buffalo robes which were not purchased by the British. Beaver, otter, and martin skins also were brought in by the Indians. This trade continued for ten years and then in 1842, F. A. Chardon in charge of the post killed a number of Blackfeet as punishment for killing a negro. The Blackfeet moved north and no longer brought their furs to the Americans.⁵

The whole of what is now Toole County remained under Blackfeet control until 1873 when President Grant by executive order set aside a reservation for these Indians, the eastern boundary of which was a line drawn north from a point twenty miles above the mouth of Cutbank Creek.⁶

The territory now included within Toole County was part of the Louisiana Purchase of 1803. It was included in Missouri Territory organized in 1812 and then became a fragment of the vast Indian country left in 1821 after Missouri became a state. When Nebraska was organized as a territory by the Kansas-Nebraska Act of 1854 the whole country drained by the Marias and upper Missouri was placed within its boundaries. This region was included within Dakota Territory organized in 1861 but as yet no form of local government was established. In 1863 all of what is now Montana was incorporated within the newly organized territory of Idaho. The first legislature divided all this country into counties and included most of the present Toole County within the boundaries of Chouteau County.⁷ When Montana was formed in 1864, its first legislature made no change in the boundaries of Chouteau County.⁸ It was not until 1893, when the construction of the Great Northern Railway led to an influx of population, that there was a demand for smaller units of local government. This resulted in the creation of Teton County from northwestern Chouteau County and a strip of Missoula County.⁹ In 1912, Hill County was created from the northern part of Chouteau by petition and election.¹⁰ Two years later Toole County was formed also by petition and election from part of Teton and part of Hill County.¹¹ Its boundaries were redefined by the legislature of 1921.¹²

5. Ibid., pp. 33-335, 372.

6. This order was made law by Congress, April 15, 1874, and reenacted May 1, 1888.

7. Idaho Ter. S. L., 1st sess., 1863, pp. 674-75. The spelling was later changed to Chouteau.

8. Mont. Ter. S. L., 1st sess., 1865, p. 530. W. W. DeLacy, Map of the Territory of Montana, 1865.

9. Mont. S. L., 1895, p. 305.

10. Mont. R. C., 1935, sec. 4325.

11. Ibid., 1935, sec. 4353.

12. Mont. S. L., 1921, chap. 205.

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The first settlers in what is now Toole County were prospectors who, at news of the discovery of gold, moved into the Sweet Grass Hills in the early seventies. The mining excitement was short-lived. Soon after the Blackfeet Reservation was formed and the lands along the Marias thrown open to entry, large cattle herds were driven into the country. After the construction of the Great Northern Railway through northern Montana in 1891 there followed a migration of settlers into the narrow valley of the Marias and to the plains for miles around. Shelby was started and became a trading center for the ranchers of the valley and country beyond. The early immigrants were devoted entirely to stock raising and dry land farming.¹³ Flax, oats, and wheat were the principal crops.¹⁴ From the first there were many, however, who were hoping and prospecting for oil and gas.¹⁵ It was not until March 1922 that the first important oil well began to produce and Toole County changed at once from a stock raising and farming community to oil and gas production. The oil region north of Shelby in the Kevin-Sunburst field was soon producing as much as 25,000 barrels a day,¹⁶ but decreased in 1928 to about 10,000 barrels.¹⁷ This region continued to be the most productive oil field in Montana until 1935, when the Cut Bank oil field in Glacier took the lead.¹⁸

Toole County was named in honor of Joseph K. Toole, the first governor of the state of Montana.¹⁹ The first county officers were elected at the same time as the election for the establishment of the county. They took office immediately and continued until their full terms expired dating from January 1915.²⁰ Upon this first group of county officers fell the burden of organizing the business of the county, and of establishing its record system.

The election which resulted in the establishment of Toole County also named Shelby as the county seat. For years the county offices were quartered in rented property. In 1932 the commissioners submitted to the taxpayers a bond issue to finance the erection of a county courthouse. The voters approved this issue and the new building was completed in 1934.²¹

13. Montana, Resources and Opportunities, 1915, pp. 83, 89; 1916, p. 179; 1917, p. 124; 1919, p. 221; 1920, p. 186.

14. *Ibid.*, 1916, p. 179.

15. *Ibid.*, 1916, p. 179; *ibid.*, 1917, p. 63; *ibid.*, 1918, p. 221.

16. *Ibid.*, 1926, p. 272.

17. *Ibid.*, 1928, p. 298.

18. Minerals Year Book, 1936, pp. 697, 735.

19. Paul C. Phillips, "Joseph K. Toole", in Dictionary of American Biography, Vol. XVIII, p. 589.

20. See List of County Officers, p. 97.

21. Commissioners' Proceedings, Vol. IV, pp. 37, 41, 44, ff.

Historical Sketch

(First entry, p. 30)

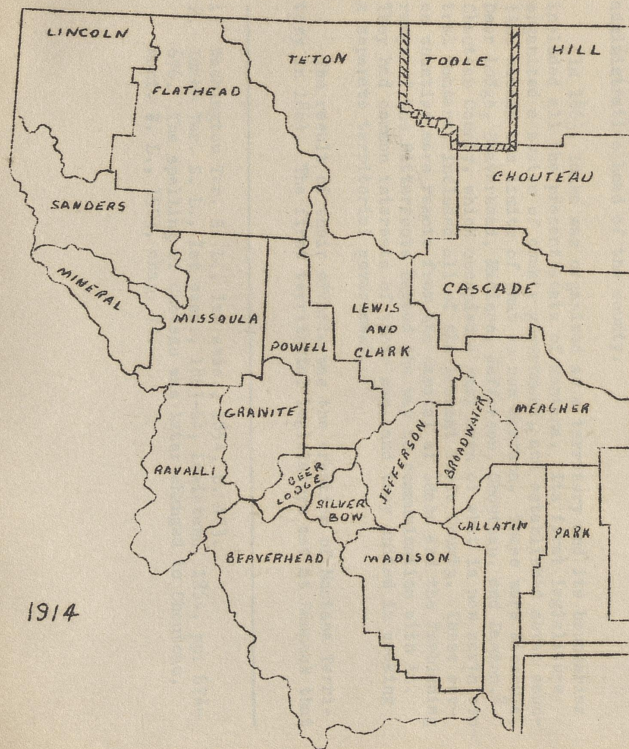
When Toole County was formed in 1914, its population was estimated at more than 4,000 persons, many of whom were Norwegians or of Norwegian descent, and assessed value of all property was placed at \$4,380,412.²² By 1920 the census showed only 3,724 people.²³ This drop was due to droughts and the depression in farm prices following the war. With the discovery and development of oil and gas a new class of people moved in, and a different type of society developed, quite different from the agricultural community of the preceding decades. In 1930 the population had risen to 6,714, of whom 5,811 were native born whites.²⁴ Since the decline in oil production became relatively acute after 1930, the population has shown a new tendency to decline.

Shelby, the county seat, has a population of about 2,500. The principal business is in production and distribution of oil and gas, and as a market and distributing center for the region around there. It is on the main line of the Great Northern which traverses the county from east to west. It also has railroad service to the south connecting it with Great Falls and Billings, and to the north connecting it with the Canadian Pacific.²⁵ There is an improved federal highway traversing the county from east to west, and since 1932 Works Progress Administration has improved many roads. Kevin, Sunburst, and Oilmont are small towns in the oil fields. Sweet Grass is a port of entry.

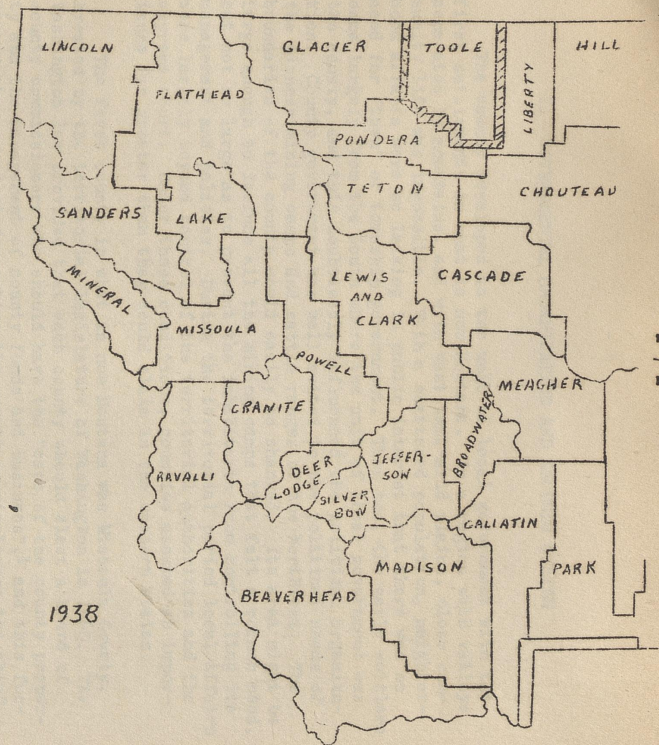
There are five high schools in the county with a total enrollment of 371 pupils and twenty-two teachers. The grade schools have an enrollment of 982 pupils and 59 teachers.²⁶ The Lutheran Church has the largest membership of any church in the county, followed closely by the Catholics and Methodists. There are two newspapers in Shelby, one Democratic and one Republican. A majority of the voters were Republicans, but beginning in 1932, almost without exception, Democrats have been elected to county offices.

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22. Mont. Resources and Opportunities, 1915, p. 83. Valuation 1915 fixed by assessors of various counties.
23. Fourteenth Census of the United States, Population, Vol. I, table 53, p. 507.
24. Fifteenth Census of the United States, Population, Vol. III, part 2, table 13, p. 25.
25. Mont. Resources and Opportunities, 1926, p. 272.
26. Superintendent of Schools, Annual Report, 1938.

EVOLUTION OF TOOLE COUNTY BOUNDARIES



1914



1938

2. GOVERNMENTAL ORGANIZATION AND RECORDS SYSTEM

The county developed as the unit of local government with the first settlements in what is now Montana. In a region with valleys separated by mountains, and with vast semi-arid plains, close community life was impossible. With a scattered population, neighborhood affairs were so lacking in public interest that there was no need for "town" or township government. Then too, the early settlers came largely from the South where the unit of local government was the county, and this doubtlessly influenced the political organization. County government was well suited to the political needs of the pioneer mining camps and cattle ranges of the Northwest. The boundaries of the county could easily be changed. Its area might be large enough to include all the mining camps that felt a common need, but not so large as to prevent the inhabitants from controlling its management and policies. During the territorial period local affairs were largely beyond control of the territorial authorities and the supreme court. Under these conditions, counties assumed an importance far greater than they could claim in the eastern states.

The first county in what is now Montana was Missoula County, created by the territorial legislature of Washington in 1860. The Washington law provided that each county should elect a board of county commissioners who should have the "care of the county property and the management of county funds and business",¹ and this furnished the precedent for making the county commissioners the chief administrative head of the county.

In 1863, Idaho was organized as a territory and its boundaries included all the present state of Montana. Its first legislature organized a system of county government, and established seven counties within the limits of what is now Montana. These were Missoula, Deer Lodge, Beaverhead, Madison, Jefferson, Chouteau, and Dawson.² Chouteau County, which occupied a vast area of what is now north central Montana, included all of the present Toole County. These seven counties were remote from the capital of Idaho and the forbidding range of the Bitterroots barred the way to communication with it. They had common interests of their own, and they united in seeking a separate territorial government.

The result of their efforts was the creation of Montana Territory in 1864. The first territorial legislature met at Bannack that

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1. Washington Ter. S. L., 1st sess., 1854, p. 473.
 2. Idaho Ter. S. L., 1st sess., 1863-64, Lewistown, 1864, pp. 674-676. The spelling of Choteau was later changed to Chouteau, Mont. S. L., 1903, chap. 74.

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same year and re-enacted the law establishing the counties created by Idaho, re-named Dawson County Big Horn, and formed the new counties of Gallatin and Edgerton.³ Big Horn County, which included nearly half the territory, was so sparsely settled that it did not have a complete county organization, and was attached to Gallatin County for judicial and legislative purposes.⁴ In 1866 Edgerton County was re-named Lewis and Clark,⁵ and in 1877, Big Horn was re-named Custer.⁶ During the territorial period, seven other counties were added: Meagher, Dawson, Silver Bow, Yellowstone, Fergus, Cascade, and Park.⁷

In the first quarter century of statehood until the outbreak of the World War, the number of counties increased to thirty-nine.⁸ The legislature of 1893 created five of them, namely Granite, Ravalli, Flathead, Valley, and Teton.⁹ Thenceforth, new counties were formed principally in the eastern and northern parts of the state. After the completion of the Great Northern Railroad, dry land farming attracted settlers and the "prairie sod was broken up for wheat production with consequent increases in population and expansion of governmental services". The comparatively high prices received for wheat during the war period, combined with the generally increased demands by the people for more and better governmental services following the war, as for roads, schools, public buildings, etc., caused a large demand for new counties.¹⁰

The increase in number of counties was facilitated by an act passed by the state legislature in 1911, providing that new counties might be created by a vote of the people living in the proposed new county at an election in which not less than sixty-five percent of the votes cast should favor the proposal. The old county should be left with not less than five million dollars assessed valuation and have an area of not less than eight hundred square miles and the proposed new county should have an assessed value of not less than four million dollars.¹¹

3. Mont. Ter. 1st sess., 1865, pp. 528 ff.

4. Ibid., 1st sess., 1865, p. 531.

5. Ibid., 4th sess., 1867, p. 130.

6. Ibid., 12th sess., 1877, p. 121.

7. Mont. Ter. Compiled Statutes, 1887, chap. XXXVIII, pp. 832-34, 1238; Mont. Ter. S. L., 15th extra sess., 1887, p. 105.

8. Mont. R. C., 1921, secs. 4305-4358.

9. Mont. S. L., 1893, pp. 198-212.

10. Roland R. Reene, Montana County Organization, Services and Costs, Bozeman, Montana, 1935, p. 9.

11. Mont. S. L., 1911, chap. 112, pp. 205-23.

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Under these conditions, a number of new counties was created, among them Toole County, formed in 1914.¹² By 1920 the number of counties had increased to fifty-four.¹³ Since that time only two new counties have been added, Lake in 1923¹⁴ and Petroleum in 1925.¹⁵ The depression brought on a great reduction in tax values, and frequent droughts have further reduced tax income. Burdens of debt, mortgages, and foreclosures have increased tax delinquencies, and finally, the federal land purchase program has reduced by millions of acres the land subject to local taxation. Since the depression there has been agitation for the consolidation of counties. This was checked, however, by a constitutional amendment approved in 1936, which prohibited the consolidation of counties "except by a majority of the duly qualified electors".¹⁶

During the territorial period the government and powers of counties were defined by law. The first legislature established a system of county government which remains substantially the same today. It described the county as a "body corporate and politic with power to own property, to make contracts and to sue and to be sued".¹⁷ The county was also intrusted by implication with public works, social welfare, local law enforcements, and the making and care of public records. The powers of the county were to be exercised by a "board of county commissioners" elected by the qualified voters. The law also provided for a county clerk who should be clerk of the board of county commissioners and ex-officio county auditor and recorder, and for a sheriff, coroner, treasurer, surveyor, assessor, probate judge,¹⁸ and superintendent of schools.¹⁹ In 1872 the legislature directed the election in each county of a public administrator.²⁰ The Organic Act provided for three judicial districts each to be served by a clerk.²¹ In 1867 the law directed that there be a clerk of the court in each county.²² The first legislature provided for a district attorney in each district to act as a prosecuting officer.²³ For convenience in law enforcement the county

12. Ibid., 1915.

13. Mont. R. C., 1921, secs. 4305-4358.

14. Mont. S. L., 1923, p. 623 ff.

15. Ibid., 1925, p. 505 ff.

16. Ibid., 1937, pp. 731-732.

17. Mont. Ter. S. L., 1st sess., 1865, pp. 498-99; Mont. R. C., 1935, secs. 4441, 4444.

18. Mont. Ter. S. L., 1st sess., 1865, pp. 499-522.

19. Ibid., 1865, p. 437.

20. Mont. Ter. Cod. Stat., 7th sess., 1871-72, pp. 369-71.

21. Organic Act for the Territory of Montana, sec. 9.

22. Mont. Ter. S. L., 4th sess., 1867, p. 79.

23. Ibid., 1st sess., 1865, p. 352.

commissioners were authorized to form townships, and each township was to have two justices of the peace and two constables.²⁴ The county superintendent was directed to divide the county into school districts, each to have three directors and a clerk.²⁵

During the territorial period changes in the law regarding the powers and duties of counties were administrative in character. The legislature, from time to time, gave more specific directions as to the manner in which county business should be carried on. In 1872, it carefully defined the procedure in bringing suits for and against the county and set out in great detail all formalities in handling its finances.²⁶ Except for the office of probate judge, which was abolished in 1889 and the office of district attorney, which was succeeded by that of county attorney in the same year, the county and township offices continue with substantially the same type of powers down to the present time.

The Constitution of 1889 stipulated that the counties existing at that time were to remain counties until otherwise provided by law,²⁷ and that the laws relating to county government should remain in force until changed by the legislature.²⁸ It also provided that all the county offices that existed during the territorial period, except that of probate judge, should continue.²⁹ It created the office of county attorney,³⁰ in place of that of district attorney who had deputies in each county. The legislature was granted authority to provide for the election or appointment of such other county, township, precinct, and municipal officers as public convenience may require.³¹

The Constitution assumed the continued existence of counties, but did not define generally their powers and duties. It granted the county power to levy taxes for its own use,³² and assigned it the duty of caring for its needy inhabitants.³³ Both the taxing power and the relief duties were subject to legislative regulation. It also placed some restrictions on the county which the legislature could not over-ride. These forbade any county, city, town, or school district to lend its credit, or to make grants to any individual or corporation, or to buy stock in any corporation,³⁴ or to make grants "in aid of any church, or for any sectarian purpose, or

24. Ibid., 1st sess., 1865, p. 501.

25. Ibid., 1st sess., 1865, chap. III.

26. Ibid., 7th sess., 1872, chap. XXI, pp. 434-39.

27. Const., art. XVI, sec. 1.

28. Ibid., art. XII, sec. I.

29. Ibid., art. VIII, secs. 18-20, art. XVI, secs. 4, 5.

30. Ibid., art. VIII, sec. 19.

31. Ibid., art. XVI, sec. 6.

32. Ibid., art. XII, sec. 4.

33. Ibid., art. X, sec. 5. 34. Ibid., art. XIII, sec. 1.

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aid in support of any school or institution controlled in whole or in part by any church or sect".³⁵ The Constitution also fixed the limit on county indebtedness at five percent of the value of all taxable property.³⁶

Uniformity of county government was insisted upon by the constitution. This fundamental law forbade the legislature to pass any "local or special laws" for "locating or changing county seats"; for "regulating county or township affairs", or for "creating offices, or prescribing the powers or duties of officers in counties, cities, townships, or school districts". In no case should it pass a special law where a general law would apply.³⁷

This prohibition was modified by an amendment adopted in 1922 which stated that the legislative assembly may, either by "general or special law, provide any plan, kind, manner, or form of municipal government for counties, or counties and cities and towns, and consolidate or merge cities and towns and county under one municipal government". Such reforms, however, could not be put into practice without the approval of the voters in the county and cities concerned.³⁸

Under authority of this amendment the legislature in 1923 passed an act for "city and county consolidated government" which allowed the voters of any county to consolidate the county and cities within the county limits. The government was to be of the commission-manager type. The manager was to have large powers of appointment and removal, and to be responsible for the maintenance of peace. In matters of finance and general business he must secure the approval of the commission which is elective.³⁹ No government of this type has yet been established in Montana.

The constitutional uniformity in the powers and duties of counties and in their governmental organization has not prevented the legislatures from classifying them for certain purposes according to their property valuation. The first law, passed in 1895, established eight classes, each class based on assessed valuation.⁴⁰ In 1905 and again in 1915, the law regarding the valuation for each class of counties was amended.⁴¹ In 1917 a valuation for each class of coun-

35. Ibid., art. XI, sec. 8.

36. Ibid., art. XIII, sec. 5.

37. Ibid., art. V, sec. 26.

38. Const., art. 16, sec. 7.

39. Mont. S. L., 1923, chap. 121.

40. Mont. Pol. C., 1895, sec. 4328.

41. Mont. S. L., 1905, p. 47, 48; ibid., 1915, chap. 70, pp. 97, 98.

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ties was fixed as follows: first class, \$50,000,000 or above; second class, \$30,000,000 to \$50,000,000; third class, \$20,000,000 to \$30,000,000; fourth class, \$15,000,000 to \$20,000,000; fifth class, \$10,000,000 to \$15,000,000; sixth class, \$5,000,000 to \$10,000,000; seventh class, \$5,000,000 or less.⁴² Toole County, with a valuation of \$6,773,840 in 1917,⁴³ was placed in the seventh class. In 1922 its valuation had increased to \$15,443,441,⁴⁴ and it was placed in the fifth class. Although in 1928 its valuation was \$20,918,256,⁴⁵ its tax value was much less and the county accepted a rating of the sixth class. In 1938, with a valuation of \$16,762,245,⁴⁶ it still remains in the sixth class.

In each class of counties the law fixes the rate of pay for county officials, and the number of deputies in each office.⁴⁷ It also provides that in counties of the first, second, third, and fourth classes there shall be an auditor.⁴⁸ Toole County has never had an auditor.

The political organization of counties, as established by the legislature, follows the form laid down during the territorial period, and this in turn was based on the "county form of government" which had existed in the South. Townships, school districts, and other special districts were recognized by law as subdivisions of the county, but they had no political organization, and their officials were subject to supervision by county officers.⁴⁹ However, each county must have at least two townships,⁵⁰ and each township should have two justices of the peace and two constables. Toole County has three townships, but rarely has the full number of justices of the peace or constables. It is difficult to find persons

42. Ibid., 1917, chap. 76, pp. 116-17; Mont. R. C., 1935, sec. 4741.

43. Mont. State Board of Equalization, Valuations Fixed by Assessor, 1917.

44. Mont. State Board of Equalization, Biennial Report, 1920-22, p. 46.

45. Ibid., 1926-28, p. 106.

46. Ibid., Seventh Biennial Report, 1936, p. 100.

47. Mont. S. L., 1917, p. 117.

48. Mont. R. C., 1935, chap. 367, sec. 4824.

49. Mont. Pol. Codes, 1895, sec. 4230; Mont. R. C., 1935, sec. 4465.

50. Mont. State ex. rel. Gillette v. Cronin 41, Mont. 293, 296, 109, p. 144.

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(First entry, p. 30)

who will accept these offices as the fees which constitute the salaries amount to very little.

Montana counties which exist by constitutional and legislative authority are agents of the state in the administration of the law. The legislation which defines their powers and duties ordinarily leaves them a limited independence in managing their own affairs. Since the members of the legislature are also representatives of the county, they often seek to extend the privilege of counties, to impose burdens upon the state which ordinarily fall upon the counties, and indirectly to subsidize the counties from state funds. Sometimes groups of counties combine to pass general laws that will be of special benefit to them. The functions of local government are enumerated and defined by law. They include almost everything that might be considered as county purposes: general administration social welfare, economic good, public works, law enforcement, and care of public records.⁵¹

General administration of the county is under the control of the board of county commissioners with the county clerk as its executive secretary. The commissioners determine, within the limits of the law, all matters of county business and policy.⁵² They make appointments,⁵³ supervise other officials,⁵⁴ pass rules and regulations for the conduct of business with the county,⁵⁵ and perform all political acts.

The county commissioners also have general charge of financial affairs of the county. They fix the budget,⁵⁶ and make the tax levies within the limits fixed by law.⁵⁷ The county clerk makes an analysis of receipts and expenditures which is utilized in making the budget. The commissioners make contracts,⁵⁸ and authorize the payment of claims.⁵⁹ The clerk first investigates claims and acts as a financial secretary for the commissioners. The assessor fixes the valuation of property for tax purposes,⁶⁰ but his findings are subject to review by the commissioners sitting as a board of equalization.⁶¹ Certain assessments such as the inheritance tax are fixed

51. Mont. R. C., 1935, index.

52. Mont. S. L., 1st sess., 1865.

53. Mont. R. C., secs. 4465.18, 4473, 4484, 4485.

54. Ibid., sec. 4465.

55. Ibid., sec. 4465.

56. Ibid., chap. 355, sec. 4613.4.

57. Ibid., chap. 345, sec. 4465.12.

58. Ibid., chap. 343, sec. 4444.

59. Ibid., chap. 345, sec. 4465.11.

60. Ibid., chap. 185, sec. 2002.

61. Ibid., chap. 185, sec. 2001.2.

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by the district court,⁶² which acts on findings of the public administrator,⁶³ or reports of special administrators, sometimes after an investigation by the county attorney. The records belong to the clerk of the court. The county treasurer acts also as tax collector and receives and has custody of all county funds and disburses them only by order of the county commissioners, or by special authority of law. The county clerk regularly audits the treasurer's books and keeps a duplicate set of financial records.⁶⁴ The assessment books, made by the assessor, are checked by the clerk and used by the tax collector who keeps them as part of his permanent records.⁶⁵

The law enforcement group is controlled by state law. During the territorial period the three district courts including the judges and the district attorneys and clerks of the court, were entirely independent of the counties. Below the district courts were probate courts, which were, for many purposes, county courts. The probate judge handled not only probate matters, but minor civil and criminal cases as well.⁶⁶ From 1865 until 1869 the probate judge kept his own records, but during the remainder of the territorial period this duty was cared for by a clerk of the probate court.⁶⁷

The Constitution continued the district courts and assigned them additional duties of the former probate courts. The county clerk of court succeeded to the duties of the territorial clerk of court and to those of the clerk of the probate court.⁶⁸ In 1872 the office of public administrator was created to look after the administration of estates.⁶⁹ After 1889 this office assumed all the administrative work that formerly belonged to the probate courts. The public administrator has always kept his own records, and reports to the district court.

The office of justice of the peace has existed since the organization of the first county government in Montana in 1860. The first legislature of Montana Territory provided for this office,⁷⁰ and it was continued by the Constitution.⁷¹ The justice of the peace has

62. Ibid., chap. 145, sec. 10400.14.

63. Ibid., chap. 145, sec. 10400.33.

64. Ibid., chap. 364, sec. 4811; 4814.

65. Ibid., sec. 2052.

66. Mont. Ter. S. L., 1st sess., 1865, p. 218; 1867, pp. 258-59.

67. Ibid., 5th sess., 1869, pp. 70-72.

68. Const., art. VIII, see 18.

69. Mont. Ter. S. L., 1872, pp. 269-71.

70. Ibid., 1st sess., 1865, p. 352.

71. Const., art. VIII, secs. 20-23.

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always been a petty magistrate, acting largely under the directions of the county attorney and performing some small judicial duties.⁷² Although elected for townships his jurisdiction is co-extensive with the county.⁷³

The sheriff is a ministerial officer of the district court and is an agent of the state in law enforcement and for the maintenance of peace.⁷⁴ The coroner acts when the sheriff is absent or incapacitated, and is assigned the special duty of holding inquests.⁷⁵ Constables act as marshalls for the justice courts. There is also a district probation officer appointed by the court.⁷⁶ The county attorney is the prosecuting officer for offenses against the law and is also legal advisor to the county.⁷⁷

The policy of the public schools is controlled largely by the state board of education and by the state superintendent of public instruction. Through the power to license teachers, prescribe courses of study, and make apportionments of school funds, their administrative direction is effective.⁷⁸ Under them, the county superintendent occupies an important position in supervision. Each county is divided into school districts which are classified according to their population and assessed valuation into three classes.⁷⁹ School districts may appoint district superintendents who manage their schools with little reference to the county office,⁸⁰ and this is always done in districts of the first class. Although the law permits the establishment of a county high school,⁸¹ this has not been done in Toole County. The county has not established a county library which it has a right to do under the law.⁸²

Public welfare, particularly care of the poor, was handled by the county commissioners from the beginning of county government until 1937. In 1933, however, the burdens of relief became too great for the county to carry and they were assumed largely by the state and federal governments, but local administration remained in the

72. Mont. Pol. C., 1895, sec. 4552; R. C., 1935, chap. 5, sec. 8840.

73. Ibid., sec. 20.

74. Ibid., sec. 4792.

75. Ibid., sec. 4848.

76. Ibid., sec. 12288.

77. Const., art. VIII, sec. 19; Mont. S. L., 1891, pp. 127-128.

78. Mont. Pol. C., 1895, sec. 1972, 1714, 1932; Mont. R. C., 1935, chap. 91, sec. 956.

79. Ibid., chap. 95, sec. 1021.

80. Ibid., sec. 1262.39.

81. Mont. S. L., 6th sess., 1899, pp. 59-64.

82. Mont. R. C., 1935, sec. 4563.

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hands of the commissioners. In 1937 the legislature turned a large part of this duty back to the counties, and the commissioners in Toole County became ex-officio a public welfare board.⁸³ County relief remains under the supervision of the state welfare board, which sets standards for appointments and fixes principles of relief. It is separated, however, from the general administrative system of the commissioners' office and has an organization devoted entirely to relief problems. The county farm and the county physician are both in the public welfare group.

Public health is handled by the board of health composed of the commissioners and a physician appointed by them.⁸⁴ The physician is ex-officio executive secretary and performs all the duties of the board. County health administration is under close supervision by the state board of health.

Public works, particularly the construction and maintenance of roads and bridges, was originally assigned to the board of county commissioners, and by law they still have many of these functions.⁸⁵ The county surveyor is also county engineer and makes surveys, draws plans, and estimates the cost of construction work. He reports to the commissioners who decide the policy. The commissioners formerly appointed road inspectors and road superintendents to act under their direction but they no longer make such appointments. In 1917 the state created the state highway commission.⁸⁶ This body in cooperation with the federal bureau of public roads has gradually taken over the construction and maintenance of so-called "arterial highways", leaving the commissioners the responsibility for only local roads.

In 1915, the commissioners were given authority to establish rural improvements districts in rural communities, but only upon petition of the inhabitants.⁸⁷ In 1919 they were empowered to assist in organizing county farm bureaus and to cooperate with them.⁸⁸ In 1929 the commissioners were authorized to establish airports and to levy taxes for the support of them.⁸⁹ Toole County maintains a county

83. Mont. S. L., 1937, chap. 82, sec. 9, pp. 160-161.

84. Ibid., 1907, sec. 19, chap. 110.

85. Mont. Ter. S. L., 1st sess., 1865, p. 501; Mont. R. C., 1935, sec. 4465.3.

86. Mont. S. L., 1917, chap. 12.

87. Ibid., 1915, sec. 123.

88. Ibid., 1919, chap. 14.

89. Ibid., 1929, chap. 109.

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airport. In another aspect of public works the law provides for drainage commissioners,⁹⁰ and irrigation commissioners appointed by the judge of the district court.⁹¹

For the promotion of economic good the county commissioners have authority to establish a county fair,⁹² and to provide for a county agricultural extension agent, and a home demonstration agent.⁹³ In Toole County they have established a fair but no records of the fair board are kept. Provision has been made for a county extension agent but not for a home demonstration agent. The law directs that where the office of auditor exists he shall act as market master and deputy sealer of weights and measures, and where there is no auditor the county clerk shall act as such.⁹⁴ There are no records of these offices in Toole County.

Election procedure is directed by the commissioners who appoint officials for primary and final elections. The county clerk, as ex-officio registrar of elections, handles the mechanics of registration, publication of notices, printing of ballots and other clerical work.⁹⁵ The commissioners as canvassing board make an official county of votes and report the results of primary and general elections.⁹⁶

The state has prescribed no comprehensive system for the keeping of county archives. The law directs, however, that each office must keep a record of its transactions, and provides penalties for destroying, mutilating, or stealing public records.⁹⁷ The state examiner has the right to examine any "books, papers, accounts and documents" in possession of any county officer, and this implies the right to prescribe the general methods and details of accounting for all monies belonging to the county.⁹⁸ The county commissioners also have authority to supervise the system of keeping records in all county offices,⁹⁹ and with approval of state examiner to order the destruction of "old worthless papers".¹⁰⁰ In 1937 the legislature ordered the cancellation of all election records except the Register in every county in the state.¹⁰¹ In Toole County this has been done.¹⁰² No other records in Toole County have been legally de-

90. Mont. R. C., 1935, chap. 84, sec. 7169.

91. Ibid., chap. 94, sec. 7280.

92. Ibid., chap. 349, sec. 4549.

93. Ibid., chap. 346, sec. 4487.

94. Ibid., chap. 346, sec. 4490; Mont. S. L., 1911, chap. 34.

95. Ibid., chap. 61, sec. 553, 567.

96. Ibid., chap. 345, sec. 4465.2.

97. Mont. Penal C., 1895, sec. 230; Mont. R. C., 1935, sec. 710873-4.

98. Mont. Pol. C., 1895, p. 115; Mont. R. C., 1935, sec. 210.

99. Mont. Pol. C., 1895, sec. 4219; R. C., 1935, sec. 4461.

100. Mont. S. L., 1935, chap. 92, sec. 2. 101. Ibid., 1937, chap. 172.

102. Letter from Malcolm P. Lyon, Oct. 24, 1938.

Governmental Organization
and Records System

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stroyed. The law is explicit in regard to keeping permanent records of real estate and other business transactions by the recorder,¹⁰³ of court records by the clerk of court, and assessments and financial records.¹⁰⁴ "Under no circumstances shall any claim, warrant, voucher, bond or treasurer's general receipt be destroyed".¹⁰⁵

There is a general uniformity in the method of keeping records in each office. This is due to the fact that the law prescribes many forms, and where it does not, the office ordinarily uses the standard forms sold by office supply firms. There is a tendency to multiplication of records due partly to urgings of commercial establishments on perplexed officials. As the business of an office grows, there is good reason for setting up special records to care for business that previously was recorded in miscellaneous or general records.

The law directs the keeping of many indexes, particularly in the offices of the recorder and clerk of the court. These are often registers as well, and as such summarize the principal provisions of the documents or records to which they refer. In offices with large bodies of records, extensive indexes have been made either self-contained or in separate volumes. These separate indexes often serve more than one set of records. Ordinarily they are listed in this inventory after the first entry which they serve.

Toole County was established in 1914 and has no original records prior to that date. From Teton and Hill Counties many records have been transcribed for the years preceding the establishment of Toole County and the records continued in the new county. Because of varying needs and change in officials, records have not been kept consistently; some have been established and later discontinued. Some records have been kept for a time in general volumes or files and later kept separately, and vice versa. Few records have been lost or destroyed. Occasionally records with the same contents have been continued under new titles.

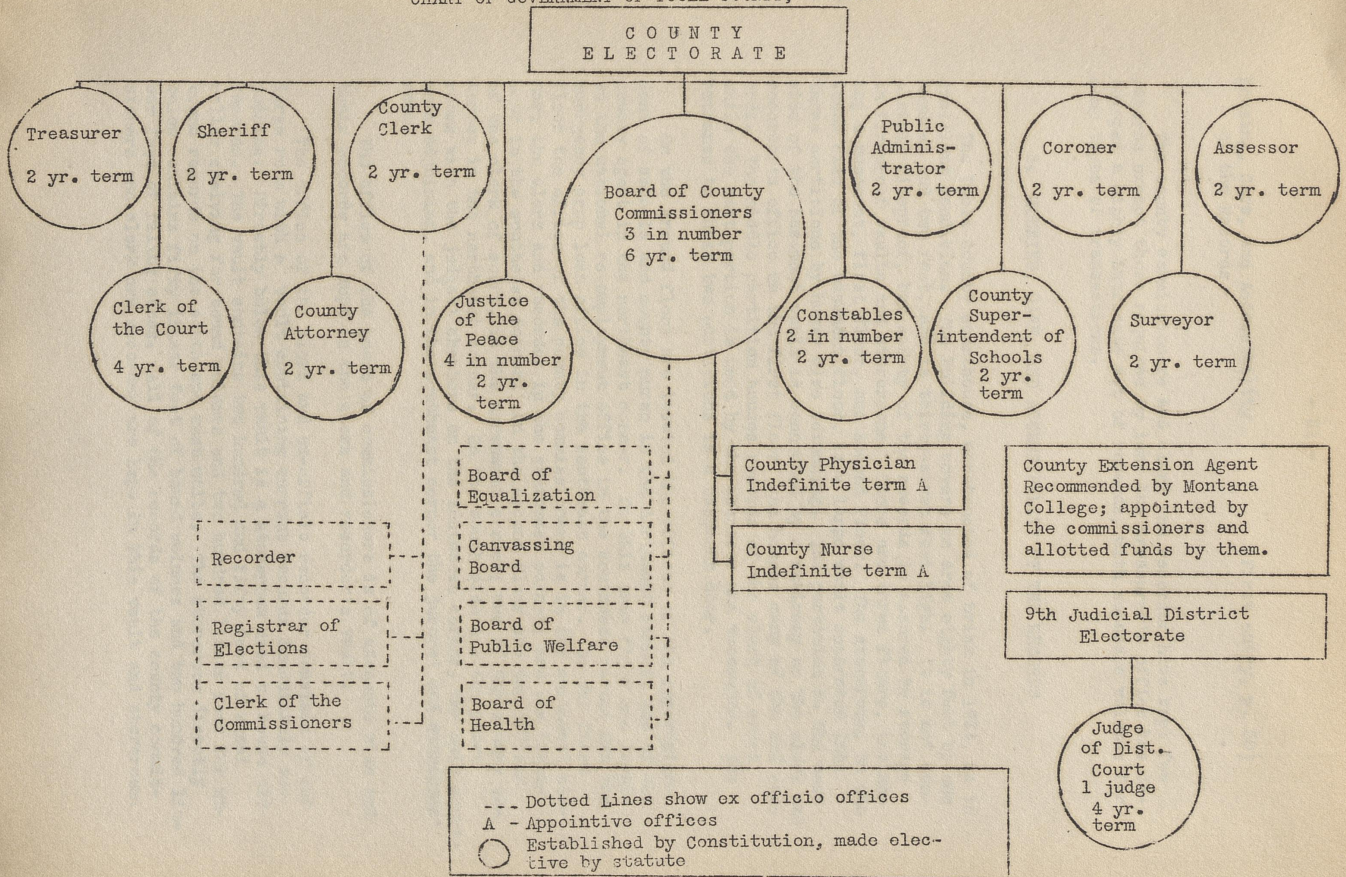
The records of Toole County are contained in bound books, files and containers of various description. Correspondence, petitions, and other papers that come into the various offices are filed in boxes or drawers, and within the file arranged alphabetically, numerically, or by date of reception.

103. Mont. Pol. C., 1895, sec. 4424; Mont. R. C., 1935, sec. 4811.

104. Ibid., 1935, sec. 4811, 4813.

105. Ibid., sec. 455.4.

CHART OF GOVERNMENT OF TOOLE COUNTY, MONTANA - 1938



Housing, Care, and Accessibility
of the Records

(First entry, p. 30)

The county commissioners and clerk and recorder have kept few records except those required by law; the treasurer's office has developed a highly intricate set of records, with separate volumes for many types of transactions.

3. HOUSING, CARE, AND ACCESSIBILITY OF THE RECORDS

The Toole County courthouse, constructed of brick in 1934, is in excellent condition. The building covers an area eighty feet by one hundred and two feet, and is thirty-seven feet high. It is not completely fireproof, but safety of the records is assured by storage in fireproof vaults and storerooms. There are three floors, including a basement, first floor, and second floor. The storeroom, on the south side of the basement floor, is a large vault separated into three partitions by heavy wire screening. The partition on the west side of the basement vault is connected by a stairway to the clerk and recorder's office on the first floor, and houses many of the old records. The middle partition houses records of the clerk of court, while the east portion is used by the assessor and treasurer. The entrance to these two partitions is a basement door.

On the ground floor are located the offices of the superintendent of schools and county nurse in the northwest corner, and of the county agent in the northeast corner. On this same floor are located the national re-employment office in the southwest corner and the emergency crop loan office in the southeast corner. On the first floor the office of the county commissioners is in the northwest corner; the clerk and recorder in the southwest corner; and the treasurer in the southeast corner. On the second floor are the offices of the clerk of court, in the northwest corner; and of the county attorney in the northeast corner. On the south side are the court rooms with the judges' chambers on the southwest corner, the main courtroom adjoining, and in the southeast corner the jurors' and witnesses' room.

The office of the board of commissioners is of adequate size and their records are kept in the clerk and recorder's vault.

The office of the clerk and ex-officio recorder consists of one large room with a vault containing current records immediately adjoining. Directly below this vault is a storeroom used to house old records. The vault contains two hundred and fifty feet of steel roller shelving for bound volumes and two hundred linear feet for unbound records on the south and west walls. The storeroom directly below contains fifty linear feet of bound volumes and two hundred linear feet of filing cases. All of the records of the county commissioners and clerk and recorder are kept in this vault and storeroom.

Housing, Care, and Accessibility
of the Records

(First entry, p. 30)

The assessor's office is contained in one room of adequate size, having one hundred linear feet of shelving along the north and south walls. Ninety percent of the records of this office are kept here, the remainder being kept in the storeroom of the clerk and recorder.

The treasurer's office consisting of one large room, contains seventy-five linear feet of shelving, twenty feet being bound volumes, fifty-five feet unbound, on the north and west walls. Ten percent of his records are kept here, the balance being kept in the vault and storeroom adjoining this office. The records are available to the public on request. The clerk of the court's office consists of two rooms, one used as an office and the other as vault for records. In the office are seventy-five linear feet of steel shelving, twenty-five feet in bound volumes and fifty feet in unbound records in file boxes. In the vault are sixty linear feet of steel shelving, containing bound and unbound records. Seventy-five percent of the clerk of court's records are in this office and vault, the remainder being in the basement storeroom.

The office of the county attorney is located in the northeast corner of the second floor. He keeps no records, but uses the clerk of the court's records in his work.

The county superintendent of schools and county nurse share one large room, which has fifty linear feet of shelving containing the records of both offices.

The offices of the sheriff are in the county jail building several blocks from the courthouse and consist of several small rooms, the outer office where no records are kept and an inner room with ten linear feet of shelving. This room contains all the sheriff's records.

The records of justice of the peace and public administrator are contained in one room in the McNamer Building.

Accommodations for users of the records are adequate in all offices in the county courthouse, and the records are in very good condition.

4. LIST OF ABBREVIATIONS, SYMBOLS, AND EXPLANATORY NOTES

alph.	.....	alphabetical (ly)
aud.	.....	auditor
aver.	.....	average
bd.	.....	board
bdl.	.....	bundle
bldg.	.....	building
bsmt.	.....	basement
c. c.	.....	county courthouse
C&R	.....	clerk and recorder
chap.	.....	chapter
chron.	.....	chronological (ly)
cl. ct.	.....	clerk of court
co.	.....	county
co. cl.	.....	county clerk
Cod. Stat.	.....	Codified Statutes
com.	.....	commissioner (s)
Const.	.....	Constitution
ct.	.....	court
dept.	.....	department
ed.	.....	editor
ff.	.....	following pages
fm.	.....	form
hdw.	.....	handwritten
ibid.	.....	the same reference
Mont.	.....	Montana
ms., mss.	.....	manuscript (s)
n. d.	.....	no date
no.	.....	number
num.	.....	numerical (ly)
off.	.....	office
op. cit.	.....	work cited
p. (pp.)	.....	page, pages
Pol. C.	.....	Political Code
pr.	.....	printed
pub. admin.	.....	public administrator
rm.	.....	room
R. C.	.....	Revised Codes
sec.	.....	section
sess.	.....	session
shrf.	.....	sheriff
S. L.	.....	Session Laws
strm.	.....	storeroom
supt.	.....	superintendent
surv.	.....	surveyor
ter.	.....	territory
twp.	.....	township
treas.	.....	treasurer
U. S.	.....	United States
vlt.	.....	vault
vol., vols.	.....	volume (s)

Abbreviations, Symbols, and
Explanatory Notes

Symbols

x by (in dimensions)
--- to date

Explanatory Notes

1. Despite inaccuracies in spelling and punctuation, titles of records are shown in inventory proper exactly as on volumes and file boxes. The current title is used as the title of the entry.
2. Explanatory additions to inadequate titles and corrections of erroneous titles are enclosed in parentheses and have initial capitals.
3. In the absence of titles, supplied titles are capitalized and enclosed in parentheses.
4. In the title set-up, letters or numbers in parentheses indicate the exact labeling on volumes of file boxes. If the volumes or file boxes are unlabeled, no labeling is indicated.
5. Title line cross references are used to complete series for records kept separately for a period of time, and in other records for different periods of time. They are also used in all artificial entries - records which must be shown separately under their own proper office or section heading even though they are kept in files or records appearing elsewhere in the inventory. In both instances, the description of the master entry shows the title and entry number of the record from which the cross reference is made. Dates shown in the description of the master entry are only for the part or parts of the record contained therein, and are shown only when they vary from those of the master entry.
6. Separate third paragraph cross references from entry to entry, and "see also" references under subject headings are used to show prior, subsequent, or related records which are not part of the same series.
7. Unless the index is self-contained, an entry for the index immediately follows its record entry. Cross references are given for exceptions to this rule.
8. Records may be assumed to be in good condition unless otherwise indicated.
9. Unless otherwise specified, all records are located in the county courthouse.
10. Average size of containers and volumes is given in inches.

Abbreviations, Symbols, and
Explanatory Notes

The records described in this volume may be classified as follows:

1. Original Document or original instrument, as it was prepared and signed, as a deed, mortgage, will, contract.
2. Recorded Document a. A certified official copy of a document entered in a book, or deposited in the keeping of some officer designated by law.
b. An official contemporary memorandum, as proceedings of a court, minutes of county commissioners.
3. Copies may be found that are not recorded.
4. Duplicate . . . A carbon copy.
5. Abstract . . . A summary or an epitome, as of a book, usually in narrative form.
6. Register . . . A book containing regular entries of important items or details; an official or formal enumeration, description, or record of particulars, as register of deeds showing names of grantor, grantee, brief identification of property, notarial seal, and dates. When the register refers to another volume or series it is also an index.
7. Index A table for facilitating references to topics, names, etc., in a book. It is usually alphabetically arranged and placed at end of volume. However, it may be a separate volume which immediately discloses what is in another volume or group of volumes. Often an index may also be a register.
8. Records may be assumed to be in good condition unless otherwise indicated.
9. Unless otherwise specified, all records are located in the county courthouse.
10. Average size of containers and volumes is given in inches.

Board of County Commissioners

I. BOARD OF COUNTY COMMISSIONERS

The board of county commissioners, as executive head of the county, exercises all county powers. This authority was conferred by the first territorial legislature and has been renewed in every revision of the laws relating to county government. "The powers of a county as a body corporate and politic shall be exercised by a board of county commissioners".¹ This board was to consist of three members, elected from the county at large for a term of four years. When Montana was admitted as a state in 1889, the Constitution provided for the office as it existed during the territorial period.² By an amendment approved in 1901, the term was extended to six years and in 1928 another amendment provided that each county was to be divided into three districts for the election of commissioners.³ To qualify for the office, the commissioner must be a legal voter in Toole County and must file with the clerk of the court an acceptable bond for \$3,000.⁴ The salary of the commissioners in Toole County is set at \$8.00 per day for every day of actual service.⁵ The law permits meetings of the board daily in counties of the first four classes, but since Toole County is in the sixth class, the meetings of the board are legally limited to three days per month except for special sessions held only upon public notice.⁶

The commissioners have had, from the establishment of the territory, the power to divide the county into townships, road and other districts, and into election precincts.⁷ In 1874 the power to establish school districts which had formerly belonged to the county superintendent of schools was assigned to them. They have had since 1865 the responsibility of supervising all other officers of the county and its subdivisions, and of requiring them to perform their duties.⁹ Although the district judge passes upon the validity of official bonds, the county commissioners must from time to time inquire into their sufficiency. To facilitate this, county officials

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1. Mont. S. L., 1st sess., 1864-65, p. 499; Mont. R. C., 1935, secs. 4442, 4465, 24.
 2. Const. art. XVI, sec. 4.
 3. Ibid.
 4. Mont. R. C., secs. 466, 4453.
 5. Ibid., sec. 4464.
 6. Ibid., sec. 4463.
 7. Mont. S. L., 1st sess., 1864-65, p. 501; Mont. R. C., 1935, sec. 4465.
 8. Mont. S. L., 1874, p. 122.
 9. Ibid., 1st sess., 1865, p. 501; Mont. R. C., 1935, sec. 4465.

are required to make monthly, quarterly, or annual reports to the board.¹⁰ The commissioners may combine two or more offices established by law,¹¹ and they may create offices within the limits set by law. They appoint all county officials whose selection is not otherwise provided for, and they determine their salaries and fix their bond. By this appointive power and through their control over finance, the commissioners control such boards as the airport board,¹² the fair board,¹³ and the high school board.¹⁴ They also may exercise large control over the county clerk who acts as secretary of the board.¹⁵ The county agricultural agent is appointed by agreements between the county commissioners, the county farm bureau, and the extension department of the Montana State College.¹⁶ The commissioners act also as a canvassing board to make a final canvass of elections and to declare who is elected.¹⁷

The commissioners, as financial head of the county, since the creation of the territory have had the power to levy taxes, borrow money, make contracts for all county business, and to settle claims against the county. They have always had charge of county property and represented the county in all law suits.¹⁸ The financial duties of the commissioners were increased in 1872 when the legislature directed them to audit the accounts of the treasurer and other county officials, and assigned them the responsibility of authorizing the issue of warrants by the county.¹⁹ In 1891, the commissioners were made ex-officio the board of equalization to equalize assessments.²⁰ A county budget system, established in 1929, provided that the commissioners should make annual budgets and adhere to them unless emergencies should arise.²¹

Since the formation of the territory, the commissioners have had charge of public works, such as roads, bridges, and buildings.²² Under this law they built the early highways and courthouses, and passed regulations for using them. With the increased use of automobiles many highways became of state and even national interest.

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10. Mont. S. L., 1901, p. 92, sec. 1; Mont. R. C., 1935, sec. 4465.
 11. Const., art. XVI, sec. 5.
 12. Mont. S. L., 1929, chap. 108.
 13. Ibid., 1903, chap. 67.
 14. Ibid., 1896, pp. 59-64; Mont. R. C., 1935, sec. 1262.3.
 15. Mont. Pol. C., 1895, sec. 1424; Mont. R. C., 1935, sec. 4811.
 16. Ibid., chap. 346, sec. 4487; Mont. S. L., 1913, chap. 109, sec. 1.
 17. Mont. S. L., 1891, p. 299; Mont. R. C., 1935, sec. 4516.
 18. Mont. S. L., 1864, 1st sess., pp. 501-02; Mont. R. C., 1935, sec. 4465.
 19. Mont. S. L., 7th sess., 1872, chaps. XXI, sec. 93; XXVII, sec. 1; LXVI, secs. 1, 8.
 20. Mont. S. L., 2nd sess., 1891, secs. 68-70.
 21. Ibid., 1929, chap. 148.
 22. Ibid., 1st sess., 1864, p. 501; Mont. R. C., 1935, sec. 4465.3.

Board of County Commissioners

(First entry, p. 30)

In 1917, the state highway commission was assigned the responsibility for the construction and maintenance of the more important highways and the responsibility of the commissioners in road building decreased.²³

In 1883 the legislature imposed upon the commissioners the duties of a board of health, but with an additional member who should be a physician and secretary.²⁴ The commissioners perform few, if any, duties as members of this board, and leave the responsibility largely to the secretary.

Social welfare was made a part of the duties of the commissioners in 1872 when they were given "entire and exclusive superintendence of the poor".²⁵ During the territorial period they apparently limited their activities to granting direct relief. In 1923, the commissioners were designated ex-officio the old age pension commission,²⁶ and in 1933 were given jurisdiction over mothers' pensions,²⁷ which before this time were determined by the district court.²⁸ Administration of mothers' pension, old age pensions, and all other relief functions were consolidated under the county welfare board, created in 1937 and composed ex-officio of the board of county commissioners.²⁹

The board of county commissioners is a body of "limited powers and must in every instance justify its action by reference to the provisions of law defining and limiting these powers".³⁰ In addition to the powers already described, the law gives the commissioners many special duties and rights. These include the power "to fix the rate at which water should be sold for irrigation",³¹ to provide for branding of livestock, and for keeping a record of brands;³² to grant franchises;³³ to erect markets;³⁴ to maintain public scales;³⁵ to advertise county produce;³⁶ to establish county fairs;³⁷ to provide for a county library³⁸ and a county high school.³⁹ In 1929 the board was granted authority to license dance halls.³⁹ In 1905 it was assigned the duty of deciding upon appli-

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23. Mont. S. L., 1917, chap. 170.
24. Ibid., 13th sess., 1883, p. 46; Mont. R. C., 1935, sec. 2473.
25. Mont. Ter. S. L., 7th sess., 1872, p. 535.
26. Ibid., 1923, chap. 72, sec. 2. 27. Ibid., 1933, chap. 133.
28. Ibid., 1917, chap. 83. 29. Ibid., 1937, chap. 82.
30. State ex. rel. Lambert vs. Coad, 23, Mont. Reports 131, 137, 57, p. 1092.
31. Mont. S. L., 1872, p. 413. 32. Ibid., 1874, p. 85.
33. Mont. Codes and Statutes, 1895; Pol. C., sec. 4219; Mont. S. L., 1927, chap. 75, sec. 2.
34. Ibid., 1917, chap. 28, sec. 1. 35. Ibid., 1905, chap. 22, sec. 1. 36. Ibid., 1927, chap. 107, sec. 1.
37. Ibid., 1903, chap. 67.
38. Ibid., 1915, chap. 43.
39. Ibid., 1929, chap. 131, sec. 5.

Board of County Commissioners

(First entry, p. 30)

cations for liquor licenses.⁴⁰ This ended with state prohibition in 1917, but was renewed in 1937.⁴¹ In 1933 beer retailers were required to obtain beer parlor licenses from the board.⁴²

The use of these and other grants of specific authority may be traced through the records of the office. The first law was passed in 1895 and is in force today. This law stated that the commissioners must see that there be kept a "Minute Book, in which must be recorded all orders and decisions made by them, and the daily proceedings of all regular and special meetings". This is the most important record of the county. All administrative matters are recorded here. It contains not only the minutes of the board acting as commissioners, but also the minutes of the commissioners acting as ex-officio boards. The law also directs that there must be kept a "Road Book, containing all proceedings and adjudications relating to the establishment, maintenance, change and discontinuance of roads and road districts, or relating to road supervisors and their reports and accounts as provided in the Code: a Franchise Book, containing all franchises granted, the amount of bond and licenses tax required; and a Warrant Book, in which must be entered, in the order of drawing, all warrants drawn on the treasury, with their number and reference to the order on the Minute Book, with the date, amount, on what account, and the name of payee".⁴³ Records must also be kept for all other activities of their office.

The secretary or clerk of the board, who has always been the elected county clerk and recorder, is the custodian of all "seals, records, and papers".⁴⁴ He is instructed to make full entries of all resolutions and decisions on questions concerning the raising of money and the allowance of accounts against the county.⁴⁵ He signs all warrants and orders of the board, and in general acts as an executive secretary of the board. In Toole County he keeps separate sets of records for many kinds of transactions as shown in the following entries.

40. Ibid., 1905, chap. 71.

41. Ibid., 1937, chap. 84, sec. 28.

42. Ibid., chap. 106, sec. 28; Mont. R. C., 1935, sec. 2815.30.

43. Compare Mont. Codes and Statutes 1895, Pol. C., chap. 11, art. I, sec. 4219, with Mont. R. C., 1935, sec. 4461.

44. Mont. S. L., 1st sess., 1865, p. 507; Const., art. XVI, sec. 5; Mont. R. C., 1935, sec. 4460.

45. Ibid.

Board of County Commissioners -
Journals; Official Bonds;
Reports

(1-5)

Journals

1. COMMISSIONERS' PROCEEDINGS, 1914--. 4 vols. (1-4). Minutes of meetings and proceedings showing date of meeting, members present, and action taken on appointments, bonds, bids, contracts, claims against county, budgets, tax levies, distribution of funds, petitions and projects, and public works. Also contains: (Minutes of Board of Equalization), entry 191; (Minutes of Canvassing Board), entry 257; (Minutes of Board of Public Welfare), 1937--, entry 282; (Minutes of Old Age Pension Commission), entry 284. Arr. chron. by date of entry. No index. Typed. Aver. 649 pp. 18 x 12 x 3. C&R vlt.

For instruments of appointments see entry 113.

2. COMMISSIONERS' FINISHED BUSINESS, 1915--. 1 file box. Original petitions for appointments, for road districts, for seed grain allowances, and for establishing school districts; bids, and resignations. Each document endorsed with action of commissioners. Arr. chron. by date filed. No index. Hdw. and typed. 10 x 5 x 12. C&R vlt.

For other county seed lien records, see entries 27, 28, 65, 66; road petitions, entries 14, 15.

Official Bonds

(For other records of surety bonds, see entries 104, 105)

3. OFFICIAL BONDS-OLD YEARS, 1923--. 1 file box. Showing name of official bonded, office for which bonded, amount, date, and term of bond, and signature of surety. Arr. chron. by date filed. No index. Typed on pr. fm. 10 x 5 x 12. C&R bsmt. vlt.

Reports

4. TREASURER'S REPORTS, 1930--. 1 file box. Monthly reports of the treasurer to commissioners on financial condition of county, listing county funds and trust and agency funds, amounts credited, total amount paid out and charged during month, and balance in funds. Arr. chron. by date filed. No index. Typed on pr. fm. 11 x 12 x 5. C&R vlt.

For other records of treasurer's reports, see entry 249.

5. REPORTS CURRENT FILES, 1914--. 2 file boxes (1, 2). Contains: (Clerk's Financial Reports to County Commissioners), entry 6; (Clerk's Report to Industrial Accident Board), 1915--, entry 7; (Clerk's Reports to State Auditor), entry 8; (Clerk of Court Reports), entry 9; (Justice of Peace Reports), entry 10; (County Attorney's Reports), entry 11; (Mothers' Pension Reports), 1914-32,

Board of County Commissioners -
Reports, cont'd.

(6-13)

entry 164, 1933-37, entry 12; (Nurses' Reports), 1919--, entry 13.
Arr. chron. No index. Hdw. and typed. 6 x 13 x 28. C&R vlt.

6. (CLERK'S FINANCIAL REPORTS TO COUNTY COMMISSIONERS),
1914--. In Reports Current Files, entry 5.
Monthly report relating to county business, showing budget operation, receipts with source, account number, total for month, total to date, disbursements with purpose, warrants outstanding, and grand total of expenditures.

7. (CLERK'S REPORTS TO INDUSTRIAL ACCIDENT BOARD), 1915--.
In Reports Current Files, entry 5.
Containing information on accidents to county employees under the Workmen's Compensation Act, showing number of accidents, kind of injury, lost time due to each injury, dates and total lost time.

8. (CLERK'S REPORTS TO STATE AUDITOR), 1914--. In Reports
Current Files, entry 5.
Duplicates of annual reports on financial condition of the county, showing resources and liabilities, receipts and disbursements, operation of each account of fund showing debits, credits, and balances, taxes delinquent and other financial items.

9. (CLERK OF COURT REPORTS), 1914--. In Reports Current
Files, entry 5.
Showing date, number of cases handled, amount of fees collected, receipts issued with receipt number.

10. (JUSTICE OF PEACE REPORTS), 1914--. In Reports Current
Files, entry 5.
Monthly report of fees and fines collected from civil and criminal cases giving totals.

11. (COUNTY ATTORNEY'S REPORTS), 1914--. In Reports Current
Files, entry 5.
Showing date, number of cases handled, amount of fees received, signature of attorney and notarial seal.

12. (MOTHERS' PENSIONS REPORTS), 1933-37. In Reports Current
Files, entry 5.
Monthly report by mothers drawing pension, showing marital status, address, and number of children dependent or otherwise, with amount of pension.

13. (NURSES' REPORTS), 1919--. In Reports Current Files, entry 5.
Monthly reports by county nurse, showing number of persons receiving medical aid, number of calls made, expenditures and dates of calls.

Board of County Commissioners -
Claims; Warrants

(14-20)

14. ROAD PETITIONS, 1899--. 7 file boxes.
Showing description and location of roads wanted, names of petitioners, date of petition, reports of viewers, and action by board.
Arr. chron. by date of petition. No index. Hdw. and typed. 11 x 5 x 12. Treas. bsmt. vlt.

For petitions for road districts, see entry 2.

15. COMMISSIONERS' PROCEEDINGS ROAD BOOK, 1914--. 1 vol. (1).
Register of petitions for new roads, showing names of consenting and objecting land owners, names of petitioners, names of donators, and action by board. Arr. chron. by date of petition. No index. Typed. 300 pp. 18 $\frac{1}{2}$ x 12 x 2 $\frac{1}{2}$. C&R vlt.

Claims

16. CLAIMS, 1919--. 22 file boxes.
Claims presented against the county, showing name of claimant, amount, date, and service rendered, with action of commissioners thereon. Arr. chron. by date filed. No index. Hdw. on pr. fm. 12 file boxes, 9 x 9 x 26; 10 file boxes, 6 x 10 x 28. C&R bsmt. vlt.

17. RECORD OF CLAIMS ALLOWED, 1914--. 4 vols. (1-4).
Showing reception number, claim number, name of claimant, nature of claim, amount of claim, when filed, date allowed, fund charged and warrant number. Arr. chron. by date filed. No index. Hdw. on pr. fm. Aver. 1042 pp. 18 x 15 x 4. C&R vlt.

Warrants

(For other records of warrants, see entries 225, 226)

18. GENERAL FUND WARRANTS, 1914--. 7 file boxes.
Original warrants drawn on the general fund for care of prisoners, wages of special deputies, gasoline, supplies, mileage, freight and express, legal service, salaries of county officers, labor, telegrams, witnesses, and jurors, each warrant showing warrant number, name of payee, date, amount and purpose. Arr. chron. by date warrant issued. No index. Typed on pr fm. 10 x 5 x 26. C&R vlt.

19. ROAD FUND, 1914--. 6 file boxes. Title varies: Highway Fund, 1919-22.
Original warrants drawn on road fund, showing warrant number, name of payee, amount, service rendered, and date paid. Arr. num. by warrant no. No index. Hdw. on pr. fm. 10 x 5 x 26. C&R bsmt. vlt.

20. ROAD FUND, 1936--. 1 vol. (1).
Duplicate warrants drawn on road fund. For description see entry

Board of County Commissioners -
Welfare and Relief

(21-27)

19. Arr. chron. by date of issuance. No index. Typed on pr. fm.
500 pp. 18 x 12 x 3. C&R vlt.

21. BRIDGE FUND, 1919-31. 1 file box.
Original warrants drawn on bridge fund, showing warrant number,
name of payee, amount, purpose, and date paid. Arr. num. by warrant
no. No index. Hdw. on pr. fm. 10 x 5 x 26. C&R bsmt. vlt.

22. CONTINGENT FUND, 1914-24. 1 file box.
Warrants drawn on contingent fund, showing warrant number, name of
payee, amount, purpose. Arr. num. by warrant no. No index. Hdw.
on pr. fm. 10 x 5 x 26. C&R bsmt. vlt.

23. POOR FUND, 1914--. 3 file boxes.
Warrants drawn on poor fund for old age pensions, care of county
patients, supplies on Works Progress Administration work, allowances,
mothers' pensions, county physicians' salaries and drugs furnished,
clerical services and burials of unknown persons, each warrant show-
ing warrant number, name of payee, date, amount, and purpose. Arr.
num. by warrant no. No index. Hdw. on pr. fm. 10 x 5 x 26. C&R
vlt.

24. SCHOOL WARRANTS, 1917--. 7 file boxes.
Warrants drawn on school fund, showing warrant number, name of payee,
amount, purpose, and date paid. Arr. num. by warrant no. No index.
Hdw. on pr. fm. 10 x 5 x 26. C&R vlt.

25. WARRANTS-JURORS AND WITNESSES, 1915--. 1 file box.
Warrants drawn on the county for services of jurors and witnesses,
showing warrant number, name of payee, amount, service rendered,
and date paid. Arr. num. by warrant no. No index. Hdw. on pr. fm.
10 x 5 x 26. C&R bsmt. vlt.

Welfare and Relief
(For other welfare records, see entry 282)

26. RELIEF NOTES, 1919-35. 3 file boxes.
Contains applications for relief, and for seed grain loans; each
application shows name of applicant, nature of relief sought. For
loans notes are attached showing name of debtor, date, amount of
note, and kind of security. Also contains orders for cash payments,
and requisitions for supplies approved by commissioners. Arr. alph.
by name of applicant. No index. Typed on pr. fm. 10 x 5 x 12.
C&R bsmt. vlt.

27. INDEX TO (And Register Of) APPLICATIONS FOR RELIEF, 1920-
35. 1 vol. (1).
Showing name of applicant, address, application number, action by
board, orders for seed, feed and provisions, total, and date mort-
gage filed, if any. Arr. num. by application no. Hdw. and typed.
200 pp. 17 x 15 x 1 $\frac{1}{2}$. C&R vlt.

County Clerk

(28)

28. SEED GRAIN APPLICATIONS, 1918-22. 2 file boxes.

Applications for loan of seed grain to be secured by lien on crop, showing name and address of applicant, acres of land owned, acres ready for seeding, acres to be prepared for seeding, amount and kind of grain needed, grain harvested previous season, description of real property owned and encumbrances. Arr. num. by application no. For index see entry 66. Typed on pr. fm. 11 x 12 x 5. C&R vlt.

For other records of seed grain allowances, see entries 2, 65, 66.

II. COUNTY CLERK

The office of county clerk in what is now Montana was first established by the territorial legislature of Washington in 1860.¹ The first territorial legislature of Idaho continued this office by an act passed in 1863.² When Montana Territory was organized in 1864 its first territorial legislature re-enacted the Idaho law.³ The office of clerk was from its establishment in 1860 combined with that of recorder. The law of 1865 provided that the county clerk should not only be ex-officio recorder, but also clerk of the board of county commissioners and auditor. During the territorial period and after, there is no evidence that the clerk ever performed any specific duties as auditor. This law also assigned to him duties of handling elections,⁴ and in 1911 the clerk was made ex-officio registrar of elections.⁵

From the early territorial period, the clerk was assigned some functions as coordinator of county offices. In 1869 he was directed to check assessment lists and report them to the treasurer for collection.⁶ In 1870 he was intrusted with the duty of compiling county statistics and of reporting financial conditions of the county to the territorial auditor.⁷ In 1887 he was directed to prepare each year, for the county commissioners, a report showing detailed description of the financial condition of the county such as the

-
1. Washington Ter. S. L., 4th sess., 1860, p. 436.
 2. Idaho Ter. S. L., 1st sess., 1863-4. Lewistown 1864, pp. 674-676.
 3. Mont. Ter. S. L., 1st sess., 1864-5, pp. 222 ff.
 4. Ibid., p. 223.
 5. Mont. S. L., 1911, p. 223.
 6. Mont. S. L., 1868-9, 5th sess., p. 46. Ibid., 1871-2, 6th sess., pp. 610, 632.
 7. Ibid., 1869-70, p. 84.

County Clerk

(Next entry 29, p. 36)

resources and liabilities, receipts and disbursements, the operation of each fund or account, showing the balance at the beginning and the end of the year. This report was to show also the assessed valuation of real and personal property, the rate of taxation, totals of delinquent taxes and such other items as might be required.⁸ In 1887 he was directed to report annually to the county superintendent of schools the tax value of property in each school district, the school tax levied, and the amount of fines collected.⁹

The Constitution of 1889 continued the office of county clerk and recorder,¹⁰ and the laws describing the functions and duties of the office remained in force.¹¹ Since the adoption of the Constitution there have been few important changes in the powers and duties of the clerk.

From time to time the clerk has been assigned the duty of passing upon various types of bonds, business licenses, the issuing of commissions, the certification of the official character of notaries,¹² and the management of the military affairs of the county.¹³ He performs all administrative and clerical duties that do not pertain to any other office. He is secretary for the county and makes all reports of its activities.

The legal distinction between the duties of the clerk and the recorder is not always clear. The clerk apparently files and has custody of public papers in which the county has a political interest, such as notarial commissions,¹⁴ military records, and reports not belonging to the commissioners. He keeps a register of still others such as business licenses and auctioneers' bonds.

It is even more difficult to distinguish between the duties of the county clerk and those of the clerk of the board of county com-

8. Mont. Ter. Compiled Statutes, 1887, 5th Division, sec. 778, Mont. R. C., 1935, chap. 364, sec. 4814; Mont. R. C., 1935, sec. 484.

9. Mont. Compiled Statutes, 1887, sec. 1003.

10. Const. art. XVI, sec. 5.

11. Ibid., art. XX, sec. 1.

12. Mont. S. L., 1869-70, p. 84, sec. 12; Mont. Pol. C., 1895, sec. 920; Mont. R. C., 1935, sec. 396.

13. Mont. Pol. C., 1895, secs. 3401, 4424; R. C. M. 1935, secs. 4148, 4811.

14. Mont. Ter. S. L., 1885, sec. 2, p. 101; Mont. Pol. C., 1895, secs. 915, 920; Mont. R. C., 1935, secs. 392, 393, 396.

County Clerk - Financial Records

(29-31)

missioners. Both perform clerical work for the county, but the latter handles the county business assigned to the commissioners while the former handles other county business. Where there is no auditor the duties of that office are divided between the county clerk and the clerk of the board.

In 1911 the county clerk became ex-officio inspector of weights and measures in counties of the fifth to seventh classes.¹⁵ In 1917 he was made market master in counties where there was no auditor.¹⁶ In Toole County he apparently never performed any duties and never kept any records for either office.

The county clerk is elected for a term of two years.¹⁷ The county clerk was elected for a two year term until 1938 when by constitutional amendment his term was extended to four years. His salary in Toole County, a county of the sixth class, is \$2,000 per year,¹⁸ and his official bond, which must be approved by the district judge, is \$5,000.¹⁹

Financial Records

29. COUNTY CLERK'S TRANSFER GENERAL LEDGER, 1914--. 2 vols. (1, 2).

Accounts posted from journals, receipt books and warrant books, with reference to book and page, showing receipts and disbursements for county property, taxes and other treasurer's collections, expenses, bonds, and warrants. Arr. chron. No index. Hdw. on pr. fm. Aver. 800 pp. 18 x 15 x 5. 1 vol., 1914-32, C&R vlt.; 1 vol., 1933, C&R off.

Taxes

30. CLERK'S REGISTER OF TREASURER'S TAX COLLECTIONS, 1925--. 4 vols. (1-4).

Showing receipt number and date, amount paid, with state, county and city portion and to what fund county portion allotted, and total. Arr. chron. No index. Hdw. on pr. fm. Aver. 500 pp. 19 x 14 x 3. C&R vlt.

31. CLERK'S REGISTER OF DELINQUENT TAXES, 1918--. 1 vol. (1).

Showing name and address of delinquent property owner, amount delinquent with penalty and interest, and totals, and date paid. Arr. chron. No index. Hdw. on pr. fm. 300 pp. 13 x 16 x 3. C&R vlt.

15. Ibid., 1911, p. 52, sec. 1.

16. Ibid., 1917, p. 31.

17. Const. art. 16, sec. 5.

18. Mont. R. C., 1935, sec. 4867.

19. Ibid., sec. 466.

County Clerk - Financial Records;
Military Records

(32-38)

32. RECORD OF TAX SALES, 1914--. 2 vols. (1, 2).
Showing assessments with date, dates delinquent, notices of publication, date of sale, certificate number, redemption date, date tax deed issued, and remarks. Arr. chron. by date of sale. No index. Hdw. on pr. fm. Aver. 300 pp. 12 x 15 x 3. C&R bsmt. vlt.

Receipts and Disbursements (For treasurer's records of receipts and disbursements, see entries 208-231)

33. CLERK'S REGISTER OF TREASURER'S RECEIPTS, 1914-32. 4 vols. (1-4).
Showing date and number of receipts, amount, on what accounts, and totals. Arr. chron. by date filed. No index. Hdw. on pr. fm. Aver. 200 pp. 26 x 14 x 3. C&R vlt.

34. NET PROCEEDS BOOK, 1921--. 4 vols. (1-4).
Annual reports of oil companies, showing name of company, date of report, production and sale of crude oil with cost of production and net proceeds from sales; assessment for taxes on each company based on the reports are included. Arr. chron. No index. Typed on pr. fm. Aver. 300 pp. 8 x 14 x 3. C&R vlt.

35. RECEIPTS, 1931--. 8 file boxes.
Duplicate receipts for money paid to the county, showing date, amount, name of payer, explanation, and receipt number. Arr. num. by receipt no. No index. Hdw. on pr. fm. 10 x 5 x 12. C&R vlt.

36. CLERK'S REGISTER OF TREASURER'S DISBURSEMENT, 1914--. 10 vols. (1-10).
Showing date, warrant number, with claim number, bond or coupon number, fund charged, with entries for sundry debits, credits, trust and agency cash. Arr. chron. by date paid. No index. Hdw. on pr. fm. Aver. 400 pp. 26 x 14 x 3. C&R vlt.

37. COUNTY CLERK'S ANALYSIS OF EXPENDITURES, 1914--. 2 vols.
Each page divided into five columns showing month, claim number, amount of claim, with total for month and total for year to date. Arr. by months. No index. Hdw. on pr. fm. Aver. 600 pp. 14 x 18 x 4. 1 vol., 1914-23, C&R bsmt. vlt.; 1 vol., 1924--., C&R vlt.

Military Records

38. (MILITARY RECORDS), 1895--. In Miscellaneous Record, entry 111. Last entry 1920.
Register of persons subject to military duty showing name, address, age, occupation, and physical condition.

III. RECORDER

The duties of recorder were assigned ex-officio to the county clerk from the establishment of county government in Montana.¹ The two offices continued together during the territorial period and since Montana became a state.² While the clerk is custodian of all records that pertain to the political activities and management of the county, the recorder is in charge of all files, records, and registers relating to the ownership and transfer of property and all other business transactions.³ This has been the theory of the law as to the distinction between the two offices since Montana became a state.⁴ The first territorial legislature imposed upon the recorder the duty of making copies or recording all "deeds, mortgages, maps, instruments, and writing authorized by law to be recorded".⁵

The law now authorizes the recording of the following:

1. Deeds, grants, transfers, contracts to sell or convey real estate and mortgages of real estate, releases of mortgages, powers of attorney to convey real estate, and leases which have been acknowledged or proved.
2. Certificates of births and deaths.
3. Wills devising real estate admitted to probate.
4. Transcripts of judgments which by law are made liens upon real estate.
5. Official bonds.
6. Instruments describing or relating to the separate property of married women, and sole trader judgments.
7. All orders and decrees made by the district court in probate matters affecting real estate which are required to be recorded.
8. Notices of pre-emption claims.
9. Notice and declaration of water rights.
10. Assignments for benefit of creditors.

1. Washington Ter. S. L., 1860, 4th sess., p. 431.
2. Mont. S. L., 1864-65, 1st sess., p. 507, sec. 6; Const., art. XVI, sec. 5; Mont. R. C., 1935, sec. 4813.1.
3. Mont. S. L., 1st sess., 1864-65, p. 507, sec. 6.
4. Mont. Pol. C., 1895, secs. 4411, 4412; Mont. R. C., 1935, secs. 4148, 4811.
5. Mont. S. L., 1st sess., 1864-65, p. 507, sec. 6.

Recorder

(Next entry 39, p. 40)

11. Affidavits of annual work done on mining claims.
12. Notices of mining locations and declaratory statement.
13. Estrays and lost property.
14. A book containing appraisement of state lands.
15. Such other writings as are required or permitted by law to be recorded.⁶

The recorder has been liberal in filing and recording many kinds of business papers, especially those relating to chattel mortgages and to the sale of personal property. No assignments for benefits of creditors have been recorded.

The first territorial legislature directed the recorder to keep a "recording book" showing when the instrument was received, names of grantors, and grantees, and fees.⁷ This is still a law.⁸

In the first law on recording of documents was a provision that the recorder must keep a general index "direct and inverse" of all records concerning real estate,⁹ and this direction was repeated in the Political Codes of 1895,¹⁰ and again in the Codes of 1935.¹¹ The first indexes were simple. Later brief information summarizing the instrument referred to was included. In 1879 the law directed the recorder to keep an Attachment Book which was a register showing court action for the attachment of real estate.¹²

By this same law the recorder was required to keep elaborate indexes and registers for all recorded instruments, and for all other documents. These indexes were to be direct and inverse showing grantors and grantees, debtors and creditors, plaintiffs and defendants, assignor and assignee, parents and child. He was given directions regarding indexes to marriage certificate under the names of both husband and wife, for official bonds, for mechanics' liens, and all papers filed in his office. In Toole County the index to marriage certificates is kept in the office of the

6. Mont. Codes and Statutes, 1895; Pol. Code, 1895, sec. 4411; Mont. R. C., 1935, sec. 4796.

7. Mont. S. L., 1864-65, 1st sess., p. 509, secs. 8, 9.

8. Mont. R. C., 1935, sec. 4796.

9. Mont. S. L., 1864-65, 1st sess., p. 507.

10. Mont. Pol. Code, 1895, secs. 4411, 4412.

11. Mont. R. C., 1935, sec. 4799.

12. Mont. Revised Statutes, 1879, p. 659, sec. 397.

Recorder - Reception Books; Real
Estate

(39-41)

clerk of court.¹³

The first territorial legislature directed the recorder to keep a Plat Book containing maps and plats of all towns and villages in the county, and the names of property owners therein.¹⁴ This direction has been re-enacted from time to time and is the law today.¹⁵

All papers recorded and on file and all indexes must "during office hours" be open for inspection to all persons desiring to inspect them.¹⁶

Reception Books

39. RECORDER'S FEE AND RECEPTION BOOK, 1914--. 15 vols. (1-15).

Register of all instruments recorded showing reception number, date and time received, names of grantor and grantee, kind of instrument, to whom and when delivered, recording fee, and receipt number. Arr. chron. by date received. No index. Hdw. on pr. fm. Aver. 400 pp. 18 x 13 x 2. C&R vlt.

Real Estate

Deeds (See also entries 111, 176, 204)

40. DEEDS, 1894--. 37 vols. (A-D, 1-33). Title varies: Deed Record.

Record copies of warranty deeds, government patents, quit claim deeds, tax deeds, executor's deeds, right-of-way deeds, and easements showing names of grantor and grantee, location and description of property, terms of deed with signatures of grantors and witnesses, notarial seal, date recorded, and signature of recorder. Arr. chron. by date filed. Typed. Aver. 590 pp. 18 x 12 x 3. C&R vlt.

For original quit claim deeds, see entry 44.

41. INDEX TO DEEDS-GRANTOR, 1914--. 3 vols.

Showing names of grantor and grantee, kind of deed, date, time recorded, and where recorded (book and page). Arr. alph. by name of grantor. Hdw. on pr. fm. Aver. 400 pp. 14 x 18 x 4. C&R vlt.

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13. Mont. Codes and Statutes; Pol. C., 1895, sec. 4412; Mont. R. C., 1935, sec. 4799.
14. Mont. S. L., 1st sess., 1865, p. 509, sec. 9.
15. Mont. Pol. C., 1895, sec. 4416; Mont. R. C., 1935, sec. 4800.
16. Mont. Pol. C., 1895, sec. 4423; R. C., 1935, sec. 4810.

Recorder - Real Estate

(42-47)

42. INDEX TO DEEDS-GRANTEE, 1914--. 3 vols.

Showing names of grantee and grantor, kind of deed, time recorded, where recorded (book and page). Arr. alph. by name of grantee. Hdw. on pr. fm. Aver. 400 pp. 14 x 18 x 4. C&R vlt.

43. TRANSCRIBED INDEX TO DEEDS, ETC. GRANTEES-GRANTORS, 1894-1914. 1 vol.

Showing names of grantor and grantee, kind of deed, time recorded, where recorded (book and page). Arr. alph. by names of grantor and grantee. Hdw. on pr. fm. 400 pp. 14 x 18 x $3\frac{1}{2}$. C&R vlt.

44. (QUIT CLAIM DEEDS), 1934--. In Land Contracts and Deeds, entry 92.

Duplicates of quit claim deeds given by county showing date, name of grantee, description of property, amount paid, and signatures of clerk and chairman of board of county commissioners.

For record of quit claim deeds see entry 40.

45. TOOLE COUNTY APPLICATIONS FOR TAX DEEDS, 1928--. 13 file boxes (labeling varies).

Affidavit by purchaser of property at tax sales that he has filed notice of application for tax deed, showing description of property, date of application, tax sale certificate number, and proof of publication of application. Arr. num. by tax sale certificate no. No index. Typed on pr. fm. 11 x 5 x 13. C&R vlt.

For other records of tax sales, see entries 102, 235-243.

46. TAX DEEDS, 1928--. 1 vol. (1).

Register of tax deeds issued to county by treasurer for property forfeited for non-payment of taxes showing name of owner, description of property, location, number of years taxes delinquent, amount delinquent, date of preliminary notice of delinquency to owner, date notice published, order for deed, date of deed, date recorded, order of county commissioners to sell property, appraised value, amount bid, terms of sale, name of purchaser, date of application for tax deed, date of deed, and remarks. Arr. num. by tax deed no. No index. Hdw. on pr. fm. 300 pp. 17 x 22 x 2. C&R vlt.

Leases (See also entries 80, 111, 113)

47. OIL AND GAS LEASE RECORD, 1914--. 18 vols. (1, 1-17).

Record copy showing names of lessor, lessee and witnesses, date and terms of lease, notarial seal, and date recorded. Arr. chron. by date of filing. Typed. Aver. 640 pp. 18 x 13 x 3. C&R vlt.

Recorder - Real Estate

(48-55)

48. INDEX TO LEASES-LESSEES AND LESSORS, 1914--. 1 vol. (1). Showing date of leases, names of lessor and lessee, when and where recorded (book and page). Arr. alph. by names of lessee and lessor. Hdw. on pr. fm. 240 pp. 17 x 13 x 3. C&R vlt.

49. ASSIGNMENTS OF OIL AND GAS LEASES, 1921--. 43 vols. (1-43).
Record copy of assignments of oil and gas leases, and assignment of royalties for oil, gas and mineral rights showing names of assignor and assignee, terms and date of assignment, file number and date recorded. Arr. num. by file no. Typed. Aver. 640 pp. 18 x 13 x 3. C&R vlt.

50. INDEX TO ASSIGNMENTS OF LEASES AND ROYALTIES, 1921--. 3 vols. (1, 2, A-Z).
Showing date of assignment, names of assignor and assignee, type of instrument, file number, when and where recorded (book and page). Arr. alph. by name of assignee. Hdw. on pr. fm. 1 vol., 200 pp. 18 x 15 x 2; aver. 2 vols., 400 pp. 18 x 15 x 5. C&R vlt.

51. RELEASES OF OIL AND GAS LEASES, 1921--. 3 vols. (1-3).
Showing names of lessor, lessee and witnesses, description of property, date of release or new lease with names of lessor and lessee, and notarial seal. Arr. chron. by date of release. Typed. Aver. 640 pp. 18 x 12 x 3. C&R vlt.

52. (Index to) RELEASES OF OIL AND GAS LEASES, 1921--. 1 vol. (1).
Showing date of release, names of lessor and lessee, time of reception, and where recorded (book and page). Arr. alph. by names of lessors. Hdw. on pr. fm. 200 pp. 14 x 18 x 2½. C&R vlt.

53. CURRENT GRAZING LEASES, 1934--. 1 file box.
Showing names of lessor and lessee, description of property leased, terms and date of lease. Arr. alph. by name of lessee. No index. Hdw. on pr. fm. 10 x 5 x 12. C&R vlt.

54. TOOLE COUNTY GRAZING LEASE BOOK, 1935--. 1 vol. (1).
Register of current grazing leases showing names of lessor and lessee, location of property, terms and date of lease. Arr. num. by township, thereunder by range no. No index. Hdw. on pr. fm. 300 pp. 18 x 15 x 3. C&R vlt.

Mortgages (For chattel mortgages, see entries 82-85)

55. MORTGAGE RECORD, 1897--. 38 vols. (1-32, A-F).
Recorded copies of mortgages showing names of mortgagor and mortgagee, date, terms of mortgage, notarial seal, date filed and signature of recorder or deputy. Arr. chron. by date recorded. For indexes see entries 56, 57. Hdw. and typed on pr. fm. Aver. 600 pp. 18 x 12 x 3. C&R vlt.

Recorder - Real Estate

(56-63)

56. INDEX TO MORTGAGES OF REAL PROPERTY-DIRECT, 1897--. 4 vols.

Showing names of mortgagor and mortgagee, location of property, when and where recorded (book and page). Arr. alph. by name of mortgagor. Hdw. and typed. Aver. 300 pp. 12 x 15 x 3. C&R vlt.

57. INDEX TO MORTGAGES OF REAL PROPERTY-INVERSE, 1897--. 4 vols.

Showing name of mortgagee and mortgagor, location of property, when and where recorded (book and page). Arr. alph. by name of mortgagee. Hdw. and typed. Aver. 400 pp. 12 x 16 x 3. C&R vlt.

58. ASSIGNMENTS OF MORTGAGES, ETC., 1914--. 7 vols. (1-7).

Showing document number, names of assignor and assignee, terms of assignment, notarial seal, date filed, signature of recorder. Arr. chron. by date filed. Typed. Aver. 500 pp. 18 x 12 x 3. C&R vlt.

59. INDEX TO ASSIGNMENTS OF MORTGAGES, ETC. ASSIGNORS AND ASSIGNEES, 1914--. 1 vol. (1).

Showing date of assignment, names of assignor and assignee, terms of assignment, and where recorded (book and page). Arr. alph. by names of assignor and assignee. Hdw. on pr. fm. 250 pp. 17 x 15 x 2. C&R vlt.

60. RELEASES OF MORTGAGES, 1914--. 9 vols. (1-9).

Register of satisfactions of mortgages and partial releases, showing names of mortgagor and mortgagee, description of property, and date of release. Arr. chron. by date of release. Hdw. and typed. Aver. 450 pp. 17 x 12 x 3. C&R vlt.

61. INDEX TO RELEASES OF MORTGAGES OF REAL PROPERTY-DIRECT AND INVERSE, 1914--. 2 vols. (1, 2).

Showing date of releases, time of reception, names of mortgagor and mortgagee, and where recorded (book and page). Arr. alph. by names of mortgagor and mortgagee. Hdw. on pr. fm. Aver. 300 pp. 17 x 15 x 2. 18 x 14 x 3. C&R vlt.

Liens (See also entry 113)

62. TETON COUNTY LIENS, 1900-1914. 2 file boxes.

Transcribed liens showing lien number, names of lienor and lienee, description of property, amount and date of lien. Arr. num. by lien no. No index. Hdw. and typed on pr. fm. 10 x 5 x 12. C&R bsmt. vlt.

63. MECHANICS' LIENS, 1914--. 9 file boxes (1-9).

Liens or attachments on property for payment for labor, showing names of lienor and lienee, lien number, statements of accounts, amount of lien, date, description of property, and notice of lien.

Recorder - Real Estate

(64-69)

Also contains: Seed Liens, 1920-22, entry 65. Arr. chron. by date filed. Typed on pr. fm. 10 x 5 x 12. C&R vlt.

64. INDEX TO LIEN RECORD, 1914--. 1 vol. (1).
Showing time of reception, names of lienor and lienee, description of property, terms of lien, lien number, where filed and remarks. Arr. alph. by name of lienor. Hdw. on pr. fm. 300 pp. 17 x 15 x 2. C&R vlt.

65. SEED LIENS, 1918-1920. 4 file boxes. 1920-22 in Mechanics' Liens, entry 63.
Containing seed grain contracts made by county, by which county furnished seed grain secured by liens against crops, showing name of lienee, terms of lien, date and number of lien. Attached to many liens are hail insurance policies assigned to county. Arr. num. by lien no. For index see entry 66. Typed on pr. fm. 10 x 15 x 12. C&R vlt.

For petitions for seed liens, see entry 3; other seed liens, entries 27, 28.

66. INDEX TO (And Register of) SEED LIENS IN FAVOR OF TOOLE COUNTY, 1918-1922. 1 vol. (1).
Index to and register of Seed Grain Applications, entry 28, and Seed Liens, 1918-20, entry 65, showing date of application and date of lien, time of reception, name of applicant or lienee, file number, description of property, amount applied for and granted, date of payment and date of release. Arr. alph. by name of lienee. Hdw. on pr. fm. 250 pp. 15 x 18 x 2. C&R vlt.

67. UNITED STATES SEED LIENS, 1922. 1 file box.
Seed liens made by United States Department of Agriculture showing date, name and address of lienee, purpose and amount of loan, terms of agreement, signed by agent of Department of Agriculture, and lienee, notarial seal, and lien number. Arr. num. by lien no. No index. Typed on pr. fm. 11 x 12 x 5. C&R bsmt. vlt.

Mining (See also entry 111)

68. MINING LOCATION, 1896--. 1 vol. (A).
Record copies of mining and oil property claimed showing names of locators, name of claim or well, location and description of property, and date recorded. Arr. chron. by date recorded. 1896-1913, no index; for index, 1914--, see entry 69. Hdw. and typed. 343 pp. 18 $\frac{1}{2}$ x 12 x 2. C&R vlt.

69. INDEX TO NOTICES LOCATION MINING CLAIMS, 1914--. 1 vol. (1).
Showing name of claim, name of locator, description of property and where recorded (book and page). Arr. alph. by name of claim. Hdw. on pr. fm. 300 pp. 18 x 15 x 3. C&R vlt.

Recorder - Real Estate

70. AFFIDAVIT ANNUAL WORK MINING LOCATIONS, 1914--. 1 vol.
(1).

Showing location of claim, name of claim, name of owner and date, type and value of work done, notices of holding mining claim without assessment work. Arr. chron. by date recorded. Hdw. and typed. 455 pp. 18 x 12 x 2. C&R vlt.

71. INDEX TO ANNUAL WORK ON MINING CLAIMS, 1914--. 1 vol.
(1).

Showing name of claim, name of affiant, year and where recorded (book and page). Arr. alph. by name of claim. Hdw. on pr. fm. 200 pp. 17 x 15 x 2. C&R vlt.

Water Rights

72. NOTICE OF WATER RIGHT, 1887--. 2 vols. (1, A).

Recorded public notices of claimant of water, showing name of stream, character and purpose of appropriation, amount claimed, name of claimant and date filed. Arr. chron. by date recorded. Typed on pr. fm. Aver. 480 pp. 18 x 12 x 3. C&R vlt.

73. DIRECT INDEX TO WATER RIGHTS, 1887--. 1 vol. (1).

Showing name of appropriator, name of stream, description of property, amount of water claimed, and where recorded (book and page). Arr. alph. by name of appropriator. Hdw. on pr. fm. 300 pp. 17 x 14 x 2. C&R vlt.

74. INVERSE INDEX TO WATER RIGHTS, 1887--. 1 vol. (1).

Showing name of stream, name of appropriator, description of property, amount of water claimed, and where recorded (book and page). Arr. alph. by name of stream. Hdw. on pr. fm. 200 pp. 17 x 14 x 2. C&R vlt.

Plats

75. CITY AND TOWN PROPERTY BOOK, 1914--. 3 vols. (1-3).

Plats showing successive ownership of town property giving locations of property and names of owners by block and lot numbers. Arr. num. by block and lot no. No index. Pr. fm. Aver. 400 pp. 15 x 18 x 4. C&R vlt.

76. EAST OWNERSHIP BOOK TOOLE COUNTY LANDS, 1914--. 2 vols.
(1, 2).

Plats showing sections, townships, and range numbers, with all transactions that have taken place conveying property and names of owners. Arr. num. by township no., thereunder by range no. Pr. fm. Aver. 200 pp. 26 x 27 x 2. C&R vlt.

77. WEST OWNERSHIP BOOK TOOLE COUNTY, 1914--. 2 vols. (1, 2).

Plats showing sections, townships, and range numbers, with all transactions that have taken place conveying property and names of owners. Arr. num. by township no., thereunder by range no. Pr. fm. Aver. 200 pp. 26 x 27 x 2. C&R vlt.

Recorder - Personal Property

(78-83)

78. MAPS, 1923--. 1 vol.

Plats of additions in Sunburst, Sweetgrass, Kevin, Dunkirk, Oilmont and Galata showing name of addition and plat number. Drawn by various county surveyors. Scale not given. Arr. num. by plat no. 56 pp. 24 x 36 x $\frac{1}{2}$. C&R vlt.

Miscellaneous

79. AFFIDAVIT OF PUBLICATION OF TOOLE COUNTY LAND, 1937--. 1 file box.

By treasurer showing that notices of sales of property for delinquent taxes have been published according to law giving file number, date of sale, description of property, with signature of treasurer or deputy. Arr. num. by file no. No index. Typed on pr. fm. 10 x 5 x 12. C&R vlt.

80. LEASES, CONTRACTS AND RECEIPTS, 1919-22. 1 file box.

Contains contracts and leases of county property showing name of lease, date, and terms of lease. Also contains: (Applications to Lower Assessment), entry 192. Arr. chron. by date filed. No index. Typed on pr. fm. 17 x 16 x 2. C&R vlt.

For other records of leases, see entries 47-54.

81. INDEX TO WILLS, 1887--. 1 vol. (1).

Serves as index to wills dealing with real estate in Miscellaneous Record, entry 111; showing date of will, name of testator, date probated, and when and where recorded (book and page). Arr. alph. by name of testator. Hdw. on pr. fm. 400 pp. 17 x 16 x 2. C&R vlt.

Personal Property

(For real property mortgages, see entries 55-61)

82. CHATTEL MORTGAGES, 1914--. 42 file boxes (labeling varies).

Original mortgages showing date, names of mortgagor and mortgagee, description of property, terms, signature of mortgagor, notarial seal, and file number. Arr. num. by file no. For index see entries 84, 85. Hdw. on pr. fm. 11 x 12 x 5. C&R vlt. and bsmt. vlt.

83. DEAD CHATTEL MORTGAGES, 1932--. 2 file boxes.

Chattel mortgages paid and released, showing date released, names of mortgagor and mortgagee, description of property, terms, signature of mortgagee, notarial seal and file number. Arr. num. by file no. Typed on pr. fm. 12 x 23 x 16. C&R vlt.

Recorder - Separate Property of
Married Women; Attachments;
Pending Actions

(84-89)

84. INDEX TO MORTGAGES OF PERSONAL PROPERTY-DIRECT, 1914--.
2 vols. (A-Z).

Serves as index to Chattel Mortgages, entry 82; Dead Chattel Mortgages, 1932--, entry 83; showing names of mortgagor and mortgagees, file number, date of instrument, date due, date released. Arr. alph. by names of mortgagor. Hdw. on pr. fm. Aver. 250 pp. 15 x 18 x 2 $\frac{1}{2}$. C&R vlt.

85. INDEX TO MORTGAGES OF PERSONAL PROPERTY-INVERSE, 1914--.
2 vols. (A-Z).

Serves as index to Chattel Mortgages, entry 82, Dead Chattel Mortgages, 1932--, entry 83; showing names of mortgagor and mortgagee, file number, date of instrument, date due, date released. Arr. alph. by names of mortgagor. Hdw. on pr. fm. Aver. 250 pp. 15 x 18 x 2 $\frac{1}{2}$. C&R vlt.

Separate Property of Married Women

86. SEPARATE PROPERTY-MARRIED WOMEN AND SOLE TRADERS, 1915--.
1 vol. (1). Last entry, 1915.

Register of declarations by married women of sole ownership of property showing status as married woman, declaration of sole ownership, description of property claimed, name of owner, date filed, and notarial seal. Arr. chron. by date filed. No index. Typed. 450 pp. 18 x 14 x 3. C&R vlt.

Attachments

(For other records of attachments, see entry 94)

87. NOTICE OF ATTACHMENT, 1914--. 4 file boxes. Also in Miscellaneous Files, entry 113; 1905-14 in Sheriff's Certificates and Attachments, entry 94.

Addressed by plaintiff to defendant giving notice of amount filed, and attachment of property to secure payment of judgment, showing amount of claim, description of property attached, names of attorneys for plaintiff, instrument number, and date. Arr. num. by instrument no. Typed on pr. fm. 10 x 5 x 12. C&R vlt.

88. INDEX TO ATTACHMENTS, 1914--. 1 vol. (1).

Shows time of reception, names of plaintiff and defendant, description of property attached, and instrument number. Arr. alph. by name of defendant. Hdw. on pr. fm. 300 pp. 17 x 15 x 2. C&R vlt.

Pending Actions

89. LIS PENDENS, 1914--. 9 file boxes. 1905-14 in Sheriff's Certificates and Attachments, entry 94.

Contains formal notices of pendency of action, involving suits,

Recorder - Sales

(90-95)

foreclosure of mortgages, attachments, and to quiet titles: each instrument shows names of plaintiff and defendant, nature of action, file number and date. Arr. num. by file no. Typed on pr. fm. 10 x 5 x 12. C&R vlt.

90. INDEX TO NOTICES OF ACTION, 1914--. 2 vols. (1, 2). Showing names of plaintiff and defendant, cause of action, date filed and file number. Arr. alph. by name of plaintiff. Hdw. on pr. fm. Aver. 300 pp. 10 x 16 x 3. C&R vlt.

Sales

91. BILLS OF SALE, 1914--. 2 file boxes. 1905-14 in Sheriff's Certificates and Attachments, entry 94. Showing names of vendor and vendee, date, acknowledgment of receipt for payment, description of property sold, signature of vendor and file number. Arr. num. by instrument no. 1914-28, no index; for index 1929--, see entries 114, 115. Typed on pr. fm. 10 x 5 x 12. C&R vlt.

92. LAND CONTRACTS AND DEEDS, 1934--. 2 file boxes (A-M, N-Z). Contains: (Quit Claim Deeds), entry 44; (Contracts of Sale), entry 93. Arr. alph. by name of purchaser. No index. Hdw. on pr. fm. 10 x 5 x 12. C&R vlt.

93. (CONTRACTS OF SALE), 1934--. In Land Contracts and Deeds, entry 92. Contracts to sell real estate owned by county, showing date, name of purchaser, description of property, terms of contract, with signatures of purchaser and of clerk and chairman of board of county commissioners. For other sale contracts see entry 111.

94. SHERIFF'S CERTIFICATES AND ATTACHMENTS, 1905-14. 1 file box. Transcribed miscellaneous documents including certificates of appointment of deputies to office; contains also: Notice of Attachment, entry 87; Lis Pendens, entry 89; Bills of Sale, entry 91; Sheriff's Certificates (of Sale), entry 95. Arr. num. by instrument no. No index. Typed on pr. fm. 10 x 5 x 12. C&R vlt. For other records of attachments, see entries 87, 113.

95. SHERIFF'S CERTIFICATES (of Sale), 1914--. 5 file boxes. Also in Miscellaneous File, entry 113; 1905-14 in Sheriff's Certificates and Attachments, entry 94. Contains published notices of sheriff's sale, and certificates of sale of property by sheriff on foreclosures of mortgages and executions giving description of property, name of purchaser, amount of sale and certificate number. Arr. num. by certificate no. Typed on pr. fm. 10 x 5 x 12. C&R vlt.

Recorder - Redemptions

(96-102)

96. INDEX TO CERTIFICATES OF SALE, 1914--. 1 vol. (1).
Showing date filed, certificate number, names of plaintiff and defendant, and purchaser at sale. Arr. alph. by name of defendant. Typed. 200 pp. 17 x 15 x 1 $\frac{1}{2}$. C&R vlt.

97. HILL COUNTY TAX SALE CERTIFICATES, 1912-13. 1 file box. Transcribed copies showing name of purchaser, certificate number, term of certificate and date signed by treasurer. Arr. num. by certificate no. No index. Typed on pr. fm. 10 x 5 x 12. C&R bsmt. vlt.

98. REGISTER OF CONTRACT SALES, UNREDEEMED PROPERTY, 1914--. 1 vol. (1).
Register of sales by county of real property forfeited for non-payment of taxes and unredeemed by owners, giving name of purchaser, description of property, location, appraised value, sale price, terms of sale, date of payments, and date of tax deed. Arr. alph. by date of sale. Indexed alph. by name of purchaser. Hdw. on pr. fm. 300 pp. 24 x 18 x 2 $\frac{1}{2}$. C&R vlt.

99. SALE CONTRACTS, 1914--. 4 file boxes.
Contains contracts for sale of property, each contract showing date of sale, names of vendor and vendee, description of property, price, terms, and file number. Arr. num. by file no. 1914-28, no index; for index 1929--, see entries 100, 101. Hdw. on pr. fm. 11 x 23 x 16. C&R vlt.

100. INDEX TO CONTRACT SALES-GRANTORS, 1929--. 1 vol. (A-Z).
Showing date of contract, date filed, file number, names of grantor and grantee, amount and date of final payment or cancellation of contract. Arr. alph. by name of grantor. Hdw. on pr. fm. 300 pp. 18 x 15 x 3. C&R vlt.

101. INDEX TO CONTRACT SALES-GRANTEES, 1929--. 1 vol. (A-Z).
Showing date of contract, date filed, file number, names of grantee and grantor, amount of sale, date paid or date cancelled. Arr. alph. by name of grantee. Hdw. on pr. fm. 300 pp. 18 x 15 x 3. C&R vlt.

Redemptions

(See also entries 45, 46, 175, 235-243)

102. REDEMPTION CERTIFICATES, 1923--. 2 file boxes.
For land sold for delinquent taxes and redeemed by owner, showing file number, description and location of property, years delinquent, amount of delinquency and penalties, certification by treasurer of advertisement and sale, name of purchaser, purchase price, name of person redeeming property, and date redeemed. Arr. chron. by date filed. No index. Typed on pr. fm. 5 x 26 x 10. C&R bsmt. vlt.

Recorder - Corporations; Surety
Bonds; Powers of Attorney

(103-107)

Corporations
(See also entry 113)

103. ARTICLES OF INCORPORATION, ANNUAL STATEMENTS, AMENDMENTS,
1909--. 9 file boxes.

Annual statements by corporations showing articles of incorporation with amendments, name of corporation, type of business, place of principal business, period for which incorporated, names and addresses of directors and trustees, capital, amount actually subscribed, names of residences of stockholders, number of shares subscribed by each, signatures of trustees, notarial seal; annual statements show financial reports of corporation signed by directors. Arr. alph. by name of corporation. No index. Typed on pr. fm. 10 x 5 x 12. C&R bsmt. vlt.

Surety Bonds

(For other records of surety bonds, see entry 3)

104. OFFICIAL BOND RECORD, 1914--. 2 vols. (1, 2).

Recorded copies of official bonds of county officers showing name and title of official, name of surety, amount of bond and expiration dates, and date recorded. Arr. chron. by date recorded. Hdw. and typed. Aver. 600 pp. 18 x 13 x 3. C&R vlt.

105. INDEX TO OFFICIAL BONDS, 1914--. 1 vol. (1).

Showing amount of bond, expiration date, name and title of official, and date and where recorded (book and page). Arr. alph. by name of official. Hdw. on pr. fm. 400 pp. 18 x 13 x 3. C&R vlt.

Powers of Attorney

106. POWERS OF ATTORNEY, 1898--. 2 vols. (1, 2).

Register of grants of specific powers given by grantor to grantee showing names of grantor and grantee, extent and duration of powers. Arr. chron. by date of instrument. Hdw. on pr. fm. Aver. 400 pp. 15 x 18 x 3. C&R vlt.

107. INDEX TO POWERS OF ATTORNEY, 1898--. 2 vols. (1, 2).

Showing names of grantor and grantee, date and where recorded (book and page). Arr. alph. by names of grantee. Hdw. on pr. fm. Aver. 400 pp. 15 x 18 x 3. C&R vlt.

Recorder - Vital Statistics;
Lost Property; Miscella-
neous

(108-111)

Vital Statistics

108. REGISTER OF BIRTHS AND DEATHS, 1912--. 1 vol. (1).
Showing certificate number, date of birth, name of child, sex, number in order of birth, whether legitimate or not, date filed, names of parents, residence, race and age, number of children born to mother, number now living; death certificate number, date of death, name of deceased, residence, place of death, sex, race and marital status, and place of birth, occupation, date filed, burial place and by whom reported. Arr. chron. by date filed, left page shows birth record, right page shows death record. Indexed alph. by person born or deceased. Hdw. on pr. fm. 400 pp. 11 x 15 x 3. C&R vlt.

See also entries 276, 277.

Lost Property

109. ESTRAY AND LOST PROPERTY, 1915--. 1 vol. (1).
Recorded copies of affidavits by finders of lost property giving date and place found, description of property, name of owner when known, notarial seal and date affidavit filed for record. Also order of justice of peace appointing appraiser and report of appraiser. Arr. chron. by date filed. Hdw. on pr. fm. 400 pp. 18 x 15 x 3. C&R vlt.

110. INDEX TO AND REGISTER OF ESTRAY AND LOST PROPERTY, 1915--.
1 vol. (1).
Showing description of property, name of finder, where recorded, (book and page). Arr. alph. by name of finder. Hdw. 400 pp. 18 x 15 x 3. C&R vlt.

Miscellaneous

111. MISCELLANEOUS RECORD, 1187--. 26 vols. (1-22, A-D).
Recorded copies of court decrees, wills, transcribed judgments, 1895--, affidavits, options to purchase land, amendments to leases, contracts for deeds, contracts for purchase of oil field equipment, decrees of distribution, enlistment records, memorandums, and assignments of interest. Documents contain: names of grantor and grantee, terms of agreement, date of instrument and date recorded. Wills show date and provisions; enlistment records show names of enlisters. Also contains: (Military Records), 1895--, entry 38. Arr. chron. by date entered. For index to wills see entry 81 transcribed judgments, 1895--, entry 127; other records, entry 112. Hdw. and typed. Aver. 480 pp. 18 x 12 x 2. C&R vlt.

For other records of mining, see entries 68-91; sale contracts, entry 93; wills, entry 142; decrees of distribution, entry 150; deeds, entries 40-46, leases, entries 47-54.

Recorder - Miscellaneous

(112-118)

112. INDEX TO MISCELLANEOUS INSTRUMENTS RECORDED, 1887--. 1 vol. (1).

Showing date of instrument, date filed, names of grantor and grantee, nature of instrument, where recorded (book and page). Arr. alph. by name of grantor on right page and grantee on left page. Hdw. on pr. fm. Aver. 400 pp. 18 x 15 $\frac{1}{2}$ x 4. C&R vlt.

113. MISCELLANEOUS FILES, 1914--. 7 file boxes.

Includes business license certificates, memorials, affidavits, certificates of co-partnership, waiver of liens, farm leases, and appointments; each document shows names of parties, date, terms or conditions and file number. Also contains: Notice of Attachments, entry 87; Sheriff's Certificates (of Sale), entry 95. Arr. num. by instrument no. 1914-28, no index; for index 1829--, see entries 114, 115. Typed on pr. fm. 10 x 5 x 12. C&R vlt.

For other records of appointments, see entry 1; leases, entries, 47-54; liens, entries 62-67; corporations, entry 103; attachments, entry 94; licenses, entries 244-247.

114. INDEX TO MISCELLANEOUS INSTRUMENTS FILED-DIRECT, 1929--. 1 vol. (A-Z).

Showing file number, date filed, date and nature of instrument, names of principals; also serves as index to Bills of Sale, entry 91. Arr. alph. by name of grantor. Hdw. on pr. fm. 300 pp. 18 x 15 x 3. C&R vlt.

115. INDEX TO MISCELLANEOUS INSTRUMENTS FILED-INVERSE, 1929--. 1 vol. (A-Z).

Showing file number, date filed, date and nature of instrument, names of principals; also serves as index to Bills of Sale, entry 91. Arr. alph. by name of grantee. Hdw. on pr. fm. 300 pp. 18 x 15 x 3. C&R vlt.

116. REPORTS OF CATTLE SLAUGHTERED, 1914--. 1 file box.

By butcher, showing number killed, brand, color, sex and date killed. Arr. chron. by date of report. No index. Hdw. on pr. fm. 10 x 5 x 12. C&R bsmt. vlt.

117. BEEF INSPECTION CERTIFICATES, 1927--. 3 file boxes.

Showing inspection number, date and place of inspection, signature of inspector, number of cattle inspected, sex, color, brand, tag number, from whom purchased and address; each certificate accompanied by bill of sale, showing date, names of vendor and vendee, amount paid, and vendor's signature. Arr. chron. by date filed. No index. Hdw. on pr. fm. 6 x 9 x 22. C&R bsmt. vlt.

118. BOUNTY CERTIFICATE RECORD, 1914--. 1 vol. (1).

Showing number of certificate, date, name of person killing animal, name of witness, kind and number of animals, date killed, total

Clerk of the Court

(119)

amount of bounties paid, certificate issued, signed by bounty inspector. Arr. num. by certificate no. No index. Hdw. on pr. fm. 240 pp. 18 x 13 x 2 $\frac{1}{2}$. C&R vlt.

119. UNDELIVERED DOCUMENTS, 1931-35. 50 papers in 1 file box. Documents which have been left for recording and never reclaimed. Arr. chron. by date filed. No index. Typed on pr. fm. 10 x 5 x 12. C&R vlt.

IV. CLERK OF THE COURT

The Organic Act for the organization of Montana Territory created three judicial districts, and provided that "a district court shall be held in each of said districts by one of the justices of the supreme court".¹ The judge of each district court should appoint a clerk "who shall also be the register in chancery, and shall keep his office at the place where the court may be held".² Apparently, this clerk kept such records as might be required. In 1867, the legislature provided that the judge should appoint a clerk of court in each county who "shall keep his office at the county seat of said county, together with all books, papers, and records of said court".³ In 1879, this law was amended to make it the duty of the district clerk to appoint a deputy clerk for each county.⁴

In 1879 the legislature directed the clerk of the court to keep records of jurors,⁵ registers of court actions,⁶ records of verdicts,⁷ a Judgment Book,⁸ and to have custody of the seal of the court.⁹ In 1881 the law provided for filing with the clerk of the court notices of attachments,¹⁰ and in 1887 he was directed to keep naturalization records.¹¹ Prior to this date naturalization records were kept in the Minutes of the Court and not in any separate record.

The Constitution of 1889 provides for a system of district

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1. Organic Act of the Territory of Montana, sec. 9.
 2. Ibid.
 3. Mont. Ter. S. L., 4th sess., 1867, pp. 79-80.
 4. Ibid., 11th sess., 1879, p. 61.
 5. Mont. Revised Statutes 1879, 1st Division, sec. 246.
 6. Ibid., sec. 517.
 7. Ibid., sec. 268.
 8. Ibid., sec. 292.
 9. Ibid., sec. 511.
 10. Mont. Ter. S. L., 12th sess., 1881, pp. 9, 10, sec. 180.
 11. Mont. Compiled Statutes, 1887, p. 1041; Mont. R. C., 1935, sec. 4894.

Clerk of the Court

(Next entry 120, p. 56)

courts with a clerk for each county and a judge for each district. The district court has "original jurisdiction in all cases at law and in equity, including all cases which involve the title or right of possession of real property", and all other cases when the value of the property in question exceeds fifty dollars. It also has original jurisdiction in matters involving the legality of taxes, probate, guardianship, divorce, insanity, insolvency, abatement of nuisance, and all special actions not otherwise provided for. In criminal cases it has original jurisdiction in felonies and misdemeanors. It has power to hear and determine all sorts of writs and may act as a court of naturalization.¹²

The judge of the district court is a state officer¹³ and his salary of \$4,800 is paid by the state.¹⁴ Montana is divided into judicial districts each of which must have at least one judge. The ninth judicial district which includes Toole County with Teton, Pondera, and Glacier counties, has one judge. Six of the districts have two judges each; the others have only one.¹⁵ The judge is elected for a four year term. Any district judge may hold court for any other judge.¹⁶ In order to qualify for the office, the judge must be twenty-five years of age, a citizen of the United States, and shall have been admitted to practice law in the supreme court of the territory at least one year directly preceding this election but need not be a resident of the district at the time of his election. He must, however, reside in the district during his term of office.¹⁷

The district court must have a clerk in each county to perform such duties as are provided for by law.¹⁸ The duties imposed during the territorial period were to continue and in addition the clerk of the court succeeded to the clerical duties of the old probate court. One other duty of the clerk of the probate court fell upon the clerk of court, that of issuing marriage licenses,¹⁹ and of keeping a record of them.²⁰ In Toole County he also keeps an in-

12. Const. art. VIII, sec. 11.

13. Ibid., art. VIII, sec. 1. "The Judicial power of the State shall be vested in ... a Supreme Court, District Court, Justices of the Peace ...". Mont. R. C., 1935, sec. 8812, 8820, 8821.

14. Mont. R. C., 1935, sec. 8814.

15. Mont. R. C., 1935, sec. 8813; Mont. S. L., 1929, chap. 92, sec. 2.

16. Const. art. VIII, sec. 12; Mont. R. C., 1935, secs. 8821, 8813.

17. Ibid., art. XVII, sec. 16.

18. Const. art. VIII, sec. 11.

19. Mont. Const., Codes and Statutes 1895, art. II, sec. 72, p. 476.

20. Ibid., sec. 77, p. 477.

Clerk of the Court

(Next entry 120, p. 56)

dex to marriage certificates. When Montana's "gin" marriage law was passed in 1935, making it necessary for persons desiring to marry to submit to physical examinations, many people sought to evade it by making common law marriages, which are recorded in the office of the clerk of the court. In 1891 the legislature directed that he "issue all processes and notices required to be issued; enter all orders, judgments, and decrees proper to be entered"; act as clerk of probate court and take charge of "all books, papers, and records which may be filed in his office".

The clerk of the court must keep a General Index of Court Records, and an Inverse Index of Court Records, the former under the name of the plaintiff, and the latter under that of the defendant.²¹ In 1893 the legislature directed the clerk of the court to keep similar but less detailed general indexes, one for plaintiffs and one for defendants, for all suits referred to in the Minute Book and the Judgment Book. In 1895 the law relating to keeping of records was greatly expanded. For probate matters the clerk of the court keeps a Probate Record Book, a Record of Probate Proceedings, a Register of Probate and Guardianship Proceedings, and an index of names of persons sent to the insane asylum.²²

In 1915 the administration of the mothers' pension law was intrusted to the district court and remained under its jurisdiction until 1933, when the commissioners were assigned this responsibility.²³ During that time the clerk of the court kept all records pertaining to mothers' pensions. When the commissioners assumed jurisdiction over them, their clerk took charge of the records. For criminal cases the clerk of the court keeps a Register of Criminal Actions.²⁴ He must also keep a Fee Book, a Book of Jurors' Certificates, and records of attendance of jurors and witnesses.²⁵ He must furnish the recorder with duplicates of all records to be recorded.²⁶ The law directs that he report to the county superintendent of schools the amount of fines collected. In Toole County, reports to the county clerk who includes this in the financial report to the superintendent.

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21. Mont. S. L., 2nd sess., 1891, pp. 217-219; Mont. R. C., 1935, sec. 4815.
22. Mont. Codes and Statutes, 1895, Pol. Code p. 389, sec. 4440.
23. Mont. S. L., 1935, chap. 133.
24. Mont. Pol. Code, 1895, p. 389, sec. 4440; Mont. R. C., 1935, sec. 4815.
25. Mont. Pol. Code, 1895, p. 390; Mont. R. C., 1935, sec. 4815.
26. Mont. Pol. Code, 1895, p. 389, sec. 4440; Mont. R. C., 1935, sec. 4815.

Clerk of the Court - General
Records and Indexes

(120-121)

For the handling of cases involving delinquents under eighteen years of age the law provided in 1911 for a probation officer in each judicial district. This official is appointed by the district judges and serves at the pleasure of the court. The bond which must be approved by the court is \$5,000 for counties of more than 30,000 population and \$2,000 for counties of less than that number of people. The salary is fixed by the court but must not exceed \$1,800 per year.²⁷ If no probation officer is appointed the sheriff shall perform the duties of the office.

The probation officer shall investigate all causes of juvenile delinquency and prepare a report on such for the use of the court. He shall keep a special record book known as the Juvenile Delinquent Record, and shall also act as clerk of the court in juvenile cases. He shall also keep a Juvenile Docket. The probation officer shall also prepare in March of each year a report showing the number of cases handled; and disposition of cases, and useful information regarding the children and their parents.²⁸ In Toole County the clerk of the court keeps the records for the probation officer.

The Constitution provides that the clerk of the court shall be elected for a term of four years.²⁹ His official bond in counties of the sixth class is \$5,000,³⁰ and the salary is \$2,000 per annum.³¹

General Records and Indexes

120. DISTRICT COURT MINUTES, 1914--. 5 vols. (1-5). Title varies; Court Minutes.
Minutes of trials, showing case number, names of plaintiff and defendant, names of attorneys, nature of complaint, proceedings, motions, rulings and orders of judge, sentence or judgment and signature of presiding judge. Arr. chron. by date of trial. Hdw. and typed. Aver. 300 pp. 18 x 13 x 2 $\frac{1}{2}$. Cl. cts. vlt.

121. DIRECT INDEX, 1914--. 2 vols. (1,2).
Serves as index to District Court Minutes, entry 120; Civil Actions, entry 123; Register of Civil Actions, entry 124; Judgment Docket, entry 126, showing number of action, names of plaintiff and defendant, nature of action, date begun, date of answer, date

27. Mont. S. L., 1911, chap. 122, sec. 1.

28. Mont. S. L., 1911, chap. 122, sec. 3; Mont. R. C., 1935, sec. 12277.

29. Const. art. VIII, sec. 2.

30. Mont. R. C., 1935, sec. 466.

31. Ibid., sec. 4867.

Clerk of the Court - Civil

(122-127)

dismissed, date of judgment, amount of judgment, date execution issued, order for sale, date appealed, and remarks. Arr. alph. by name of plaintiff. Hdw. on pr. fm. Aver. 230 pp. 18 x 15 x 2. Cl. cts. vlt.

122. INVERSE INDEX, 1914--. 2 vols. (1, 2). Serves as index to District court Minutes, entry 120; Civil Actions, entry 123; Register of Civil Actions, entry 124; Judgment Docket, entry 126, showing number of action, names of defendant and plaintiff, nature of action, date begun, date answer filed, date of judgment, amount of judgment, date execution issued, order of sale, date appealed, and remarks. Arr. alph. by name of defendant. Hdw. on pr. fm. Aver. 230 pp. 18 x 12 $\frac{1}{2}$ x 2. Cl. cts. vlt.

Civil

(See also entries 168, 169)

123. CIVIL ACTIONS, 1914--. 120 file drawers (labeling varies). Papers and instruments pertaining to civil actions showing date filed, type of action, type of instrument, names of plaintiff and defendant and attorneys, and case numbers. Arr. num. by case no. For index see entries 121, 122. Hdw. on pr. fm. 12 x 5 x 15. Cl. cts. vlt.

124. REGISTER OF CIVIL ACTIONS, 1914--. 10 vols. (1-10). Register of civil actions filed, giving names of plaintiff and defendant, file number of action, cause of action, names of attorneys, and list of instruments filed. Arr. chron. by date of filing. For index see entries 121, 122. Hdw. on pr. fm. Aver. 480 pp. 18 x 13 x 2 $\frac{1}{2}$. Cl. cts. vlt.

125. CIVIL BONDS, 1928--. 1 file box. Bonds posted in civil actions showing case number, name of surety, principal, amount of bond, terms and date. Arr. num. by case no. No index. Hdw. on pr. fm. 12 x 5 x 9. C&R vlt.

126. JUDGMENT DOCKET, 1895--. 3 vols. (1, 1, 2). 1895-1914 transcribed. Showing case number, date of filing, names of plaintiff and defendant, amount of judgment, date of appeal, date of satisfaction, and order of supreme court. Arr. chron. by date of filing. Hdw. on pr. fm. Aver. 240 pp. 17 x 15 x 2. Cl. cts. vlt.

127. INDEX TO TRANSCRIPTS TO JUDGMENTS (and Judgment Docket), 1895--. 2 vols. Serves as index to Transcribed Judgments in Miscellaneous Record, entry 111; and Judgment Docket, entry 126, showing date filed, names of plaintiff and defendant, amount of judgment, where recorded (book and page) and date judgment satisfied. Arr. alph. by

Clerk of the Court - Criminal

(128-134)

name of plaintiff. Hdw. on pr. fm. Aver. 200 pp. 18 x 15 x 2.
Cl. cts. vlt.

128. JUDGMENT BOOK, 1914--. 9 vols. (1-9).
Record of judgments and decrees of foreclosures, decrees of divorces, satisfactions of judgments and decrees of quieting of titles showing case number, names of plaintiff and defendant, and date. Arr. chron. by date of judgment or decree. Indexed alph. by name of defendant. Hdw. and typed. Aver. 600 pp. 18 x 13 x 2½. Cl. cts. vlt.

129. EXHIBITS, 1914--. 9 file boxes (labeling varies).
Instruments used as exhibits in civil and criminal actions showing name and number of cases, document number, names of plaintiff and defendant, and date. Arr. num. by case no. No index. Hdw. on pr. fm. 12 x 5 x 15. Cl. cts. vlt.

130. ORDER OF SALE, 1914--. 4 vols. (1-4).
Certified copies of judgments and orders of sale, sheriff's return on sale by orders of court. Arr. chron. by date of action. No index. Typed. Aver. 640 pp. 18 x 12½ x 2½. Cl. cts. vlt.

Criminal

(See also entries 168-170)

131. INFORMATION BOOK, 1914--. 2 vols. (1, 2).
Register showing information, warrants filed in criminal actions, giving names of complainant and defendant, charge and date of filing, verdict, sentence with signature of judge, and date. Arr. alph. by name of defendant. No index. Typed. Aver. 650 pp. 18½ x 12½ x 3. 1 vol., 1914-23, cl. cts. bsmt. vlt.; 1 vol., 1924--, cl. cts. vlt.

132. CRIMINAL, 1914--. 12 file boxes (labeling varies).
Contains warrants for arrest, information, and other papers in criminal actions showing names of defendants, case number, type of action, sentence or fine, and remarks. Arr. num. by case no. Hdw. on pr. fm. 12 x 5 x 15. Cl. cts. vlt.

133. CRIMINAL INDEX TO CASES, 1914--. 1 file box.
Card index showing name of defendant and case number. Arr. alph. by name of defendant. Typed. 4½ x 5½ x 8½. Cl. cts. vlt.

134. CRIMINAL REGISTER, 1914--. 1 vol. (1).
Register of criminal cases, showing case number, name of defendant, charge, attorney's name, and list of instruments filed. Arr. chron. by date of filing. No index. Hdw. on pr. fm. 480 pp. 18 x 13 x 2½. Cl. cts. vlt.

Clerk of the Court - Probate

(135-141)

135. CURRENT CRIMINAL BONDS, 1917--. 2 file boxes. 1914-17 in Probate (and Criminal) Bonds, entry 143. Original bonds filed in criminal actions to secure appearance in court giving names of defendants, surety, case number, and amount. Arr. num. by case no. Hdw. on pr. fm. 5 x 10 x 12. Cl. cts. vlt.

136. INDEX TO CRIMINAL BONDS AND SURETIES, 1914--. 1 vol. (1). Showing case number of action, names of accused and of sureties, date of bond, amount of bond, date of release, order for release, judgment against sureties, amount of judgment, date judgment satisfied, and remarks; also serves as index to criminal bonds in Probate (and Criminal) Bonds, 1914-17, entry 149. Arr. alph. by names of sureties and principal. Hdw. on pr. fm. 500 pp. 17 x 15 x 4. Cl. cts. vlt.

Probate

General

137. PROBATE COURT MINUTES, 1914--. 5 vols. (1-5). Minutes of court acting on probate matters showing orders admitting wills to probate, and to sell, or convey real estate, and appointing administrators, executors and guardians, with signature of judge and clerk of court. Arr. chron. by date of filing. No index. Typed. Aver. 560 pp. 18 x 12 x 2 $\frac{1}{2}$. Cl. cts. vlt.

138. PROBATE, 1914--. 42 file boxes (labeling varies). Papers filed in probate cases showing name of deceased, heirs, case number, petitions for probate of will and appointment of administrator, date, and attorney's signature. Arr. num. by case no. No index. 12 x 5 x 15. Cl. cts. vlt.

139. PROBATE RECORD, 1914--. 3 vols. (1-3). Register of accounts and reports of administrators, executors, and guardians filed in probate cases. Arr. chron. by date of filing. No index. Typed. Aver. 625 pp. 18 x 12 $\frac{1}{2}$ x 2 $\frac{1}{2}$. Cl. cts. vlt.

140. JUDGES PROBATE CALENDAR, 1914--. 1 vol. (1). Showing case number, name of deceased, names of attorneys, name of executor, administrator or applicant for letters of administration, date petition filed, and action of the court. Arr. chron. by date filed. Hdw. on pr. fm. 200 pp. 18 x 13 x 2 $\frac{1}{2}$. Cl. cts. bsmt. vlt.

141. CALENDAR INDEX, 1914--. 1 vol. (1). Shows title and number of case, name of deceased, date, nature of action and disposition. Arr. alph. by name of deceased. Hdw. on pr. fm. 250 pp. 18 x 13 x 2 $\frac{1}{2}$. Cl. cts. bsmt. vlt.

Clerk of the Court - Probate

(142-148)

Wills

142. REGISTER OF WILLS, 1917--. 1 vol. (1).

Showing case number, date, name of testator, terms of will, names of witnesses and date recorded. Arr. chron. by date of filing.

No index. Hdw. and pr. 480 pp. 18 x 13 x 2 $\frac{1}{2}$. Cl. cts. vlt.

For other records of wills, see entry 111.

Bonds

143. PROBATE (and Criminal) BONDS, 1914--. 1 file box (1).

Bonds filed by administrators of estates showing names of principals, sureties, amount of bond, date of bond, signature of surety and approval of judge. Also contains: Current Criminal Bonds, 1914-17, entry 135. Arr. chron. by date of filing. For index to Criminal Bonds, see entry 136. Probate Bonds, no index. Hdw. on pr. fm. 11 x 5 x 15. Cl. cts. vlt.

144. BOND ON QUALIFYING, 1914--. 2 vols. (1, 2).

Register of bonds posted by administrators of estates, showing names of principal and sureties and notarial seal. Arr. chron. by date of filing. No index. Typed. Aver. 690 pp. 19 x 12 $\frac{1}{2}$ x 3. Cl. cts. vlt.

Estates

145. REGISTER OF ESTATES, 1914--. 2 vols. (1, 2).

Register of instruments in each estate showing name of deceased, where each instrument filed or recorded. Arr. chron. by date filed. Hdw. on pr. fm. Aver. 879 pp. 17 x 13 x 5. Cl. cts. vlt.

146. INDEX TO REGISTER OF ESTATES, 1914--. 1 vol. (1).

Showing name of estate, guardian or person adopting children, where recorded (book and page) and case number. Arr. alph. by name of estate. Hdw. on pr. fm. 18 x 12 $\frac{1}{2}$ x 2. Cl. cts. vlt.

147. INVENTORY AND APPRAISEMENT, 1914--. 2 vols. (1, 2).

Record of inventories and appraisements of estates showing name of deceased, date, and itemized list of property belonging to the estate and its value. Arr. chron. by date of entry. No index. Typed on pr. fm. Aver. 722 pp. 17 $\frac{1}{2}$ x 12 $\frac{1}{2}$ x 3. Cl. cts. vlt.

148. RETURN AND ACCOUNT OF SALE OF REAL ESTATE, 1917--. 1 vol. (1).

Accounting of sale of real and personal property in settlement of estates showing date of sale, description of property and names of estate and administrator. Arr. chron. by date of sale. No index. Typed. 590 pp. 18 x 12 $\frac{1}{2}$ x 2. Cl. cts. vlt.

Clerk of the Court - Insanity

(149-155)

149. REGISTER OF CLAIMS, 1914--. 1 vol. (1).
Register of claims filed against estates showing name of claimant, date claims filed, nature and amount of claim, note of allowance or rejection, amount allowed, to whom payable, amount paid, and remarks. Arr. chron. by date of filing. No index. Hdw. on pr. fm. 240 pp. 18 x 12 $\frac{1}{2}$ x 2 $\frac{1}{2}$. Cl. cts. vlt.

150. ORDERS AND DECREES-PROBATE, 1914-19. 1 vol. (1).
Register of orders and decrees in settlement of estates issued by the court. Arr. chron. by date filed. No index. Hdw. 400 pp. 10 x 13 x 2. C&R vlt.

For other records of decrees see entry 111.

Miscellaneous

151. TRUST FUND LEDGER, 1914--. 2 vols. (1, 2).
Accounting of all money deposited with the court and paid out in settlement of estates. Arr. chron. by date of payment. No index. Hdw. on pr. fm. Aver. 150 pp. 9 $\frac{1}{2}$ x 13 x 1 $\frac{1}{2}$. Cl. cts. vlt.

152. TRUST FUND VOUCHER, 1923--. 1 vol. (1).
Carbon copies of trust fund vouchers for money paid out by clerk, showing payee, amount and purpose, and date paid. Arr. chron. by date paid. No index. Hdw. on pr. fm. 200 pp. 14 x 8 x 1. Cl. cts. vlt.

153. TRUST FUND RECEIPT BOOK, 1923--. 1 vol. (1).
Copies of receipts for money paid to clerk of court, showing name of payer, amount, date, and remarks. Arr. chron. by date received. No index. Hdw. on pr. fm. 200 pp. 14 x 8 x 1. Cl. cts. vlt.

Insanity

154. REPORT ON INSANE PERSONS, 1914-15. 1 vol. (1).
Reports on insane and feeble minded persons giving name of magistrate, by whom warrant was issued, name of plaintiff, date of warrant, name of officer making arrest, names of witnesses, order of commitment, signature of judge and clerk of court. Arr. chron. by date filed. No index. Hdw. on pr. fm. 400 pp. 18 x 15 x 2 $\frac{1}{2}$. Cl. cts. bsmt. vlt.

155. RECORD OF INSANE PERSONS, 1914--. 1 vol. (1).
Duplicate certificates of insanity showing name of insane person, address, witnesses, findings of district judge or chairman of board of county commissioners, order of commitment, date filed. Arr. chron. by date filed. No index. Typed on pr. fm. 720 pp. 18 x 12 $\frac{1}{2}$ x 2 $\frac{1}{2}$. Cl. cts. vlt.

Clerk of the Court - Naturaliza-
tion; Marriage

(156-160)

Naturalization

156. RECORD OF DECLARATION OF INTENTION, 1914--. 5 vols.
Record showing name of applicant, age, sex, physical description,
nationality, date and place of birth, marital status, number of
children with date and place of their birth, last foreign resi-
dence, port of entry, name of vessel, date, signature of appli-
cant, date subscribed and sworn to, and certificate number. Arr.
num. by certificate no. Indexed alph. by name of declarant. Hdw.
and typed on pr. fm. Aver. 100 pp. 12 x 11 x 3/4. Cl. cts. vlt.

157. PETITION BOOK, 1914--. 8 vols. (1, 2, 1-6). Title vari-
es: Petition and Record.
Petitions for citizenship, showing name and native country of pe-
titioner, age, certificate of arrival, port of entry, declaration
of intention has been filed, affidavits of witnesses, and oath of
allegiance. Also contains: Certificate of Naturalization, 1929--,
entry 158; Citizenship Petitions Granted, 1914-28, entry 159.
Arr. num. by certificate no. Indexed alph. by name of petitioner.
Hdw. and typed on pr. fm. Aver. 150 pp. 12 x 11 x 1 to 18 x 13 x
2. Cl. cts. vlt.

158. CERTIFICATE OF NATURALIZATION, 1914-28. 11 vols.
1929--, in Petition Book, entry 157.
Register showing certificate number, name of person naturalized,
age, years in United States, declaration of intention number,
state, county, date, petition number, date order for naturaliza-
tion signed, name, age, place of residence of minor children, and
signature of person naturalized. Arr. num. by certificate no.
No index. Hdw. on pr. fm. Aver. 20 pp. 11 x 5 1/2 x 1/4. Cl. cts.
vlt.

159. CITIZENSHIP PETITIONS GRANTED, 1929--. 1 vol. 1914-28.
in Petition Book, entry 157.
Record of naturalizations showing district number, petition num-
ber, name of petitioner and any change of name, date and signature
of judge. Arr. num. by district no. No index. Typed on pr. fm.
Aver. 20 pp. 12 x 11 x 1/4. Cl. cts. vlt.

157. PETITION BOOK, 1914--Marriage. (1, 2, 1-6). Title vari-
es: Petition and Record.

160. MARRIAGE RECORD, 1914--. 2 vols. (1, 2).
Duplicate of marriage license and certificate with applications
for license, showing name of man and woman, age, previous marital
status, occupation, license number, date issued, and marriage
certificate showing names of bride and groom, by whom ceremony
performed, and date of marriage. Arr. chron. by date issued. In-
dexed alph. by man's name; also separate index, entry 161. Hdw. on
pr. fm. Aver. 480 pp. 16 x 12 x 2 1/2. Cl. cts. vlt.

Clerk of the Court - Jurors and
Witnesses; Mothers' Pen-
sions; Miscellaneous

(161-166)

161. INDEX TO MARRIAGE CERTIFICATES, 1914--. 1 vol. (1).
Showing names of bride and groom, date and place married, by whom
married, where recorded (book and page). Arr. alph. by groom's
name. Hdw. on pr. fm. 320 pp. 18 x 13 x 2 $\frac{1}{2}$. Cl. cts. vlt.

Jurors and Witnesses

162. TIME BOOK, 1914--. 1 vol. (1).
Register showing names of witnesses and jurors and total days
served, mileage, and total amount paid. Arr. chron. by date of
service. No index. Hdw. on pr. fm. 250 pp. 17 x 15 x 2. Cl.
cts. vlt.

163. JURORS AND WITNESSES (Warrants), 1914--. 2 vols. (1, 2).
Volume one is a witness warrant book; volume two, jurors' warrant
book containing warrant forms and stubs of warrants issued, show-
ing date, amount, payee, number of days served, mileage and date
issued. Arr. chron. by date of service. No index. Hdw. on pr.
fm. Aver. 200 pp. 16 x 14 x 1. Cl. cts. vlt.

Mothers' Pensions

164. (MOTHERS' PENSION REPORTS), 1914-32. In Reports Current
Files, entry 5.
Monthly report of women drawing mothers' pensions showing name, ad-
dress, marital status, income and number of children.

Miscellaneous

165. FEE BOOK, 1914--. 2 vols. (1, 2).
Register showing amount and source of fees collected, with date,
monthly total, and statement of money paid to treasurer each month.
Arr. chron. by date of entry. No index. Hdw. on pr. fm. Aver.
478 pp. 16 x 18 x 2 $\frac{1}{2}$. Cl. cts. vlt.

166. MISCELLANEOUS, 1914--. 2 file boxes.
Appointment of deputies, report of fires, venire facias, reports
of witnesses and jurors time, reports of witness and juror war-
rants issued, opinions of county attorney, affidavits, and jury
lists showing date, names of interested parties, document number
and type of instrument. Arr. num. by document no. No index.
Hdw. and typed. 12 x 5 x 15. Cl. cts. vlt.

V. PUBLIC ADMINISTRATOR

(167)

The office of public administrator developed from the probate court. In 1872, the territorial legislature authorized the probate judge to appoint a public administrator for the county to administer the estates of persons who died intestate or if the executors failed to qualify.¹ This official was required to make a report to the probate court on every estate administered by him,² and to settle the accounts with the county clerk. In 1883, the office was made elective.³

In 1889, the office of public administrator was listed in the Constitution and the term was fixed at two years. The public administrator was elected for a term of two years until 1938 when by a Constitutional amendment his term was extended to four years. The law has in recent years fixed his bond at \$5,000 in counties of the sixth class.⁴ His salary is derived from fees.⁵ In 1891 the law directed him to deposit all money received from estates with the county treasurer, and account for all monies with the clerk of the district court. He was required also to keep a Register of Public Administrator, in which he must "label the name of every deceased person on whose estate he administers, the date of granting letters, money received, the property and its value, proceeds of all sales of property, the amount of his fees, the expenditures of administration", and other matters relating to the estate. Every six months he must make to district court or judge thereof, a return of all estates which have come into his hands and the condition of same.⁶

167. PUBLIC ADMINISTRATOR'S RECORD, 1914--. 1 vol. (1). Register showing name of deceased, date of death, petition for letters of administration, and date letters granted, description of property, amount of inventory, claims against estate, date of sale of property, to whom sold, proceeds, date of payment of proceeds to treasurer and receipt number, administrator's fee and expense of administration. Arr. alph. by name of deceased. No index. Hdw. on pr. fm. 300 pp. 15 x 12 x 3. Justice off.

VI. JUSTICES OF THE PEACE

The office of justice of the peace was recognized by the territorial laws of Washington and Idaho. The Organic Act for

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1. Mont. Ter. S. L., 7th sess., 1871-72, pp. 369-71. Mont. R. C., 1935, sec. 9990.
 2. Compiled Statutes of Montana, 1887, p. 358
 3. Ibid., 13th sess., 1883, p. 36.
 4. Mont. R. C., 1935, sec. 466.
 5. Const., art. XVI, sec. 5.
 6. Mont. S. L., 1877; sec. 343, p. 329; Mont. R. C., 1935, sec. 10,000.

Justice of the Peace

(Next entry, 168 p. 66)

the Territory of Montana provided for the office of justice of the peace, which should not have jurisdiction in any controversy when the title of land might be in dispute, or where the debt or sum claimed should exceed one hundred dollars.¹

The first territorial legislature directed that there be elected two justices of the peace for each township.² In order to carry this act into effect the county commissioners "shall.....proceed to lay off or divide their respective counties into townships".³ The justice of the peace was described as a magistrate to preserve the peace,⁴ "to issue process" upon the complaint and if it appears justified he shall issue a warrant for the arrest of the person accused.⁵ He had the right to release on bail persons charged with certain offenses. Justices were to have jurisdiction in criminal cases only when the penalty was a fine or imprisonment for not more than six months.⁶ He was to pay all money received for fines to the county treasurer, and in 1872 he was directed to settle his accounts with the clerk of the board of county commissioners. In case of the absence of the coroner, the justice of peace was to perform the duties of this office.⁷

For years the law made no provision for the records of the justice of the peace. In 1887, however, he was directed to keep a Docket Book in which should be recorded the title of action, object, date of summons, date of appearance, demand for jury trial, names of jurors, verdict, judgment, execution, and notice of appeal.⁸ This Docket Book was to be turned over by the retiring justice of peace to his successor. In case there was no successor it was to be deposited with the clerk of the court.⁹

The Constitution of 1889 also provided for two justices of the peace in each township. His jurisdiction extended only to proceedings over personal property valued at not more than three hundred dollars, and to criminal cases less than a felony as proved by law. He had also the powers of an examining magistrate in criminal cases.¹⁰

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1. Organic Act for the Organization of the Territory of Montana, sec. 9.
 2. Mont. S. L., 1st sess., 1864, p. 521.
 3. Ibid., p. 522.
 4. Ibid., p. 218.
 5. Ibid., p. 222.
 6. Ibid., p. 263.
 7. Mont. S. L., 7th sess., 1871-72, p. 568, sec. 11.
 8. Mont. Ter. Compiled Statutes, 15th sess., 1887, p. 269.
 9. Ibid., p. 270, sec. 808.
 10. Const., Art. VIII, secs. 20, 21.

Justices of the Peace

(168-170)

The duties of justice of the peace continued from 1889 until 1895 as they had during the territorial period. The Code of Civil Procedure of 1895 made detailed provisions regarding proceedings in justice courts.¹¹ It renewed the direction for keeping a Docket Book, and made elaborate provisions for its contents and for an index.¹² This book must be turned over to the successor, and if there be none, to the county to be delivered to the successor when designated.¹³ These requirements for keeping records remain the law today.¹⁴

The justice of the peace is elected for a term of two years.¹⁵ The justices of the peace were elected for a term of two years until 1938 when by a Constitutional amendment his term was extended to four years. His bond which must be approved by the commissioners is fixed at \$2,000.¹⁶ In townships with a population of less than 10,000 people, his salary comes from fees.¹⁷ As each of the three townships in Toole County have less than 10,000 people, the salary of every justice of the peace is the fees received. At present only two townships elect justices of the peace who may try cases for any part of the county.

168. FILES OF ACTIONS BEFORE JUSTICE'S COURT, 1930--. 3 file boxes.

Instruments filed in criminal cases such as complaints, warrants, and subpoenas; in civil cases, complaints, affidavits for attachments, undertakings on attachments, writs of attachments, demurrers, answers, orders, judgments and executions showing names of plaintiff and defendant, type of case and date. Arr. alph. by name of plaintiff. No index. Typed on typed fm. 12 x 5 x 20. Justice off.

For other civil records see entries 123-130; Criminal records, 131-136.

169. JUSTICE DOCKETS, 1914--. 12 vols. (1-12).

Register of all cases filed in justice's court, showing names of plaintiff and defendant, attorneys, type of case, summary of actions, and costs. Arr. chron. by date of action. Indexed alph. by name of defendant. Hdw. on pr. fm. Aver. 300 pp. 15 x 12 x 2. Justice off.

170. REPORT OF JUSTICE OF THE PEACE TO THE MONTANA HIGHWAY PATROL, 1935--. 2 vols.

Complaints in motor vehicle law violations showing case number, patrol summons number, name of defendant, nature of offense charged, fines, forfeitures, costs, total received, part allotted to justice of peace office, part to patrol fund. Arr. chron. by date fine paid. No index. Hdw. on pr. fm. Aver. 125 pp. 9 x 13 x $\frac{1}{2}$. Justice off.

11. Mont. Codes and Statutes, Pol. C., 1895, pp. 857-882.

12. Ibid., chap. XI, pp. 879, 880.

13. Ibid., p. 880.

14. Mont. R. C., 1935, chap. 77. 15. Mont. R. C., 1935, sec. 8837.

16. Ibid., sec. 8839. 17. Ibid., sec. 4929.

Constables - Sheriff

(Next entry, 171 p. 68)

VII. CONSTABLES

The first legislature of Montana Territory directed that there should be elected in each township two constables, whose term of office should be two years.¹ The constable was to act primarily as an officer of the justice court, and to perform duties similar to those of the sheriff. He was authorized to serve summons and writs of attachment,² to levy executions,³ and to execute warrants for arrest.⁴

The Constitution of 1889 merely referred to the office,⁵ but did not describe its duties. It continued under statehood substantially as it was when established by the first territorial legislature.⁶ His term remains two years, and his official bond is \$2,000.⁷ In townships with a population of less than 12,000 the constable receives his pay from fees.⁸ The only records he is required to make is a report to the county commissioners. At present there are two constables in Toole County, one in Sweetgrass Township and one in Marias Township. In townships having no constable, his duties are performed by the sheriff.

VIII. SHERIFF

The office of sheriff was provided for by the territorial laws of Washington.¹ In 1863, the legislature of Idaho provided for a sheriff in each of the counties it created.²

The first territorial legislature of Montana continued the office of sheriff. He was to preserve the peace, to serve "processes, writs, and orders" issued by lawful authority, and to make returns in all these writs to the county clerk. He was to have custody of jails and prisoners.³ In case of disability of the sheriff, the coroner was to perform his duties.⁴ In 1867 his duties were described in greater detail, particularly in serving summons, making arrests, taking property in replevin, executing attachments, in sheriff's sales, and in handling juries.⁵

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1. Mont. S. L., 1st sess., 1864, pp. 521, 522.
 2. *Ibid.*, p. 155. 3. *Ibid.*, p. 165. 4. *Ibid.*, p. 263.
 5. Const., art. VI, sec. 26, Ordinance II, sec. 9.
 6. Mont. R. C., 1935, secs. 4859, 4861, 8916, 11169, 11736.
 7. *Ibid.*, sec. 4860. 8. *Ibid.*, sec. 4932.
 1. Washington S. L., 1860, p. 437.
 2. Idaho S. L., 1st sess., 1863-64, pp. 671-676.
 3. Mont. S. L., 1st sess., 1864, p. 511.
 4. *Ibid.*, p. 512.
 5. *Ibid.*, 1867, 4th sess., pp. 28, 77-86, 95-110, 125, 130-137, 159, 160, 218-223, 459-460.

Sheriff - Office Administration;
Sales Records

(171-173)

The Constitution of 1889 provided that in each county there shall be elected a sheriff to hold office for a term of two years.⁶ The sheriff was elected for a term of two years until 1938 when by a Constitutional amendment his term was extended to four years. The legislature of 1891 continued the duties of the office as defined by the territorial laws.⁷ Later legislation has been purely administrative in character. The law makes no requirement for keeping records of this office. The "processes", which include "writs, warrants, summons, and orders of courts and notices", and all other papers and orders to court must be endorsed by the sheriff but are returned to the clerk of court or to other officials for filing.⁸ In Toole County the sheriff keeps a set of books called "Sheriff's Fee Book" which is a duplicate of another called "Sheriff's Day Book". The sheriff in Toole County must furnish an official bond for \$7,000.⁹ His salary is \$2,250 per year, with liberal allowances for travel and other expenses.¹⁰

Office Administration

171. SHERIFF'S DAY BOOK, 1914--. 9 vols. (1-9).
Showing file number of case, date received, sheriff's office number, name of court, title of case, names of attorneys, kind of process, date of service, upon whom served, where served, name of officer, date returned, amount of fees, gross amount received, fees due county, and remarks. Arr. chron. by date received. No index. Hdw. on pr. fm. Aver. 250 pp. 16 x 15 x 2 $\frac{1}{2}$. Shrf. vlt.

172. SHERIFF'S FEE BOOK, 1914--. 9 vols. (1-9).
For description see entry 171. Arr. chron. by date received. No index. Hdw. on pr. fm. Aver. 250 pp. 17 x 15 x 2 $\frac{1}{2}$. Shrf. vlt.

Sales Records
(Also see entry 95)

173. SALES RECORDS, 1903--. 8 file boxes.
Praecipe or order of sale of property under writ of execution, showing names of plaintiff and defendant, description of property, return on execution, showing description of property, acknowledgment by sheriff of receiving writ of execution, date received, and notice that sale has been made with certificate of sale showing amount received, fees and balance due, and signature of sheriff or

6. Const., art. XVI, sec. 5.
7. Mont. S. L., 2nd sess., 1891, p. 232.
8. Mont. R. C., 1935, sec. 4773.
9. Ibid., sec. 466.
10. Ibid., secs. 4867, 4916.

Sheriff - Miscellaneous

(174-178)

undersheriff, and judges' signature. Arr. alph. by name of plaintiff. No index. Typed on pr. fm. 10 x 5 x 12 to 12 x 5 x 16. 7 file boxes, 1914--., shrf. off.; 1 file box, 1903-13, C&R vlt.

174. REAL ESTATE SALES, 1914--., 2 file boxes. Sheriff's return on sale for foreclosures of mortgages, showing certification of advertising of sale, in what newspaper published, dates published, description of property, name of purchaser, amount received, cost of sale, and balance due mortgagee. Arr. alph. by name of debtor. No index. Typed on pr. fm. 12 x 5 x 16. Shrf. off.

175. REDEMPTIONS ON REAL ESTATE, 1914--. 1 file box. (A-Z). Shows notices of redemption of property sold by foreclosure of mortgage, showing name of person redeeming property, date of expiration of redemption period, description of property, amount due, name of purchaser at sheriff's sale, and certificates of redemptions, showing acknowledgment by sheriff of money paid to him for redemption of property, signature of sheriff, and notarial seal. Arr. alph. by name of redeemer. No index. Typed. 12 x 5 x 16. Shrf. off.

For tax sale redemptions, see entries 102, 238-240.

176. DEEDS ON REAL ESTATE, 1914--. 6 file boxes (A-Z). Deeds given by sheriff on sale of real estate at sheriff's sale, showing date, names of plaintiff and defendant, order for sale of property, description of property, amount of sale, name of purchaser, and signature of sheriff. Arr. alph. by name of defendant. No index. Typed on pr. fm. 5 x 12 x 16. Shrf. off.
For other deeds see entries 40-46.

Miscellaneous

177. BRAND INSPECTION BOOK, 1930. 1 vol. Record of brands on cattle inspected for shipment out of the county, showing by whom owned, from whom purchased, date inspected, number of cattle, description, brand and its location, fee charged, and signature of inspector. Arr. chron. by date inspected. No index. 250 pp. 12 x 9 x 1 $\frac{1}{2}$. Shrf. off.

178. REGISTER OF PRISONERS CONFINED IN COUNTY JAIL, 1914--. 1 vol. (1). Showing admittance number, name and description of prisoner, where born, case history, when and by what authority committed, for what offense, term, date of leaving prison, whether escaped or discharged, if discharged by what authority, and remarks. Arr. num. by case no. No index. Hdw. on pr. fm. 230 pp. 17 x 13 x 2. Shrf. off.

Coroner - County Attorney

(Next entry, 180 p. 72)

IX. CORONER

The office of coroner was first established in Montana by the territorial legislature of 1865.¹ The coroner was to act as sheriff when the office was vacant or when the sheriff was unable to act. He was also to "hold an inquest upon the dead bodies of such persons only as are supposed to have died by unlawful means, or the cause of whose death is unknown".² For this purpose he could summon a jury and subpoena witnesses. In 1872 the coroner was given the right to issue warrants for the arrest of persons charged with crime by the inquest jury.³ Reports of the inquest and arrest were to be returned to the clerk of the district court.⁴ In case there was no coroner, the justice of the peace should perform the duties of the office.

The Constitution of 1889 provided that every county shall have a coroner whose term of office is two years.⁵ In 1895 the law defined his duties as they had been during the territorial period. At the same time the coroner was required to keep a Coroner's Register, in which he must enter the date of holding of all inquests, the name and description of deceased, what disposition of body was made by coroner, the cause of death and other information.⁶ This law has remained in force since that date.⁷ The coroner was elected for a term of two years until 1938 when by a Constitutional amendment his term was extended to four years.⁸ In counties of the sixth class his official bond is \$3,000.⁹ His salary must come from fees of his office but may not exceed \$2,100 per year.¹⁰

179. CORONER'S REGISTER, 1922--. 1 vol. (1). Prior records missing.

Register of cases involving violent death and inquest showing name of deceased, where body found, date and place of inquest, names of jurors and witnesses, per diem charged, findings of jury, disposition of body, description and disposition of personal effects, coroner's fees, and remarks. Arr. chron. by date of inquest. No index. Hdw. on pr. fm. 150 pp. 17 x 12 x 1 $\frac{1}{4}$. Coroner's office.

X. COUNTY ATTORNEY

The first legislature of Montana provided that in each of the three judicial districts there should be a district attorney who should be "public prosecutor" and give legal opinions "to county

1. Mont. Ter. S. L., 1st sess., 1865, p. 512. 2. Ibid., p. 513.
3. Ibid., 7th sess., 1871-72, p. 449. 4. Ibid. 5. Const., art. XVI, sec. 5. 6. Mont. Pol. Code, 1895, pp. 393, 1206.
7. Mont. R. C., 1935, chap. 369, sec. 4854. 8. Mont. S. L., 1st sess., 1865, p. 512. 9. Ibid., 1935, sec. 466. 10. Ibid., sec. 4922.

County Attorney - Assessor

(Next entry, 180 p. 72)

or township officers".¹ In 1872 he was authorized to appoint one deputy prosecutor for each county.² No directions were given for keeping of records and no records of these officials remain. The Constitution of 1889 omitted all mention of district attorney and established the office of county attorney.³ This office, however, was held to be a state office and half of the attorney's pay was from state funds.⁴ His duties were two kinds, public prosecutor for the enforcement of state law, and legal advisor to county officials. He was also required to make an annual settlement with the clerk of the board of commissioners of all his transactions.⁵ As a public official he is required to keep no permanent records.

His term of office is two years, his official bond for counties in the class of Toole County is fixed at \$1,000, and his salary is \$1,800 per year.⁷

For reports to the commissioners see entry 11.

XI. ASSESSOR

The office of assessor was established by the first legislative assembly of Montana Territory.¹ The assessor's duties were not defined by the law but he was to act under the direction of the county commissioners. From time to time the legislature prescribed special duties for this office. In 1869 it directed the assessor to seize and sell enough of personal property to pay the amount of taxes due, if there was any danger it might be removed to escape the tax,² and it required him to deliver the assessment roll to the county clerk.³ In 1871 he was ordered to gather statistics regarding farm property and industry,⁴ and in 1879 to collect a poor tax from all those who had no taxable property.⁵ In the case of the mines which were taxed only on their net proceeds,⁶ the assessor had a difficult job.

The Constitution transferred the tax collecting duties of the assessor to the county treasurer.⁷ The legislature of 1891 went

1. Mont. S. L., 1st sess., 1865, pp. 352, 353.

2. Ibid., 7th sess., 1871-72, p. 379.

3. Const., art. VIII, sec. 19.

4. Mont. S. L., 2nd sess., 1891, p. 134.

5. Ibid., pp. 127, 128.

6. Mont. R. C., 1935, sec. 466. 7. Ibid., sec. 4867.

1. Mont. Ter. S. L., 1st sess. 1865, op. cit., p. 520.

2. Ibid., 5th sess., 1869, p. 45. 3. Ibid., p. 46.

4. Ibid., 7th sess., 1871-72, p. 635. 5. Ibid., Mont. Revised Statutes 1879, p. 673.

6. Ibid., p. 855.

7. Const. art. XVI, sec. 5.

Assessor - Assessments

(180-181)

into great detail regarding the assessment of property and prescribed the types of records the assessor should use. These must include an assessment book containing a full description of all real and personal property in the county and record of ownership.⁸

The assessor was also directed to make an annual report of all taxable property to the state board of equalization,⁹ and to notify the county commissioners of all property that had escaped taxation or had been under-valued.¹⁰

In 1917 the assessor was instructed to receive and file applications for hail insurance and to advocate the advantages of this insurance,¹¹ and in 1921 he was assigned the duty of reporting farm statistics to the commissioners of agriculture.¹² All these duties are required of the assessor today.¹³

The assessor, elected for a term of two years, is a constitutional officer.¹⁴ The assessor was elected for a term of two years until 1938 when by a Constitutional amendment his term was extended to four years. Before assuming office he must submit to the commissioners an approved official bond for \$4,000.00,¹⁵ and his salary in Toole County is \$1,800.00 per year.¹⁶

Assessments

(For assessment book, see entry 193)

180. TOWNSHIP ASSESSMENT BOOK, 1914--. 54 vols. (1-54); 3 file boxes.

Assessment books for real estate in the county including that in towns showing school district, name of owner, description of land, acreage tillable or grazing, improved state land, improved industrial sites, total real estate and improvements, value of total of class, percent to be taxed, amount taxable and total with affidavit of person listing the property. Current records kept in loose-leaf volumes, prior records removed and stored in file boxes. Arr. alph. by name of owner. No index. Typed on pr. fm. Aver. 200 pp. 14 x 9 x 1. Assessor's vlt.; file boxes, 13 x 15 x 26. Assessor's off.

181. TOWN ASSESSMENT BOOK, 1914--. 18 vols. (labeled by name of town); 3 file boxes.

Assessment books for real estate in Shelby, Sweetgrass, Sunburst,

8. Mont. S. L., 2nd sess, 1891, pp. 74, 89. 9. Ibid., p. 87.
10. Ibid., p. 87. 11. Ibid., 1917, p. 421. 12. Ibid., 1921, p. 345.
13. Mont. R. C., 1935, secs. 356, 2043, 2053, 2118.
14. Const. art. XVI, sec. 5.
15. Mont. R. C., 1935, sec. 466. 16. Ibid., sec. 4867.

Assessor - Assessments

(182-186)

Kevin, Oilmont, Devon, Dunkirk, Ethridge and Galata showing name of town, school district, description and classification of property, percent taxable, property included in the class and total; with a recapitulation showing class, full and true value of total of class, percent of tax, and total with affidavit of person listing the property. Current records kept in loose-leaf volumes, prior records removed and stored in file boxes. Arr. alph. by name of town in vols. and by name of owner in file boxes. No index. Hdw. on pr. fm. Aver. 200 pp. 14 x 9 x 1; file boxes, 14 x 5 x 26. Assessor's off.

182. NOTICE OF PERSONAL PROPERTY ASSESSED, 1914--. 27 vols. Copies of notices from assessor to treasurer of assessments on personal property showing date, number, name of owner, address, actual value of property, tax value and notice of poor and road tax. Arr. num. by notice no. No index. Hdw. on pr. fm. Aver. 100 pp. 9 x 9 x $\frac{1}{2}$. Assessor's off.

183. TOWN OWNERSHIP BOOKS, 1914--. 52 vols. (labeled by name of town). Register of owners of real property in Sweetgrass, Sunburst, Kevin, Oilmont, Shelby, Ethridge, Devon, Dunkirk and Galata showing owner's name, lot, block and addition number, value of property and value of improvements. Arr. num. by block no. thereunder num. by addition no. No index. Hdw. on pr. fm. Aver. 200 pp. 9 x 10 x 1. Assessor's off.

184. COUNTY OWNERSHIP BOOK-EAST RANGE, 1914--. 1 vol. Register showing ownership, township number, location, number of acres of tillable or grazing land, and value of improvements. Arr. num. by township no. No index. Hdw. on pr. fm. 350 pp. 15 x 20 x 2. Assessor's off.

185. TOOLE COUNTY MOTOR VEHICLE AND TRAILER LIST, 1938--. 1 file box. Showing name of owner, address, make of car, year, style, engine number, amount assessed, taxable accessories, and signature of owner. Arr. alph. by name of owner. No index. Hdw. on pr. fm. 6 x 8 x 22. Assessor's off.

186. MORTGAGE NOTICES AND ROAD AND POOR TAX, 1936--. 1 file box. Notices of state, county and national farm loan associations showing amount of mortgage, owner of property, date mortgage recorded, expiration date, description of property and date of notice, also check list of paid road and poor taxes. Arr. alph. by name of owner of property. No index. Typed on pr. fm. 6 x 8 x 22. Assessor's vlt.

Board of Equalization

(187-192)

Maps

187. GALATA, SWEETGRASS, ETHRIDGE, DEVON, DUNKIRK, SUNBURST, OILMONT AND SHELBY, 1925-36. 8 maps in 1 file box. Maps drawn by Ralph Lund, and Harold Cox. Political. Pr. black and white. Scale 1 inch equals 200 miles. 25 x 24 x 1. Assessor's off.

188. LAND CLASSIFICATION MAPS OF TOWNSHIPS OF TOOLE COUNTY, 1914--. 14 maps in 1 steel drawer. Drawn by Homer F. Cox. Black and white. Scale 1 inch equals 100 miles. 28 x 24. Assessor's off.

189. MAP OF TOOLE COUNTY, 1931. 1 map in 1 steel drawer. Drawn by Homer F. Cox. Blueprint. Scale 1 inch equals 1 mile. 22 x 24. Assessor's off.

190. MAP OF TOOLE COUNTY PRECINCTS, 1931. 1 map in 1 steel drawer. Drawn by Homer F. Cox. Political. Blueprint. Scale 1 inch equals 2 miles. 28 x 24. Assessor's off.

XII. BOARD OF EQUALIZATION

The Constitution of 1889 made the board of county commissioners of each county the board of equalization.¹ This board was to adjust and equalize the valuation of taxable property within the county for tax purposes, but its decisions were subject to review by the state board of equalization. The law has merely re-enacted this grant of powers.²

191. (MINUTES OF BOARD OF EQUALIZATION), 1914--. In Commissioners' Proceedings, entry 1. Minutes of board showing revision of real and personal property valuations from original valuations, name of property owner, and description of property.

192. (APPLICATIONS TO LOWER ASSESSMENTS), 1919-22. In Leases, Contracts and Receipts, entry 80. Showing date, name of applicant, value, description and location of property.

1. Const., art. XII, sec. 15.

2. Mont. R. C., 1935.

XIII. TREASURER

(Next entry, 193 p. 78)

The office of treasurer was established by the first territorial legislature. His duties were defined as follows: "To receive all monies belonging to the county"; pay out money "only on order of the board of county commissioners, except when specified provision for the payment thereof is or shall be otherwise made by law, to keep a just and true account of the receipts and expenditures in a book or books to be kept by him for that purpose". He was also to be collector of taxes and to assess all property which the assessor had failed to assess.¹ In 1867, the treasurer was directed to keep a book in which he "shall enter all county warrants presented for payment". He was also to "post a list of all warrants" which the county has "funds to pay and shall file a copy of such notice in the office of the county clerk".²

The legislature gradually specified the duties of the treasurer as tax collector. He was to examine reports of corporations and collect taxes accordingly.³ He was to collect road taxes, to send notices of delinquent taxes, to seize personal property for payment of taxes, to sue for collection of taxes,⁴ to provide for sale of real estate for delinquent taxes, and to give to purchasers of property bought at tax sale a certificate of purchase, and if the land be not redeemed within a year the treasurer must give a deed to the purchaser. The treasurer was to make full reports of all these acts to the county clerk for the use of the commissioners.⁵ He was also required to keep a record of all warrants presented for payment, to record and cancel warrants paid and to register those unpaid.⁶

In 1874, he was ordered to deliver to the county commissioners warrants and vouchers for monies disbursed by him,⁷ to keep a separate account for school funds and to pay school fund warrants against these accounts.⁸ In 1877, the legislature made it "the duty of the county commissioners, not less than twice in each year, to examine the books of the treasurer and if the books do not correspond with the amount of funds on hand they shall take possession of the books, monies, and papers of the treasurer's office".⁹ During the remainder of the territorial period, no important change was made in the duties of the county treasurer.

1. Mont. S. L., 1st sess., 1865, pp. 517-518.

2. Ibid., 4th sess., 1867, p. 59.

3. Ibid., 6th sess., 1869-70, p. 54.

4. Ibid., p. 56.

5. Ibid., 8th sess., 1871-2, pp. 610-615; Mont. R. C., 1935, secs. 2194-5, 2202.6.

6. Ibid.

7. Ibid., 8th sess. 1874, p. 70.

8. Ibid., pp. 118, 119.

9. Ibid., 10th sess., 1876-77

Treasurer

(Next entry, 193 p. 78)

The Constitution of 1889 makes the county treasurer a constitutional officer who serves as collector of taxes, to whom all county revenue is paid, who has custody of county funds, and who disburses them only by authority of law, and ordinarily only upon the orders of the county commissioners.¹⁰ He is elected for a term of two years and may succeed himself once but not a second time. The treasurer was elected for a term of two years until 1938 when by a Constitutional amendment his term was extended to four years. Before qualifying for office in Toole County, he must furnish a bond for \$25,000, which must be approved by the judge of the district court.¹¹ The salary of the county treasurer in Toole County is \$2,000 per year.¹² The Codes of 1895 defined its duties as they had developed during the territorial period. They made some change by adding that he is to settle with the clerk of the board of county commissioners every month,¹³ and directed him to obtain from the clerk each year a duplicate of the assessment book.¹⁴ The County commissioners may dispense with a duplicate assessment book in which case the treasurer will receive and keep the original one.¹⁵ In most counties this has been done to economize on equipment and clerical work. They also assigned him as tax collector the duty of issuing and collecting payments for all sorts of licenses, relating to business; architects, bankers, brewers, butchers, circuses, contractors, electric light and gas companies, laundries, livery stables, pawnbrokers, peddlers or hucksters, pool hall operators, restaurants, theatres and many other businesses must obtain their licenses from the treasurer and pay the license fees to him.¹⁶ Since 1895 the issuing of many new kinds of licenses has been assigned to the treasurer, among which is the license to operate motor vehicles,¹⁷ and to use a car on the public highways.¹⁸

Little change has been made in the duties of the county treasurer since the early years of statehood. The codes of 1935 simplified the statement of duties and they appear as follows: "receive all monies belonging to the county, and all other monies directed by law to be paid to him; keep an account of the receipt and expenditure of all such monies in books provided for that purpose; keep his books so that the amount received and paid out for sepa-

10. Const., art. XVI, sec. 5.

11. Mont. R. C., 1935, secs. 466, 471.

12. Ibid., sec. 4867.

13. Mont. Pol. C., 1895, p. 381.

14. Ibid., p. 328.

15. Mont. R. C., 1935, sec. 2207.

16. Mont. Pol. Code, 1895, secs. 4043, 4062-4082; Mont. R. C., 1935, secs. 2429, 2434-2440, 2589.

17. Ibid., sec. 1841.

18. Mont. S. L., 1935, chap. 85, sec. 10; Mont. R. C., 1935, sec. 1741.11.

Treasurer

(Next entry, 193 p. 78)

rate funds or specific appropriations is exhibited in separate and distinct accounts, and the whole receipts and expenditures shown in one general or cash account"; disburse the county monies only on county warrants issued by the county clerk based on orders of the board of county commissioners, or as otherwise provided by law; "keep all school monies in a separate fund, and keep a separate account of their disbursement to the several school districts, notify the county superintendent of the amount of the county school fund in the county treasury subject to apportionment; pay all warrants drawn on county or district school monies, in accordance with the provisions of law, whenever such warrants are countersigned by the district clerk and properly endorsed by the holders, make annually, during the month of September of each year, a financial report for the last preceding year ending with August 31st, to the county superintendent in such form as may be required by him". When any money is paid to the county treasurer, he must issue a receipt for such money in triplicate, the original of which shall be delivered to the person paying the same, and the duplicate shall be retained in his office. He must settle his accounts relating to the collection, care, and disbursement of public revenue, of whatsoever nature, with the county clerk, on the first Monday of each month. Each county treasurer must make a detailed report, at every regular meeting of the board of county commissioners of his county, of all monies received by him and the disbursement thereof, and of all debts due to and from the county.¹⁹

The county treasurer must keep records of all delinquent taxes. It is his duty to offer delinquent property for sale at a date which has been advertised and if there is no purchaser it must be struck off to the county as the purchaser.²⁰ He may assign the right of the county acquired at such a sale upon payment of the delinquent taxes due plus penalties and interest that have accrued.²¹ Property sold for taxes may be redeemed by the owner or anyone having an interest therein within three years from the date of purchase or at any time prior to the giving of notice of application for tax deed. "In all cases where not more than four years are delinquent, no tax deed shall be issued in less than five years from the date of the purchase".²² The effect of the law in practice is to make the time limit for redemption five years.

19. Mont. R. C., 1935, secs. 4750, 4760, 4761.

20. Mont. R. C., 1935, sec. 2191.

21. Ibid., sec. 2207.

22. Ibid., sec. 2201.

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Taxation

General

193. ASSESSMENT BOOK, 1914--. 75 vols. (labeling varies). Shows roll number, name of owner, description of property, real value, taxable value, date paid, apportion of tax to state, county, school district, trust and agency funds. Arr. num. by roll no., thereunder alph. by name of owner. No index. Hdw. on pr. fm. Aver. 150 pp. 18 x 32 x 2. Treas. bsmt. vlt.

For other assessment records, see entries 180-182, 185.

194. OWNERSHIP BOOK-COUNTRY, 1914--. 3 vols. (1-3). Register showing names and address of owners of real estate outside the limits of incorporated towns, township number, section and lot numbers. Arr. num. by twp. no. No index. Hdw. on pr. fm. Aver. 300 pp. 18 x 20 x 2 $\frac{1}{2}$. Treas. vlt.

195. OWNERSHIP BOOK-TOWN, 1914--. 1 vol. Register showing names and address of owners of real estate in incorporated towns, description of property, section, township and range numbers. Arr. num. by twp. no. No index. Hdw. on pr. fm. 300 pp. 18 x 18 x 3. Treas. vlt.

196. COUNTY REAL ESTATE, 1914--. 85 file drawers (labeled by township and range). Card file for each tract of land in county, showing name and address of owner, total acres, range or township and section number, date and to whom deed issued, type and value of improvements, whether tax delinquent or not, date of application for delinquent tax deed, and apportionment to school district fund and other funds. Arr. num. by twp. no. No index. Hdw. on pr. fm. 10 x 5 x 22. Treas. vlt.

197. SPECIAL IMPROVEMENT BOOK, 1916--. 4 vols. Register of special improvement districts showing district number, nature of improvement, assessments, town block number, cost, names of owners of abutting property, installments to be paid, payments with receipt number and delinquencies. Arr. chron. by date delinquent. No index. Hdw. on pr. fm. Aver. 300 pp. 16 x 26 x 3. Treas. bsmt. vlt.

198. INSTALLMENT TAX RECORD, 1934. 1 vol. Discontinued. Register of contracts for payment of taxes by installments showing date and number of contract, date of payments, name and address of owner, amount of contract, description of land, detail of taxes included, basis of distribution, and payments. Arr. num. by contract no. No index. Hdw. on pr. fm. 200 pp. 18 x 12 x 1. Treas. vlt.

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199. SPECIAL ROAD AND POOR TAX RECORD, 1931--. 1 vol.
Record of special levies for road and poor tax, showing collections made by employers, amount, date and name of employee, amount and date of assessment (book and page). Arr. alph. by name of employer, thereunder chron. by year. No index. Hdw. on pr. fm. 200 pp. 17 x 13 x 1. Treas. vlt.

Delinquent Real Property

200. TREASURER'S DELINQUENT REAL PROPERTY, 1914--. 2 vols. (1, 2).
Register of delinquent taxes on property showing name and address of owner, block and lot number, section, township and range, years delinquent, total delinquent tax and remarks. Arr. num. by section no. No index. Hdw. on pr. fm. Aver. 300 pp. 15 x 22 x 2. Treas. vlt.

201. DELINQUENT TAX LIST, 1914--. 5 vols.
Showing to whom assessed, address, description, city and town lot numbers, cash value of improvements assessed to persons other than the owners, total assessed value after equalized by state and county board, apportionment of tax, penalties, date of publication of notice, interest, total delinquent taxes, date paid or date property sold, and remarks. Arr. chron. by date paid. No index. Hdw. on pr. fm. Aver. 400 pp. 26 x 17 x 3. Treas. off.

202. REGISTER OF DELINQUENT TAXES, 1914--. 1 vol. (1).
Register of delinquent taxes showing roll number, amount delinquent, date paid, receipt number, apportionment of tax, and total. Arr. num. by receipt no. No index. Hdw. on pr. fm. 400 pp. 17 x 23 x 3. Treas. vlt.

203. DELINQUENT TOWN AND CITY PROPERTY, 1914--. 6 vols. (1-6).
Register of town and city property sold for delinquent taxes showing name of city or town, block number, lot number, year, tax sale certificate number, date paid and remarks. Arr. num. by twp. no., thereunder by lot no. No index. Hdw. on pr. fm. Aver. 400 pp. 16 x 21 x 3. Treas. vlt.

204. TOWN REAL ESTATE, 1914--. 28 file drawers (labeled by township and range).
Card file of delinquent taxes for each year, showing year, to whom assessed, tax roll number, address, date of sale, amount of tax and penalty, date of assignment, date of redemption, township, range and section numbers, and remarks. Arr. num. by twp. no. No index. Hdw. on pr. fm. 10 x 5 x 22. Treas. vlt.

205. DELINQUENT RECEIPTS, 1912--. 1043 vols. 1912-14 transcribed.
Triplicate receipts for paid delinquent taxes showing roll number, receipt number, taxable valuation, assessed valuation, payer,

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bursements

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apportionment, amount of first and second payments, location of property, number of acres, total tax plus penalty and interest and total costs. Arr. num. by receipt no. No index. Hdw. on pr. fm. Aver. 50 pp. 8 x 12 x $\frac{1}{2}$. Treas. vlt.

Delinquent Personal Property

206. PERSONAL TAXES, 1937--. 16 file drawers (A-Z). Card file listing delinquent taxes on personal property assessed against persons who do not own real property, showing name and address of owner, year, assessment roll, number, date of sale, amount delinquent plus penalty, date of assignment of tax sale certificate, date of redemption, township, range, and section numbers. Arr. num. by twp. no. No index. Hdw. on pr. fm. 9 x 22 x 4. Treas. vlt.

207. DELINQUENT PERSONAL TAX RECEIPTS, 1914--. 4 vols. (1-4). Triplicate copies showing name and address of owner, location and description of property, assessed valuation, amount delinquent plus penalty and interest, date of tax sale certificate, redemption certificate number, assignment number, roll number, apportionment of tax, and dates and amounts of first and second payments. Arr. num. by receipt no. No index. Hdw. on pr. fm. Aver. 100 pp. 9 x 12 x $\frac{3}{4}$. Treas. vlt.

Receipts and Disbursements
(For Clerk's records of receipts and disbursements,
see entries 33-37)

General

208. GENERAL LEDGER, 1922--. 1 vol. (1). Ledger account of receipts and disbursements showing date, explanation of account, page reference, penalty, and interest and total amount. Arr. chron. by date filed. No index. Hdw. on pr. fm. 500 pp. 18 x 15 x 3. Treas. vlt.

209. TREASURER'S PETTY LEDGER, 1914-30. 3 vols. (1-3). Discontinued. One page lists debtor account showing amount of receipts, where posted in general ledger, deposits in bank, and total receipts; on opposite page is creditor account showing amount of disbursements, where posted in general ledger, disbursements, withdrawals from bank, and total disbursements. Arr. chron. by date of receipts. No index. Hdw. on pr. fm. Aver. 250 pp. 16 x 12 x $2\frac{1}{2}$. Treas. bsmt. vlt.

210. TREASURER'S CASH BOOK, 1917--. 2 vols. (1, 2). Showing distribution of cash accounts giving fund charged, amount, date, and totals. Arr. chron. by date entered. No index. Hdw.

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bursements

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on pr. fm. Aver. 300 pp. 16 x 31 x $2\frac{1}{2}$. Treas. bsmt. vlt.

211. TREASURER'S PETTY CASH BOOK, 1914--. 3 vols. (1-3). Showing daily cash receipts for taxes, licenses, office fees, and miscellaneous payments with name of payer, how paid, receipt number; and disbursements with name of payee with warrant number, authorization for payment, amount of cash on hand, cash in bank, and cash paid to clerk. Arr. chron. by date of receipt. No index. Hdw. on pr. fm. Aver. 400 pp. 18 x 36 x 3. Treas. bsmt. vlt.

212. ACCOUNTS CONTROL, 1931--. 1 vol. (1). Record of amount each account has received each month showing date, fund credited, page, to which posted, amount of receipts and disbursements, and monthly balance. Arr. chron. by month. No index. Typed on pr. fm. 100 pp. 15 x 15 x 1. Treas. vlt.

213. UNFINISHED BUSINESS REGISTER, 1914--. 1 vol. (1). Register of partially paid installment accounts on basis of previous year's levy, showing assessor's notice, amount, balance due county, if any, refund due, tax paid, if any, date paid, receipt number, to whom issued, date transferred to regular business, and remarks. Arr. chron. by date paid. No index. Hdw. on pr. fm. 150 pp. 16 x 14 x 1. Treas. vlt.

Receipts

214. CURRENT TAX COLLECTIONS, 1914--. 2 vols. (1, 2). Title varies: Treasurer's Register of Taxes Collected. Register of current tax collections showing tax roll number, name and address of payer, receipt number, and funds to which tax apportioned and totals. Arr. num. by receipt no. No index. Typed on pr. fm. Aver. 600 pp. 28 x 15 x 4. Treas. off.

215. CURRENT REAL ESTATE TAX RECEIPTS, 1914--. 1992 vols. (dated). Triplicate copies showing name and address of owner, location of property, number of acres, assessed valuation, amount, receipt number, and apportionment of tax. Arr. num. by receipt no. No index. Hdw. on pr. fm. Aver. 100 pp. 14 x 9 x 1. Treas. vlt.

216. TREASURER'S RECEIPTS, 1919--. 240 vols. (1-240). Triplicate receipts for collections other than regular taxes showing receipt number, payer, address, amount, account, and fund credited. Arr. num. by receipt no. No index. Hdw. on pr. fm. Aver. 100 pp. 8 x 10 x $\frac{1}{2}$. Treas. vlt.

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bursements

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217. TREASURER'S REGISTER OF RECEIPTS, 1914--. 1 vol. (1). Register of tax receipts showing date, funds to which money is apportioned, amounts, and totals. Arr. chron. by date of receipt. No index. Hdw. on pr. fm. 350 pp. 18 x 12 x 2. Treas. vlt.

218. REGISTER OF ALL RECEIPTS, 1921--. 1 vol. (1). Shows total of all receipts, with explanation for collections, dates and apportionment to various funds. Arr. chron. by date of reception. No index. Typed. 1600 pp. 18 x 12 x 3. Treas. vlt.

219. IRRIGATION, 1926-28. 3 vols. (1-3). Discontinued. Register of special irrigation taxes collected showing assessment roll number, year, name of owner, description of land, amount of tax and date of payment with certificate number. Arr. alph. by owner's name. No index. Typed on pr. fm. Aver. 150 pp. 10 x 15 x 1. Treas. vlt.

220. TREASURER'S PETTY LEDGER-PUBLIC ADMINISTRATION, 1925-29. 1 vol. (1). Discontinued. Ledger account showing date and amount of receipts; and apportionment to the general, school, gopher, road, special, and relief funds; also receipts for payments from public administrator in settlement of estates. Arr. chron. by date of receipt. No index. Hdw. on pr. fm. 200 pp. 18 x 12 x 1 $\frac{1}{2}$. Treas. bsmt. vlt.

221. NET PROCEEDS OF MINES-TOOLE COUNTY, 1931-32. 2 vols. (1, 2). Discontinued. Register showing names of owner and of operator, location, and description of lease, type of product, gross value, tax roll number, amount of royalty, percentage owned, amount yielded, net proceeds, amount of first and second payments, total tax, receipt number, dates of first and second payments delinquent. Arr. alph. by name of royalty owner. No index. Typed on pr. fm. Aver. 500 pp. 16 x 19 x 3. Treas. vlt.

222. NET PROCEEDS ROYALTIES TAXES, 1927--. 10 vols. (1-10). Schedule of royalty interest with the amount of taxes, showing name of operator of well, address, name of lease, description and location, percentage owned, amount yielded, and amount of tax. Arr. alph. by name of operator. No index. Typed on pr. fm. Aver. 250 pp. 20 x 15 x 2. Treas. vlt.

Disbursements

223. JOURNAL VOUCHER, 1930--. 1 vol. (1). Showing day by day payments with warrant number, name of payee,

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bursements

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date of payment, and account charged. Arr. chron. by date of entry. No index. Typed on pr. fm. 500 pp. 18 x 15 x 3. Treas. vlt.

224. TREASURER'S DISBURSEMENT REGISTER, 1914--. 1 vol. (1). Register of disbursements showing date, amount expended, fund charged, totals, and balance. Arr. chron. by date filed. No index. Hdw. on pr. fm. 250 pp. 17 x 15 x 2. Treas. vlt.

225. WARRANT REGISTER, 1914--. 5 vols. (1-5). Register of warrants showing fund charged, date issued, warrant number, to whom issued, amount, date registered, amount of interest, date advertised for payment, date redeemed, payee, and total amount paid. Arr. chron. by date issued. No index. Hdw. on pr. fm. Aver. 600 pp. 16 x 18 x 4. Treas. vlt.

For other record of warrants, see entries 18-25.

226. TOWN OF SWEETGRASS WARRANTS, 1924-29. 743 warrants in 1 file box (1-743). Paid warrants drawn by the town of Sweetgrass before it was discontinued, showing name of payee, warrant number, fund charged, amount, and date. Arr. num. by warrant no. No index. Hdw. on pr. fm. 5 x 26 x 10. C&R bsmt. vlt.

227. LEDGER ACCOUNT, 1914--. 4 vols. (1-4). Title varies: Treasurer's Register of Vouchers Surrendered. Register of warrants paid showing date, warrant number, name of payee, to what account charged, and purpose of payment, total, and cash book page. Arr. chron. by date filed. Hdw. on pr. fm. Aver. 300 pp. 16 x 26 x 2 $\frac{1}{2}$. Treas. vlt.

Schools

228. PETTY LEDGER-SCHOOL DISTRICT, 1914--. 2 vols. Petty ledger account of all school district funds showing school district number, name of payer, payee, fund credited, amounts with totals received, totals paid, and balance. Arr. num. by school district no. No index. Hdw. on pr. fm. Aver. 500 pp. 18 x 25 x 4. Treas. bsmt. vlt.

229. SCHOOL DISTRICT LEDGER, 1931--. 5 vols. (1-5). Ledger account showing district number, fund, amount of delinquent taxes, receipts, disbursements, and balance. Arr. chron. by date of entry. No index. Typed on pr. fm. Aver. 900 pp. 15 x 15 x 7. Treas. vlt.

230. TREASURER'S DISTRICT SCHOOL BALANCE BOOK, 1914--. 2 vols. (1, 2). Monthly balance of district school funds showing fund number, balance in fund, amount received for credit during month, and total; amount paid out and charge during month, balance in fund, and

Treasurer - Deposit of Funds;
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totals of all funds. Arr. num. by school dist. no. No index.
Hdw. on pr. fm. Aver. 300 pp. 18 x 14 x 2 $\frac{1}{2}$. Treas. bsmt. vlt.

231. SCHOOL DISTRICT BUDGET RECORD, 1931--. 1 vol. (1).
Record of school district budgets showing school district number,
amount appropriated, amounts expended, purpose of expenditure,
warrant number, expenditures each month, and monthly balance. Arr.
num. by dist. no. No index. Hdw. on pr. fm. 400 pp. 15 x 20 x
3. Treas. vlt.

Deposit of Funds

232. TREASURER'S PETTY LEDGER-BANKS, 1914--. 4 vols. (1-4).
Register showing name of bank, amount and date of deposits, checks
drawn giving amount, date and number, and balance. Arr. alph. by
name of bank, thereunder num. by check no. No index. Hdw. on pr.
fm. Aver. 600 pp. 18 x 12 x 3. Treas. vlt.

233. COLLATERAL REGISTER, 1923--. 2 vols. (1, 2).
Register of collateral posted by banks to secure deposits by the
county, showing date posted, rate of interest, and date due. Arr.
alph. by name of bank. No index. Hdw. on pr. fm. Aver. 150 pp.
18 x 12 x 1. Treas. bsmt. vlt.

234. REMITTANCE SHEETS, 1923--. 2 vols. (1, 2).
List of checks deposited each day, showing name of bank, date,
drawer, payee, last ondorsor, and amount. Arr. chron. by date de-
posited. No index. Typed on pr. fm. 800 sheets 9 x 14 x 6.
Treas. vlt.

Tax Sales

(For other records of tax sales,
see entries 45, 46, 102)

235. CERTIFICATE OF TAX SALES, 1914--. 300 vols. in 6 file
boxes (dated).
Duplicate certificates of sale of land to the county for delin-
quent taxes showing certificate number, description of property,
name of delinquent owner, taxes assessed, date of delinquency,
amount of penalties, date of redemption and amount paid, signed
by treasurer. Arr. num. by certificate no. No index. Hdw. on
pr. fm. File boxes, 14 x 12 x 26. Treas. vlt.

Treasurer - Tax Sales

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236. SALE RECORDS, 1914--. 9 vols. (1-9).
Showing number of tax sale certificate, to whom issued, address, assessment, amount of sale, treasurer's certificate fee, subsequent taxes, date of redemption, if any, date deed issued, and remarks. Arr. chron. by date of redemption. No index. Hdw. on pr. fm. Aver. 350 pp. 18 x 26 x $2\frac{1}{2}$. Treas. vlt.

237. ASSIGNMENT OF CERTIFICATES OF SALE, 1914--. 39 vols. (1-39).
Duplicate certificates of sale by the county land acquired for delinquent taxes showing tax sale certificate number, certification of land sale, purpose, and name of purchaser. Arr. num. by certificate no. No index. Hdw. on pr. fm. Aver. 50 pp. 12 x 9 x $\frac{1}{2}$. Treas. vlt.

238. REDEMPTIONS, 1914--. 328 vols. (num. and dated).
Duplicate certificates of redemption of property sold for taxes showing certification by treasurer that delinquent taxes were unpaid and property was sold, amount of sale, date, amount due for redemption, redemption certificate number, and name and address of redeemer. Arr. num. by certificate no. No index. Hdw. on pr. fm. Aver. 50 pp. 12 x 9 x $\frac{1}{2}$. Treas. vlt.

239. REDEMPTIONS FROM ASSIGNMENTS, 1914--. 10 vols. (num.).
Duplicate certificates of sale, showing certificate number, name of person to whom assigned, amount of sale, name of person redeeming property, date redeemed, and cost of redemption. Arr. num. by certificate no. No index. Hdw. on pr. fm. Aver. 50 pp. 12 x 9 x $\frac{1}{2}$. Treas. vlt.

240. TAX REDEMPTION REGISTER, 1923-29. 1 vol. (1).
Showing date of redemption, to whom certificate of tax sale or assignment issued, certificate number, amount bid, redemption certificate number, by whom redeemed, and amount paid. Arr. chron. by date of redemption. No index. Hdw. on pr. fm. 200 pp. 16 x 11 x 1. Treas. vlt.

241. TAX DEED, 1914--. 6 file boxes.
Duplicate tax deeds issued, showing name of grantee, description of property, deed number and date with proof of application, affidavit of publication, and assignment of certificate of sale. Arr. num. by deed no. 1914-25, no index; for index 1925--, see entry 242. Hdw. on pr. fm. Treas. vlt.

For other deed records, see entries 40-46.

242. INDEX TO TAX DEED, 1926--. 1 vol. (1).
Showing deed number, description of property, name of grantee, and date recorded. Arr. alph. by name of grantee. Hdw. on pr. fm. 500 pp. 18 x 15 x $3\frac{1}{2}$. Treas. vlt.

Treasurer - Licenses; Miscellaneous

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243. REGISTER OF LAND ACQUIRED BY TAX DEED, 1921-30. 1 vol. (1).

Showing date of sale, name of delinquent owner, description of property sold, detail of yearly accruals of delinquency, amount of tax and charge for each accrual. Arr. chron. by date of first accrual. No index. Hdw. on pr. fm. 450 pp. 15 x 30 x 3. Treas. bsmt. vlt.

Licenses

(For other records of licenses, see entry 113)

244. AUTOMOBILE LICENSE APPLICATION CARDS, 1935--. 6 file boxes.

Cards showing valuation, amount of tax, name and address of registered owner, license number, date, make and age of car, engine number, manufacturer's model number or letter, type and weight, and if truck, its capacity. Arr. alph. by name of registered owner. No index. Typed on pr. fm. 6 x 8 x 20. Treas. vlt.

245. MOTOR VEHICLE LICENSE REGISTER, 1935--. 2 vols. (1, 2). Register of receipts for auto license, showing receipt number, date and number of certificate of title, fee, date remitted to registrar of motor vehicles, and his receipt number. Arr. num. by treasurer's receipt no. No index. Typed on pr. fm. Aver. 300 pp. 9 x 18 x 1 $\frac{1}{2}$. Treas. vlt.

246. TREASURER'S LICENSE REGISTER, 1914--. 1 vol. (1). Register of licenses to do business showing number of license, to whom issued, post office address, occupation, date granted, expiration, date, amount paid, and apportionment. Arr. chron. by date granted. No index. Hdw. on pr. fm. 500 pp. 18 x 12 x 3. Treas. vlt.

247. INDEX TO DRIVERS' LICENSES (Register), 1936--. 1 vol. (1).

A register showing name of licensee, address, license number, and date issued. Arr. alph. by name of licensee. Typed. 200 pp. 12 x 9 x 1. Treas. vlt.

Miscellaneous

248. COUNTY TREASURER'S QUARTERLY REPORT, 1914--. 4 vols. (1-4).

Report on financial condition of treasurer's office, showing tax roll number, receipt number, city or town, district number, ap-

Registrar of Elections

(249-251)

portionment of tax, page totals, and grand total. Arr. num. by receipt no. No index. Hdw. on pr. fm. Aver. 300 pp. 16 x 25 x 3. Treas. bsmt. vlt.

249. TREASURER'S MONTHLY REPORT TO BOARD OF COUNTY COMMISSIONERS, 1914--. 2 vols. (1, 2).

Copies of monthly reports listing county, trust and agency funds, amounts credited, total amount paid out and charged during month, and balance in each fund. Arr. chron. by date of report. No index. Hdw. on pr. fm. Aver. 200 pp. 11 x 20 x 1 $\frac{1}{2}$. 1914-27, Treas. bsmt. vlt.; 1927--, treas. vlt.

For other record of treasurer's reports, see entry 4.

250. BOND REGISTER, 1914--. 1 vol. (1).

Register of bonds showing to whom issued, purpose, date of issue, number, principal, rate of interest, date due, and amount of coupons. Arr. chron. by date registered. No index. Hdw. on pr. fm. 350 pp. 16 x 14 x 2 $\frac{1}{2}$. Treas. vlt.

251. MAPS, 1936. 1 map.

Political map of Shelby, showing streets, alleys, lot and block numbers, and wards. Drawn by Ralph O. Lund. 1 inch equals 200 feet. Black and white. 60 x 60. Treas. vlt.

XIV. REGISTRAR OF ELECTIONS

The county clerk is ex-officio county registrar of elections. "He shall have the custody of all registration books, cards, and papers" connected with elections and the register "to be kept by the county clerk, is hereby declared to be an official record". The official register shall "be arranged in precincts and alphabetical divisions suitable to record the full and complete information given by each election" and a card index of cards 4 x 6 in size.¹

The registrar of elections shall print and post list of registered voters, and shall prepare a "poll book" for each voting precinct.² He shall also handle all the mechanics of primary and general elections. The legislature of 1937 provided that in June 1937, the clerk or registrar should cancel all registrations and other election records except the Register which should be kept as a permanent record in his office.³ This order has been carried out in Toole County.⁴

1. Mont. R. C., 1935, secs. 553, 554.

2. Ibid., secs. 567, 568.

3. Ibid., 25th sess., 1937, chap. 172.

4. Letter from Malcolm P. Lyon, County Clerk and Recorder, Oct. 20, 1938.

Canvassing Board

(252-256)

252. PRIMARY NOMINATIONS, 1937--. 1 file box.
Petitions for nomination showing names of candidates, petitioners, and office. Arr. chron. by date of election. No index. Hdw. on pr. fm. 11 x 12 x 5. C&R vlt.

253. REGISTER OF CANDIDATES, 1914--. 1 vol. (1).
Showing name and residence of candidates, office, date petition filed, number of signatures of petition, number of signatures required, party affiliation, and words to be printed on ballot. Arr. chron. by date filed. No index. Hdw. on pr. fm. 484 pp. 13 x 12 x 2½. C&R vlt.

254. REGISTRATION CARDS, 1937--. 6 file boxes (labeling varies).
Current list of registered voters showing names and addresses, precinct or ward number. Arr. num. by ward no., thereunder by name of voter. Typed and hdw. on pr. fm. No index. 6 x 12 x 6. C&R vlt.

255. LIST OF REGISTERED VOTERS, 1937--. 1 file box.
Showing names and addresses of registered voters for all precincts and wards. Arr. num. by precinct no., alph. thereunder by name of voter. No index. Pr. 11 x 23 x 16. C&R vlt.

256. INDEX FILE FOR REGISTERED VOTERS, 1937--. 3 file boxes.
Showing names of voters, addresses, age, occupation, length of time in county and ward. Arr. alph. by name of voter. No index. Typed. 6 x 12 x 6. C&R vlt.

XV. CANVASSING BOARD

The first territorial legislature provided a board to canvass all election returns of the county. At first, this board was composed of the clerk of the board of county commissioners and two justices of the peace.¹ In 1877, the law was changed to include a county commissioner on the board instead of the clerk, and the probate judge instead of one of the justices of the peace.²

In 1891, the legislature provided that the board of county commissioners should be the canvassing board and this law is in force today.³ The clerk of the board was required to enter the results of the canvass in the minutes of the canvassing board.

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1. Mont. S. L., 1st sess., 1865, p. 382.
 2. Ibid., 1877, p. 227.
 3. Mont. S. L., 1891, 2nd sess., p. 299; Mont. R. C., 1935, sec. 4516.

257. (MINUTES OF CANVASSING BOARD), 1914---. In Commissioners' Journal, entry 1.

Showing total number of votes cast in county in each election, names of candidates, office and term, and totals of each precinct for each candidate.

XVI. COUNTY SUPERINTENDENT OF SCHOOLS

The office of county superintendent was established by the first territorial legislature of Montana. The superintendent was instructed to divide the county into school districts, to apportion school funds; to examine applicants as to their qualifications as teachers, to receive the reports of each school district in the county, and to give general supervision to the schools of the county.

Each school district was to have three directors elected by the qualified voters. These directors were to provide a tax levy and to have general charge of the school property. Each board of directors should appoint a clerk who was to keep a record of the proceedings of the directors, to take a school census, and to collect district taxes. The clerk was to be treasurer of the district. He was to make annual reports showing the condition of the school.¹

The Constitution of 1889 provided that each county should have a superintendent of schools to be elected for a term of two years. The County Superintendent of Schools was elected for a term of two years until 1938 when by a Constitutional amendment his term was extended to four years. The qualifications of this office should be fixed by law.² In 1895 the legislature re-defined the duties and powers of the county superintendent to act as general supervisor of the county schools and to apportion school funds, to certify teachers and to carry out the instructions of the state superintendent.³ In 1913 the school laws were revised and the duties of the superintendent increased. He was made supervisor of school libraries, truant officer in the third class districts, and given detailed instructions for taking the school census.⁴ This school census is now summarized in the annual reports of the superintendent of schools

The superintendent of schools must "keep a record of his official acts". He shall preserve all "reports and statements from school teachers and school board" and must make annual reports to

1. Mont. Ter. S. L., 1st sess., 1865, p. 434-443.

2. Const. art. IX, sec. 10, art. XVI, sec. 5.

3. Mont. Pol. C., 1895, secs. 1731-1733.

4. Mont. S. L., 1913, chap. 76, sec. 302.

County Superintendent of Schools -
Reports

(258-263)

the state superintendent.⁵ He must also publish annually a report showing the financial condition of school districts.⁶

Reports

258. SCHOOL CENSUS REPORT, 1937--. 1 vol.
Report of district clerk showing year, name of child, age, date of birth, sex, address, names of parents or guardian, and school district number. Arr. num. by school district no. No index. Hdw. on pr. fm. 100 pp. 16 x 10 x $\frac{1}{2}$. Supt. of school's vlt.

259. TREASURER'S REPORT OF SCHOOL DISTRICT FUNDS FOR MONTH, 1914--. 1 file drawer.
Reports showing date, fund, school district, balance at beginning of month, receipts, disbursements, balance at end of month, and total for each fund. Arr. chron. by date of month. No index. Typed on pr. fm. 12 x 20 x 5. Supt. off.

260. ANNUAL REPORTS, 1914--. 2 vols. (1, 2).
Financial and statistical reports showing name of school, district number, balance on hand at end of current school year, receipts, disbursements, census of pupils and teachers in grade school and high school, and other statistics. Arr. num. by school district no. No index. Hdw. on pr. fm. Aver. 50 pp. 16 x 24 x $\frac{1}{2}$. Supt. off.

261. TRUSTEES' ANNUAL REPORT, 1914--. 6 file boxes.
Report of trustees of the school districts to the county superintendent of schools, showing receipts, disbursements, and balance of cash on hand. Arr. chron. by date submitted. No index. Hdw. on pr. fm. 14 x 9 x 1. Supt. vlt.

262. TEACHERS' MONTHLY REPORTS, 1933--. 1 file box.
Showing date, district number, attendance, tardiness, number of pupils in class, name of children on census not in school regularly, with age, grade, distance from school, and cause of absence. Arr. num. by district no. No index. Hdw. on pr. fm. 14 x 10 x 20. Supt. off.

263. CLOSING REPORTS, 1930. 1 file box.
Showing name and address of school, district number, date term

5. Mont. Codes 1895, Pol. C., secs. 1734, 1740; R. C., 1935, secs. 972, 973.

6. Mont. S. L., 1921, chap. 164, sec. 1.

County Superintendent of Schools -
School Boundaries; Trustees
and Teachers

(265-269)

began and ended, number of pupils originally enrolled, transfers, total number of pupils enrolled, and teachers' name. Arr. num. by district no. No index. Hdw. on pr. fm. 12 x 5 $\frac{1}{2}$ x 20. Supt. off.

School Boundaries

264. SCHOOL DISTRICT BOUNDARY BOOK, 1914--. 1 vol. (1). Description of the boundaries of each school district, showing present district number and any change in district numbers. Arr. num. by district no. No index. Hdw. on pr. fm. 100 pp. 15 x 20 x 1. Supt. off.

265. SCHOOL DISTRICT BOUNDARIES, 1914--. 1 file box. Orders establishing school districts showing proposal of formation of new district, number of new school district, description of boundaries and date, signed by county superintendent of schools. Arr. num. by district no. No index. Typed. 12 x 20 x 5. Supt. off.

Trustees and Teachers

266. CERTIFICATES OF ELECTION OF TRUSTEES, 1937--. 1 file box. Showing name of person elected, address, school district number, date elected, with signatures of trustees of district and oath of office. Arr. num. by district no. No index. Hdw. on pr. fm. 12 x 20 x 5. Supt. vlt.

267. RECORDS OF TEACHERS EXAMINATIONS AND CREDITS, 1919--. 1 vol. (1). Showing names of applicants for position as teacher with grade of certificate sought, subjects taught, and fees received. Arr. alph. by applicant's name. No index. Typed on pr. fm. 100 pp. 15 x 16 x 1. Supt. off.

268. TEACHERS' PERMANENT RECORD OF TEACHING TIME, 1938--. 1 file box. Showing name of teacher, total time taught, school district number, name of school and teaching address. Arr. alph. by name of teacher. No index. Hdw. on pr. fm. 5 $\frac{1}{2}$ x 6 x 15. Supt. vlt.

269. MONTANA TEACHERS' REGISTER, 1914--. 825 vols. Showing name and address of school, district number, teacher's name, grade taught, dates of school term, names of students, age,

County Superintendent of Schools -
Miscellaneous

(270-275)

names of parents or guardians, grade for each day, and attendance record. Arr. alph. by name of student. No index. Hdw. on pr. fm. Aver. 100 pp. 7 x 6 x $\frac{1}{2}$. Supt. vlt.

270. REGISTER OF TEACHERS' CERTIFICATES, 1914--. 2 vols. (1, 2).

Showing name of teacher, certificate number, grade, date issued and registered, expiration date, by whom issued, and by whom registered. Arr. num. by certificate no. No index. Hdw. on pr. fm. 100 pp. 18 x 13 x $\frac{1}{4}$. Supt. vlt.

Miscellaneous

271. COUNTY SUPERINTENDENT OF SCHOOLS' GENERAL LEDGER, 1914--. 1 vol. (1).

General ledger with each page divided into six columns showing town, school district number, date, kind of tax, amount of tax, and total. Arr. num. by district no. No index. Hdw. on pr. fm. 250 pp. 12 x 9 x $\frac{3}{4}$. Supt. vlt.

272. EIGHTH GRADE RECORD, 1914--. 2 file boxes.

Cards showing names of pupils, addresses, date of examination, school district number, subjects, grade in each subject, average, and whether passed or failed. Arr. alph. by name of pupil. No index. Hdw. on pr. fm. $5\frac{1}{2}$ x 7 x 15. Supt. vlt.

273. EIGHTH GRADE GRADUATES, 1914--. 1 vol. (1).

Register showing name of pupil, date, grade average, school district number, name and address of teacher. Arr. alph. by name of pupil. No index. Hdw. on pr. fm. 100 pp. 18 x 13 x $\frac{1}{4}$. Supt. vlt.

274. PROGRAM OF RECITATIONS, 1933--. 1 file box. Prior records destroyed.

Forms filled out by teachers and sent to superintendent of schools at the end of the first week of school, showing class periods, date classes begin, minutes of recitations, subjects, number of students, grades taught, signed by each teacher; also a questionnaire on back of form as to supplies on hand. Arr. alph. by name of teacher. No index. Hdw. 12 x $5\frac{1}{2}$ x 20. Supt. vlt.

275. TOOLE COUNTY SCHOOL DISTRICTS, 1916. 1 map.

Map of Toole County showing the school districts, oiled, gravel, and elevated roads. Physical and political. Drawn by Homer F. Cox. 1 inch equals 2 miles. Black and white. Supt. off.

XVII. BOARD OF HEALTH

Public health under Montana law is protected by a state board of health cooperating with the supervising of the work of local boards in each county and incorporated city.¹ The state board may act directly in local health problems but ordinarily it acts with the local board or directs it to act. The law assigns similar duties and responsibilities to state and local boards; to guard against communicable diseases, to investigate sanitary conditions particularly in public places, and advise regarding better methods of sanitation. The state boards of health make regulations that supplement the laws relating to health and local boards administer them.²

The first law establishing county boards of health was passed in 1883.³ This board was to be made up of the county commissioners and one physician appointed by them, who was made ex-officio secretary and also county health officer. The Constitution of 1889 made no provision for a board of health and the old law continued, until in 1907 when the legislature enacted a new law creating a state board of health and providing for supervision of local health officers by the state board.⁴ The state board, composed of experienced physicians, appointed by the governor from nominees of the state medical association, select its secretary⁵ who has custody of all records of the board. He also prepares blank forms and instructions for local and county boards of health, supervises the work of local and county boards and may file complaints against local health officers. He shall, whenever requested by any local or county officer or when he deems it necessary, visit any district to investigate any disease or sanitary condition and shall disseminate information on how to combat contagious diseases.⁶

County and local boards of health shall meet quarterly,⁷ and county and local health officers, as secretaries of local boards, shall make sanitation inspections, close public buildings during epidemics, and with approval of the secretary of the state board of health may prevent assemblies of people during epidemics.⁸

1. Mont. R. C., 1935, sec. 2448.

2. *Ibid.*, sec. 2448, 2464.

3. Mont. Ter. S. L., 1883, p. 46, secs. 163-164.

4. Mont. S. L., 1907, chap. 110, sec. 16.

5. *Ibid.*, 1919, chap. 157, secs. 2, 3; Mont. R. C., 1935, secs. 2445, 2446.

6. Mont. S. L., 1907, chap. 110, sec. 6; Mont. R. C., 1935, sec. 2447.

7. Mont. S. L., 1907, chap. 100, secs. 13, 21; Mont. R. C., 1935, secs. 2466, 2475.

8. Mont. S. L., 1907, chap. 110, sec. 14; Mont. R. C., 1935, sec. 2467.

Board of Health

(Next entry 276, p. 95)

The board has power to abate nuisances affecting public health, to quarantine cases of contagious diseases, and to establish isolation hospitals for persons suffering from dangerous contagious diseases.⁹

The county health officer must report all cases of communicable diseases known to him to the state health office, and at quarterly meetings of the county board he shall present reports on health and sanitation, and on his own activities and send a copy of the report to the state board.¹⁰

The county board of health has jurisdiction throughout the county except in incorporated towns and cities which have boards of their own.¹¹ In Toole County the offices of the county and city boards of health are combined so that a single office guards the health of the whole community.

The health officer holds office at the will of the county board. He receives a salary fixed by the board plus mileage for actual traveling expenses.¹² If the commissioners fail to appoint a health officer, the state board may do so.¹³

In 1895 the law provided that all persons registering marriages, births and deaths, must quarterly file with the county clerk a certified copy of their register.¹⁴ In 1907 the law created a state bureau of vital statistics to be under direct supervision of the secretary of the state board of health who was designated as state registrar, and with the county and city health officers as local registrars. Subregistrars might be appointed if necessary, and justices of the peace were required to act as local registrars to register births and deaths. Originals of all birth and death certificates must be sent to the secretary of the state board of health and copies must be retained in the office of the registrar.¹⁵ All of these regulations have continued in force to the present.¹⁶ The law of 1907 made no provision for filing duplicates with the county clerk, but an act of 1919 required this to be done.¹⁷

9. Mont. S. L., 1907, chap. 110, sec. 16; Mont. R. C., 1935, sec. 2469.

10. Ibid., sec. 2476.

11. Mont. S. L., 1907, chap. 110, sec. 19; Mont. R. C., 1935, sec. 2473.

12. Mont. R. C., 1935, sec. 2473.

13. Ibid., sec. 2474.

14. Pol. C., 1895, sec. 2873.

15. Rev. C., 1907, Pol., sec. 1775.

16. Mont. R. C., 1935, chaps. 230, 233.

17. Mont. S. L., 1919, chap. 68, sec. 1.

Board of Health

(276-279)

In 1917 the legislature created the child welfare division of the state board of health.¹⁸ This division was directed to carry on a campaign of public health education, and to make and enforce regulations for the better protection of the health of children.¹⁹ It was empowered to employ school nurses,²⁰ and the county commissioners were authorized to employ county nurses to work under the child welfare division.²¹ In Toole County this has been done. The state board of health makes rules for these officers regarding the keeping of records and making reports.²²

Vital Statistics
(See also entry 108)

276. BIRTH CERTIFICATES, 1914--. 2 file boxes (A-Z). Showing place and date of birth, certificate number, full name of child, sex, names and address of parents, race, age, and birth-place of parents and their occupation, number of children, certificate of attending physician or midwife, and date filed. Arr. chron. by date of birth. No index. Hdw. on typed form. 11 x 12 x 5. C&R vlt.

277. DEATH CERTIFICATES, 1912--. 1 file box. Certificates of death showing date and place of death, name, personal and statistical particulars, and signature of attending physician. Arr. chron. by date of certificate. No index. Hdw. on pr. fm. 11 x 12 x 5. C&R vlt.

278. SCHOOL HEALTH RECORDS, 1938--. 2 file boxes. Showing names of pupils, sex, race, date of birth, address, report of medical examination and nurse's inspection, disease experience, dates, and age. Arr. alph. by name of student. No index. Hdw. on pr. fm. 6 x 8 x 12. County nurse's off.

279. SANITATION INSPECTION RECORDS, 1929--. 1 vol. Prior records destroyed. Record of inspections of families having communicable diseases, showing number of report, date taken ill, date reported and by whom, name, sex, age, disease and if diptheria or small pox, where patient was two weeks prior to onset of disease, date of quarantine, date released from quarantine, died or recovered, whether or not antitoxin used, when last successfully vaccinated. Arr. chron. by date received. No index. Typed on pr. fm. 200 pp. 13 x 11 x 1. Co. health off.

18. Mont. S. L., 1917, chap. 121, sec. 1.

19. Ibid., sec. 2.

20. Ibid., sec. 3.

21. Ibid., sec. 4.

22. Ibid., sec. 6.

County Physician - Board of Public
Welfare

(Next entry, 280, p. 97)

XVIII. COUNTY PHYSICIAN

The first territorial legislature authorized the county commissioners to provide for medical attention for those who are sick and unable to pay their own expenses.¹ The legislature of 1876 directed the commissioners to contract for medical care of the poor.² This law remained substantially unchanged until 1927 when the commissioners were given authority to combine the duties of the county physician with the health office.³ In Toole County this has not been done. No records are kept by the county physician in Toole County.

The law required that the board in its December meeting must make a contract with a resident practicing physician to furnish medical attention at a salary provided for in the contract. The physician must furnish a bond between \$1000 and \$5000 to be approved by and filed with the chairman of the board of commissioners.⁴

XIX. BOARD OF PUBLIC WELFARE

The Public Welfare Act of 1937 consolidated into one organization all state and county welfare work that is non-institutional in character. It set up a state department of public welfare and boards of public welfare in the counties. To the state board were transferred the powers and duties of the "Montana Relief Commission, Montana Old Age Pension Commission, Montana Orthopedic Commission, State Bureau of Child Reform". "All books, records, maps, papers, money and property of any kind or description and all funds appropriated to any of them" were designated as belonging to the State Department of Public Welfare.¹

The state board was given authority and responsibility of exercising general supervision and control over the county boards and for the adoption of such "general policies, rules, and regulations" as are necessary for the management of the county departments "to maintain such records and render such reports" as it might deem necessary.² To enforce its authority over the counties the state department could withhold grants in aid to those counties that did not comply with the law or the regulations.³

1. Mont. Ter. S. L., 1865, pp. 458, 459.

2. Ibid., 1876, 9th sess., pp. 52, 53.

3. Mont. S. L., 1927, p. 96, chap. 55; Mont. R. C., 1935, sec. 4527.

4. Ibid., sec. 4529.

1. Mont. S. L., 1937, chap. 82, sec. II.

2. Ibid., sec. III.

3. Ibid., sec. VIII.

Board of Public Welfare

(280-281)

Furthermore, any individual has the right of appeal from any decision of the county board to the state board which must then pass upon his complaints.⁴

In the counties the county commissioners were designated ex-officio as the county welfare board. The county clerk was named its secretary, and the county attorney its legal advisor.⁵ This board has authority to appoint all other officers or employees of the department but these appointees must meet the qualifications required by the state department of public welfare. These appointees are responsible to the county board but subject to supervision by the state board "in respect to the efficient and proper performance of their duties".⁶ The county board is required to submit to the state department "such monthly, quarterly, or yearly reports as the state board may require".

The "county department of public assistance" has charge of "all forms of public assistance and welfare operations in the county including general relief, old age assistance, aid to dependent children, aid to needy blind and child protection and welfare". County institutions such as the county farm and the county hospital are still under control of the commissioners. Thus it has absorbed the non-institutional relief work of the county commissioners, the Old Age Pension Commission, and the county auditor,⁷ and the relief records of all these offices have been transferred to the county welfare office. The county department "shall keep such records and make such reports and in such detail as the state department may require".⁸ Blank forms for applications and other records are furnished by the state board,⁹ which controls its record system.

280. (MINUTES OF BOARD OF PUBLIC WELFARE), 1937--. In Commissioners' Journal, entry 1.
Proceedings at meetings showing hearings and decisions on mothers' pensions, relief and certification on Works Progress Administration and other applications for assistance.

281. (MOTHERS' PENSION REPORTS), 1937--. In Reports Current Files, entry 5.
Monthly report of persons drawing pension to public welfare board showing marital status, address and number of children dependent or otherwise.

For other welfare records, see entries 26-28.

4. Ibid., sec. XII.

5. Ibid., sec. IX.

6. Ibid., sec. X.

7. Ibid., sec. XI.

8. Ibid., sec. XX.

9. Ibid., Part II, sec. X.

County Surveyor

(282-284)

282. HANDICAPS, 1938--. 1 file box.
Card file showing name of crippled school children, character of deformity, names of parents, their occupation and address. Arr. alph. by name of student. No index. Hdw. on typed fm. 200 cards. 6 x 7 x 7. County nurse's off.

283. FAMILY CASE RECORDS, 1938--. 500 cards in 1 file box.
Case history of indigent persons who need medical aid showing surname, address, type of house, amount of rent, size of family, race, nationality, age, physical condition, number of family who have died, number living, and others in household. Arr. alph. by name of family. No index. Hdw. on pr. fm. 6 x 8 x 14. County nurse's off.

284. (MINUTES OF OLD AGE PENSION COMMISSION), 1923-37. In Commissioners' Journal, entry 1.
Minutes of the board of county commissioners acting as the Old Age Pension Commission showing date of meeting, names of persons applying for pensions, action taken by commission and amount granted, if any.

XX. COUNTY SURVEYOR

The office of county surveyor was established by the first legislative assembly of the Territory of Montana in 1865. He was to "keep a correct and fair record of all surveys made by him", and to make reports to the county commissioners on matters relating to highways and public works.¹ In 1895, the legislature directed the surveyor to keep a plat book in addition to the other records.² By a law passed in 1919, the county surveyor was required to be a professional engineer and, under the direction of the board of county commissioners, to act as highway engineer. In this capacity he had charge of all highway construction and maintenance; surveys, preparation of plans, specifications, and estimates; approved claims against the county for road and bridge construction before passed on and allowed by the board, and kept accurate cost data.³

Surveyors in counties having a registered vote of less than 15,000 are entitled only to fees for making surveys, copies of plats,

1. Mont. Ter. S. L., 1st sess., 1865, p. 519.

2. Mont. Pol. C., 1893, sec. 4490.

3. Mont. S. L., 1919, chap. 50.

County Extension Agent

(285-286)

and for expenses of chairmen and markers.⁴ Toole County with a total population of only 6,714⁵ comes under this class of counties. The Constitution of 1889 fixed his term of office at two years.⁶ The county surveyor was elected for a term of two years until 1938 when by a Constitutional amendment his term was extended to four years. His official bond is \$1000.⁷

285. REGISTER OF ROAD PETITIONS, 1914-31. 1 vol. (1). Showing petition number, date petition filed, date receivers appointed, date receivers' report filed, road description, date of hearing, date receivers' report approved, and date declared county road. Arr. chron. by date of petition. No index. Typed. 300 pp. 12 x 11 x 1. Treas. bsmt. vlt.

XXI. COUNTY EXTENSION AGENT

In 1913 the legislature authorized the county commissioners of each county to appropriate \$100 a month to pay a part of the salary of a county agricultural instructor.¹ Two years later the law was amended to allow the commissioners to appropriate money for extension work in agriculture and home economics in co-operation with Montana State College and the United States Department of Agriculture.² An agent to do this work is to be nominated by the president of Montana State College and approved by the county commissioners and the county Farm Bureau. The county commissioners may provide for the county's share of the expenses of the office in each year's budget, and unless this is done the office is discontinued. The salary of the county extension agent is provided for each year's contract and is paid, partly by the county and partly through the extension division of Montana State College. No official bond is required.

The first county extension agent was appointed for Toole County in 1914, and the office has been filled since that time. All records of the office before 1935 have been sent to Montana State Experiment Station at Bozeman.

286. SOIL CONSERVATION, 1935--. 7 file boxes. Benefit payments for removing land from crop production showing application for payment under Soil Conservation Act, name of applicant, amount of application and date, with certificates of inspection

4. Mont. R. C., 1935, sec. 4921.

5. U. S. Fifteenth Census, Population, Vol. III, part r, p. 32.

6. Const. art. XVI, sec. 5.

7. Mont. R. C., 1935, sec. 466.

1. Mont. S. L., 1913, chap. 109.

2. Ibid., 1915, chap. 54, sec. 1.

County Extension Agent

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and certificate of county commissioners. Arr. alph. by applicant's name. No index. Hdw. on pr. fm. 12 x 14 x 26. Agent's off.

287. COUNTY EXTENSION FILES, 1935--. 8 file boxes. Correspondence and records pertaining to agronomy, sheep and wool, animal husbandry, dairy, poultry, agriculture economics, horticulture, insect and pests, bees, government emergency loans, home management. Arr. alph. by subject. No index. Typed. 12 x 14 x 26. Agent's off.

288. RANGE PROGRAM, 1936-37. 1 file box. Records of agricultural conservation programs, and reports of examination of range lands showing dates made and operator's name. Arr. alph. by operator's name. No index. Typed on pr. fm. 12 x 14 x 26. Agent's off.

289. AGRICULTURAL CONSERVATION ASSOCIATION, 1935--. 2 file boxes. Correspondence and financial records of the county agricultural conservation association. Arr. alph. by subject matter. No index. Typed. 12 x 14 x 26. Agent's off.

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Sweet Grass

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Twin City Advocate, weekly. 1928-33.

LIST OF COUNTY OFFICIALS¹ - TOOLE COUNTY

Board of County Commissioners

L. C. Marsh, 1914-22	H. T. Stoltenbert, 1922-28
L. H. Knutson, 1914-16	J. C. Kiehlbaush, 1922-30
E. B. Toole, 1914-16	E. J. Byrne, 1922-32
Peter O'Loughlin, 1917-20	Geo. Wilson, 1929-34
George A. Norman, 1916-20	H. Pingle, 1931-36
L. H. Knutson, 1920-22, resigned	T. M. Henry, 1933-38
E. B. Toole, 1920-22, resigned	T. Anderson, 1935-40
Mellis Nichols, 1922, resigned	L. Hayworth, 1937-42
	F. M. Henry, 1939-44

County Clerk (and Recorder)

A. N. Foss, 1914-15	W. H. Schoregge, 1929-30
H. E. Moody, 1916-22	Glen Cox, 1931-36
J. H. MacFarlane, 1923-28	M. Lyons, 1937--.

Clerk of the Court

Pery. J. Day, 1916-20	Erma Day, 1929-40
Malcolm P. Lynn, 1921-28	

Public Administrator

J. W. Williamson, 1914-16	A. J. Moltz, 1923-32
Nettie Kitchen, 1917-18	V. R. Kelly, 1933-36
J. W. Williamson, 1919-22	J. M. McCormick, 1937--.

Justices of the Peace

Concord Township:

Ed McMair, 1914-16
W. E. Lee, 1917

Galata Township:

C. F. Brown, 1914-22
R. W. Wollam, 1923-26
C. F. Brown, 1927

Goldbutte Township:

R. Parsell, 1928

Shelby Township:

J. M. McCormick, 1936--.

Marias Township:

William Pippy, 1914-16
F. G. Egelston, 1917-19
A. J. Mellander, 1920-22
J. G. Bert, 1923-28
W. J. Covitt, 1929-30
V. R. Kelly, 1931-32
W. J. Covitt, 1933-38

Sweetgrass Township:

E. A. Smith, 1916-17
Han Thronson, 1918-22
R. A. Barnes, 1923-26
Dan Griffith, 1927-40

1. Compiled from: Commissioners' Proceedings and records of Clerk and Recorder.

List of County Officials - Toole County cont'd.

Constables

Concord Township:

Wm. Acton, 1914-16
Wm. McNett, 1917

Goldbutte Township:

J. Gardipee, 1926-28
J. Rush, 1929-30
J. Fey, 1931

Sweetgrass Township:

Jim Beattie, 1914-18
S. D. McCrea, 1919-22
E. Secrist, 1926-36
J. Gleason, 1926-36
Mr. Knox, 1937-38
Chris Hoskin, 1939-40

Galata Township:

Peter White, 1914-16
Geo. Miller, 1917-22
R. Wollam, 1923-28

Kevin Township:

V. R. Kelly, 1928

Marias Township:

R. J. Bedore, 1914-16
O. D. Clark, 1917-18
George Miller, 1919-22
E. R. Hollerly, 1923-28
Clyde Martin, 1929-38

Sheriff

J. S. Alsop, 1914-22
H. E. Benjamin, 1923-24
T. H. Daley, 1925-26

O. D. Clark, 1926-34
John B. Maddock, 1935-36
C. B. Alsop, 1937-40

Coroner

M. C. Ridle, 1916-22
J. W. Williamson, 1923-28

W. F. Burns, 1928--.

County Attorney

James G. Henderson, 1914-16
Wm. Black, 1917-18
J. G. Henderson, 1919-22
W. M. Thorne, 1923-26
J. G. Henderson, 1927-28

W. R. Knack, 1929-32
W. McClernan, 1933-34
W. Black, 1935-36
C. Arrownow, 1937-40

Assessor

Edwin B. Toole, 1914-16
L. H. Teegarden, 1917-18

W. T. Evans, 1919-40

List of County Officials - Toole County cont'd.

Treasurer

H. E. Moody, 1914-16	V. F. Dahl, 1929-30
A. N. Foss, 1917-18	Mayme E. Connelly, 1931-32
Glen Cox, 1919-22	M. F. Lyon, 1933-36
Everett A. Rice, 1923-26	C. O. Dunstall, 1937-40
W. H. Schoregge, 1927-28	

County Superintendent of Schools

Marian G. Valentine, 1914-16	Josephine Moberly, 1919-32
Bertha Blacken, 1917-18	Mrs. E. Monson, 1933-38
	Anna L. Woods, 1939-40

County Physician

J. W. Williamson, 1935-38

Surveyor

R. V. Buckner, 1914-18	H. T. Cox, 1927-34
H. B. Rawson, 1919-26	C. Johanssen, 1935-40

Extension Agent

Patrick McElliott, 1935-38

MEMBERS OF STATE LEGISLATURE - Toole County

Senate:

T. L. Clark, 1914-18
M. Bourke, 1919-22
T. L. Clark, 1923-26
L. F. Donovan, 1927-34
H. C. Benjamin, 1935-38
G. W. Wilson, 1939-42

House:

J. S. McClary, 1916-18
Wm. Black, 1919-22
M. C. Benjamin, 1926-34
H. C. Benjamin, 1926-34
E. J. Byrne, 1935-40

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