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INVENTORY OF THE COUNTY ARCHIVES OF KANSAS

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NO. 30
FRANKLIN COUNTY
(OTTAWA)

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INVENTORY OF THE COUNTY ARCHIVES

OF KANSAS

Prepared by
The Historical Records Survey
Division of Professional and Service Projects
Work Projects Administration

No. 30 FRANKLIN COUNTY (OTTAWA)

Topeka, Kansas
The Historical Records Survey
August 1939

The Historical Records Survey

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FOREWORD

The Inventory of County Archives of Kansas is one of a number of bibliographies of historical materials prepared throughout the United States by workers on the Historical Records Survey of the Work Projects Administration. The publication herewith presented, an inventory of the archives of Franklin County, is number 30 of the Kansas 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carrying out this objective, the project was organized to compile inventories of historical materials, particularly the unpublished government documents and records which are basic in the administration of local government, and which provide invaluable data for students of political,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 county 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 Professional and Service Projects, of which Florence Kerr, Assistant Commissioner, is in charge.

F. C. HARRINGTON
Commissioner

PREFACE

The Historical Records Survey was initiated in Kansas in February 1936, under the state direction of A. Q. Miller, and since October 1936, when it became an independent part of Federal Project No. 1, has been under the supervision of Harold J. Henderson as state director.

When completed the Inventory of the County Archives of Kansas will consist of a separate volume for each county. The volumes are numbered respectively according to the position occupied by each county in alphabetical order. Thus, the inventory herewith presented for Franklin County is number 30. Although a condensed form of entry is used, a brief description of the nature, general contents and inclusive dates of all extant records is given, together with their location at the time of the survey.

The Historical Records Survey has proved itself of valuable assistance to county governments in Kansas. Records have been rearranged and made more accessible, material believed to have been lost has been discovered and many county officials have been encouraged to take a greater interest in proper preservation of their records and provide better storage space. Since administrations are constantly changing, the inventories provide new officials with a ready guide to records in their own offices, or which may be stored in other vaults or rooms, as well as supplying the public generally with a comprehensive epitome of all extant public archives of the county.

In Franklin County the Survey opened April 23, 1937 with an inventory of the county records, which was completed March 28, 1938. The finished draft then was checked against the records, which work was completed in December 1938. The Survey was directed by Harold J. Henderson, state director, with Mrs. Margaret Grandle, of Pittsburg, Kansas, acting in supervisory capacity. The research work was performed by Mahlon Little and Nettie Donelson. The editorial work was performed under the supervision of Walter M. Markley.

For the most part, the county officials extended every courtesy to the workers, and a new interest was aroused by the Survey in public records and their preservation. Much of the unbound material in the county clerk's office was grouped and rearranged to make it more easily accessible for reference.

The various units of the Inventory of the County Archives of Kansas will be issued in mimeograph form for free distribution to state and local public officials and public libraries in Kansas, and to a limited

number of libraries and government agencies outside the state. Requests for particular units of the inventory should be addressed to Harold J. Henderson, State Director, 812 Kansas Avenue, Topeka, Kansas.

Inasmuch as the major portion of this volume was compiled prior to publication of the laws enacted by the 1939 legislature, no citations are given to the law f 1939. However, no material changes affecting county records or the functions of the county offices were made by the 1939 session.

To the public officials of Franklin County and all others whose cooperation was received in the preparation of this volume, the State Director and his staff extend their gratitude.

HAROLD J. HENDERSON
State Director
The Historical Records Survey

Topeka, Kansas
July 10, 1939

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(First entry, p. 68)

1. HISTORICAL SKETCH

Franklin County was one of the thirty-three original counties created by the first territorial legislature which met at Shawnee Mission July 5, and adjourned August 3, 1855 (S.T.K. 1855, ch. 30, sec. 7). It was named after Benjamin Franklin (Kansas Historical Collections, vol. 7, p. 473).

The area now comprising Franklin County was included in a tract of land ceded to the Great and Little Osage Indians in 1808, and receded by them to the federal government in 1825. Between 1825 and 1867 a number of treaties with various Indian tribes set off parts of the county for their use. By a treaty with the government ratified April 6, 1832, approximately 74,000 acres in the center of the present county of Franklin, including the site of the present city of Ottawa, was ceded to the Ottawas residing at Blanchard's Fork, Oquanoxas and Roche de Boluf in Ohio. In 1837 the Rev. Jotham Meeker and his wife, Baptist missionaries, established a mission among the Ottawas near the present site of the city of Ottawa.

The first white settler in Franklin County was Reuben Hackett who located in what is now Hayes township on June 7, 1854 (A. T. Andreas, History of the State of Kansas, 1883, pp. 600-604).

The first territorial legislature laid out the boundaries of Franklin County twenty-four miles square, adjoining Douglas County on the south (S.T.K. 1855, ch. 30, sec. 7). The boundaries were more definitely defined by statutes in 1857, as follows: Beginning at the southeast corner of Douglas County; thence south, along the west boundary of Lykins County, to the southwest corner of said Lykins County; thence west, along the section lines to the corner of sections 14, 15, 22 and 23, township 19 south, of range 17 east; thence north along the section lines between the second and third tier of sections, to the southwest corner of Douglas County; thence east, along the south boundary of said Douglas County, to the place of beginning (L.T.K. 1857, p. 39, sec. 7). The boundaries remain unchanged today (G.S. 1935, ch. 18, sec. 130).

The legislature of 1857 incorporated the Centropolis Town Company by an act approved on February 20. The act provided that Perry Fuller, J. K. Goodin, John F. Javins and G. W. Smith constituted a body corporate by the name of that company. The corporation was authorized to hold lands not to exceed 320 acres. (L.T.K. 1857, p. 315.) Centropolis College also was incorporated by a legislative act approved the same day. Joel K. Girdin, G. W. Smith, William Moore, Perry Fuller, J. F. Garfin and Cyrus Currier were declared a body corporate under that name (ibid., p. 115).

The same legislature also made provision for the appointment of county officials to serve until officials were selected at the general election of 1857, and designated St. Bernard, located in section 29 of

township 15, range 19, as the temporary county seat (ibid., p. 92, secs. 2, 3). A partial set of officers was appointed by Governor Walker, and their successors were named at the general election of that year.

All of the elective officials did not qualify and vacancies were not filled until the spring of 1858. St. Bernard was destroyed by Free-State men (Andreas, op. cit., pp. 605, 606) and the first recorded meeting of the Franklin County commissioners was held March 15, 1858 at Minneola. The county commissioners at this meeting were J. A. Marcell, William Thornbrough and John F. Javens. (Record, 1858-68, p. 28, in Commissioners' Journal, entry 2.) Minneola was located in the southwest quarter of section 30, township 15, range 19, one section west of the site of St. Bernard (passim). The Minneola Town Company had been incorporated that year by an act of the legislature approved on January 29 (P.L.T.K. 1858, ch. 144, secs. 1, 2). Minneola had been designated as the capitol of the territory of Kansas by an act of the territorial assembly, which was passed over the governor's veto, and became effective February 9, 1858 (G.L.T.K. 1858, ch. 63, sec. 1). The United States attorney general declared the law to be a violation of the organic act for the territory, and Minneola failed to become the seat of government (Andreas, op. cit., p. 605). The building erected at Minneola for a territorial capital thereafter served as the courthouse (passim).

On December, 30, 1858, the commissioners levied the first tax for county purposes. The rate was four mills on each dollar valuation of taxable property, and the total value of real and personal property in the county was estimated at $288,246.37 (Record, 1858-68, pp. 36, 37, in Commissioners' Journal, entry 2).

The legislature of 1858 provided for an election in April of that year to select a permanent county seat (G.L.T.K. 1858, ch. 18) but there is no record of an election ever having been held under the provision of that act.

The legislature on three other occasions in the next five years made special statutory provisions for the selection of a county seat of Franklin County, and the seat of government was moved twice before being permanently located.

The Ohio City Association was incorporated by a legislative act approved February 9, 1859 to lay out 640 acres where the town of Ohio was located (P.L.T.K. 1859, ch. 122, secs. 1-3). Minneola was incorporated as a city the same year by a legislative act which became effective June 1. Under this act the incorporation embraced the townsites of Centropolis and Minneola, together with the southeast quarter of section 30 of range 19, township 15. (Ibid., ch. 102, secs. 1-5.)

A special act in 1860 directed again the selection of a county seat by electors, fixing the fourth Monday of March of that year as the time of the election (G.L.T.K. 1860, ch. 54, sec. 1). Three communities contested for the designation and the votes polled were: Ohio City,

243; Peoria, 206; Minneola, 182 (Record, 1858-68, p. 52, in Commissioners' Journal, entry 2). Since none of the contestants received a majority, a second election was held on April 16, in which the vote was limited to the two communities having received the highest vote in the March 26 election (ibid., p. 54) in accordance with a special law of 1860 (G.L.T.K. 1860, ch. 54, sec. 2). Peoria received 342 votes and Ohio City 320, and the county commissioners declared Peoria the county seat (Record, 1858-68, pp. 54, 55, in Commissioners' Journal, entry 2).

Minneola, however, obtained an injunction forbidding removal of the county records and Peoria made an appeal to the territorial supreme court from the judgment of the district court (Andreas, op. cit., p. 606). Nine months later, while the case was still pending in the supreme court, the legislature passed an act which was approved January 30, 1861, providing for an election to be held on the fourth Monday of that year for the location of the Franklin County seat (G.L.T.K. 1861, ch. 10). In this election, Ohio City led a field of five contestants, receiving 243 votes, but failed to receive a majority. The other votes were distributed as follows: Peoria, 127; Centropolis, 98; Mount Vernon, 26; Minneola, 1 (Record, 1858-68, p. 87, in Commissioners' Journal, entry 2). In a run-off election also provided by the act of 1861, Ohio City received 363 votes to 237 for Peoria, and was declared the county seat (ibid., p. 90). However, a question of the validity of the election was raised before the supreme court on the ground that the act authorizing the election was illegal because it had been passed by the territorial legislature after Kansas had received statehood (Andreas, op. cit., p. 606). With the question of the location of the county seat still pending in the courts, the county commissioners continued to meet at Minneola until January 8, 1862.

On April 1 of that year the commissioners held their first meeting at Ohio City (Record, 1858-68, pp. 109, 110, in Commissioners' Journal entry 2), which was located in the southeast quarter of section 1, township 18, range 19, six miles south and one mile east of Ottawa. The county offices were housed in one room of an old wooden building, and the various officers had but one safe to share among themselves (ibid., p. 208).

The state supreme court at the July term in 1862 ruled that the act providing for an election to locate the county seat of Franklin County in 1861 was not invalid by reason of having been approved after Kansas had received statehood. The court, in upholding the act, also ruled that it was not invalid because it originated in the council of the territorial legislature, declaring that the council, under the terms of the schedule of the constitution, became ad interim state officers on the admission of the state (Reports of Cases Argued and Determined in the Supreme Court of the State of Kansas, vol I, 1864).

A special act of the legislature of 1863 provided for an election to relocate the county seat of Franklin, upon petition of voters of a number equal to two-thirds of the votes cast at the preceding general

election (L. 1863, ch. 25). A petition meeting the requirements was submitted to the county commissioners July 5, 1864 (Record, 1858-68, p. 222, in Commissioners' Journal, entry 2). An election was held on August 1, 1864, under the provisions of the act, and Ottawa received a majority, polling 261 votes. Peoria received 40 votes, Ohio City 36, and Centropolis 1. Ottawa became the permanent county seat and the first meeting of the county commissioners was held there on October 3. (Ibid., pp. 237-240).

The Ottawa Town Company of Franklin County was incorporated by the state on September 6, 1864 (Corporations, office of Secretary of State, State of Kansas, book 1, p. 13). The city of Ottawa was platted February 27, 1865 by Clinton C. Hutchinson, vice-president, and Asa S. Lathrop, secretary of the Ottawa City Company (Plat Book, vol. A, p. 1; see entry 181).

The courthouse square, comprising block 85, was purchased by the board of county commissioners from the Ottawa Town Company on March 17, 1865 for $1,180 (Deed Record, vol. D, p. 184; see entry 173). A special act of the legislature of that year authorized the county commissioners of Franklin to issue bonds not exceeding $10,000 for the purpose of erecting a jail, subject to a vote of the electors at the municipal election on March 4 (L. 1865, ch. 10, secs. 1, 8). A canvass of the election on April 30 revealed the bonds carried by a vote of 204 to 38 (Record, 1858-65, p. 257, in Commissioners' Journal, entry 2). On July 8 the board of county commissioners authorized the breaking of ground for the jail on block 85 (ibid., p. 273), and on January 1, 1866 the contract for the building of the jail was let to John Whetstone for $20,000 (ibid., p. 293).

The townsite of Minneola was declared vacated by an act of the legislature of 1866, approved February 26 (L. 1866, ch. 123, secs. 1, 2). The commissioners ordered on January 11, 1868 that a quitclaim deed to the townsite of Ohio City be given by Franklin County to H. F. Sheldon for a consideration of $300 (Record, 1858-68, p. 428, in Commissioners' Journal, entry 2).

The first railroad in Franklin County was the Leavenworth, Lawrence and Galveston (Santa Fe), which was built from Lawrence to Ottawa in 1867. It was constructed southward to Thayer in 1870. (Kansas Historical Collections, 1911-12, vol. 12, pp. 47, 48.) At the election of November 9, 1866, the electors of Franklin County had voted to subscribe $125,000 of county bonds to purchase capital stock of the railroad, but these bonds were forfeited (Record, 1858-68, pp. 342, 394, in Commissioners' Journal, entry 2). However, on September 27, 1867 the electors voted 365 to 533 to subscribe $200,000 of county bonds to stock of the railroad (ibid., p. 398). On January 30, 1868 the commissioners assigned $100,000 of these bonds to Wm. S. Potwin and Company, contractors for the railroad (ibid., pp. 440-444), and on June 16 the remainder were issued to the railroad (ibid., p. 460). Agents of the Leavenworth, Lawrence and

Galveston asked the county commissioners for the surrender of the certificates of its stock held by Franklin County, claiming this would remove the only obstacle to operation of the road. The commissioners, wanting the road to operate and being "unwilling that our county should occupy so objectionable a position before the people of the state", agreed July 19, 1869 to transfer the county's stock for the sum of $100 (Journal, 1869-72, p. 78, in Commissioners' Journal, entry 2).

The legislature of 1867 made section lines in Franklin public highways and provided for the opening of such roads upon written application by ten freeholders to the county commissioners under the provision of the road law. The roads were to extend one-and-a-half rods on each side of the section line. (L. 1867, ch. 67, secs. 1, 2.)

Toll rates of the Ottawa Bridge Company were regulated by an act of the special session of the legislature of 1868. The rates could not exceed twenty-five cents for one vehicle drawn by not more than two animals, and not more than twenty cents for one pleasure carriage drawn by one horse or mule. The rate for pedestrians was not to exceed five cents and children under twenty-one years going to or returning from school or church in Ottawa, and funeral processions, were to pass free. (L. 1868, ch. 54, sec. 1, Special Session.)

In September 1869 Ottawa University was opened (F.W. Blackmar, A Kansas Cyclopedia of State History, 1912, vol. 2, p. 427). The legislature of that year exempted the Ottawa University Farm from the provisions of the act of 1867 which declared section lines in Franklin public highways, but provided that the university trustees should maintain a roadway not less than sixty feet wide around the university farm if public necessity required it (L. 1869, ch. 54, sec. 1).

At the election April 6, 1869 the voters favored subscribing $100,000 of county bonds to the capital stock of the Kansas City and Santa Fe Railroad (Journal, 1869-72, p. 35, in Commissioners' Journal, entry 2). On September 13, 1870 the voters authorized issuance of $150,000 of county bonds to purchase capital stock of the Missouri, Kansas and Texas Railroad (ibid., p. 227). These bonds were forfeited, as the railroad companies failed to meet the requirements, but on June 13, 1872 the commissioners accepted a petition calling for a vote on the following proposition: to subscribe $150,000 of county bonds to the capital stock of the Missouri, Kansas and Texas, or any other company building and operating a line by way of Ottawa east and west through the county; to subscribe $50,000 in county bonds to the Kansas City, Burlington and Santa Fe, or any other company building a line from Ottawa to the southwestern part of the county; to subscribe $100,000 of county bonds to the Topeka, Ottawa and Fort Scott, or any other company constructing and operating a railroad across the county from northeast to southeast (ibid., pp. 462-465). The proposition carried on July 22 by a vote of 1,032 to 826 (ibid., p. 478). The Kansas City, Burlington and Santa Fe was the only one of these roads that obtained the bonds

issued to it by constructing a road in Franklin County; it contracted with the county October 23, 1873 for the building of a line and deposit of the bonds (ibid., 1872-79, pp. 110-113).

In 1870 the legislature empowered the owners of certain land, because of improvements made, to fence all of the land in a body for a term of five years from April 1, 1870, providing gates were maintained at the entrances of any highways. The act did not prevent the laying out of roads according to the road law. The land named in this act was secs. 11, 12, 13, 14, 23, 24, 25, 26, 35 and 36 in township 16, range 17; also, sections 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33, 34, and the west fractional part of 35 and 36 in township 16, range 18 (L. 1870, ch. 100, secs. 1, 2). An amendment in 1871 to the section line act of 1867 eliminated its application to Franklin but continued the exemption to the Ottawa University Farm (L. 1871, ch. 135, sec. 1).

A legislative act of the following year declared again that section lines in Franklin were public highways (L. 1872, ch. 177, sec. 1).

On June 10, 1871 the county commissioners leased from H. F. Sheldon five rooms on the second floor of his building on Main Street, Ottawa, for county offices at $780 per year (Journal, 1869-72, p. 319, in Commissioners' Journal, entry 2).

That year Ottawa University was suspended because of financial difficulties but was reopened in 1873 (Blackmar, op. cit.).

At the general election of November 5, 1872 the electors ordered by a vote of 1,050 to 409 that the county commissioners appropriate not more than $6,000 for the purchase of a county poor farm (Record of Proceedings Board County Commissioners, vol. C, pp. 2, 13, in Commissioners' Journal, entry 2). The J. L. Tower farm was bought for this purpose January 24, 1873 for $5,000 (ibid., p. 44).

On July 12, 1873 Mason and Parkman were given a lease on a site in the courthouse square, north of the jail, for the erection of a building to be used by them as a law office. The commissioners were to be allowed to hold their meetings in these quarters and the county was to receive $12 per year as rental on the ground (ibid., pp. 88, 89). On June 11, 1874 the commissioners entered into a new lease with H. F. Sheldon for the five rooms already occupied by the county offices, with the additional use of the hall for the district and probate courts, the rent being reduced to $600 a year (ibid., p. 179).

The legislature of 1875 passed an act enabling counties of more than 10,000 population to issue up to $20,000 in relief bonds for the aid of the destitute, such bonds to bear 10 per cent interest and be repaid by the county in from three to ten years. The proceeds of the bond sales were to be invested in wheat, corn, oats and potatoes, which were to be sold to the farmers on their notes payable in one year, thus

enabling them to produce a crop for that season (L. 1875, ch. 41, secs. 1-17). At a special election held March 8, the Franklin County electors voted 894 to 322 in favor of issuing $20,000 in relief bonds (Record of Proceedings Board County Commissioners, vol. C, pp. 249-252, in Commissioners' Journal, entry 2).

There had been an almost total failure of crops in Franklin County in 1874 due to unusual weather conditions and the ravages of grasshoppers, chinch bugs and other insects. It was estimated by the commissioners that there were at least 2,500 persons in the county needing food and clothing. On March 16, 1875 the commissioners sent a letter to the State Central Relief Committee requesting food, clothing and seed for their destitute citizens. (Ibid., pp. 248-253.) The poverty-stricken condition of so many of the people and the general prostration of business caused an unprecedently large delinquent tax list in 1875, and on October 5 the commissioners decided not to make a levy for the payment of interest on the railroad bonds for that year (ibid., pp. 298, 299).

By the terms of the legislative act of 1879 the Franklin County commissioners were authorized upon presentation of a petition by two-fifths of the resident taxpayers of the county to call an election on the proposition of appropriating not more than $20,000 to any railroad company which would construct a railroad to Ottawa and in an easterly direction, connecting with the Missouri Pacific Railroad at Holden, Missouri (L. 1879, ch. 109, secs. 1, 2). On March 13, six days after the law became effective, a petition signed by 1,127 electors asking for an election was presented to the county commissioners (Record of Proceedings Board County Commissioners, vol. C, p. 551, in Commissioners' Journal, entry 2). An election was called for April 15 and the proposition of subscribing to $20,000 of stock in the Saint Louis, Kansas and Arizona Railroad Company (now a part of the Missouri Pacific) and issuing bonds therefor carried by 1,433 votes to 915. The appropriation was made on May 7. (Ibid., pp. 569, 574.)

The legislature of 1879 also authorized any county, city, township or school district to compromise and refund its indebtedness of every kind upon such terms as could be agreed upon, and to issue new bonds for the sum thus required. Such bonds were not to be issued at less than par, nor for a longer period than 30 years, and were not to exceed the total amount of outstanding indebtedness, nor draw more than six per cent interest (L. 1879, ch. 50, sec. 1).

Franklin County had issued $200,000 in bonds to the Leavenworth, Lawrence and Galveston Railroad and $50,000 to the Kansas City and Santa Fe. Default had been made in payment of the interest, and judgments had been obtained against the county in the United States District Court for the District of Kansas. The county and the bond holders mutually agreed to compromise the bonds, interest and judgments. On June 18, 1880 the commissioners agreed to pay upon the county's aggregate indebtedness, including principal and accrued interest to July 1 that year,

at the rate of 80 per cent in new bonds of the county. These bonds were to be in the sum of $233,400 and run for 30 years at six per cent interest. (Commissioners' Journal, Vol. D, pp. 69-71; see entry 2.)

An attempt to obtain a permanent structure for the county offices was made September 23, 1884 when the commissioners received a petition signed by 90 citizens praying for the construction of a courthouse and the issuance of bonds to pay for it. The board ordered the question submitted at the election of November 4. (Ibid., vol. E, pp. 146-148.) However, the proposition lost by a vote of 562 for, to 3,556 against (ibid., p. 173).

As the lease on the quarters then used was to expire January 1, 1887 the commissioners on September 7, 1886 considered obtaining suitable rooms for the county offices. It was agreed to lease, on the same terms, the rooms then occupied in the building known as the Semple Block, except that the county reserved the right to vacate at any time upon giving six months notice. It was also agreed to lease the building known as the old Baptist Church on Main Street. (Ibid., p. 467.)

Another petition praying for issuance of $50,000 in bonds for erection of a courthouse was received by the commissioners September 20, and they ordered the question submitted to the voters at the election of November 2 (ibid., pp. 468-471). Again the proposition was defeated by a vote of 934 in favor to 2,615 against (ibid., p. 521).

The legislature of 1891 authorized the county commissioners of Franklin County to levy a tax of not more than three mills on the dollar of taxable property for the erection of permanent county buildings, provided the proposition and the maximum cost should be favored by a majority of the voters at some election (L. 1891, ch. 94, secs. 1, 2). A special election on the two questions was ordered by the commissioners for April 21 (Commissioners' Journal, vol. F, pp. 416, 417; see entry 2). The question of erecting the buildings carried by a vote of 1,917 to 1,106 and the maximum cost of $50,000 was favored by a vote of 1,963 to 1,102 (ibid., pp. 431, 432). L. W. Divelbiss was awarded the courthouse contract on December 29 for his bid of $45,940 (ibid., p. 483). The building was to be located on the courthouse square with its south wall 153 feet north of the north line of Fourth Street and equidistant from Hickory and Main Streets (ibid., pp. 494, 495). The commissioners on September 27, 1893 ordered all county officials to move their records into the new courthouse, and on October 3 dedicatory services for the new building were held (ibid., p. 627). The courthouse was officially accepted from the contractors November 11 (Commissioners' Journal, vol. G, p. 15; see entry 2).

The population of Franklin County in 1860 was 3,030 (First Biennial Report of Kansas State Board of Agriculture, 1876-78, vol. 6, p. 131). The population in 1893 was 19,684 (Ninth Biennial Report of Board of Agriculture, 1893-94, vol. 14, p. 70). The present population is 21,022 (Report of Kansas State Board of Agriculture for the Quarter Ending September 1938, vol 52, No. 228-B).

Historical Sketch (First entry, p. 68)

Franklin ranked sixth in corn production among Kansas counties in 1935, producing a crop valued at $610,922. The total value of all field crops produced in the county that year was $1,068,131. Manufacture of dairy products is an important industry. Butter made in 1936 was valued at $419,492. (Thirtieth Biennial Report of State Board of Agriculture, 1935-36, vol. 35, pp. 472, 492, 572.)

Relatively small amounts of oil and gas have been produced in Franklin County for many years. Oil production, largely in the east portion, declined from 194,148 barrels in 1926 to 78,053 barrels in 1935. There are gas fields in the northwestern portion and in the vicinity of Ottawa. (Bulletin of the University of Kansas, vol. 38, no. 11, p. 35.) During 1938 there were fourteen coal mines operating in the county that produced 12,504 tons, a considerable decrease from preceding years (Annual Report of Coal Mine and Metal Mine Inspection and Mine Rescue Department, 1938, p. 10).

Franklin ranked thirty-third among Kansas counties in the valuation of taxable property in 1936, with an assessed valuation of $31,889,413 (ibid., p. 6).

Among the principal enterprises of Ottawa, largest city of the county, are railroad shops, flour mills, creameries, stone crushers and manufactories of filling station equipment and highway signs (Kansas Year Book, 1937-38, p. 333).

Following is the population of Franklin County by decades:

1860	3,030	(Ninth Census of the United States, 1870, vol. 1, p. 29)
1870	10,385	(ibid., vol. 1, p. 29)
1880	16,800	(Second Biennial Report of the State Board of Agriculture, 1879-80, vol. 7, p. 534)
1890	20,258	(Seventh Biennial Report of the State Board of Agriculture, 1889-90, vol. 12, pt. 2, p. 4)
1900	21,420	(Twelfth Biennial Report of the State Board of Agriculture, 1899-1900, vol. 17, p. 874)
1910	21,097	(Seventeenth Biennial Report of the State Board of Agriculture, 1909-10, vol. 22, p. 1002)
1920	22,981	(Twenty-second Biennial Report of the State Board of Agriculture, 1919-20, vol. 27, p. 539)
1930	22,346	(Twenty-seventh Biennial Report of the State Board of Agriculture, 1929-30, vol. 32, p. 547)
1938	21,022	(Report of the Kansas State Board of Agriculture for the Quarter Ending September, 1938, vol. 52, no. 228-B)

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2. GOVERNMENTAL ORGANIZATION AND RECORDS SYSTEM

Although the territorial assembly of 1857 made provision for the appointment of Franklin County officials to serve until the general election of that year (L.T.K. 1857, ch. 92, secs. 2, 3), only a few of them were named by Governor Walker, nor did all those elected qualify for their offices. Vacancies were not filled until the following spring, so that actual governmental organization of the county was not effected until March 15, 1858 when the first board of county commissioners met at Minneola (Record, p. 28, in Commissioners' Journal, entry 2).

Franklin is one of the one hundred and five counties of Kansas, the last being organized in 1889, which constitute the principal legal subdivisions of the state. The act to organize the territory, approved May 30, 1854, provided that the legislative power and authority should be vested in the governor and the legislative assembly (10 U.S. Stat. 282, sec. 22), and that all county, township and district officers not otherwise provided for should be appointed in such manner as the governor and legislative assembly might provide (ibid., sec. 25). The first assembly, convening in July 1855, organized and defined the boundaries of thirty-six counties in eastern Kansas (S.T.K. 1855, chs. 30, 33, 37). This assembly vested counties with "full corporate powers and authority" (ibid., ch. 39, sec. 2), and there has been no subsequent change in their status.

The first assembly provided for administration of county affairs by a board of county commissioners, to consist of the probate judge as chairman and two others to be selected by the assembly (ibid., ch. 44, secs. 28, 29). The probate judge and sheriff also were elected by the assembly (ibid., sec. 1). The assessor, county treasurer, coroner, surveyor, justices of the peace and constables were appointed by the county tribunal, which also was given authority to appoint its own clerk (ibid., secs. 33, 34). The assembly specified that the clerk to the board of county commissioners should be ex officio clerk of the probate court (ibid., sec. 41), and that the clerk of the probate court should be ex officio recorder (ibid., ch. 134, sec. 4). The sheriff was designated as collector of taxes (ibid., ch. 137, art. 3, sec. 1). Judicial power was vested by the organic act in a supreme court, district courts, probate courts and justices of the peace (10 U.S. Stat. 286, sec. 27). The county tribunal was authorized to divide the county into townships, sub-divide them and alter their boundaries (S.T.K. 1855, ch. 157); provide for the relief of the poor at county expense (ibid.,

ch. 126, secs. 4-6), and to make and enforce all orders pertaining to roads and bridges (ibid., ch. 139). Common schools, "open and free" for every class of white citizens, were established, and the county tribunal required to form school districts upon petition of the voters therein (ibid., ch. 143, art. 1, secs. 1, 2).

Although the authority of the first assembly, known in history as the "bogus legislature", never was recognized by the free-state forces, its enactments formed the basis of governmental organization as it exists in Kansas today. Slavery being the paramount issue of the times, and this being a pro-slavery assembly, the protection of that institution in the territory was the controlling factor in the first legislative program. In 1858 the free-state forces came into power. Selection of the county tribunal and other county and township officers was placed in the hands of the voters, and the probate judge eliminated as a member of the county board. The office of clerk to the county tribunal was changed to that of county auditor and made elective (L.T.K. 1858, ch. 5, sec. 1), and though he still performed the duties of clerk to the tribunal and ex officio clerk of the probate court, he was given the added duties of ex officio clerk of the district court (ibid., sec. 40). The office of register of deeds was established and made elective in place of the ex officio office of recorder, and the auditor thus relieved of those duties (ibid., ch. 13, sec. 40).

The assembly of 1860 established the office of county clerk, and provided that he should be clerk to the county tribunal and ex officio, county auditor (G.L.T.K. 1860, ch. 28, secs. 42, 43; G.S. 1935, ch. 19, sec. 304). The duties of collector of taxes were transferred from the sheriff to the county treasurer (G.L.T.K. 1860, ch. 28, sec. 114; G.S. 1935, sec. 19, ch. 515). The office of county assessor was made elective (G.L.T.K. 1860, ch. 28, sec. 121).

The state constitution, in providing for the change from the territorial to the state government, effective January 29, 1861, specified that "all laws and parts of laws in force in the territory at the time of acceptance of this constitution by congress, not inconsistent with this constitution, shall continue and remain in full force until they expire, or are repealed" (C.S.K., schedule, sec. 4). The constitution provided for election of a judge of the district court in each judicial district (ibid., art. 3, sec. 5), and a clerk of the district court in each county (ibid., sec. 7), as well as a county superintendent of schools (ibid., art. 6, sec. 1), and two justices of the peace in each township (ibid., art. 3, sec. 9). No further basic changes have been made.

In 1868 the first general statutes of the state were adopted. In enumerating duties of the county clerk, no mention was made of duties as ex officio auditor (G.S. 1868, ch. 25, art. 3). The office of auditor, however, was created in 1872 in all counties with a population in excess of 30,000 inhabitants and made appointive by the district court (L. 1872, ch. 67, sec. 1). Four years later the provisions of the law were

extended to embrace all counties of more than 25,000 inhabitants (L. 1876, ch. 67, sec. 1), but in 1891 the population limit was raised to 45,000 or more (L. 1891, ch. 87, sec. 1; G.S. 1935, ch. 19, sec. 601).

By virtue of population Franklin County never has had a county auditor.

In 1869 the office of county assessor was abolished and the township trustees required to perform its duties (L. 1869, ch. 30, sec. 1). It was restored and made appointive by the county commissioners in 1908 (L. 1907, ch. 408, sec. 18), but again made elective beginning in January 1911, though confined to the larger counties, the county clerk serving as ex officio assessor in the smaller counties (L. 1909, ch. 251, sec. 3; L. 1913, ch. 131, sec. 1; L. 1925, ch. 131, sec. 1; G.S. 1935, ch. 19, sec. 401).

During the territorial period counties were organized only by legislative enactment. The assembly of 1859 provided that when a county was attached to another for judicial purposes, the jurisdiction of the parent county should be the same as if the attached county formed a part of it, unless the attached county had an organization and officers of its own, in which case the jurisdiction of the parent county should extend only to such matters as were cognizable by the district court (G.L.T.K. 1859, ch. 50, sec. 9).

The constitution specified that "the legislature shall provide for organizing new counties, locating county seats and changing county lines; but no county seat shall be changed without the consent of the majority of the electors of the county; nor any county organized nor the lines of any county changed, so as to include an area of less than four hundred and thirty-two square miles" (C.S.K., art. 9, sec. 1). The first state legislature made it the duty of the governor, upon petition of electors in any unorganized county having 600 or more inhabitants, of whom twenty are free-holders, to appoint a temporary board of county commissioners and a county clerk, declare the county organized and designate a temporary county seat (G.L. 1861, ch. 19, sec. 1). The commissioners are required to divide the county into townships, and call an election, and the voters select the county seat and permanent county officers (ibid., secs. 3-5; G.S. 1935, ch. 19, sec. 212).

The state legislature of 1863 provided that any unorganized counties attached to an organized county for judicial purposes should constitute one of the townships, be entitled to township officers and other township rights and privileges, and be subject to the same regulations and liabilities as other townships of the county. It was required, however, that all school districts within the unorganized county should be separately described and numbered. (L. 1863, ch. 23, sec. 1.)

Counties are empowered by statute to sue and be sued; to purchase and hold real and personal estate for their use, and lands sold for taxes as provided by law; to sell and convey any property owned by them,

and make such orders pertaining thereto as may be deemed conducive to the interests of the inhabitants; to make contracts and perform other acts in relation to the county property and concerns of the county, necessary to the exercise of corporate or administrative powers, and to exercise such other functions as may be especially conferred by law (G.L.T.K. 1860, ch. 28, sec. 1; G.S. 1935, ch. 19, sec. 101).

The various functions of the county government may be said roughly to comprise the following: 1) The administrative and legislative functions, exercised by the board of county commissioners; 2) recording and registration, performed by the register of deeds and the county clerk; 3) the administration of justice, vested in the district court, probate court, juvenile court and justices of the peace; and in some counties, county or city courts; 4) the enforcement of law and maintenance of peace, incumbent upon the county attorney, sheriff, coroner and the township constables; 5) the levy and collection of the public revenue, the first vested in the board of county commissioners, township trustees and school district boards under legislative restrictions, and the second incumbent upon the county treasurer; 6) the supervision and conduct of elections, principally performed by the county clerk; 7) engineering activities, administered by the board of commissioners, largely through the agency of the county engineer; 8) the administration of education, supervised by the county superintendent of public instruction; 9) the regulation of health and sanitation and the promotion of social welfare, both administered through appointive officers by the board of county commissioners acting as a county board of health and a county social welfare board.

Administration of Affairs

The administration of the affairs of Kansas counties has never been changed fundamentally since the beginning of the territory. The first legislative assembly of the territory provided for a board of county commissioners of three members, all of whom were appointed by the assembly, the probate judge of the county being president of the board (S.T.K. 1855, ch. 44, secs. 1, 28, 29). They were given power to levy taxes on property subject to tax by law; to build bridges, and open roads and keep them in repair; to provide for erection and maintenance of public buildings necessary for the transaction of county business; to appoint their own clerk; to acquire and sell property for the county and have its control and management, and to audit and settle all demands against the county (ibid., secs. 31-33, 35). Beginning in 1857 the members of the board were to be elected for four-year terms (ibid., secs. 4, 39).

In 1858, however, the free-state assembly eliminated the probate judge as a member of the board and provided for election of a county board of supervisors. This assembly decreed that "each organized county

within this territory shall be a body corporate and politic" and that "the powers of the county as a body corporate and politic shall be exercised by the board of county supervisors thereof". (L.T.K. 1858, ch. 13, secs. 1, 3; G.S. 1935, ch. 19, secs. 101, 103.) This board was made to consist of one supervisor from each township to be elected by the people biennially (L.T.K. 1858, ch. 13, sec. 9). Powers and duties specified by the assembly of 1855, except those protecting slavery, were re-enacted with some amplifications (ibid., sec. 11). Provision was made for appeals to the probate court from the board's decisions on claims (ibid., sec. 18), and the office of clerk to the board was made elective for a two-year term (ibid., sec. 26).

The assembly of 1860 changed the name of the tribunal back to "board of county commissioners" and made it consist of three members, one to be elected annually by the voters of the whole county, but representing a designated district, for a three-year term (G.L.T.K. 1860, ch. 28, secs. 3, 10). Except for one or two instances of variation in length of their terms and extent of districts represented, no fundamental changes have since been made in the county tribunal or its functions (see p. 59). Since 1903 the board has consisted of three members elected by the voters of designated districts to serve terms of four years (L. 1903, ch. 233, sec. 1; G.S. 1935, ch. 19, sec. 202).

From 1855 to 1860 the township played a major role in the administration of local government. The first territorial assembly provided for division of the counties into convenient townships by the county tribunal, which had power to sub-divide them and alter their boundaries as the occasion might require (S.T.K. 1855, ch. 157). The assembly of 1858 declared each organized township to be a body corporate (L.T.K. 1858, ch. 71, sec. 1; G.S. 1935, ch. 80, sec. 101) and provided that all township officers be elected for terms of one year, (L.T.K. 1858, ch. 71, sec. 34), except justices of the peace, who were elected for four years (L.T.K. 1857, sec. 4, pp. 56, 57).

The assembly of 1859, prohibiting future organization of townships containing less than thirty-six square miles and 500 inhabitants (G.L. T.K. 1859, ch. 42, sec. 18), extended the township powers. The township electors were empowered to raise money for the support of common schools, building and repair of roads and bridges, support of the poor, prosecution and defence of legal actions, and all other proper charges against the township (ibid., ch. 130, sec. 2). Provision was made for the annual election of three supervisors, a clerk, a treasurer, two justices, two constables, one assessor, and one overseer for each road district (ibid., sec. 32). The supervisors were designated as commissioners of highways, overseers of the poor and inspectors of elections for their respective townships (ibid., sec. 38), and the township treasurer as collector of taxes for his township (ibid., sec. 51).

The territorial assembly of 1860, however, abrogated the township powers and broadened those of the county tribunal over township affairs.

The offices of township supervisor, clerk and treasurer were abolished and their duties transferred to a trustee to be elected annually for a one-year term, and whose surety bond was to be filed with the board of county commissioners (L.T.K. 1860, ch. 128, sec. 13). The trustee was required to keep a record of his official proceedings, divide the township into highway and school districts, receive and pay out the township moneys and perform all duties heretofore required of the supervisors, clerk and treasurer; to have the care and management of all township property, be inspector of elections and overseer of the poor, superintend the pecuniary concerns of the township, and with the advice and concurrence of the county commissioners, levy the township tax for roads and other purposes and report his action to the county clerk. In the event the trustee and county commissioners failed to agree, the tax levy was made by the county commissioners. (Ibid., sec. 4.) The trustee was required to examine and settle all accounts against the township, keep account of receipts and expenditures, audit the accounts of the road overseers once a year and make a complete financial report to the county commissioners annually (ibid., secs. 6, 7). It was specified by the legislature that the officer should have no power to change, locate or vacate any highway, and proceedings then pending before township boards were required to be transferred to the county commissioners, in whom such power was thenceforth vested (ibid., sec. 14). Vacancies in the offices of trustee or constable were to be filled by the county board (ibid., secs. 5, 20; G.S. 1935, ch. 25, sec. 1606).

In 1868 the legislature restored the offices of township clerk and treasurer, but continued that of trustee. Since 1903 township officers have been elected for two-year terms. (G.S. 1868, ch. 110, sec. 1; L. 1903, ch. 235, sec. 1; G.S. 1935, ch. 25, sec. 1604.)

Recording

Recording of land titles, maps, plats and written instruments of every kind is a duty devolving upon the register of deeds (L. 1860, ch. 28, sec. 50; C.L. 1935, ch. 19, sec. 1204), and in a few instances upon the county clerk (see p. 110).

The first territorial assembly established the office of recorder in each county (S.T.K. 1855, ch. 134, secs. 1, 2), specifying that the officer should record, in separate books kept for that purpose, all deeds, mortgages, conveyances, covenants, commissions and official bonds required to be recorded in this office (ibid., secs. 10, 11). He also was given power to acknowledge deeds and other instruments (ibid., sec. 22). The assembly provided for the appointment of a clerk by the county tribunal (ibid., ch. 44, sec. 33), and specified that the clerk should be ex officio clerk of the probate court (ibid., sec. 41), and that the clerk of the probate court should be ex officio recorder (ibid., ch. 134, sec. 4). The free-state assembly of 1858 changed the title of the officer to register of deeds and provided for his election biennially (L.T.K. 1858, ch. 13, sec. 40; G.S. 1935, ch. 19, sec. 1201).

The same assembly created also the office of land district recorder in each land district of the territory (L.T.K. 1858, ch. 59, sec. 1), and provided that deeds and conveyances might be recorded therein with the same effect as in the county recorder's office (ibid., sec. 7). The district recorder was required to make out monthly abstracts of land conveyances and send to the recorders of the respective counties in which the property was located (ibid., sec. 13). The district recorders' offices were abolished by the legislature of 1862, which required records of all instruments affecting land titles to be transcribed and transmitted to the register of deeds in the counties in which the land was located (L. 1862, ch. 174). No important changes have since been made.

Some recording duties fall upon the county clerk (see p. 80). He keeps a record of all land transfers in the county (L. 1877, ch. 145, sec. 1; G.S. 1935, ch. 67, sec. 239), and records the licenses of physicians and surgeons (L. 1901, ch. 254, sec. 4; G. S. 1935, ch. 65, sec. 1003), embalmers (L. 1909, ch. 225, sec. 3; G.S. 1935, ch. 65, sec. 1701), nurses (L. 1913, ch. 231, sec. 4; G.S. 1935, ch. 65, sec. 1102), osteopathic physicians (L. 1913, ch. 290, sec. 6; G.S. 1935, ch. 65, sec. 1205), and optometrists (L. 1923, ch. 220, sec. 3; G.S. 1935, ch. 65, sec. 1503). Chiropractors record their licenses with the register of deeds (L. 1913, ch. 291, sec. 9; G.S. 1935, ch. 65, sec. 1306). Recording of marks and brands for livestock, originally a function of the register of deeds (L.T.K. 1857, p. 81), is performed by the county clerk (G.S. 1868, ch. 105, sec. 55; G.S. 1935, ch. 47, sec. 401).

Administration of Justice

The organic act provided that the judicial power of the territory should be vested in a supreme court, district courts, probate courts and justices of the peace (10 U.S. Stat. 286, sec. 27). The state constitution contains the same provision, but permits "such other courts, inferior to the supreme court, as may be provided by law" (C.S.K., art. 3, sec. 1).

The organic act divided the territory into three judicial districts and provided that a district court should be held in each by one of the judges of the supreme court, at such times and places as might be prescribed by law, and that the judge should appoint his own clerk (10 U.S. Stat. 286, sec. 27). The state constitution divided the state into five judicial districts, which can be changed by law, and provided that a district judge should be elected in each for a term of four years, and that terms of court should be held in each district at such times and places as might be provided by law. New and unorganized counties, the constitution provided, should by legislative enactment be attached for judicial purposes to the most convenient judicial district. (C.S.K., art. 3, secs. 5, 18, 19.)

The first territorial assembly defined the times and places of the terms of the district court (S.T.K. 1855, ch. 41). The first general statutes adopted in 1868 provided that "there shall be in each county organized for judicial purposes a district court which shall be a court of record, and shall have general original jurisdiction in all matters, both civil and criminal (not otherwise provided by law), and jurisdiction in cases of appeal and error from all inferior courts and tribunals, and shall have a general supervision and control of all such inferior courts and tribunals, to prevent and correct errors and abuses" (G.S. 1868, ch. 28, sec. 1; G.S. 1935, ch. 20, sec. 301; see p. 118). All power to grant divorces is vested in the district courts, subject to regulation by law (C.S.K., art. 2, sec. 18).

The first territorial assembly placed Franklin County in the second judicial district (S.T.K. 1855, ch. 91, sec. 2) but four years later it was transferred to the third district (G.L.T.K. 1859, ch. 40, sec. 7). No record of any district court proceedings in Franklin County prior to 1859 has been found. The first case appearing on the present court records was filed January 19, 1859 (Civil Appearance Docket, vol. 1, p. 1; see entry 203), and the first decision rendered September 22, 1859 (Journal Docket, vol. 2, p. 1; see entry 195).

The state constitution provides that "there shall be a probate court in each county, which shall be a court of record, and have such probate jurisdiction and care of estates of deceased persons, minors, and persons of unsound minds as may be prescribed by law, and shall have jurisdiction in cases of habeas corpus" (C.S.K., art. 3, sec. 8; see p. 134). During the territorial period probate courts also had concurrent jurisdiction with the district court on all demands for direct payment of money or property not exceeding $1,000 and on all accounts and other unliquidated claims of not more than $500, and could accept judgment by confession in any case involving not more than $1,000 (S.T.K. 1855, ch. 44, secs. 10, 11). The probate judge could grant writs in injunction returnable to the district court (ibid., sec. 15).

The first territorial assembly provided for four justices of the peace in each township (S.T.K. 1855, ch. 93, art. 1, sec. 1). Their jurisdiction was co-extensive with the county (ibid., sec. 3), and in addition to their powers in civil and criminal matters they were authorized to acknowledge deeds and other written instruments except conveyances of land situated outside the county (ibid., sec. 9). The assembly of 1857 reduced the number of justices in each township to two, or four if the township contained an incorporated city (L.T.K. 1857, sec. 3, p. 56). The state constitution provides for two justices in each township whose powers and duties shall be prescribed by law. The number may be increased by legislative enactment. (C.S.K., art. 3, sec. 9; see p.149).

In recent years justices of the peace have played a swiftly diminishing role in the Kansas judicial system. Yet with the increase in the volume of litigation occasioned by the growth in population and the greater intricacies of the social order, it became necessary to broaden

the machinery of justice. The first step was the establishment of "city courts" in certain counties. The legislature of 1868 had passed an act providing that "no city of more than 2,000 inhabitants shall be included within the corporate limits of any township, but each of such cities shall constitute a township for the purpose of electing justices of the peace and constables as provided in this act, and for the exercise of the powers and jurisdiction of such officers as prescribed by law" (G.S.1868, ch. 110, art. 10, sec. 48; G.S. 1935, ch. 80, sec. 1404). In 1897 the legislature established in Kansas City township, Wyandotte County, two new courts known as "the city court of Kansas City," first district and second district respectively. These courts, each of which had a judge and a clerk, had the same jurisdiction as justices of the peace, but thereafter the justices of the peace in that township were limited in their jurisdiction to civil actions in which the amount claimed did not exceed one dollar. (L. 1897, ch. 107; G.S. 1935, ch. 20, sec. 1701.)

In 1899 similar city courts were created by special acts of the legislature in the municipal townships of Atchison, Topeka, Leavenworth, Fort Scott, Coffeyville, and Wichita (L. 1899, chs. 125-130). In 1923 an act was passed establishing such courts in any city of the first class which by ordinance should adopt the provisions of the act (L. 1923, ch. 132, sec. 1; G.S. 1935, ch. 20, sec. 1401). In 1927 the general law of 1923 was amended to apply also to cities of the second class with a population of more than 13,900 (L. 1927, ch. 179, sec. 1; G.S. 1935, ch. 20, sec. 1401).

No city court ever has been established in Franklin County.

The legislature of 1925 also provided for the establishment of county courts in such counties as might, by resolution of their boards of county commissioners, adopt the provisions of the act, and in which there is no city court. The probate judge of the county is judge of the county court and ex officio his own clerk. His jurisdiction is concurrent with the district court in civil actions involving not more than $1,000, and the same as that of justices of the peace and judges of city courts in other respects. Appeals lie to the district court. (L. 1923, ch. 131; G.S. 1935, ch. 20, secs. 801-819.) No such court ever has been established in Franklin County.

In 1905 the legislature created a juvenile court (see p.146) in each county to have jurisdiction in cases of dependent, neglected and delinquent children. The probate judge was designated as judge of the juvenile court in each county, with the authority to issue processes the same as justices of the peace in misdemeanor cases, and to appoint one or more probation officers. (L. 1905, ch. 190, secs. 1, 3; G.S. 1935, ch. 38, secs. 401, 403.) From 1901 until establishment of the juvenile court, such cases were handled by the probate court (L. 1901, ch. 106; G.S. 1935, ch. 38, secs. 301-318). The first definite law for the protection of children was passed in 1889, and empowered peace officers to bring before any magistrate authorized to issue warrants, any child who was subjected to cruel treatment, willful abuse or neglect, or any child under sixteen years old found in a house of ill fame (L. 1889, ch. 104, secs. 4, 5; G.S. 1935, ch. 38, secs. 704-709).

Enforcement of Law and Maintenance of Peace

Under Kansas laws the preservation of the peace and apprehension of law violators in each county is incumbent upon the township constables, who in such respect have county-wide jurisdiction, (G.S. 1868, ch. 110, sec. 41; G.S. 1935, ch. 80, sec. 704), and the sheriff of the county, and in the performance of their duties either officer may call to his aid such persons as may be necessary (G.S. 1868, ch. 25, sec. 107; G.S. 1935, ch. 19, sec. 813). The sheriff has custody of the county jail and prisoners (G.S. 1868, ch. 25, sec. 105; G.S. 1935, ch. 19, sec. 811), is required to appoint an undersheriff, and may appoint as many deputies as he thinks proper, and is responsible for their official acts (G.S. 1868, ch. 25, secs. 101, 103; G.S. 1935, ch. 19, secs. 803, 805).

The sheriff is elected in each county for a term of two years (G.S. 1868, ch. 25, sec. 99; G.S. 1935, ch. 19, sec. 801), but may not serve more than two consecutive terms (C.S.K., art. 4, sec. 2). Vacancies in office are filled by appointment by the governor (G.S. 1868, ch. 25, sec. 102; G.S. 1935, ch. 19, sec. 804). In territorial times the sheriff also was ex officio collector of taxes for his county (S.T.K. 1855, ch. 150, sec. 5; ch. 137, art. 3, sec. 1), but his duty was transferred to the county treasurer in 1860 (G.L.T.K. 1860, ch. 28, sec. 114; G.S. 1935, ch. 19, sec. 515).

Unless otherwise provided by law, offenses committed against the laws of the state must be punished in the county where the offense is committed (G.S. 1868, ch. 82, sec. 20; G.S. 1935, ch. 62, sec. 401). Information that an offense has been committed may be filed in any court having jurisdiction, by the county attorney as prosecuting attorney for his county (G.S. 1868, ch. 82, sec. 67; G.S. 1935, ch. 62, sec. 802). It is the duty of the county attorney to appear on behalf of the state before any magistrate in his county and prosecute all complaints made, of which such magistrate shall have jurisdiction (G.S. 1868, ch. 25, sec. 137; G.S. 1935, ch. 19, sec. 703).

The first territorial legislature established the office of district attorney for each of the three judicial districts into which the territory was divided. The officer was appointed for a term of four years and prosecuted all civil or criminal actions in his district for the territory or county. (S.T.K. 1855, ch. 10, sec. 1.) In 1858 the office of county attorney was created for each county and made elective for a term of two years (L.T.K. 1858, ch. 13, sec. 49), but the first state legislature abolished this office and re-created that of district attorney, elective for a two-year term (G.L.S.K. 1861, ch. 2, secs. 1-9). In 1864 the office of district attorney was abolished and that of county attorney restored, elective for a two-year term (L. 1864, ch. 31, secs. 1, 2, 13; G.S. 1935, ch. 19, secs. 701-703). No subsequent changes have been made.

Cases of persons who are supposed to have died from unlawful means, or the cause of whose deaths are unknown, come under the jurisdiction of the county coroner, whose duty it is, when notified of such death, to summon six citizens as jurors and hold an inquest. He has authority to issue subpoenas, enforce attendance of witnesses and punish for contempt the same as justices of the peace. (G.S. 1868, ch. 25, secs. 120-122; G.S. 1935, ch. 19, secs. 1003-1005.) He may order the arrest of the person charged, and his warrant has the same effect as that of a justice of the peace (G.S. 1868, ch. 25, secs. 127-129; G.S. 1935, ch. 19, secs. 1010-1012). The inquisition, written evidence and list witnesses, he must return to the county clerk (G.S. 1868, ch. 25, sec. 131; G.S. 1935, ch. 19, sec. 1014). When there is no sheriff, or that officer is absent or disqualified, the coroner is required to exercise all his powers and duties (G.S. 1868, ch. 25, sec. 117, G.S. 1935, ch. 19, sec. 1002), and in the absence or disability of the coroner, any justice of the peace of the same county is authorized to perform his duties in relation to dead bodies (G.S. 1868, ch. 25, sec. 133; G.S. 1935, ch. 19, sec. 1016). The first coroners were appointive by the board of county commissioners for a four-year term (S.T.K. 1855, ch. 27, secs. 1, 5), and the present term of two years was provided for three years later (L.T.K. 1858, ch. 13, sec. 70; G.S. 1935, ch. 19, sec. 1001). Their powers and duties were practically the same as today.

Finance

The county in Kansas derives its revenue chiefly from direct property taxes; fees and licenses collected by county officers according to law, and remittances from the state in the form of the county's share of certain state funds.

Real and personal property (tangible and intangible) forms the basis of the tax groups contributing to county revenue through annual assessment. Fees charged by county officers for services rendered, fees for registration of mortgages, county licenses, and fees retained by the county treasurer for the collection of state fees and licenses, form the second important contributing source. The greater part of this income is paid into the general revenue fund of the county. In addition, each county is entitled by law to a portion of the state retail sales tax revenue, the state highway fund and the state school fund, and receives a portion of the revenue collected by the state from the sale of cigarette tax stamps within its boundaries. These funds are paid by the state treasurer to the treasurers of the several counties and by them are placed in the several funds to which they are designated by law.

Assessment of property and the levy and collection of taxes are functions performed by the board of county commissioners, the county assessor, county clerk and county treasurer working in close relation. The sheriff and the district court also play a part in the collection of delinquent personal property taxes.

The territorial assembly of 1855 authorized the county tribunal "to levy and collect a tax upon all county property taxable under the law" (S.T.K. 1855, ch. 44, sec. 28), appoint a county assessor (ibid., ch. 137, art. 2, sec. 1), and hear appeals from his assessments (ibid., sec. 21). The sheriff was designated as ex officio collector of taxes (ibid., art. 3, sec. 1) with power to seize and sell goods and chattels for taxes due and unpaid (ibid., sec. 17). The assessor received the tax book from the preceding year from the clerk, made his assessments and certified the new tax book to the county tribunal (ibid., ch. 22). The members of this body made such adjustments in the county assessor's lists and valuations as they deemed necessary (ibid., sec. 30), which adjustments the clerk copied into an equalized tax roll and transmitted to the sheriff for collection (ibid., sec. 31). Revenue collected by the sheriff was paid by him into the county treasury (ibid., art. 4, sec. 4).

The assembly of 1858 changed the method of collection by requiring the county clerk to certify the tax rolls for each township to the township clerks and to the county treasurer; the township clerk certified the amount of the tax roll to the township treasurer, who posted his bond for the amount with the county treasurer, whereupon he received the tax roll from the township clerk for collection (G.L.T.K., 1857-58, ch. 66, secs. 44, 45, 48). The same assembly created a territorial board of equalization (ibid., ch. 67), to which the county clerk was required to submit an abstract of the assessment roll (ibid., ch. 66, sec. 35). The county board had power to equalize assessments (ibid., secs. 36-38), and was required to determine the amount of state and county taxes to be levied and apportion them among the districts (ibid., sec. 43).

The territorial assembly of 1860 set up the local tax machinery much as it exists today. Township trustees and the councils of cities were required to certify their levies to the county clerk to be placed on the tax roll, but cities were empowered to levy and collect taxes by ordinance also (G.L.T.K. 1860, ch. 114, secs. 28, 29). The board of county commissioners made the levy for county purposes, constituted the county board of equalization as today, and the county clerk certified the equalized tax roll to the territorial auditor (ibid., secs. 25-27). The county treasurer was officially designated as collector of taxes (ibid., ch. 28, sec. 114; G.S. 1935, ch. 19, sec. 515).

The assembly of 1860 made the office of county assessor elective for one-year term (G.L.T.K. 1860, ch. 28, sec. 121), which was continued under the general terms of the state constitution. In 1869, the office of county assessor was abolished and the township trustees required to perform its duties (L. 1869, ch. 30, sec. 1), but beginning in January 1908 it was restored and made appointive by the county commissioners for a two-year term (L. 1907, ch. 408, sec. 18).

Under this law the county commissioners of Franklin County appointed an assessor January 8, 1908 (Commissioners' Journal, vol. 1, p. 382; see entry 2). Beginning in January 1911 the legislature again made the

office elective, with the provision that it should exist as a separate one only in counties of more than 12,000 inhabitants, and that in counties of less population the county clerk should serve as ex officio assessor (L. 1909, ch. 251, sec. 3). In the election of 1910, the population of Franklin County then being 21,097, an assessor was elected to take office in January 1911 (Abstract of Votes Cast, vol. 2, p. 1; see entry 106). In 1913 the legislature passed an act limiting the office as a separate one to counties of more than 55,000 population, and providing that in the smaller counties the county commissioners might, upon petition signed by ten per cent of the voters, submit to the electorate the proposition of establishing the office as a separate elective one (L. 1913, ch. 321, sec. 1). Franklin County, however, never has taken advantage of this clause, and since 1914 the county clerk has served as assessor ex officio. Present statutes limit the office to counties of 65,000 or more population, but retain the local option clause (L. 1931, ch. 156, sec. 1; G.S. 1935, ch. 19, sec. 401).

The county assessor, with the consent of the board of county commissioners, appoints in each assessment district of incorporated cities such number of deputies as he deems necessary, and in each township he appoints the township trustee as deputy, though if the township is large he may sub-divide it and appoint additional deputies (L. 1911, ch. 320, sec. 1; G.S. 1935, ch. 79, sec. 1411).

The board of county commissioners constitutes the county board of equalization, with the county clerk as its clerk, and meets on the third Monday in May to make such changes in valuations as may be necessary to equalize the tax burden (L. 1876, ch. 34, secs. 73, 74; G.S. 1935, ch. 79, secs. 1601, 1602). The county clerk then makes an abstract of the equalized assessment roll and forwards it to the state tax commission (L. 1876, ch. 34, sec. 76 as amended by L. 1909, ch. 243, sec. 8; G.S. 1935, ch. 79, sec. 1604). The tax commission, constituting the state board of equalization, equalizes assessments throughout the state, and persons feeling aggrieved by the action of the county board may appeal to the state board for relief (L. 1933, ch. 117, sec. 1, Special Session; G.S. 1935, ch. 79, sec. 1409).

The board of county commissioners, and the governing bodies of cities, townships, city boards of education, and rural school districts certify their respective levies to the county clerk in August of each year, and the taxes thus imposed are collected by the county treasurer and paid into the treasuries of the respective taxing districts. After all levies have been so certified, and the state board of equalization has reported its action, the county clerk determines the amount to be levied upon each tract and lot of real property, and the personal property of each taxpayer, and delivers the tax roll to the county treasurer. Taxes are due November 1, and constitute a lien on the real property of the taxpayer. (L. 1876, ch. 34, secs. 82-85; G.S. 1935, ch. 79, secs. 1801-1804). All real estate on which taxes have not been paid by June 20 is subject to sale by the county (L. 1876, ch. 34, sec. 105; G.S. 1935, ch. 79, sec. 2301).

Unpaid personal property taxes are collected by the sheriff upon warrants issued by the treasurer, and in the event the sheriff cannot collect them the treasurer certifies the unsatisfied warrant to the clerk of the district court, where it becomes a lien upon any real estate owned by the delinquent in the same manner as a judgment (L. 1876, ch. 34, secs. 92, 96; G.S. 1935, ch. 79, secs. 2101, 2105).

The state tax commission, created in 1907, has general supervision of the system of taxation throughout the state, including the work of the county assessors, and is charged with providing a uniform method of keeping the tax rolls and books relating to taxation in each county (L. 1907, ch. 408, secs. 3, 8, 9; G.S. 1935, ch. 79, secs. 1401, 1402, 2401). Personal property is assessed annually as of March 1, and real estate has been assessed as of March 1 in every fourth year beginning in 1930, though the board of county commissioners may by resolution order an assessment in any even year (L. 1927, ch. 323, sec. 1; G.S. 1936, ch. 36, sec. 106). At the time of making the annual personal property assessment, the assessors also list new improvements and other real property which have become subject to taxation since the last assessment, and also make return of property destroyed by fire, flood, or otherwise, which the county clerk adds or deducts from the tax roll, as the case may be (L. 1911, ch. 316, sec. 3; G.S. 1935, ch. 79, sec. 403).

The first territorial assembly provided for a tax not only on real estate, personal property and slaves, but also upon all free male persons between the ages of twenty-one and fifty-five (S.T.K. 1855, ch. 137, art. 1, sec. 1) and in addition thereto, a poll tax of fifty cents a year (ibid., ch. 138, sec. 1). Real property was defined by the assembly of 1858 as "land itself, including houses and improvements thereon" and "mines, quarries and fossils lying beneath" (G.L.T.K. 1857-58, ch. 66, sec. 2), while goods and chattel, moneys, capital stock, debts due and all other taxable property not designated as real estate was deemed to be personal property (ibid., sec. 3). The same legislature provided for the deduction of debts due from the gross amount of personal property subject to taxation (ibid., sec. 6).

The state constitution, effective in 1861, specified that "the rate of taxation shall be uniform and equal," and that property used exclusively by governmental units, or for religious, benevolent, scientific, charitable, literary and educational purposes, and also personal property to the amount of $200 for each family, should be exempt. It required the legislature to provide for the taxing of notes and bills, moneys loaned, and all other property or dues of banks and bankers, in order that all property employed in banking might bear a burden of taxation equal to that imposed on individuals. Designating the object for which funds may be used, the constitution specified that "no tax shall be levied except in pursuance to a law, which shall distinctly state the object of the same to which object such tax may be applied". (C.S. K., art. 11, secs. 1, 2, 5.)

The legislature of 1866 designated all stock, coaches, wagons, and other property belonging to stage, mail, or express companies as personal property and provided for the taxation thereof accordingly (L. 1866, ch. 118, sec. 6; G.S. 1935, ch. 79, sec. 305). The accounting officers of railroads were required by the same legislature to list all property subject to taxation within any county with the county clerk (L. 1866, ch. 118, sec. 20) but the law was revised in 1876 to provide for the listing of all capital stock, tracks, rolling stock and personal property and equipment of railroads in the state with the state auditor, who, through the board of railroad examiners, certified to the several county clerks the railroad property within their respective counties (L. 1876, ch. 34, secs. 28, 29). Since 1909 railroad property has been listed with the state tax commission, and certified by that commission to the several county clerks to be placed upon the county tax rolls (L. 1909, ch. 243, secs. 2, 5; G.S. 1935, ch. 79, secs. 602, 603).

The same procedure is followed in the case of telephone, telegraph, pipe line and electric power companies (L. 1897, ch. 245, sec. 1 as amended by L. 1919, ch. 301, sec. 1; G.S. 1935, ch. 79, sec. 710), unless all property of such companies lies within the boundaries of a single county in which case it is assessed annually by the county assessor (L. 1901, ch. 362, sec. 5; G.S. 1935, ch. 79, sec. 711).

Since 1897 it has been the duty of the register of deeds to certify to the county clerk annually a list of mineral rights which are a matter of record in his county, which list and description the county clerk certifies to the county assessor to be valued and listed separately from the surface tract (L. 1897, ch. 244, sec. 1; G.S. 1935, ch. 79, sec. 420).

The legislature of 1909 provided for a tax on legacies and successions to be collected by the treasurer of the county in which is located the probate court having jurisdiction (L. 1909, ch. 240, sec. 3; G.S. 1935, ch. 79, sec. 1502). The county treasurer retains, for the use of the county, five per cent of the funds thus collected, transmitting the remainder, with a detailed report of the collection of the same, to the state treasurer at quarterly intervals (L. 1909, ch. 240, secs. 25, 26, as amended by L. 1915, ch. 357, sec. 25; G.S. 1935, ch. 79, sec. 1526).

The legislature of 1909 provided also for a uniform limitation of tax levies of the several taxing districts of the state, designated a maximum levy for all purposes and made any violation of the provisions of the act by the officer of any taxing district a misdemeaner, subject to fine and removal from office (L. 1909, ch. 245, secs. 1, 25; G.S. 1935, ch. 79, secs. 1901, 1935). Taxes authorized by statute for the purpose of creating sinking or interest funds for retirement of lawful indebtedness are exempt from the provisions of the law, as are special levies by ordinance of any city or those authorized by statute for the construction and improvement of county roads (L. 1909, ch. 245, sec. 26 as amended by L. 1933, ch. 309, sec. 19; G.S. 1935, ch. 79, sec. 1936).

Tax levies in excess of the act may be made only upon a majority vote of the electors of the taxing district (L. 1909, ch. 243, sec. 27; G.S. 1935, ch. 79, sec. 1937).

Since 1913 the county has assessed an annual tax of one dollar on each male dog and two dollars on each female dog owned within its boundaries, the money thus derived being turned into the general school fund of the county, to be redistributed to the school district from which it is obtained (L. 1913, ch. 331, sec. 3; G.S. 1935, ch. 79, sec. 1303). Oil and gas leases, oil and gas wells and all equipment used in working them were designated by the legislature of 1917 as personal property to be taxed accordingly (L. 1917, ch. 323, sec. 1; G.S. 1935, ch. 79, sec. 329).

By legislative enactment in 1907, state, county, city school district and municipal bonds of the state of Kansas and other evidences of indebtedness of municipal corporations were exempted from taxation (L. 1907, ch. 408, sec. 15). This law, in its application to bonds issued after March 1925, was repealed by the legislature of 1925 (L. 1925, ch. 277, sec. 12).

"Money", defined as gold and silver coin, United States treasury notes, bank notes and other forms of currency in common use; and "credits", deemed to be notes, mortgages, foreign stocks, bonds, annuities, theretofore classified as personal property, were designated as intangible and made a separate and distinct group for the purpose of taxation by the legislature of 1925 (L. 1925, ch. 277, sec. 1).

The same legislature provided for the registration of mortgages and exempted both mortgages and notes secured by mortgages from taxation under the moneys and credits act (ibid., ch. 273, secs. 1-7; G.S. 1935, ch. 79, secs. 3101-3107).

The legislature of 1927 defined bonds and debentures of a state, foreign government or political sub-divisions thereof as secured debts and imposed a stamp tax not exceeding $2 per $100 valuation (L. 1927, ch. 327, secs. 1-3) but this act, together with the enactment of the legislature of 1925 providing for a tax on moneys and credits, was repealed in 1930 (L. 1930, chs. 18, 19, Special Session). The same special session of the legislature reenacted the provisions of the act of 1907, making state, county, city, school and municipal bonds of the state of Kansas exempt from taxation (L. 1930, ch. 17, sec. 1, Special Session; G.S. 1935, ch. 79, sec. 1407).

The legislature of 1931 again provided for a tax on moneys and credits, defining such property in terms similar to the act of 1925, (L. 1931, ch. 311, secs. 1-3; G.S. 1935, ch. 79, secs. 3108-3111). Moneys and credits, it was provided, shall be listed by the county assessor, assessed at a rate of 5 mills on the dollar of actual value thereof, and collected as personal property taxes (L. 1931, ch. 311, sec. 5; G.S. 1935, ch. 79, sec. 3113). Upon collection the tax thus

received is apportioned one-sixth to the state general fund, one-sixth to the county general fund, one-third to the general fund of the city or township, and one-third to the general fund of the school district in which such property is assessed (L. 1931, ch. 311, sec. 7; G.S. 1935, ch. 79, sec. 3115). Debts are not subject to deduction from credits or other property hereby separately classified and taxed (L. 1931, ch. 311, sec. 2; C.S. 1935, ch. 79, sec. 3109).

The first territorial legislature provided for the collection of fees for official services rendered by the county officers it created, and designated that fees in amounts greater than those set by statute should not be paid or demanded (S.T.K. 1855, ch. 119, sec. 1). The same legislature provided for the licensing of peddlers by the clerk to the county tribunal, the money thus collected to be paid to the county tribunal at their next regular meeting (ibid., ch. 123, secs. 1-5).

Since 1862 county officers entitled to fees have been required by law to post a list thereof in their offices under penalty of fine for failure to do so (L. 1862, ch. 99, sec. 27; G.S. 1935, ch. 28, sec. 140). Persons liable to pay fees or costs were entitled by an act of the same legislature to receive on demand a certified bill of fees charged, with the items of service and the charge thereof separately stated (L. 1862, ch. 99, sec. 30; G.S. 1935, ch. 28, sec. 142).

By legislative enactment in 1897 it became the duty of the county clerk and the county attorney to remit all fees collected by them to the county treasurer to be placed in the county general fund and the county school fund respectively (L. 1897, ch. 131, secs. 5, 7). The clerk of the district court, the register of deeds, the probate judge, and the sheriff were required to pay only a portion of the fees collected by them in excess of an amount set by statute into the general fund of the county. All other fees the officers were entitled to retain for their own use. (Ibid., secs. 8, 9, 12, 13.)

The same legislature made it the duty of the county treasurer, the clerk, the register of deeds, the clerk of the district court, the county attorney, probate judge and sheriff to keep an accurate record of all fees by them charged and collected and make a quarterly report thereof to the county commissioners (L. 1897, sec. 14; G.S. 1935, ch. 28, sec. 123). The legislature of 1899 made it the duty of the county attorney to pay all fees collected by him into the general revenue fund of the county (L. 1899, ch. 141, sec. 7).

A legislative enactment in 1913 designated that "all fees shall be the same in each and every county in the state" (L. 1913, ch. 197, sec. 45; G.S. 1935, ch. 28, sec. 148). The county attorney retains for his own use all fees allowed under the provisions of the prohibitory law regarding liquor (L. 1913, ch. 197, sec. 6; G.S. 1935, ch. 28, sec. 105), and the sheriff is entitled by law to "those fees expressly given to him by statute" (L. 1913, ch. 197, sec. 12; G.S. 1935, ch. 28, sec. 113).

All other fees charged by the county clerk, the county attorney, the register of deeds, the clerk of the district court and the sheriff, the law designates, shall be paid into the general fund of the county (L. 1913, ch. 197, secs. 1-16; G.S. 1935, ch. 28, secs. 101-115).

The county is entitled to one per cent of the revenue from oleomargarine stamp tax sales made by the county treasurer according to law (L. 1933, ch. 321, sec. 4; G.S. 1935, ch. 79, sec. 3503), and receives a fee of 15 cents for each application for exemption from the payment of motor vehicle fuel tax made to the county clerk (L. 1933, ch. 317, sec. 1; G.S. 1935, ch. 79, sec. 3401). The county treasurer also retains 10 cents from each motor vehicle registration issued in his county (L. 1929, ch. 81, sec. 23; G.S. 1935, ch. 8, sec. 145).

The county receives $25 annually for each peddler's license issued (L. 1915, ch. 372, sec. 1; G.S. 1935, ch. 19, sec. 2205), and $50 for each license issued to itinerant vendors of drugs or appliances for the treatment of disease (L. 1907, ch. 246, sec. 1; G.S. 1935, ch. 19, sec. 2201). Proceeds of licenses issued by the county clerk to retail cigarette dealers are credited to the general fund of the county (L. 1933, ch. 122, secs. 3, 4, Special Session; G.S. 1935, ch. 79, secs. 3303, 3304).

The register of deeds collects a mortgage registration fee of 25 cents on each $100 or major portion thereof of principal debt or obligation secured by mortgages at the time of their registration (L. 1925, ch. 273, sec. 2 amending L. 1915, ch. 250, sec. 2, 3; G.S. 1935, ch. 79, sec. 3102, 3103). Fees thus collected are paid by the register of deeds into the county general fund and are in addition to fees fixed by law for the filing and recording of instruments (L. 1925, ch. 273, sec. 4; G.S. 1935, ch. 79, sec. 3104).

From the state each county receives its share of several state funds. Since 1929 it has been the duty of the several county treasurers to transmit all motor vehicle registration fees (except the fee for collection retained by the county) to the state, which, together with the revenue from the motor vehicle fuel tax, is deposited by the state treasurer in the highway fund. From the highway fund the state treasurer apportions and distributes the sum of $900,000 quarterly to the several counties for use in the construction, improvement and maintenance of county and township roads and bridges. Of this amount, 40 per cent is distributed equally among the several counties and the remaining 60 per cent according to assessed valuation. The funds thus received are apportioned by the county commissioners. In addition, the state treasurer transfers from the state highway fund $250,000 quarterly for the reimbursement of benefit district costs. (L. 1929, ch. 225, sec. 17 as amended by L. 1933, ch. 241, G.S. 1935, ch. 68, sec. 416.)

Each of the several counties in Kansas receives 25 per cent of the cigarette stamp tax collected by the state within the county boundaries. Two-fifths of the sum thus received by the county treasurer is placed

in the county poor fund. One-fifth is paid into the general fund of the county and the remaining two-fifths is distributed to the cities of the county according to population. (L. 1933, ch. 122, sec. 24 Special Session as amended by L. 1935, ch. 309, sec. 11; G.S. 1935, ch. 79, sec. 3327.)

The state legislature of 1937 enacted the Kansas retailers' sales tax act and provided for the collection by the retailer of a tax of two per cent on all tangible personal property sold and upon certain services rendered. The tax thus imposed is paid by the consumer and is in addition to all other taxes. (L. 1937, ch. 374, secs. 1-3.) Providing for its distribution, the legislature specified that not exceeding $2,400,000 per annum should be transferred for social welfare purposes, and an additional $200,000 for use with the crippled children's commission in lieu of ad valorem taxes; the sum of $2,500,000 annually to the state school aid fund; $60,000 annually to the state general fund for appropriation to the state employment service; and $350,000 annually to the emergency social welfare fund (ibid. sec. 21, as amended by L. 1938, ch. 80, sec. 1, Special Session).

The 1937 legislature specified that 80 per cent of the balance remaining in the retail sales tax fund, after all other appropriations required by law were made, should revert to the several counties, fifty per cent of said balance to be apportioned to the counties according to population and fifty per cent according to assessed valuation. Upon receipt of the sum thus apportioned, the law made it the duty of the county treasurer to divide the sum thus received between the county and the taxing subdivisions in proportion to their respective tangible property tax fund levies. (L. 1937, ch. 374, sec. 21.)

The state legislature in special session in 1938 revised the original law and gave to the counties all the balance remaining in the retail sales tax fund after all other appropriations required by law had been made. Fifty per cent of such balance, the law provides, shall be apportioned to the several counties according to their population, and fifty per cent according to the equalized tangible assessed valuation of each for the preceding year. Upon receipt of the money, the law makes it the duty of the county treasurer to divide the fund among the political subdivisions of the county, including the county itself as one such subdivision, "in the proportion that the product of the last preceding total tangible tax rate of each subdivision times its equalized tangible assessed valuation for the preceding year is to the sum of such products of all the tangible tax levying political subdivisions, exclusive of the levy by the county for any deficiency for state purposes." (L. 1938, ch. 80, sec. 1, Special Session.)

A table of proportion was issued by the state accountant's office as a practical working guide for county treasurers in making the apportionment. The treasurer uses a figure based on the tax levy rather than the valuation, which, although not in accordance with the strict letter of the law, gives the same general results. This practice is suggested

by a letter issued to county treasurers by the state accountant following the passage of the law in March, 1938. "The same results can be accomplished by dividing the amount of the total tangible taxes . . . into the total allocation of sales tax to the county, thereby determining the number of dollars of sales tax for each hundred dollars of tangible tax levied for the preceding year."

To be eligible to receive such funds each political subdivision must prepare a budget and a tax levy as provided by law and file them with the county clerk. The board of county commissioners by resolution, may direct the county treasurer to credit all or any portion of the county's share of such sales tax fund to a bond and interest fund for use in carrying on social welfare activities. (L. 1938, ch. 80, sec. 1, Special Session.)

The authority to apportion state school funds to the several counties is vested in the state superintendent of public instruction and payment is made by the state treasurer upon the application for funds thus apportioned by the several county treasurers (G.S. 1868, ch. 92, secs. 77-79).

It is the duty of the county treasurer to receive all moneys belonging to the county from whatever source they may be derived, and other money directed by law to be paid to him. All money received by the treasurer for the use of the county is paid out by him only upon order of the county commissioners, except where special provision for the payment thereof is made by law. (G.S. 1868, ch. 25, sec. 66). The treasurer keeps an accurate account of all receipts and expenditures of money in his hands and settles his accounts annually with the county commissioners (ibid., sec. 67). The annual settlement includes also a settlement of the financial affairs of each city, town, township, school district or other municipal organization at which time the treasurer files with the county clerk all receipts and vouchers for money paid out by him. (ibid., sec. 68).

Conduct of Elections

General and township elections in Kansas are held on the first Tuesday succeeding the first Monday in November of even numbered years. The terms of all county and township officers are fixed at two years, except those of county commissioners, which may not exceed six years, (C.S.K., art. 4, sec. 2), and which are now fixed by statute at four years (L. 1903, ch. 233, sec. 1; G.S. 1935, ch. 19, sec. 202). The terms of district court judges also are fixed at four years (C.S.K., art. 3, sec. 5). Formerly candidates for office were nominated by political parties by conventions, primary elections or caucuses (L. 1893, ch. 78, sec. 4), but in 1908 the primary law was adopted, under provisions of which the candidates receiving the highest number of votes in the primary election become the official candidates of their respective

parties in the ensuing general election (L. 1908, ch. 54, sec. 15; G.S. 1935, ch. 25, sec. 219). Qualified persons may have their names placed on the primary ballot by petition of electors, or by filing with the county clerk a declaration to become a candidate and paying a specified fee (L. 1908, ch. 54, sec. 15; G.S. 1935, ch. 25, secs. 205, 206). The primary election is held on the first Tuesday in August preceding the general election (L. 1908, ch. 54, sec. 3; G.S. 1935, ch. 25, sec. 203).

Each township, and each ward within incorporated cities, comprises an election district, and the mayors of the cities and trustees of the townships are required to appoint for each voting precinct in each district an election board composed of three judges and two clerks (G.S. 1868, ch. 36, sec. 2; G.S. 1935, ch. 25, sec. 103). General supervision of both the primary and general elections in his county is incumbent upon the county clerk. To him the poll books are delivered by the election boards (G.S. 1868, ch. 36, sec. 26; G.S. 1935, ch. 25, sec. 426), and on Friday following the election he joins the county commissioners in canvassing the returns (G.S. 1868, ch. 36, sec. 28; G.S. 1935, ch. 25, sec. 507). He makes a permanent abstract of the votes cast in each precinct for each candidate and the total, and delivers certificates of election to the successful candidates (G.S. 1868, ch. 36, secs. 31, 32; G.S. 1935, ch. 25, secs. 704,705). Election contests for county officers are tried by court composed of the probate judge as presiding officer and two associates selected by him with the county clerk acting as clerk (G.S. 1868, ch. 36, secs. 87, 88; G.S. 1935, ch. 25, secs. 1413, 1414). Contests of township officers are tried in the same manner by the board of county commissioners (G.S. 1868, ch. 106; G.S. 1935, ch. 25, sec. 1432).

A law passed in 1927 requires voters to declare their political party affiliations in calling for their ballots at the primary election. A voter who has declared his party affiliation may change it upon filing a written declaration with the county clerk. (L. 1927, ch. 203, sec. 3; G.S. 1935, ch. 25, sec. 227.)

The territorial assembly of 1859 required township and city assessors to make a register of qualified voters at the time of making the tax assessment, and file it with the township or city clerk, who would certify it to the inspectors of elections at the proper polls (G.L.T.K. 1859, ch. 65, secs. 3-14). The supervisors of each township and the councilmen of each city ward were supervisors of elections in their districts (ibid., sec. 32). The board of county supervisors and the supervisors of each township comprised the county board of canvassers (ibid., sec. 53), and the county clerk issued the election certificates as now (ibid., sec. 56). The court for the trial of contested county elections consisted of the probate judge as president, and two others selected by the contestant and contestee, with the county clerk as clerk of the court (ibid., ch. 66, secs. 5, 6). In the hearing of contested township elections the justice of the peace presided (ibid., sec. 37).

The assembly of 1860 designated the township trustee and justices of the peace as judges of election, with the power to appoint two clerks (G.L.T.K. 1860, ch. 128). The following year the board of county commissioners and county clerk were given the duties of canvassing the votes (G.L.S.K., 1861, ch. 28, secs. 4-7; G.S. 1935, ch. 25, secs. 104, 106, 415), and it was provided that township election contests should be tried before the county board (G.L.S.K. 1861, ch. 34, sec. 32; G.S. 1935, ch. 25, sec. 1432).

Administration of Education

The organic act provided that "when the lands in the said territory shall be surveyed under the direction of the government of the United States, preparatory to bringing the same into market, sections numbered sixteen and thirty-six in each township in said territory shall be, and the same are hereby, reserved for the purpose of being applied to schools in said territory . . ." (10 U.S. Stat. 279, sec. 34). This provision was embraced in the state constitution (C.S.K., ordinance, sec. 1). The first territorial assembly provided that the process of such lands should remain as a continual fund "which shall be inviolably appropriated to the use of the common schools of said territory," and that one-half of all fines and penalties collected for breaches of the peace should be paid into the school fund (S.T.K. 1855, ch. 144, art. 3, secs. 1, 2).

The territorial assembly of 1858 provided that the governor should appoint a territorial superintendent of common schools (L.T.K. 1858, ch. 8, sec. 1), and that a county superintendent should be elected annually in each county (ibid., sec. 13). The state constitution specifies that "the state superintendent of public instruction shall have the supervision of the common school funds and educational interests of the state" and that a "superintendent of public instruction shall be elected in each county, whose term of office shall be two years, and whose duty and compensation shall be prescribed by law" (C.S.K., art. 6, sec. 1). The legislature, the constitution provided, "shall encourage the promotion of intellectual, moral, scientific and agricultural improvement by establishing a uniform system of common schools and schools of higher grade . . ." (ibid., sec. 2).

From territorial times it has been the duty of the county superintendent of public instruction (see p. 191) to divide the county into school districts and regulate and alter them according to law, to apportion all money for the use of the common schools and to see that the district clerks make their annual reports correctly and on time (L. 1858, ch. 6, sec. 15; L. 1861, ch. 76, art. 2, sec. 4; G.S. 1935, ch. 72, sec. 204). All organized school districts are bodies corporate (L. 1855, ch. 144, art. 1, sec. 6; G.S. 1935, ch. 72, sec. 302). The school district board consists of a director, a clerk and a treasurer, elected

alternately for terms of three years (L. 1876, ch. 122, art. 4, sec. 1; G.S. 1935, ch. 72, sec. 1001). The public schools in cities of the first and second class are governed by boards of education not under the jurisdiction of the county superintendent (L. 1862, ch. 46, art. 4; G.S. 1935, ch. 72, sec. 1702).

Provision for examination of teachers of the common schools was made by the first state legislature by requiring the county superintendent to examine candidates annually and issue certificates to those found qualified to teach (L. 1861, ch. 76, sec. 6; G.S. 1868, ch. 92, sec. 14). Beginning in 1864 semi-annual public examinations were held by the county superintendent and provision was made for special examination of teachers not taking the public examination (L. 1864, ch. 100, sec. 3). An amended provision adopted in 1867 required quarterly public examinations and abolished private ones (L. 1867, ch. 123, sec. 5; G.S. 1868, ch. 92, sec. 3, p. 934).

A board of examiners, composed of the county superintendent and two others appointed by the county commissioners, was created by the general school act of 1876, authorized to examine teachers, and to issue and revoke certificates (L. 1876, ch. 122, sec. 6). In 1881 the county superintendent was made ex officio chairman of the board (L. 1881, ch. 151, sec. 1). The legislature of 1937 repealed the laws pertaining to issuance of county certificates (L. 1937, ch. 296, sec. 11), and provided that after July 1 of that year the state board of education should have exclusive control to issue teachers', supervisors' and administrative officers' certificates valid in the state. No certificate could be issued or examination taken unless the applicant was certified by the state board of education to have completed a regular 4-year high school course and an accredited normal training course. (Ibid., secs. 2, 3.) The state board provides for the holding of examinations annually in each county. The examinations are conducted by an examining board of three, as before, the county superintendent continuing as a member, but the other two members are appointed by the state board instead of the county commissioners, and the state board issues the certificates. (Ibid., sec. 7.)

The holding of annual teachers' institutes in each senatorial district by the state superintendent of public instruction with the county superintendent first were required in 1864 (L. 1864, ch. 101, sec. 2; G.S. 1868, ch. 92, sec. 2, p. 933). The act of 1876 provided for teachers' institutes to be held annually by the state superintendent in each judicial district (L. 1876, ch. 122, art. 6, sec. 2), and by the county superintendent of each county (ibid., sec. 4; G.S. 1935, ch. 72, sec. 1401). Institutes in judicial districts were eliminated the following year (L. 1877, ch. 136, sec. 10).

The constitution specified that the proceeds of all lands granted to the state by the United States for school purposes, all estates of persons dying without heir or will, and such per cent as might be granted by congress on the sale of lands in the state "shall be the

common property of the state, and shall be a perpetual school fund, which shall not be diminished, but the interest of which together with all the rents of the lands, and such other means as the legislature may provide by tax or otherwise, shall be inviolably appropriated to the support of the common schools" (C.S.K., art. 6, sec. 3). The income of the state school fund was disbursed annually by order of the state superintendent to the several county treasurers and thence to the several school district treasurers, in equitable proportion to the number of children of school age residing in the district (ibid., sec. 4). Each county is required to apply to the county school fund the money collected as equivalent for exemption from military duty, the clear proceeds of strays, ownership of which shall invest in the taker-up and proceeds of fines for any breach of the penal law (ibid., sec. 6).

Collection and disbursement of the county school fund is incumbent upon the county treasurer (L. 1861, ch. 76, art. 8, sec. 4; L. 1876, ch. ch. 122, art. 117, sec. 1; G.S. 1935, ch. 72, sec. 2401). The first state legislature provided that the state annual school fund should consist, in addition to the proceeds from the perpetual school fund, of such sum as would be produced by the levy of one mill on the dollar annually on all taxable property (L. 1861, ch. 76, art. 8, sec. 5). The state tax levy was eliminated in 1879 (L. 1879, ch. 149, sec. 4; G.S. 1935, ch. 72, sec. 2301).

Participation of the county in the administration and support of education beyond that afforded by the district schools began in Kansas in 1886 when the state legislature gave to counties of more than 6,000 population the power to erect, equip and maintain free county high schools "for the purpose of affording better educational facilities to pupils more advanced than those attending the district schools and for persons who desire to fit themselves for the vocation of teaching." Exercise of this general authority was subject to the approval of the majority of electors. (L. 1886, ch. 147, secs. 1, 2, 6.)

A second general act approved in 1897 extended power to counties of less than 2,500 population to aid in the support of secondary education. It authorized those counties, through their boards of county commissioners, to negotiate with the county seat school districts for the establishment of county high schools jointly by the county and school district. Authority to negotiate for the establishment of such schools was subject to approval of the majority of the electors in the form of a petition, or at an election. (L. 1897, ch. 180, secs. 1, 4, 6). This act was patterned after a special act in 1895 authorizing Greeley County to establish a county high school by petition of the majority of the voters, and on agreement with one school district to furnish quarters. The Greeley County act was the first act making provision for a high school in a county of less than 6,000. (L. 1895, ch. 222, secs. 1, 2.) It was the second special county high school act in the state.

The first special act for the creation of a county high school had been approved for Labette County on March 9, 1893. It directed the county

commissioners to appoint a board of county high school trustees for the purpose of establishing a high school without the requirement of a vote by the electors. In all other respects it provided for the operation of the school under the general laws of 1886, and was the first series of special acts for individual counties. (L. 1893, ch. 140, secs. 1-3).

All county high schools in Kansas were established under the two General Laws of 1886 or 1897, or special acts containing variations governing such provisions as the location of the high school and membership of the board regulating the school, and providing authority to take over buildings of school districts, city high schools or colleges.

All county high schools established under the law of 1886 were governed by a board of trustees of which the county superintendent of public instruction was ex officio president (L. 1886, ch. 147, secs. 3-5) and those established under the law of 1897 were regulated by the officers of the school district in which located.

The legislature of 1903 amended the law of 1897 to authorize counties of 6,000 or less population to maintain high schools jointly with county seat school districts (L. 1903, ch. 433, sec. 1). The adoption of this act extended authority to every county to participate in the support of secondary education, provision not having been made previously for the establishment of county high schools in counties of 2,500 to 6,000 under the general laws.

The first provision for county support of high schools not maintained as county institutions was made in 1905 with the enactment of the so-called Barnes Law, enabling counties in which one or more high schools were maintained other than in cities of 16,000 or more population, to levy an annual high school tax. The tax was made subject to the approval of the voters and was to be prorated among the high schools according to the average daily attendance. The schools were to be tuition free to residents of the county. (L. 1905, ch. 397, secs. 1-4, 7.) Cities of more than 16,000 population and those where county high schools were established, were exempt from the operation of the act, which provided for a vote on its provisions, in counties where applicable, at the general election of that year (ibid., secs. 9-10).

Prior to the adoption of this act, county high schools were limited for the most part to cities in larger towns, and the act was designated to assist struggling high schools and enable creation of new ones where needed, and to equalize the cost of secondary education. In some counties, efforts to establish a county high school had failed because of local rivalries. The Barnes Law, unchanged in principle, remains in operation (G.S. 1935, ch. 72, secs. 3001-3022), 39 counties assisting high schools under this act.

A second general law for the aid of non-county high schools was enacted in 1911 authorizing the commissioners of any county of less than

10,000 population to levy an annual tax, if necessary, to aid the high schools of the county. Such aid was to be granted in answer to a petition signed by a majority of the electors asking for the aid of a district or districts and was to be expended as the county superintendent thought necessary. Counties having a county high school or operating under the amended general law of 1905 were exempted from the provisions of this act and only the high school in the county seat could be aided in counties with a population of 3,000 or less. (L. 1911, ch. 263, secs. 1-12; G.S. 1935, ch. 72, sec. 3101-12.)

Townships were empowered generally the same year to establish high schools upon majority vote of the electors (ibid., ch. 262, secs. 1, 2), but this authority was abolished in 1915 by the legislature (L. 1915, ch. 311, sec. 12) which at the same session provided for the creation of rural high schools in districts to be established upon petition and majority approval of the electors in the territory affected (ibid., ch. 311, sec. 2; G.S. 1935, ch. 72, sec. 3502).

Restriction of general authority to counties of more than 6,000 population to establish county high schools under the laws of 1886, was lowered to counties of more than 2,000 in 1915 (ibid., ch. 316, sec. 1; G.S. 1935, ch. 72, sec. 2601).

County high school trustees were empowered in 1917 to establish junior colleges upon the approval of voters at a general or special election. These colleges could be established by offering a two-year course in advance of the course prescribed for accredited high schools. (L. 1917, ch. 283, sec. 1; G.S. 1935, ch. 72, secs. 3301-3306.) An enactment of the 1921 legislature in effect eliminated the double taxation by requiring that in counties with high schools in addition to the county high school, the county high school fund should be apportioned and distributed to each high school district in the proportion to the district's taxable property to the assessed valuation of the county as a whole. (L. 1921, ch. 247, sec. 1.)

However, children residing in remote localities not within the confines of a local high school district, could attend only the county high school, tuition free. This situation resulted in 1923 in the enactment of a law disorganizing county high schools and converting them into community high schools. The territory of the community high school was reduced to that portion of a county not included in the districts of other high schools. (L. 1923, ch. 187, sec. 1; G.S. 1935, ch. 72, sec. 2501.) With the approval of the county superintendent, pupils residing in the community high school district could attend other schools, with the tuition paid by the community high school district (L. 1923, ch. 187, sec. 5; G.S. 1935, ch. 72, sec. 2505).

In 1931 any county assisting in the support of a high school in accordance with the amended general county aid law of 1911 became a rural high school district embracing all of the county not already in a rural high school district (L. 1931, ch. 262, sec. 1, amending L. 1911, ch. 263, sec. 1; G.S. 1935, ch. 72, sec. 3113).

The enactment of the state's first general county high school law in 1886, giving counties of 8,000 or more population authority to establish and maintain high schools, provided they should be supported by general tax levy and offer free tuition to all pupils in the county. The act empowered county commissioners, upon being petitioned, or at their own discretion to submit a proposition of establishing such high schools at a special or general election. (L. 1886, ch. 147, secs. 1, 2, 6, 12; G.S. 1935, ch. 72, secs. 2601, 2602, 2603, 2612.)

Control of the affiars of high schools thus established was vested in a board of high school trustees composed of six residents and freeholders of the county elected by popular vote for terms of three years, two members being elected each year. Upon the acceptance of the provisions of the law in any county, the county commissioners were authorized to appoint a temporary board of trustees to hold office until their successors could be elected and qualified. The trustees thus appointed were required to take the usual oath of office and give such bond as the county commissioners might require. By virtue of this office, the county superintendent became president of the board of trustees, the elective members choosing from their number a secretary and treasurer to hold office for terms of one year, or until their successors were appointed and qualified. Vacancies in the board were filled by appointment of the county commissioners, said appointee to hold office until the forthcoming election. (L. 1886, ch. 147, secs. 3-5, 17; G.S. 1935, ch. 72, secs. 2603-05, 2616.)

Acting in its official capacity, it was the duty of the board of trustees to make an annual estimate of the funds needed for high school purposes and to certify the same to the county commissioners together with an estimate of the rate of tax necessary to raise the required amount (L. 1886, ch. 147, sec. 6; G.S. 1935, ch. 72, sec. 2606).

Regulations regarding age and grade attainments essential to admit pupils to high schools established under the provisions of the act of 1886 were vested in the several boards of trustees. The members of the board also were authorized to supervise the erection of a building, hire teachers (ibid., sec. 10) and make such other rules concerning the operation of the high school as they might deem necessary. Attendance of pupils from counties other than those in which the school was located was permitted by law upon payment of such tuition as the board of trustees might prescribe but in no case were such pupils permitted to attend to the exclusion of pupils residing in the county. (L. 1886, ch. 147, secs. 9, 10, 12, 13; G.S. 1935, ch. 72, secs. 2609, 2610, 2612, 2613.)

Provisions of the law of 1886 were first adopted in Dickinson County at a special election on December 3, 1886 (Dickinson County, Commissioners' Journal, vol. C, pp. 439-442). A board of county high school trustees was appointed in Atchison County on January 10, 1889 after the proposition of establishing a school had been placed before the voters on November 6, 1888 (Atchison County, Commissioners' Record "F", p. 591).

The trustees of the first county high school organized under a special act were named by the Labette County Commissioners on April 10, 1893 (Labette County, Journal, vol. 1, p. 85).

On August 31, 1895, the county commissioners of Greeley County granted a petition asking for the establishment of a county high school; it was ordered that the high school be located in school district number two with the county paying only the teachers' wages (Greeley County, Commissioners' Journal, No. 1, p. 263). Thus Greeley became the second county to organize a county high school under a special act. (L. 1895, ch. 222, secs. 1, 2).

Two special acts of the legislature of 1897 established county high schools in Montgomery and Sumner Counties to be administered in accordance with provisions of the general law of 1886 (L. 1897, ch. 185, secs. 1-3; ch. 186, secs. 1-3). The board of trustees of the Sumner County high school was appointed on April 14, 1897 (Sumner County, Record of Proceedings, Board of County Commissioners, vol. E, pp. 159, 163).

A third special act of 1897 provided for creation of the Thomas County high school with provisions for organization identical with the Greeley County act (L. 1897, ch. 187, secs. 1-4). The Thomas County commissioners on April 14 ordered the establishment of the school at Colby (Thomas County, Commissioners' Journal, vol. B, pp. 112, 113).

Enacting the second general high school law in Kansas, the legislature of 1897 authorized the county commissioners of any Kansas county with a population of less than 2,500 to negotiate with the school district at the county seat for the establishment of a county high school maintained jointly by the city and the county and offering free tuition to resident pupils of the county. The law specified that such high schools could be established only upon a majority vote of the electors or upon a petition signed by a majority of the voters of the county; gave to the county commissioners the authority to hire the number of additional teachers made necessary by the enrollment of county pupils and authorized the payment of their salaries from the general fund of the county. (L. 1897, ch. 180, secs. 1, 4-6; G.S. 1935, ch. 72, secs. 2801, 2804-06.)

Under the original population provisions of this act, only two county high schools were established, Scott County High School in 1901, and Lane County in 1902 (Fourteenth Biennial Report of the State Superintendent of Public Instruction, 1903-04, p. 50).

Provisions of the law of 1886 were adopted by voters in Cherokee County in November, 1899 and the principal of the county high school thus established was appointed the following year. (Cherokee County, Commissioners' Journal, vol. H, pp. 410, 418, 461).

A special act in 1899 directed the establishment of a county high school in Norton County upon petition of the majority of the voters,

the school otherwise to operate under the laws of 1886 (L. 1899, ch. 229, secs. 1-5). The county commissioners ordered the school established on April 15 (Norton County, Commissioners' Journal, vol. A. pp. 56-57).

Other special acts were adopted for the following counties in the next six years; Sherman, (L. 1901, ch. 345, secs. 1-7); Cheyenne, (L. 1903, ch. 439, secs. 1-7); Decatur, (ibid., ch. 440, secs. 1-7); Gove, (ibid., ch. 445, secs. 1-7); Rawlins, (ibid., ch. 465, secs. 1-7); Chase, (ibid., ch. 438, secs. 1-5); Sheridan, (ibid., ch. 471, secs. 1-6); Reno, (ibid., ch. 466, secs. 1-7); Trego, (ibid., ch. 473, secs. 1-2); Hodgeman, (L. 1905, ch. 446, secs. 1, 2).

The year 1903 also marked the period of greatest growth in the number of counties supporting high schools, eight being created, all by special acts. From the opening of the first county high school in Dickinson County in 1889 (Abilene Reflector, September 5, 1889) the number of the 105 counties supporting county or county aid high schools reached 21 in 1904 (Fourteenth Biennial Report of State Superintendent of Public Instruction, 1903-04, p. 50).

An amendment in 1903 to the general act of 1897 raised the maximum population limit for counties authorized to establish high schools under the general act of 1897 from 2,500 to 6,000 but eliminated the optional provision for the establishment of such county high schools by petition, limiting the authority for acting under this law to a majority vote of the electors. Such an election could be called upon a petition signed by a majority of the voters in the last general election. (L. 1903, ch. 433, sec. 1 amending L. 1897, ch. 180, secs. 1, 5; G.S. 1935, ch. 72, sec. 2801.)

By another act of 1903, terms of members of the board of trustees of county high schools operating under the law of 1886 were changed to four years, three members to be elected every two years. (L. 1903, ch. 432, sec. 2, amending L. 1886, ch. 147, sec. 4; G.S. 1935, ch. 72, sec. 2604.)

Beginning in 1907 counties having a high school in operation under the provisions of the amended laws of 1897, not containing a city of the first class, were authorized to issue and sell bonds of the county for the purpose of erecting, furnishing, and equipping a building for the use of the county high school. Upon receipt of a petition signed by twenty-five per cent of the legal voters of the county, it became the duty of the county commissioners to submit the question of issuing bonds to a vote of the electors and, upon majority vote of said electors, to issue said bonds, not to exceed twenty thousand dollars in amount, as provided by law. (L. 1907, ch. 332, secs. 1-3, 5; G.S. 1935, ch. 72, secs. 2807-10.)

Beginning in 1909 boards of trustees of county high schools were directed to certify the annual levy for such schools to the county clerk

rather than to the county commissioners (L. 1909, ch. 211, sec. 2, amending L. 1886, ch. 147, sec. 7; G.S. 1935, ch. 72, sec. 2607).

The laws of 1917 authorized counties having either less than 8,000 population or not containing a city of more than 1,000 population to issue bonds, subject to the approval of the voters, for the purchase of sites and erection of buildings for high schools maintained under the amended general laws of 1886 (L. 1917, ch. 282, secs. 1-3, 6; G.S. 1935, ch. 72, secs. 2618-20, 2673). This authority was extended in 1919 to all counties maintaining county high schools (L. 1919, ch. 268, sec. 1; G.S. 1935, ch. 72, sec. 2618).

Beginning in 1921 it was required under an act of that year that school districts supporting their own high schools should share proportionately in the distribution of the county high school fund in counties maintaining county high schools, the fund to be apportioned to each high school in the proportion of the district's taxable property to the entire county (L. 1921, ch. 247, sec. 1). Prior to this time provision had not been made for the expenditure of county high school funds in such counties for other than county high schools (L. 1886, ch. 147, sec. 6; G.S. 1935, ch. 72, sec. 2606).

A supplementary act passed by the same legislature provided that counties operating a high school under the act of 1897 and operating one to five other high schools, might vote to adopt the provisions of, and operate all high schools under the so-called Barnes Law of 1905. The act, however, did not apply to counties in which a permanent school building had been erected, the original cost of which was more than $10,000. The property of any county high school disorganized under the provisions of this act reverted to the original district. (L. 1921, ch. 246, secs. 1-3; G.S. 1935, ch. 72, secs. 2811-13.)

Authority of counties maintaining high schools in county seat school districts under the laws of 1897 was extended in 1921, to include making necessary expenditures for such schools in addition to the employment of teachers. The original act had restricted such expenditures to payment of teachers' salaries. (L. 1921, ch. 238, sec. 1, amending L. 1897, ch. 180, sec. 4; G.S. 1935, ch. 72, sec. 2804.)

In the same year counties of more than 45,000 population with a valuation of $60,000,000 or more and maintaining a county high school at the county seat were authorized to discontinue such schools upon a majority vote of the electors and to provide for the payment of tuition for county pupils in the city's accredited schools (L. 1921, ch. 245, sec. 1; G.S. 1935, ch. 72, sec. 2701).

All county high schools in Kansas, regardless of the acts under which they existed, were disorganized in 1923 by an act which created in their stead community high schools whose territory was designated by law to include all that not included in the territory of other accredited high schools (L. 1923, ch. 187, sec. 1; G.S. 1935, ch. 72, sec. 2501).

There were twenty-five county high schools in existence at the time this law went into effect (Twenty-fourth Biennial Report of the State Superintendent of Public Instruction, 1923-4, p. 120).

A county high school was never established in Franklin County.

All property and moneys belonging to any county high school together with all indebtedness, under the terms of the community high school law, became the property of the community high school succeeding it, and the powers and duties of the county high schools became those of the community high schools (L. 1923, ch. 187, sec. 2; G.S. 1935, ch. 72, sec. 2502).

This act provided that every community high school succeeding a county high school established under the law of 1886 should be under the supervision of a board of trustees consisting of six members elected for terms of four years by residents of the community high school district. Members of the board of trustees of any county high school, if residents of the newly formed community high school district, were authorized to serve upon the board of trustees of the community high school succeeding said county high school until the expiration of their terms. Trustees of community high schools succeeding county high schools not existing under the laws of 1886, were chosen in the same manner as those for the county high schools they succeeded. (L. 1923, ch. 187, sec. 3; G.S. 1935, ch. 72, sec. 2503.)

No more than two members of the same community high school board may be elected from the same township and members of the board of trustees are authorized to fill vacancies in their number by appointment, such appointee to hold office until a successor is elected and qualified. By virtue of his office the county superintendent is ex officio chairman of the community high school board with the power to cast the deciding vote in case of a tie. (L. 1923, ch. 187, secs. 3, 4; G.S. 1935, ch. 72, secs. 2503, 2503b.)

Instruction in any community high school is free to all pupils living within the boundaries of the district. Upon authorization by the county superintendent the board of trustees of any community high school may pay $2 per week on the tuition of any resident pupil in some high school situated outside the limits of the district or accept the tuition of non-resident students enrolled in said community high school. (L. 1923, ch. 187, sec. 5; G.S. 1935, ch. 72, sec. 2505.)

Since 1925 community high school districts have had the authority to issue bonds, subject to the majority vote of the electors, for the purpose of purchasing, erecting, equipping or furnishing any community high school building, such bonds not to exceed in amount five per cent of the taxable property value of the district. (L. 1925, ch. 233, sec. 1; G.S. 1935, ch. 72, sec. 1000.)

In community high school districts comprising an entire county, not more than two trustees may be elected from the same commissioner's district, the electors in each district casting their vote only for representatives from their respective districts (L. 1935, ch. 258, sec. 1). There are three commissioners' districts in each county (L. 1901, ch. 129, sec. 1; G.S. 1935, ch. 19, sec. 20).

The so-called Barnes Law, enacted by the legislature of 1905, provided, subject to the approval of the majority of the voters, for the establishment of a general high school fund in any county containing one or more high schools maintained by school districts or cities of less than 16,000 inhabitants and whose graduates were admitted to the freshman class of the University of Kansas (L. 1905, ch. 392, sec. 1; G.S. 1935, ch. 72, sec. 3001). Counties were directed to vote upon the acceptance of the provisions of this law at the general election of 1905, and, upon receipt by the commissioners of a petition signed by twenty-five per cent of the taxpayers, at any subsequent general election. (L. 1905, ch. 397, sec. 10.)

For the purpose of creating the general high school fund the county commissioners were authorized to levy an annual tax of not less than one-fourth mill nor more than three mills on the taxable property within the county, except that lying within cities of more than 16,000 inhabitants, the tax to be levied and collected as other taxes. No levy could be made, however, in a county until one or more such high schools had been maintained there during the preceding year. (L. 1905, ch. 397, secs. 1-3; G.S. 1935, ch. 72, secs. 3001-03.) Upon collection of the tax it became the duty of the county treasurer to pay to the treasurers of the high school districts a prorata part of this fund, apportioned according to the average daily attendance of resident pupils of the county during the preceding year (L. 1905, ch. 397, sec. 4).

Tuition was free to all pupils residing in the county where such schools were located and at least two courses of instruction, general and college preparatory, each requiring four years' work, were to be offered (ibid., ch. 397, secs. 7, 8; G.S. 1935, ch. 72, secs. 3013-3015).

In 1907 the county superintendent was authorized, upon failure of the county commissioners to make the levy required for the schools operating under the general law of 1905, to make a suitable levy and certify it to the county clerk to be entered upon the tax roll (L. 1907, ch. 333, sec. 1; G.S. 1935, ch. 72, sec. 3005).

An act of 1917 directed the county commissioners, upon the recommendation of the county superintendent, to pay $4 per month upon the tuition of any pupil residing in a district where it was not practicable to establish another high school. The tuition was paid to the nearest high school in the county or adjoining county from the general funds. (L. 1917, ch. 289, sec. 1.) Since 1921 the statutes have required the payment toward tuition for these students of not exceeding $2 per week (L. 1921, ch. 239, sec. 1; G.S. 1935, ch. 72, sec. 2013).

A new method was adopted in 1917 for apportioning and distributing the high school fund created under the law of 1905. The county commissioners were directed to levy a tax, not in excess of three mills, sufficient to produce an amount equal to $800 multiplied by the total number of teachers employed in the high schools of the county during the preceding school year. From this sum every participating high school was to receive $400 for each teacher employed the preceding year. Remaining funds were to be divided among the high schools in proportion to the total number of days of actual attendance by pupils. Any school district or board of education operating under this act was authorized to levy a tax to supplement the funds produced by the county tax. (L. 1917, ch. 281, secs. 1-5, amending L. 1905, ch. 379, sec. 6 and L. 1907, ch. 333.)

The basis of distribution again was revised by the law of 1920 which provided that each high school sharing in the general high school fund should receive $800 and the balance of the fund then divided on the basis of total days of actual pupil attendance (L. 1920, ch. 54, sec. 1, Special Session amending L. 1917, ch. 281, sec. 2). During the same special session the rate of levy permissible for the general high school fund was raised from three to four and one-half mills (ibid., ch. 52, sec. 10 amending L. 1905, ch. 397, sec. 1).

The amount of aid granted high schools operating under the amended general law of 1905 was again raised in 1925 when the commissioners were directed to levy a tax equal to $1,200 multiplied by the total number of teachers employed in such schools during the preceding year. From this fund each high school was to receive $1,200 instead of the $800 previously granted and any funds remaining were still to be divided on the basis of the actual total attendance. (L. 1925, ch. 235, secs. 1, 2, amending L. 1920, ch. 54, sec. 1, Special Session; G.S. 1935, ch. 72, secs. 3005, 3006.)

Regulation of Health and Sanitation

The first general statutes of the state empowered cities to make regulations to secure the general health of the city, prevent introduction of contagious diseases and enact and enforce quarantine laws (G.S. 1868, ch. 18, art. 2, secs. 7-9; G.S. 1935, ch. 13, sec. 415), but no action to give counties similar powers was taken until 1885, when the legislature created the state board of health (L. 1885, ch. 129, sec. 1; G.S. 1935, ch. 74, sec. 901), and designated boards of county commissioners as local boards of health for their respective counties (see p. 200). The local boards were required to elect a physician as health officer, who is ex officio a member of the board. (L. 1885, ch. 129, sec. 7; G.S. 1935, ch. 65, sec. 201.)

The county health officer is required to make a sanitary inspection of all school buildings and grounds upon the opening of the fall term, and take any measures necessary to safeguard the health of the

pupils; to make a personal investigation of all cases of acute contagious, infectious and communicable diseases and take necessary precautions to prevent their spread, and to perform such other duties as the local or state board may require. The local board may also employ a skilled professional nurse, and such additional personnel as it may deem necessary. (L. 1927, ch. 240, sec. 1; G.S. 1935, ch. 65, sec. 202.) No health nurse is employed in Franklin County.

Physicians and householders having knowledge of any case of illness or death from contagious disease are required to report it to the nearest local board of health or health officer (L. 1901, ch. 285, secs. 1, 2; G.S. 1935, ch. 65, sec. 117).

The state board is given general supervision of health and sanitation in the state, with full powers over local boards (L. 1885, ch. 129, sec. 4; G.S. 1935, ch. 65, sec. 101).

In 1931 the legislature created the crippled children's commission to coordinate the efforts of all persons and agencies interested in the discovery, care and education of the crippled children of the state (L. 1931, ch. 283, secs. 1, 12; G.S. 1935, ch. 74, secs. 3401, 3406). Hearings are held and action taken by the probate judge of each county relative to applications for the care and hospitalization of crippled children (L. 1931, ch. 283, secs. 7, 8; G.S. 1935, ch. 65, secs. 5a02, 5a03). The sum of $200,000 annually is set aside from the state retailer's sales tax fund to defray the costs of this work (L. 1937, ch. 374, sec. 21).

Social Welfare Activities

"Poor persons", the first territorial assembly decreed, "shall be relieved, maintained and supported by the county of which they are inhabitants." Aged, lame, blind and sick persons unable to support themselves were deemed poor, and the county tribunal was required to provide for their relief at county expense, as deemed necessary. (S.T.K. 1855, ch. 126, secs. 1-6). The tribunal also was authorized to purchase not more than 320 acres of land, erect a poor house thereon, make a tax levy to defray its cost and maintenance, and appoint a superintendent (ibid., secs. 8, 9).

The state constitution requires that "the respective counties of the state shall provide, as may be prescribed by law, for those inhabitants who, by reason of age, infirmity or other misfortune, may have claims upon the sympathy and aid of society" (C.S.K., art. 7, sec. 4).

The state legislature of 1862 designated the trustees of the townships and the mayors and councils of the cities as overseers of the poor (L. 1862, ch. 163, sec. 1; G.S. 1935, ch. 39, sec. 301), and decreed that every county should relieve and support all poor and indigent persons lawfully settled therein when in need (L. 1862, ch. 163

sec. 4; G.S. 1935, ch. 39, sec. 304). The county commissioners were authorized to purchase land, erect a poor house and employ a superintendent, and to appoint annually a physician to care for the poor house inmates (L. 1862, ch. 163, secs. 25, 27; G.S. 1935, ch. 39, secs. 324, 326).

Ten years later a law was enacted relieving local overseers of these duties in counties of more than 30,000 population, and requiring the county commissioners to appoint a commissioner of the poor for a two-year term, who should have general supervision and care of the county poor under authority of the county board (L. 1872, ch. 161, sec. 1). In 1891 this act was amended to make it apply only to counties of more than 45,000 population (L. 1891, ch. 155, sec. 1). In 1901 another amendment authorized appointment of a poor commissioner in all counties of more than 25,000 inhabitants (L. 1901, ch. 133, sec. 1), and in 1931 counties of 17,000 to 22,000 population, which included Franklin, were brought under provisions of the law (L. 1931, ch. 198, sec. 1; G.S. 1935, ch. 39, sec. 501). In 1933 the duties of the township and city officers as overseers of the poor were abolished and a poor commissioner provided for in all counties (L. 1933, ch. 198, sec. 6; G.S. 1935, ch. 39, sec. 517).

In order to comply with the conditions provided for obtaining federal grants for welfare work as set forth in 49 U.S. Stat. 620, being House Resolution 7260, 74th Congress, and the rules and regulations of the federal social security board, the Kansas legislature in 1937 created a state board of social welfare, designated as a body corporate, to consist of five members appointed by the governor, with power to develop state plans and cooperate with the government in its program of assisting the states in furnishing public assistance to the needy, aged, needy blind, and dependent persons; and to make rules and regulations and supervise the work of the county boards (L. 1937, ch. 327, secs. 3, 8).

The act designated the board of county commissioners in each county as the county social welfare board (see p.202), which is required to appoint by resolution a county director as its executive and administrative officer (ibid., secs. 10, 11). The superintendent of the county home, or poor farm is under the supervision of the county director (ibid., sec. 12a).

Engineering Activities

County engineering activities are conducted under the authority and control of the board of county commissioners, all matters concerning roads and bridges being under the immediate supervision of the county engineer (see p. 211).

The first territorial assembly empowered the county tribunal to make and enforce all orders necessary for opening, establishing, altering

or vacating roads (S.T.K. 1855, ch. 139, sec. 2). The tribunal was required to appoint, as often as necessary, one or more justices of the peace in each township to lay out the roads therein into convenient road districts, for each of which the county tribunal appointed a road overseer for a term of one year. All able-bodied male citizens who had resided in the territory for sixty days and in the road district for one month were required to give one month's labor a year on the roads, under penalty of forfeiting one dollar for failure to respond when called upon. The justice of the peace allotted the workers to the road overseer, who had authority to call them out when needed. (Ibid., secs. 28, 32, 41-47).

The assembly of 1859 provided that the supervisors of townships, by virtue of their offices, should be commissioners of highways for their respective districts, and have care and supervision of highways and bridges therein. They were given power to survey, lay out and discontinue roads, to divide their townships into convenient road districts and direct the repair of roads and bridges. (G.L.T.K. 1859, ch. 77, secs. 1, 2.) The annual township meeting could vote a sum for roads to be levied and collected as other taxes (ibid., sec. 4). Every male citizen in the road district from 18 to 50 years old was subject to a road tax (ibid., sec. 22), which could be paid direct to the road overseer or worked out at the rate of four dollars per day, and four dollars per day additional for each cart or wagon, or team furnished (ibid., secs. 25-29).

The assembly of 1860 restored complete control of road matters to the county tribunal, providing that the township trustees should have no power to locate, change or vacate any highway, and that proceedings then pending before the township boards of supervisors be transferred to the board of county commissioners, in whom such authority was henceforth vested (G.L.T.K. 1860, ch. 128, sec. 14; G.S. 1868, ch. 89, sec. 1). This assembly provided that all applications for laying out, altering, viewing and vacating roads should be by petition to the county commissioners (G.L.T.K. 1860, ch. 104, secs. 1, 17, 30; G.S. 1868, ch. 89, sec. 1), and the rule has been maintained to the present time with little change. The assembly of 1860 reduced to two days a month the work required by citizens (G.L.T.K. 1867, ch. 104, sec. 32; G.S. 1935, ch. 89, sec. 18), but levied a tax of 2 to 3 mills on all taxable lands, which could be worked out under the direction of the road overseer at two dollars per day (G.L.T.K. 1860, ch. 103, sec. 48; G.S. 1935, ch. 89 secs. 21, 25), but which otherwise was placed on the regular tax roll (G.L.T.K. 1860, ch. 105, sec. 52; G.S. 1868, ch. 29, sec. 23).

The laws thus established continued with little change until 1905, when the legislature again placed the local road powers in the hands of the township tribunals by designating them as commissioners of highways of their respective townships and giving them complete control and supervision of roads and bridges, with power to purchase implements, machinery and materials for construction and repair work (L. 1905, ch.

362, sec. 1). Four years later, however, the township powers again were abrogated, the legislature providing that the board of county commissioners in each county having a population of more than 20,000, which included Franklin, shall "appoint a county engineer of highways and bridges, who shall have general supervision of all the bridge work in the county under the authority of the said county commissioners". The county surveyor could be appointed to this position if he was qualified by training and experience. (L. 1909, ch. 198, sec. 1.) The township board continued its duties as a township highway commission, but all its acts were subject to the approval of the county engineer in those counties where an engineer was appointed (ibid., secs. 5-7, 10, 11). In 1915, the authority of the township highway commissioners was limited to mail routes and township roads (L. 1915, ch. 290, sec. 1).

With the increase in motor travel, however, came the necessity for a more uniform highway system and centralization of control. The legislature of 1917 created a state highway commission with the provision that it should have "general supervision over the administration of all road and bridge laws, and over the construction and maintenance of all roads, bridges and culverts throughout the state, " but that its supervision should not extend to township roads except such as received federal aid (L. 1917, ch. 264, secs. 4, 6; G.S. 1935, ch. 68, secs. 2001, 2002). The legislature gave its assent to federal aid requirements and authorized the highway commission to make all contracts necessary to cooperate with the secretary of agriculture in aiding the counties (L. 1917, ch. 264, secs. 1, 2; G.S. 1935, ch. 68, secs. 401, 402). The board of county commissioners was required to appoint a county engineer whose duty it was to prepare plans and specifications and act for the county in all matters pertaining to the supervision of the construction, repair and maintenance of roads and bridges (L. 1917, ch. 264, secs. 8, 9; G.S. 1935, ch. 68, secs. 501, 502). The county commissioners and engineer were required to classify and designate the roads in their counties as county and township roads (L. 1917, ch. 264, sec. 15; G.S. 1935, ch. 68, sec. 506). The township boards continued in authority over township roads, but subject to the county engineer's approval (L. 1917, ch. 264, secs. 30-46; G.S. 1935, ch. 68, secs. 523-549).

There is no record that a county engineer was appointed in Franklin County under the law of 1909. However, pursuant to the law of 1917 the county commissioners appointed an engineer June 1, 1917, the county surveyor being chosen for the place for the remainder of his unexpired term (Commissioners' Journal, vol. 2, p. 235; see entry 2).

The legislature of 1925 provided that the state highway commission, in conjunction with the board of county commissioners, should designate in every county certain highways, which in the aggregate should constitute the state highway system, subject to construction and maintenance by the respective boards of county commissioners under state supervision (L. 1925, ch. 214, sec. 2). In 1929 the state was divided into highway districts with a highway commissioner in charge of

each, and the authority to designate, lay out, alter and maintain roads on this system was vested in the highway commission exclusively (L. 1929, ch. 225, secs. 1-3).

Since 1919 the county engineer has performed all the duties of county surveyor in counties with a population of less than 60,000 and not having a first class city of more than 40,000 inhabitants (L. 1917, ch. 145, sec. 1). This law left only the counties of Wyandotte, Sedgwick and Shawnee eligible for the office of county surveyor as a separate one. The office was created by the first territorial assembly (S.T.K. 1855, ch. 154, sec. 1), and was made elective for a term of two years beginning in 1858 (L.T.K. 1858, ch. 13, sec. 92).

County commissioners are authorized to erect such county buildings as they may deem necessary, provided no tax is levied therefor except in pursuance to a vote of the people (G.S. 1868, ch. 25, sec. 18), and have the power of eminent domain to obtain building sites (L. 1889, ch. 110, sec. 1). They may devise and employ methods to prevent soil drifting and require landowners to comply therewith (L. 1913, ch. 150, sec. 1). They may remove hedge fences, signs and billboards along public highways when deemed necessary in the interest of safety (L. 1915, ch. 288, sec. 1). Any county, on petition of the voters, may contract for the lighting of streets outside incorporated cities and abutting on or adjoining platted property (L. 1931, ch. 158, sec. 1). Counties of 21,000 to 100,000 population may build storm and sanitary sewers and sewage disposal plants upon petition of the voters (L. 1927, ch. 165, sec. 1), and upon majority vote of the taxpayers any county may establish and improve county public parks and recreation grounds (L. 1929, ch. 158, sec. 1).

Records System

In general, the records system of Franklin County differs little from those of the other counties of the state. Kansas statutes prescribe the duties of county officers and in a general way provide that records shall be kept, but only in a few instances do they designate the titles, or the manner in which they shall be kept. No uniform records system is prescribed by law, and none exists, except in cases where a state board or office has authority to designate what forms shall be used.

In the matter of taxation the first general statutes of the state provided that "the auditor and attorney general shall from time to time prepare and transmit to the county clerk of each county such general forms and instructions, in conformity with the laws in force, as in their opinion may be necessary to secure uniformity in assessing, charging, collecting and accounting for taxes; and the county commissioners, county clerk, assessors and treasurers shall pursue and observe such forms" (G.S. 1868, ch. 107, sec. 142). When the state tax commission was created in 1907 the act provided that the commission shall "provide a uniform method of keeping the tax rolls and books relating to taxation

in each county of the state . . . ." They shall formulate and send to the proper office in each county all necessary forms not herein provided for to be used in the listing, assessment, return of property and collection of taxes. (L. 1907, ch. 408, sec. 8.) Budget forms for all taxing sub-divisions were prescribed by the legislature of 1933 (L. 1933, ch. 316, sec. 2).

The state superintendent of public instruction, by legislative authority prescribes and causes to be prepared all forms and blanks necessary in the details of the common school system, to secure the uniform operation throughout the state, and forwards them to the county superintendent to be distributed to the district officers (L. 1879, ch. 166, sec. 84). The state motor vehicle commissioner prescribes and supplies the county treasurers with all forms necessary for the registration and licensing of motor vehicles, and operators and chauffeurs (L. 1929, ch. 81, sec. 3).

The legislature of 1935 created the office of state accountant in the state budget department and decreed a standardized system of fiscal procedure, accounting and reporting for all municipalities and subdivisions of the state, which must be installed and in use by January 1, 1942 (L. 1935, ch. 275, secs. 1, 10-13).

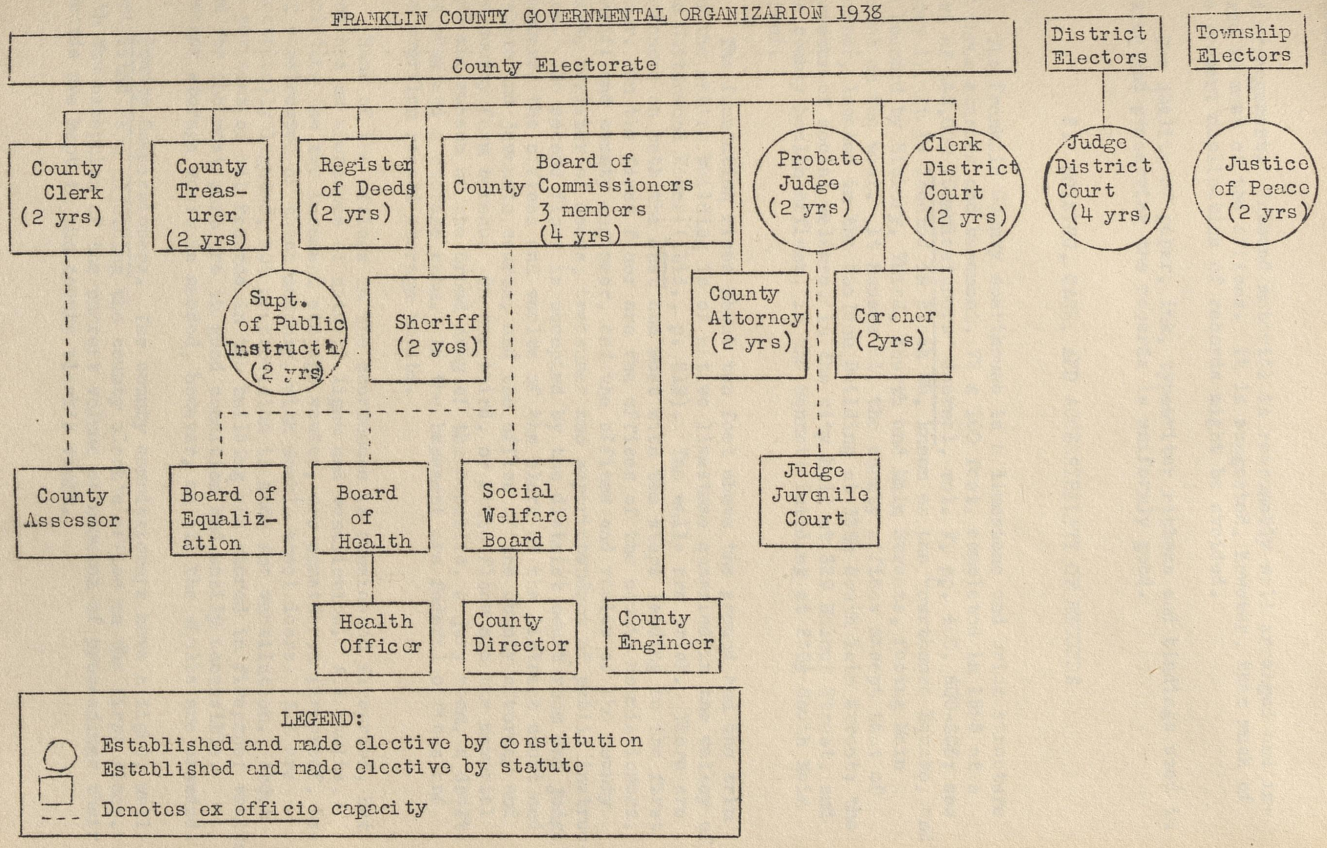
Kansas statutes permit the register of deeds to destroy paid chattel mortgages when the owner thereof has not been found within two years, and chattel mortgages which have expired by reason of having been on file for two years or more without being renewed (L. 1895, ch. 170, secs. 2, 3). The legislature of 1937 authorized county clerks to destroy, after they have been on file fifteen years, no-property personal tax statements, non-taxable personal property tangible and intangible tax statements, original and duplicate warrants canceled by the board of county commissioners, claims presented and allowed by the board, the county treasurer's daily statements to the county clerk, the appointments of judges and clerks of elections, and the annual reports of township trustees and clerks (L. 1937, ch. 203).

In spite of the lack of previous authorization, however, many records have been destroyed or lost from time to time in most counties. Many gaps are found in so-called permanent records which cannot be accounted for by present officers or those familiar with local records.

The systems used in keeping records in the various county offices of Franklin County are reasonably efficient and up-to-date. The methods change somewhat with changing administrations, but the general trend is toward a more uniform system, and improvements gleaned from observation of the methods used in other counties.

Loose-leaf binders with printed forms are rapidly replacing the bulky and expensive bound volumes of printed forms, thus effecting economy of space as well as cost, and permitting of more efficient indexing

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and arrangement. Unbound material is reasonably well arranged and indexed in most of the offices. It is suggested, however, that much of the present duplication of records might be avoided.

The quality of paper, ink, typewriter ribbons and bindings used in making and preserving the records is uniformly good.

3. HOUSING, CARE, AND ACCESSIBILITY OF RECORDS

The Franklin County courthouse is a limestone and brick structure of three stories and basement, 72 x 100 feet, completed in 1893 at a cost of $48,000 (Commissioners' Journal, vol. F, pp. 400, 600-605; see entry 1). It is located in Block 85, known as the Courthouse Square, and is bounded by Hickory, Third, Fourth and Main Streets, facing Main Street on the west. It houses all the county offices except that of coroner, located in the Sheldon Building at 336½ South Main Street; the director of social welfare, in the city hall at 329 Walnut Street, and the county health officer, in the Bennett Building at 236½ South Main Street.

The foundation rises about ten feet above the ground and the trim for the entire building is of native limestone quarried in the valley of the Cottonwood River (ibid., p. 519). The walls are brick. There are entrances on both the east and west with ten steps leading to the first floor. On the first floor are the offices of the county commissioners, sheriff and county engineer, and the offices and vaults of the county clerk, register of deeds, treasurer and superintendent of public instruction. The second floor is occupied by the district court room and judge's chambers, the offices and vaults of the clerk of the district court and probate and juvenile courts, and the office of the county attorney and the county farm bureau. On the third, or attic floor are the memorial hall and museum of the Grand Army of the Republic, a jury room, a drafting room and a storage room. In the basement are federal offices and two overflow record storage vaults.

None of the offices in the courthouse is considered fireproof, but each has an abundance of natural light and ventilation. All vaults, including the two basement storage vaults, are considered fireproof, being constructed of thick masonry, with double steel doors. All are electrically lighted, but no provision is made for ventilation. About 90 per cent of all records in the building are stored in fireproof vaults, and for the most part are in good condition and easily accessible. Another storage vault is needed, however, as all the vaults are crowded.

County Commissioners. The county commissioners have a light, well ventilated room adjoining the county clerk's office on the first floor. With the exception of the current volume of minutes of proceedings their records are kept in the county clerk's vault.

County Clerk. The county clerk has an office room 28 x 36 feet in size, airy and light. Adjoining it is a fireproof vault 12 x 16 feet, with thick masonry walls, re-enforced concrete floor and ceiling and a double steel door. Practically all the clerk's and commissioners' current records are kept in this vault, except during office hours, including 350 volumes, nearly 1,500 maps and nearly 100 different kinds of unbound records.

On the north side of the vault is a steel filing cabinet 9 feet long and 7 feet high containing 138 file drawers 10½ x 5 x 14 inches, and 6 compartments 24 x 24 x 24 inches. On the east is 132 linear feet of shelving and 72 pigeon holes each 5 x 5 inches. On the south is 128 linear feet of shelving and a steel filing cabinet containing three drawers 19 x 15½ x 24 inches. On the west is 12 linear feet of roller type shelving and a steel cabinet containing 9 drawers 10½ x 5 x 14 inches and one 13 x 12 x 24 inches. In the center of the vault is a large table, above which is suspended a strong electric light. Approximately 40 per cent of the volumes and 60 per cent of the unbound records of the clerk are kept in this vault. The remaining 60 per cent of the volumes and 15 per cent of the unbound records are stored in the south basement vault, and 25 per cent of the unbound records in the north basement vault.

Register of Deeds. The office of register of deeds, on the south side of the main corridor on the first floor, is 24 x 28 feet in size, with large south windows affording an abundance of natural light and ventilation. Adjoining is a fireproof vault 12 x 16 feet in which all the current records are kept. It is equipped with roller type shelving of which 85 linear feet is on the south side, 256 linear feet on the east side and 136 linear feet on the north side of the vault. The unbound records are filed in 96 file drawers, each 10½ x 5 x 14 inches, in a steel filing cabinet on the south side, and in 30 file drawers of the same dimensions in a movable steel cabinet which is rolled about the vault at the convenience of the custodian. The records are well filed, clean and in excellent condition. In the center of the vault is a large table over which hangs a strong electric light. About 88 per cent of the records of the register of deeds are in this vault, the remaining 12 per cent being in the south basement vault.

Clerk of District Court. The clerk's office is a room 12 x 28 feet in size, located on the second floor in the northeast corner. Large windows on the east and north furnish ample light and ventilation. A door leads into the east hall and another into the courtroom. Adjoining the office is a vault 12 x 16 feet in size, in which 95 per cent of the clerk's records are kept. There are four volumes in the south basement vault and 17 cardboard boxes of unbound records in the north basement vault.

There is 45 linear feet of shelving on the south side, which holds most of the bound volumes, the remainder being on shelves under a table in the center of the vault. The east, north and west sides are occupied

by steel filing cabinets containing steel file drawers 10½ x 5 x 14 inches in size, holding the unbound records. The records are clean and well filed, the vault amply lighted with electricity.

Probate and Juvenile Courts. The office of the probate and juvenile courts both presided over by the probate judge, is a room 18 x 24 feet located in the southeast corner on the second floor. It is well lighted and ventilated by east and south windows. The adjacent vault is the smallest in the courthouse, being 12 x 12 feet in size, but contains all the records of the two courts. The volumes are contained on 63½ linear feet of steel roller type shelving, of which 15 feet is on the west side of the vault, 22½ feet on the north side, 15 feet on the east and 11 feet on the south side. On the north, east and west sides there also are steel filing cabinets containing 272 file drawers, each 10½ x 5 x 13 inches, which hold all the unbound records. The records are clean, well filed and in good condition. In the center of the vault is a large wooden table, with a strong electric light suspended above it.

Sheriff. The sheriff's office is a room 12 x 12 feet in the southwest corner on the first floor. It is light, clean and well ventilated. There is no vault. All but four of the older volumes, which are stored in the south basement vault, are kept in the office. They are filed in steel and wood file drawers, in cabinets, on shelves and on the desks of the sheriff and undersheriff.

County Attorney. The county attorney has two rooms, each 12 x 14 feet, in the southwest corner on the second floor of the courthouse. In each office is a desk and a steel filing cabinet, each of the latter containing three drawers 18 x 12 x 24 inches, containing the attorney's records. There is no vault. The offices are well lighted and ventilated by south and west windows.

County Treasurer. The county treasurer's office, 24 x 28 feet in size, is located in the northwest corner on the first floor. It is clean and well lighted and ventilated. The adjacent vault is 12 x 16 feet. About 40 per cent of the treasurer's bound records are filed in this vault on 332 linear feet of steel roller type shelving; of the remainder, 50 per cent are in the north basement vault and 10 per cent in the south basement vault. Except for two packing boxes in the north basement vault, all of the treasurer's unbound records are filed in the office vault in 18 file drawers, each 10 x 5 x 13½ inches; 3 bundles, each 7 x 1 x 13 inches, and 11 cardboard boxes of various sizes.

County Superintendent of Public Instruction. This office is located on the first floor, on the south side and near the center of the building. It is 16 x 28 feet in size, with good light and ventilation. There is no vault, but the most important records comprising all the bound volumes, are kept in a steel safe in the office. The unbound records, mostly in card form, are contained in 26 letter file boxes 10 x 5½ x 13 inches, of which 7 are in the office and 19 in the north basement vault.

Social Welfare Director. The office of the county social welfare director in the city hall is much in need of shelving and filing cabinets. There are only three small filing cabinets; the drawers are full and records are stacked on top of the cabinets and on the floor.

County Engineer. The county engineer's office, 16 x 28 feet in size, is on the first floor in the northeast corner of the building, and has plenty of natural light and ventilation. There is no vault. There are two large office desks and a steel filing cabinet containing three drawers, each 18 x 12 x 24 inches. About 15 per cent of the records are kept in this office, the remaining 85 per cent being in the north basement vault. Those in the office are clean and in good condition.

Basement Vaults. In the basement of the courthouse are three fireproof vaults, two on the north and one on the south side. They are each 13 x 16 feet in size, the walls of thick masonry, the floors and ceilings of re-enforced concrete, and all have double steel doors.

One of the north vaults was but recently built, and contains only a few records of the county clerk and county treasurer. This and the south vault each have 116 linear feet of shelving on their west sides, and 84 linear feet on their east sides. The south vault is filled chiefly with the county treasurer's tax rolls and unbound records of the county clerk. Through the center a tier of shelves reaches to the ceiling. The door to this vault opens into the boiler room, and much soot and dirt filters in onto the records. Lighting facilities are poor, consisting of one insufficient electric light on the ceiling, and there is no ventilation except when the door is open.

The old north vault has 88 linear feet of pine board shelving along the east side, and 84 feet along the west side. Since being cleaned and rearranged by Survey workers the records are in good condition and easily accessible. This vault contains about 25 per cent of the county clerk's total records, filed in packing boxes and bundles and properly marked. In the center is a small table. A single large electric bulb supplies reasonably good light, but there is no ventilation. Both this and the south vault were crowded, but the congestion of records now is being relieved by the removal of some to the new vault.

4. LIST OF ABBREVIATIONS, SYMBOLS AND EXPLANATORY NOTES

Abbreviations

alph. . . . . alphabetical(ly)
arr. . . . . arranged
art. . . . . article

List of Abbreviations, Symbols and Explanatory Notes (First entry, p. 68)

aver.	average
bdl.	bundle
bldg.	building
bsmt.	basement
ch.	chapter
chron.	chronological(ly)
C.S.K.	Constitution of the State of Kansas
dist.	district
G.L.	General Laws (of Kansas)
G.L.S.K.	General Laws of the State of Kansas
G.L.T.K.	General Laws of the Territory of Kansas
G.S.	General Statutes (of Kansas)
G.S.T.K.	General Statutes of the Territory of Kansas
hdw.	handwritten
ibid.	the same reference
K.E R.C.	Kansas Emergency Relief Committee
L.	Laws (of Kansas)
L.T.K.	Laws of the Territory of Kansas
no., nos.	number(s)
N.Y.A.	National Youth Administration
op. cit.	the work previously cited
p., pp.	page(s)
P.L.T.K.	Private Laws of the Territory of Kansas
R.S.	Revised Statutes (of Kansas)
sec., secs.	section(s)
st.	street
Stat.	Statutes
S.T.K.	Statute of the Territory of Kansas
twp., twps.	township(s)
U.S.	United States
U.S.C.	United States Code
vol., vols.	volume(s)
W.P.A.	Works Progress Administration

Symbols

x	by
--	to date

Explanatory Notes

The exact title appearing on the volume or container is given in capital letters in the entry, followed by the inclusive dates for which the record is extant. In case the title is so general, vague or misleading as to be of little value in identification of the record, an

assigned title is given in parentheses, in small type. If the record has no title an assigned title is given in capital letters in parentheses.

Following the inclusive dates is shown the quantity of volumes or containers, and in parentheses the labeling if any exists.

Where arrangement of records is not indicated, no definite order of arrangement exists. The entry describing a separate index usually follows immediately the entry for the record it serves. Where this arrangement is impractical, cross reference is given to the entry number describing the index.

Records are shown under the office of issue, except those which in the normal course of business pass through two or more offices, in which case they are shown under the office which acts upon them last. Reports are shown under the office of reception, and if copies exist, also under the office of issue.

Entries are grouped under office headings by subjects and as nearly as possible in a natural or chronological sequence, except that minutes or records of proceedings are shown first.

This being an inventory of the records of Franklin County, and not merely a listing of the volumes and containers, all extant records required or permitted by law have been located and described. In the event more than one distinct type of record is found in the same volume or container, or set or group thereof, the nature of each type and the inclusive dates contained are shown in the entry, with cross references to other entries containing or describing other documents or recordings of the same series.

Title-line cross references are used to complete series for records kept separately for a period of time, and in connection with other records for different periods of time, as in entry 36, "1868-1928 in (Miscellaneous Bills and Claims), entry 47." They are also used in all artificial entries --- entries for records which must be shown separately under their proper office or section heading even though they are kept in files or volumes appearing elsewhere in the inventory, as in entry 11, "In Deeds and Contracts (Miscellaneous Papers), entry 60-xvii". 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, as in entry 39, "Also contains: Bounty Bills and Warrants, 1932-33, entry 43." 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.

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.

Since measurements of records are always given in inches, the symbol for inches is omitted. The dimensions of volumes and bundles are given in sequence of height, width, and thickness; for file cases and all other containers, in sequence of height, width, and depth.

In entries describing maps and plats, the names of the author, engraver, and publisher, and information on scale have been omitted only when these data were not obtainable.

I. BOARD OF COUNTY COMMISSIONERS

Although attempts at organizing a county government had been made since early in 1857, the first recorded meeting of a board of county commissioners in Franklin County was on March 15, 1858 at Minneola (Record, 1858-68, p. 28, in Commissioners' Journal, entry 2).

The first territorial assembly, in setting up the county governmental system, provided for administration of county affairs by a board of county commissioners consisting of the probate judge as president and two other members to be appointed by the assembly (S.T.K. 1855, ch. 44, secs. 28, 29).

The free-state assembly of 1858, placing selection of the county officers in the hands of the people, provided that the affairs of the county should be administered by a board of supervisors (L.T.K. 1858, ch. 13, sec. 3) to consist of one supervisor from each township, to be elected biennially (ibid., sec. 9). In 1860 the name of the tribunal was changed back to board of county commissioners and was made to consist of three members to be elected annually by the voters of the whole county for a three-year term, but each representing a designated district (G.L.T.K. 1860, ch. 28, secs. 3, 10). When Kansas was admitted to statehood in 1861 the county tribunal as it then existed was continued under the general terms of the constitution (C.S.K., schedule, sec. 4). No further change was made until 1871, when the terms of the commissioners were changed to two years (L. 1871, ch. 74, sec. 1, 2).

Under an amendment to the state constitution in 1876 each county was divided into three commissioner districts and a commissioner elected from each to serve a term of three years (C.S.K., art. 9, sec. 3). Another amendment in 1902 provided that no commissioners' term might exceed six years (ibid., art. 4, sec. 2), and the following year the legislature fixed the commissioners' terms at the present ones of four years (L. 1903, ch. 233, sec. 1; G.S. 1935, ch. 19, sec. 202).

Each county commissioner must execute and file with the register of deeds a bond in a penal sum not exceeding $5,000 insuring faithful performance of his duties (L. 1876, ch. 65, sec. 1; G.S. 1935, ch. 19, sec. 233). When a vacancy occurs in the board the remaining commissioners appoint a qualified resident of the district to hold office until the next ensuing election (G.S. 1868, ch. 25, sec. 10; G.S. 1935, ch.

19, sec. 203). A county commissioner may be removed for cause (G.S. 1868, ch. 25, sec. 160; G.S. 1935, ch. 19, sec. 233) by civil action instituted in the district by the attorney general (G.S. 1868, ch. 80, secs. 653-658; L. 1911, ch. 237, secs. 1, 2; G.S. 1935, ch. 60, secs. 1609, 1610). Salaries of commissioners vary from $400 to $2,500 a year, depending upon population and assessed valuation. The statutes fix the salaries of the Franklin County commissioners at $700 a year (R.S. 1923, ch. 28, sec. 121; L. 1927, ch. 208, sec. 1; L. 1929, ch. 181, sec. 1; G.S. 1935, ch. 28, sec. 121).

The county commissioners are empowered by statute 1) to make such orders concerning county property as they may deem expedient; 2) to examine and settle all accounts of the receipts and expenses of the county, and all accounts chargeable against the county, and when so settled, to issue county orders therefore as provided by law; 3) to purchase sites for, and erect and keep in repair county buildings, and cause them to be insured in the name of the county treasurer; 4) to apportion and order the levying of taxes as provided by law, and to borrow upon the credit of the county a sum sufficient for erection of county buildings, or to meet current expenses in event of a deficit; 5) to represent the county, have the care of the county property and manage all business of the county where no other provision is made by law; 6) to set off, organize and alter the boundaries of townships in the county, and fix the time and place for the first township election; 7) to establish one or more election precincts in any township, as the convenience of the inhabitants may require; 8) to pay out, alter or discontinue any road running through one or more townships in such county, and perform such other duties respecting roads as may be provided by law; 9) to grant such licenses as may be provided by law; 10) to perform such other duties as are or may be prescribed by law (G.S. 1868, ch. 25, sec. 10; G.S. 1935, ch. 19, sec. 212).

The county commissioners are required to meet on the first Monday in August and determine the amount of money to be raised by taxation for all county purposes, and all other taxes which they are required by law to levy, and certify the levies thus made to the county clerk (G.S. 1868, ch. 107, secs. 71, 72; G.S. 1935, ch. 79, secs. 1801, 1802). In addition to taxes for other purposes they must levy a county tax to defray all expenses and charges for the year, and also twenty per cent additional to make up for delinquent taxes, and may not issue warrants for more than the amount levied for the year, less the twenty per cent for delinquency (L. 1862, ch. 157, sec. 1; G.S. 1935, ch. 19, sec. 241).

Between November 1, when the tax roll is delivered to the county treasurer, and February 1 of the year following the assessment year, errors in assessments may be corrected only upon order of the county commissioners. Authority vested in the county commissioners to correct errors carries with it the authority to issue warrants for the refund of taxes illegally charged and collected. (L. 1913, ch. 322, sec. 1; L. 1917, ch. 321, sec. 1; G.S. 1935, ch. 19, sec. 1701.) The county commissioners also have authority to compromise the amount of delinquent

taxes paid for the redemption of real estate when the property has been bid in by the county (L. 1879, ch. 43, sec. 1; G.S. 1935, ch. 79, sec. 2411).

In 1925 a law was enacted imposing a tax on motor vehicle fuel and giving the county commissioners authority to refund, upon receipt of a sworn application of the purchaser, the amount of tax paid on fuel used for non-highway purposes (L. 1925, ch. 274, sec. 11). This law was repealed and a tax exemption system substituted in 1933 (L. 1933, ch. 317; G.S. 1935, ch. 79, sec. 34). Upon certification by the division of water resources of the state board of agriculture of the completion of a dam or reservoir for the impounding of water on privately owned land, the commissioners are required to grant the owner a reduction on the assessed valuation of his property (L. 1933, ch. 332, sec. 1; G.S. 1935, ch. 82a, sec. 401).

The statutes provide that "the board of county commissioners of each county shall constitute a county board of equalization, and the county clerk shall be clerk of said board". Meeting on the third Monday in May, the board equalizes the assessments and hears complaints of taxpayers regarding excessive or erroneous assessments (G.S. 1868, ch. 107, secs. 42, 43; G.S. 1935, ch. 79, secs. 1601, 1602).

Bonds issued by the county and the interest coupons, must be signed by the chairman of the board of county commissioners and attested by the county clerk (G.S. 1923, ch. 10, sec. 105; G.S. 1935, ch. 10, sec. 105). A transcript of the proceedings leading up to the issue, properly certified by the county clerk, must be filed with the state auditor (R.S. 1923, ch. 10, sec. 108; L. 1933, ch. 34, sec. 1, Special Session; G.S. 1935, ch. 10, sec. 108).

The county commissioners have the power of eminent domain to obtain land for county purposes (L. 1889, ch. 110, sec. 1; G.S. 1935, ch. 19, sec. 1501) but in erection of bridges or buildings costing more than $1,000 they must advertise for bids and let the contract to the lowest responsible bidder (G.S. 1868, ch. 25, sec. 21; G.S. 1935, ch. 19, sec. 214). They must not dispose of any property exceeding $5,000 in value without submitting the question to the electors (L. 1871, ch. 74, sec. 7).

Upon receipt of applications for laying out roads, or for viewing, altering or vacating any road, the county commissioners may appoint viewers and appraisers, cause a survey to be made and make such orders as they see fit (G.S. 1868, ch. 89, secs. 1-11).

Upon receipt of petitions from cities wishing to extend their limits, the county commissioners may order extensions to be made (L. 1886, ch. 66, sec. 1; L. 1905, ch. 118, sec. 1; G.S. 1935, ch. 12, sec. 501). They may also, upon petition of adjacent property owners in any townsite or city, make orders vacating any street or alley, or excluding any unplatted tracts from city boundaries (L. 1862, ch. 108, sec. 1; G.S. 1935, ch. 12, sec. 504).

Upon petition of the inhabitants concerned, the county board incorporates cities of the third class (L. 1886, ch. 66, sec. 3; G.S. 1935, ch. 15, sec. 103), a function formerly performed by the judge of the district court (L. 1871, ch. 60, sec. 1) and prior to that by the probate judge (G.L.T.K. 1859, ch. 80). When petitioned by the voters of the proposed district it is the board's duty to call a special election to vote on the establishment of rural high schools (L. 1915, ch. 311, sec. 2; G.S. 1935, ch. 72, sec. 3502) or the acquisition of township parks and cemeteries (L. 1887, ch. 235, sec. 4; G.S. 1935, ch. 80, sec. 904). The county commissioners may establish taxing districts to provide lighting and fire protection for unincorporated towns and villages upon receipt of a petition signed by a majority of the landowners (L. 1927, ch. 170, sec. 1; G.S. 1935, ch. 19, sec. 2716) and grant licenses to retail cereal malt beverages outside of incorporated cities (L. 1937, ch. 214, sec. 2).

Following each election, the county commissioners open the envelopes and count the ballots of absent voters and add them to the poll books (L. 1901, ch. 180, sec. 4; G.S. 1935, ch. 25, sec. 1004). On the Friday following the election the county commissioners and the county clerk canvass the election returns, and in event of a tie vote for any candidate, decide the winner by lot (G.S. 1868, ch. 36, secs. 28; G.S. 1935, ch. 25, sec. 703). The commissioners also hear and decide contests in township elections (G.S. 1868, ch. 36, sec. 106; G.S. 1935, ch. 25, sec. 1432). It is their duty to apportion the expense of elections to the townships and cities of the first and second class on a basis of the votes cast (L. 1895, ch. 78, sec. 12; G.S. 1935, ch. 25, sec. 109). The commissioners fill all vacancies occuring in the offices of township trustee, clerk, treasurer and constable (G.S. 1868, ch. 110, sec. 12; G.S. 1935, ch. 25, sec. 1605). Under the statute requiring all elective county officers to make their resignations to the officers authorized to fill vacancies in the office (G.S. 1868, ch. 25, sec. 177; G.S. 1935, ch. 19, sec. 2606) the commissioners receive the resignations of members of the board itself, and of the county clerk, register of deeds, county treasurer (G.S. 1868, ch. 25, secs. 10, 42, 64, 89; G.S. 1935, ch. 19, secs. 202, 303, 504, 1203) and the county superintendent of public instruction (L. 1911, ch. 278, sec. 1; G.S. 1935, ch. 72, sec. 209).

The legislature of 1937 designated boards of county commissioners as county social welfare boards for the administration in their respective counties of provisions of the state social welfare laws, and each board is required to appoint a county director as its executive and administrative officer (L. 1937, ch. 327, secs. 10, 11). From the inception of Kansas county government the county commissioners have been required to provide for the relief of the poor at county expense as they deem necessary (S.T.K. 1855, ch. 126, secs. 4-6). An act in 1862 designated township trustees and the mayors and councils of cities as overseers of the poor (L. 1862, ch. 163, sec. 1), but in 1933 they were relieved of these duties by an act requiring the commissioners in each county to appoint a poor commissioner, who should have general supervision of the poor under authority of the county board (L. 1933, ch. 196, sec. 6). The

county board may pay a pension to any disabled person whose near relatives are financially unable to support him (L. 1911, ch. 146, sec. 1; G.S. 1935, ch. 19, sec. 244).

The county board designates banks in which county funds are to be deposited (L. 1897, ch. 94, sec. 1; G.S. 1935, ch. 19, sec. 530) and examines all county orders returned by the treasurer and compares them with the county clerk's record (G.S. 1868, ch. 25, sec. 33; G.S. 1935, ch. 19, sec. 226). The board may at any time order the probate judge to examine the county treasurer's books and may appoint two taxpayers to assist him, and in event the examination shows a deficiency in funds, the commission is empowered to take any action necessary to preserve and protect county funds, including the removal of the treasurer and the appointment of another to fill the vacancy (L. 1874, ch. 8, secs. 3, 4, Special Session; G.S. 1935, ch. 19, secs. 522, 523).

Township trustees are required by law to make a complete report of township affairs annually to the county commissioners, which report, when approved, is filed with the county clerk (G.S. 1868, ch. 110, sec. 25 as amended by L. 1885, ch. 168, sec. 11; G.S. 1935, ch. 80, sec. 403).

The legislature of 1885 designated boards of county commissioners as county boards of health, and required that they elect a health officer, who is ex officio a member of the board (L. 1885, ch. 129, secs. 1, 7; G.S. 1935, ch. 74, sec. 901, ch. 65, sec. 201). The county commissioners levy a tax for the care and treatment of crippled children within their respective counties (L. 1931, ch. 283, sec. 13; G.S. 1935, ch. 65, sec. 5a07) and upon a majority vote of the electors in counties of less than 40,000 population, which includes Franklin County, may provide for the establishment of a county hospital and appoint a board of hospital trustees (L. 1913, ch. 202, secs. 1-4; G.S. 1935, ch. 19, sec. 1801-1804).

The legislature of 1925 gave the commissioners of "certain counties in which lead and zinc mining is the principal industry" the authority to establish a hospital for the treatment of tuberculosis patients (L. 1925, ch. 142, sec. 1; G.S. 1935, ch. 19, sec. 1821) and to appoint a board of trustees for its management (L. 1925, ch. 142, secs. 1, 2; G.S. 1935, ch. 19, secs. 1821, 1822).

It is the duty of the county attorney to advise the commissioners, as well as other county officials, on any legal matters pertaining to their duties or in which the county is interested (G.S. 1868, ch. 25, sec. 138; G.S. 1935, ch. 19, sec. 704).

The county commissioners are required to give financial aid to farmers' institutes upon receipt of a certificate from the superintendent of farmers' institutes of the Kansas State College showing the institute to be legally organized in the county and entitled to receive aid (L. 1915, ch. 177, sec. 1; G.S. 1935, ch. 2, sec. 119), and are required to appropriate a minimum of $1,200 a year toward the support of a county farm

bureau (L. 1919, ch. 157, sec. 2; G.S. 1935, ch. 2, sec. 603). The commissioners may deed property and appropriate money to the board of administration for use in maintaining a county demonstration farm (L. 1909, ch. 223, secs. 1-3; G.S. 1935, ch. 2, secs. 504-506). They may devise methods to prevent soil drifing within their respective counties (L. 1913, ch. 150, sec. 1 as amended by L. 1935, ch. 138, sec. 1; G.S. 1935, ch. 19, sec. 2611) and may appropriate money from the county general fund for the eradication of birds and animals they believe to be harmful and destructive (L. 1929, ch. 147, sec. 1; G.S. 1935, ch. 19, sec. 2311).

The territorial legislature of 1860 designated the county clerk as clerk to the board of county commissioners and made it his duty to attend all sessions of the board and record "in a book provided for that purpose" all their proceedings. The same legislature gave the county clerk custody of the board's official seals and of their records and papers and authorized him to "file and preserve all accounts acted upon by them" (G.S.T.K. 1860, ch. 28, sec. 33; G.S. 1935, ch. 19, sec. 305). No definite provision is made by legislative enactment however, for many of the individual records of the board of county commissioners. The Kansas statutes enumerate the powers and duties of the board and in so doing, in a general way imply that records shall be kept but for the most part the present record system of the several county boards is based upon custom and practice rather than specific statutory requirements.

The record of proceedings as required by law, which in most Kansas counties is the Commissioners' Journal, is an account of all business transacted at all regular and special sessions of the board, with its action thereon. Temporary minutes of meetings usually are recorded separately and copied into the Journal. In Franklin County the minutes were kept in bound form until 1913; since then they have been made on loose sheets and destroyed after being copied into the permanent journal. Orders issued by the board and returned by the treasurer, together with the number, date, amount and the name of the person to whom issued, are required by law to be recorded in the journal (G.S. 1868, ch. 25, sec. 33; G.S. 1935, ch. 19, sec. 226).

As implied by the statutes granting to the county commissioners the control of county property, the board has the custody of all deeds, abstracts of title and other original instruments pertaining to property belonging to the county (G.S. 1868, ch. 25, sec. 107; G.S. 1935, ch. 19, sec. 212). Contractors for the building or repair of county buildings must give bond in double the amount of the contract price, to be approved by the county board (G.S. 1868, ch. 25, sec. 21; G.S. 1935, ch. 19, sec. 214).

Petitions for vacating streets and alleys and for excluding unplatted tracts from cities, are directed to the county commissioners and filed with the county clerk (G.S. 1868, ch. 107, p. 1071, sec. 1; G.S. 1935, ch. 12, sec. 504). Cities desiring to enlarge their limits

must present a petition to the commissioners of the county in which the city is located setting forth the territory sought to be added and asking the board to make a finding as to the advisability of the proposed addition (L. 1871, ch. 60, sec. 92; G.S. 1935, ch. 12, sec. 501). Petitions for the incorporation of third class cities must be signed by a majority of the voters in unincorporated towns and villages and presented to the county board (L. 1886, ch. 66, sec. 2; G.S. 1935, ch. 15, sec. 102). Petitions for a special election to submit the question of the establishment of a rural high school to the voters of any district must also be presented to the county commissioners (L. 1915, ch. 311, sec. 2; G.S.1935, ch. 72, sec. 3502).

Applications for licenses to retail cereal malt beverages outside cities are filed with the board of county commissioners of the county in which the business establishment is located (L.1937, ch. 214, sec. 2). In counties with a population of not less than 110,000 and more than 130,000 applications to operate dance halls are made to the county commissioners and filed with the county clerk (L. 1927, ch. 167, sec. 2; G.S. 1935, ch. 19, sec. 22, 16). Applications and petitions required by law to be presented to the county commissioners are preserved by the county clerk in their original form and the commissioners' action thereon recorded in the journal.

Original road and bridge papers, petitions, applications for damages, copies of notices to landowners, reports of viewers and surveyors, and bonds for costs are, by implication of the statutes, records of the board of county commissioners and kept by the county clerk. Petitions for the laying out, altering or vacating of roads are required by law to be signed by at least twelve householders of the vicinity and presented to the county commissioners together with a bond for the payment of costs in case the proceedings are not confirmed (L. 1911, ch. 248, sec. 2; G.S. 1935, ch. 68, sec. 102). Notices of the viewing of roads must be given by the county clerk, who causes a record of all such notices to be entered in the county commissioners' journal (L. 1911, ch. 248, sec. 4; G.S. 1935, ch. 68, sec. 104). The petitioners are required by law to give notice to all persons through whose land the proposed road is to be laid, copies of which, with affidavits of service, must be filed in the county clerk's office (L. 1911, ch. 248, sec. 5; G.S. 1935, ch. 68, sec. 105).

Written applications for damages claimed for the opening of roads, together with a description of the property upon which damages are claimed, must be filed with the county commissioners. Upon order of the county board the county surveyor makes a survey of the proposed road and makes out and delivers to the county clerk a return and a plat of the survey thus made. If, upon examination of the survey, the county board is satisfied that the proposed road will be a public utility, they "may enter an order upon their records" and declare the road henceforth to be a public highway (G.S. 1868, ch. 89, sec. 6; G.S. 1935, ch. 68, sec. 106). Before awarding any contract for the construction or repair of roads when the county engineer's estimated cost is more than $500, the county commissioners must cause an estimate and approved plans and specifications of the proposed road to be filed in the county clerk's

office. Bids are delivered to the county clerk, who presents them to the board. Contractors for county road work must execute to the county, and file with the county clerk a bond equal to the contract price and conditioned for the faithful performance of the contract. Full payment may not be made on any such contract until the county engineer has inspected the work and filed a certificate of its completion with the county clerk. (L. 1917, ch. 264, sec. 28; G.S. 1935, ch. 68, sec. 521.)

In a like manner plans and specifications of bridges and culverts costing more than $300 are filed with the county clerk. Bids received by the county clerk are opened publicly by the board and must be recorded in detail in a book kept for that purpose by the clerk. Bonds of contractors for bridge work are approved by the county commissioners and filed with the county clerk. (L. 1917, ch. 80, secs. 12, 15, 18; G.S. 1935, ch. 68, sec. 1112, 1115, 1118.)

Bills for costs in criminal cases must be approved by the county attorney and certified to the board of county commissioners. The original fee bill, as signed by the prosecuting attorney, must be preserved by the county clerk in his office. (G.S. 1868, ch. 82, secs., 333, 334; G.S. 1935, ch. 62, secs. 1910, 1911.)

The probate judge, with two additional persons appointed by the county commissioners, examines the books of the county treasurer upon order of the board and makes a report of the examination to the county clerk. If the report shows a deficiency in funds the county clerk is required to report the dificiency to the county commissioners immediately and they may take any action they deem necessary. (L. 1874, ch. 8, sec. 4; G.S. 1935, ch. 19, sec. 523.)

Since 1897 it has been the duty of the clerk of the district court, county attorney, county clerk, probate judge, register of deeds, sheriff and county treasurer to make out and file with the county clerk and present to the board of county commissioners a quarterly report of all moneys by them charged and collected and the amount of fees due and uncollected (L. 1897, ch. 131, sec. 14; G.S. 1935, ch. 28, sec. 123). In counties with a population of 90,000 or more it is the duty of the county auditor to audit the books and accounts of the county officers monthly and report in writing to the county commissioners upon the condition of the accounts of each county officer collecting or handling county money (L. 1911, ch. 190, sec. 18; G.S. 1935, ch. 28, sec. 317).

It is the duty of the county engineer to make a written report to the county commissioners annually on work accomplished and funds expended upon roads and bridges in the county during the preceding year (L. 1917, ch. 264, sec. 47; G.S. 1935, ch. 68, sec. 540).

Boards of trustees of county hospitals must keep a complete record of all proceedings and file with the county commissioners annually a report of proceedings, a statement of all receipts and expenditures of

the preceding year and an estimate of the amount necessary to maintain the hospital for the ensuing year (L. 1935, ch. 144, sec. 9; G.S. 1935, ch. 19, sec. 1837).

The governing bodies of cities and the trustees of civil townships were designated by legislative enactment in 1862 as overseers of the poor and were required to present their accounts and report their proceedings to the county commissioners annually (L. 1862, ch. 163, sec. 22; G.S. 1935, ch. 39, sec. 321). The legislature of 1933 designated the county commissioners of each county in the state as administrators of relief to the poor and indigent within their respective counties and provided for the appointment by the county board of a poor commissioner for each county, who executed a bond to be approved by the county board and conditioned to the faithful performance of his duties (L. 1933, ch. 196, secs. 6, 8; G.S. 1935, ch. 39, secs. 517, 519). All public relief agencies receiving money from taxation were required to register their names with the county commissioners and, at least once a month, file the original or true copies of all new records made during the preceding month, with the poor commissioner. The poor commissioner, in turn, was required by law to report to the county commissioners monthly upon all public relief activities of the preceding month. (L. 1933, ch. 196, secs. 5, 11; G.S. 1935, ch. 39, secs. 516, 522.)

It was also the duty of the poor commissioner to make an annual report to the county commissioners of all persons receiving aid during the preceding year, with the name of each person, the amount of aid received and any other information required by the county board (L. 1933, ch. 196, sec. 14; G.S. 1935, ch. 39, sec. 525). Since 1937 public relief has been administered in the several counties by the board of county commissioners acting as the county board of social welfare (see p. 202).

The county director of social welfare must execute a bond as required and approved by the county board and conditioned to the faithful performance of his duties (L. 1937, ch. 327, sec. 11). Banks designated as county depositories must execute to the board of county commissioners a bond in a sum double the largest approximate amount that may be on deposit by the county at any one time (L. 1897, ch. 94, sec. 1; G.S. 1935, ch. 19, sec. 530).

Unless otherwise designated, the word "vault" used to designate location of records refers to the vault of the county clerk.

Proceedings
(See also entry 162)

1. COMMISSIONERS' BLOTTER (Minutes of Meetings), 1871-1910; 1912-13. 14 vols. Subsequent records destroyed. Title varies: Minutes of the Proceedings of the Board of County Commissioners, Franklin County, 1871-72; Minutes of the Board of County Commissioners 1872-79; Journal, 1902-5, 1912-13; Minutes of County Commissioners, 1905-8.

Temporary minutes of meetings of the board of county commissioners, showing date, members present and notations of all business transacted. Copied into Commissioners' Journal, entry 2. Arr. chron. No index. Hdw. Condition poor, 1871-79. Aver 250 pp. 14 x 12 x 1½. 6 vols., 1871-87, vault; 8 vols., 1884-1910, 1912-13, south bsmt. vault.

2. COMMISSIONERS' JOURNAL, 1858--. 11 vols. (2 unmarked, C-H, 1-3). Title varies: Record, 1858-68; Journal, 1869-72; Record of Proceedings Board County Commissioners, 1872-80.

Journal of all regular and special meetings of the board of county commissioners, showing date and place of meeting, members present, applications, protests, petitions and bids received, contracts awarded, roads opened and closed, property acquired, condemned, insured and disposed of, bills allowed and disallowed, election returns canvassed and contests decided; resignations received and appointments made; taxes levied, resolutions adopted, orders issued and all other transactions. Also contains: Board of Equalization Journal, 1858-1900, entry 321; (Proceedings, County Board of Health), 1885--, entry 401; (Proceedings, County Social Welfare Board), 1937--, entry 403. Arr. chron. No index, 1858-79; separate index, 1880--. Hdw. 1858-80; typed, 1881--. Aver. 350 pp. 15 x 11 x 2½. Vault.

3. INDEX TO COUNTY COMMISSIONERS' JOURNAL, 1880--. 1 vol.

Index to commissioners' journal, showing nature and date of proceedings, names of interested parties, with reference to volume and page numbers where recorded. Arr. alph. by subjects. Hdw. 450 pp. 18 x 13 x 3. Vault.

4. RESOLUTIONS OF COUNTY COMMISSIONERS, 1920--. 2 file drawers.

Original resolutions adopted by board of county commissioners at regular and special sessions, showing date of meeting, nature and purpose of resolution and signatures of county commissioners. Arr. chron. No index. Typed. 10 x 5 x 13½. Vault.

5. (TRANSCRIPTS OF COUNTY BOND ISSUE PROCEEDINGS), 1930-31, 1933--. 1930-31 in Deeds and Contracts (Miscellaneous Papers), entry 60-xvi; 1933-- in Sundry Papers, Liens and Judgments (Miscellaneous Records), entry 170-xxii.

Copies of transcripts of proceedings of county commissioners in the issuance of county funding and refunding bonds, showing date of issue,

purpose, amounts of bonds, serial numbers, rate of interest, treasurer's statement of outstanding indebtedness and money on hand, proof of publication, and signatures of county commissioners, clerk and treasurer.

Taxation
(See also entries 61-82, 290, 291, 315-317, 321-348)

6. (APPLICATIONS TO INCREASE TAX LEVY), 1935--. In Sundry Papers, Liens and Judgments (Miscellaneous Records), entry 170-v.
Copies of applications by county commissioners to state tax commission to issue warrants and increase levies, showing date, application number, purpose of request, for what fund increased budget needed, financial statement of each fund and signatures of county commissioners.

7. (ORDERS FOR REFUND OF TAXES), 1934--. In Sundry Papers, Liens and Judgments (Miscellaneous Records), entry 170-xiii.
Copies of county commissioners' orders for refund of taxes paid under protest, showing date, name and address of taxpayer, description of property, amount of taxes paid, amount of refund granted, and signatures of county commissioners.

8. REFUNDING WARRANTS, 1934--. 1 file drawer.
Original warrants issued for refund of taxes paid on errors, showing date, warrant number, name and address of taxpayer, description of property, valuation, amount of refund, signatures of chairman of board of county commissioners and county clerk, and date paid. Arr. num. by warrant nos. No index. Hdw. on printed form. $10\frac{1}{2}$ x 5 x 14. Treasurer's vault.

9. REFUNDING WARRANTS, 1916--. 4 vols.
Duplicates of warrants for refund of taxes because of excessive and erroneous assessments, showing date, warrant number, name and address of taxpayer, description of property and amount of refund. Arr. num. by warrant nos. No index. Hdw. on printed form. 75 pp. 11 x 10 x $\frac{1}{4}$. 2 vols., 1916-22, south bsmt. vault; 2 vols., 1923--, vault.

10. GASOLINE (Tax) REFUND (Warrants), 1927-31. 2 cardboard boxes, 2 file drawers. 1926-28 also in Pauper Fund Bills, entry 38. Discontinued; law repealed.
Sworn statements and applications for refund of taxes paid on motor vehicle fuel purchased for non-road purposes, and warrants for refunds, showing date, warrant number, name and address of purchaser, sale ticket number, from whom purchased, kind and amount of fuel, purpose, amount of tax, county in which paid, and date filed. Arr. chron. No index. Hdw. on printed form. Boxes 5 x 10 x $10\frac{1}{2}$; file drawers, 10 x $5\frac{1}{2}$ x $13\frac{1}{2}$. 2 boxes, 1927-30, north bsmt. vault; 2 file drawers, 1929-31, vault.
For record of exemption applications, 1933--, see entry 82; for refund receipts, 1925-31, see entry 348.

County Property

11. (WARRANTY DEEDS), 1898--. In Deeds and Contracts (Miscellaneous Papers), entry 60-xvii. Last entry 1935.
Warranty deeds to property purchased by county, showing name of grantee, legal description of property, consideration, date of transfer, signatures, and date filed.

12. (ABSTRACTS OF TITLE TO COUNTY PROPERTY), 1886--. In Deeds and Contracts (Miscellaneous Papers), entry 60-i. Last entry 1925.
Abstracts of title to real estate owned by county, showing legal description of property, record of first and each subsequent transfer, names of grantees and grantors, dates of transfers and affidavit, seal and signature of abstractor.

13. (OIL AND GAS LEASE), 1919--. 1 cardboard box. Last entry 1933.
Leases of county land to individuals for oil and gas drilling purposes, showing date, name and address of lessee, location and description of land, nature and conditions of lease, consideration, signatures, and date filed. Arr. chron. No index. Hdw. on printed forms. $8\frac{1}{2}$ x $10\frac{1}{2}$ x $13\frac{1}{2}$. South bsmt. vault.

14. (POOR FARM PAPERS), 1872-73, 1878-83, 1895-96. In Deeds and Contracts (Miscellaneous Papers), entry 60-xii.
Proposals to sell and articles of agreement for purchase of land for county infirmary; contracts for construction of buildings thereon, leases to tenant, inventory of property and opinions of county attorney, showing name of landowners submitting propositions, legal description of land purchased, from whom, number of acres, consideration, name of construction contractor, amount of bid, and list of all equipment furnished.

15. (CONTRACTS AND AGREEMENTS), 1909--. In Deeds and Contracts (Miscellaneous Papers), entry 60-v.
Miscellaneous agreements and contracts between county commissioners and firms and individuals for lease of property for county use, for county construction work and other purposes, showing date of indenture, terms and conditions, consideration, and signatures.

16. (RENTAL AGREEMENTS), 1933--. In Federal Relief Work (Payroll Claims), entry 45.
Kansas Emergency Relief Committee's agreement with Franklin County for rent of equipment to be used on relief projects, showing date, terms of agreement, items, conditions, rent per month, signature of Kansas Emergency Relief Committee's counsel and executive secretary.

17. (WATER RIGHT AGREEMENT), 1934--. In Federal Relief Work (Payroll Claims), entry 45.
Agreements between county and residents for right to use water from

drouth relief wells, showing date, name and address of resident, location of well, estimated amount of water to be used, terms of agreement and signature of resident.

Roads and Bridges
(See also entries 28, 41, 42, 65, 74, 81, 93, 94, 152-157, 442, 453-457)

18. OLD ROAD PROJECTS (Road and Bridge Papers), 1861, 1865-1932. 4 file drawers, 33 pigeon holes, 1 file box, 1 bdl. Title varies: Road Petitions and Reports, 1871-1903; Road and Bridge Bids and Estimates, 1900-1932; County Road Sanding Petitions, 1913-31. 1886, 1913, 1918-- also in Deeds and Contracts (Miscellaneous Papers), entry 60-x.
Original instruments pertaining to opening, closing establishment, construction, repair and maintenance of roads and bridges in county, including petitions and protests; appoints and reports of viewers and appraisers; notices to landowners; plats and reports of surveyors; proposals, plans and specifications; bids received and contracts awarded, contractors' surety bonds, claims for damages, and reports of county engineer to state highway commission and county commissioners. Arr. chron. No index. Hdw. and typed, and hdw. and typed on printed forms. File drawers 10 x 5½ x 13½; pigeon holes 5½ x 5½ x 14; file box 13 x 14 x 26; bdl. 6 x 10 x 12. 4 file drawers, 33 pigeon holes, 1 file box, 1861, 1865-1932, vault; 1 bdl., 1922-29, north bsmt. vault.
For separate bridge petitions, 1870--, see entry 20.

19. ENGINEER'S ESTIMATES, 1925--. 1 file drawer. Last entry 1932. County engineer's estimates of construction and repair of bridges and culverts, showing name, type and location of bridge or culvert, unit price of material to be used, cost of labor, total estimated cost, and signature of engineer. Arr. chron. No index. Hdw. on printed form. 10 x 5½ x 13½. Vault.

20. BRIDGE PETITIONS, 1870--. 4 file drawers. Last entry 1936. Petitions from taxpayers to county commissioners requesting construction of bridges, showing date, name and address of petitioner, proposed location and type of bridge requested, reasons and the necessity for said bridge. Arr. chron. No index. Hdw. 10 x 5½ x 13½. Vault.
For other original instruments, 1861, 1865--, see entry 18;

21. COUNTY ROAD PLATS, 1912-16. 1 file drawer. Discontinued. County surveyor's plats and reports on county roads, showing location of road by township and range numbers, condition of road bed, markers and right-of-way field notes, remarks and signature of county surveyor. Arr. chron. No index. Hdw. and typed. 10 x 5½ x 13½. Vault.

Petitions and Applications
(See also entries 6, 10, 18, 20, 32, 93)

22. INCORPORATE PETITIONS AND PROCEEDINGS, 1905, 1908, 1918--. 1903, 1918-- in Papers Relating to Cities, Townships, School Districts, Drainage (Miscellaneous Petitions), entry 29; 1908 in Deeds and Contracts (Miscellaneous Papers), entry 60-viii. Last entry 1930.

Petitions presented to county commissioners requesting incorporation of cities and towns, showing date, name of proposed town, reason for request, names and addresses of petitioners; commissioners' order of incorporation, showing date of order, name of town, incorporate boundary lines, population in area, date of first election, legal notices and newspaper clippings as proof of publication, and signatures of commissioners.

23. (PETITIONS FOR NEW TOWNSHIPS AND BOUNDARY CHANGES), 1870--. In Deeds and Contracts (Miscellaneous Papers), entry 60-xi. Last entry 1903.

Petitions to county commissioners for organization of new townships and changes in township boundaries, and counter petitions protesting changes in boundaries, showing date, name of township, description of proposed boundaries or changes, reasons for request and names and addresses of petitioners; and orders of district court confirming commissioners' actions in boundary alteration proceedings.

24. PETITIONS FOR ESTABLISHING HIGH SCHOOL DISTRICTS, 1915--. 1915-21 in Deputy Assessors, Bonds and Oaths and Appointments, entry 114; 1919-- in Papers Relating to Cities, Townships, School Districts, Drainage (Miscellaneous Petitions), entry 29. Last entry 1936.

Petitions of voters to county commissioners requesting special elections for the purpose of establishing high school districts, showing date of petition, boundaries of proposed district, reason for request and signatures of petitioners.

25. RAILROAD PAPERS (Right-of-way Condemnation), 1879-88. 1 file drawer. Discontinued.

Applications to county commissioners for appointment of commission to condemn land for railroad purposes, proceedings of county commissioners in condemnation and agreement with property owners for easement, showing name of commissioners appointed, legal description of land, appraised value, notices of consolidation and publication. No index. Hdw. on printed form. 10 x $5\frac{1}{2}$ x $13\frac{1}{2}$. Vault.

For treasurer's copies of applications, 1929, see entry 384.

26. (CONDEMNATION PROCEEDINGS), 1929. In papers Relating to Cities, Townships and Drainage Districts (Miscellaneous Petitions), entry 29.

Applications to board of county commissioners for appointment of

commission to condemn land for pipe line right-of-way, proceedings of county commissioners in condemnation and agreement with property owner, showing date of petition, name of commission, name of property owner, description of property and appraised value.

27. (VACATING PETITIONS AND PROCEEDINGS), 1869-96, 1913--. In Papers Relating to Cities, Townships, School Districts, Drainage (Miscellaneous Petitions), entry 29. Last entry 1913.

Petitions presented to county commissioners for vacating of various streets, alleys and parcels of land, showing date, name and address of petitioners, description of property, reasons for request, commissioners decisions, orders for vacating, notices and newspaper clippings as proof of publication.

28. GASOLINE REFUND BILLS (Petitions for Bridge Bond Election), 1936. 1 file drawer.

Petitions of qualified voters to county commissioners asking a special election on question of voting bond issue for construction of bridges on county roads, showing date, nature of request, number, description and location of bridge, amount of bonds, rate of interest, and signatures of petitioners. Arr. chron. No index. Hdw. on printed form. 10 x 5½ x 13½. Vault.

29. PAPERS RELATING TO CITIES, TOWNSHIPS, SCHOOL DISTRICTS, DRAINAGE (Miscellaneous Petitions), 1869-96, 1899, 1913, 1918--. 1 pigeon hole, 1 file drawer. Last entry 1936.

Miscellaneous petitions presented to board of county commissioners, showing date, nature of request, reasons therefore, names and addresses of petitioners, action taken, and orders issued. Also contains: (Condemnation Proceedings), 1929, entry 26; Incorporate Petitions and Proceedings, 1903, 1918--, entry 22; (Petitions for Establishing High School Districts) 1919--, entry 24; (Vacating Petitions and Proceedings), 1869-96, 1913--, entry 27. Arr. by subjects and chron. thereunder. No index. Hdw. and typed. Pigeon hole 5½ x 5½ x 14; file drawer 10 x 5½ x 13½. Vault.

30. R. R. (Railroad) PETITIONS, 1868-82. 1 file drawer, 1 pigeon hole. Discontinued.

Petitions presented to the board of county commissioners by the taxpayers requesting the voting of bonds to assist building of railroads through Franklin County, showing date of petition, reason for request, name and address of petitioners, and date filed. No index. Hdw. File drawer 10 x 5½ x 13½; pigeon holes 5½ x 5½ x 14. Vault.

For record of railroad bonds, 1870-74, see entry 86.

County Charges
(See also entries 31-34, 38-40, 45, 403-439)

31. (COMMODITY REQUEST), 1935--. In Federal Relief Work (Payroll Claims), entry 45.

County commissioners' resolutions and requests to Kansas Emergency Relief

Committee and state board of social welfare for commodities to be distributed to county poor, showing date of request, items, quantity, and signatures of chairman of board of county commissioners and poor commissioner.

32. (APPLICATIONS FOR RELIEF), 1875. In Deeds and Contracts (Miscellaneous Papers), entry 60-iii. Discontinued.
Record of applications for aid by families rendered destitute by reason of the grasshopper invasion of 1874, showing name and address of applicant, date, number in family, daily rations and clothing required, and signatures of township trustee and county clerk.

33. REQUISITIONS, WINFIELD AND PARSONS, 1916-18, 1935--. 1 file drawer, 2 cardboard boxes.
Requisitions for material and clothing for county residents committed to state institutions at Winfield and Parsons, showing date, requisition number, name of ward, items, price, quantity, and signature of superintendent of institution. Also contains: (Orders for Commodities), 1935, entry 34; Pauper Fund Bills, 1935, entry 38; (Statements of County Physician), 1935--, entry 40. No index. Hdw. and typed. File drawer 10 x 5½ x 13½; boxes 8½ x 10½ x 13½. Vault.

34. (ORDERS FOR COMMODITIES), 1935. In Requisitions, Winfield and Parsons, entry 33.
Poor commissioner's orders for commodities to be paid from county pauper fund, showing to whom payable, client's name, amount, purpose, to whom charged, and signatures of client and poor commissioner.

General Accounts
(See also entries 7-10, 117-129, 349-373)

Claims and Vouchers

35. BILLS TO BE ALLOWED, 1938--. 1 file drawer.
Current county vouchers for services, supplies and materials, showing voucher number, date, name of claimant, items and amounts, total, from what fund to be paid, and signatures of claimant and county clerk. Arr. num. by voucher nos. No index. Hdw. on printed form. 10 x 5½ x 13½. Vault.

36. GENERAL FUND BILLS, 1929--. 18 file drawers. Title varies: County Bills, 1936--. 1868-1928 in (Miscellaneous Bills and Claims), entry 47; 1895-1922 also in Miscellaneous, entry 202; 1925 also in (Bank Deposits), entry 372.
Bills, claims and invoices for county supplies, salaries, mileage, fuel, fees, pensions, board for prisoners and other items paid from county general fund, showing date, name and address of claimant, itemized statement of services rendered or supplies furnished, amount claimed, voucher

number and date allowed. Arr. chron. No index. Hdw. on printed form. 10½ x 5 x 14. 17 file drawers, 1929--, vault; 1 file drawer, 1936--, treasurer's vault.

37. CLAIMS NOT ALLOWED, 1913--. 1 file drawer.
Bills and claims not allowed by board of county commissioners, showing date, name and address of claimant, amount claimed, service rendered, commissioners' reason for disallowance and date. Also contains: (Coroner's Inquest Reports), 1913-, entry 116; (Printers' Bonds), 1913-15, entry 53. Arr. chron. No index. Hdw. on printed form. 10 x 5½ x 13½. Vault.

38. PAUPER FUND BILLS, 1929--. 13 file drawers. 1919-28 in (Miscellaneous Bills and Claims), entry 47; 1935 also in Requisitions, Winfield and Parsons, entry 33.
Invoices, bills and vouchers for services, supplies, material and other items paid from county pauper fund, showing date, name and address of claimant, itemized statement of supplies and material furnished or services rendered, voucher number, date allowed and approval of county commissioners. Also contains: Gasoline (Tax) Refund (Warrants), 1926-28, entry 10; (Time Sheets), 1926-28, entry 46. Arr. chron. No index. Typed on printed form. 10 x 5½ x 13½. Vault.

39. CRIPPLED CHILDREN FUND (Claims), 1932--. 5 file drawers.
Invoices, claims and vouchers of physicians and hospitals for care, treatment and hospitalization of crippled children, showing date, name of physician or hospital, amount claimed, service rendered, name of child, voucher number, and date allowed. Also contains: Bounty Bills (and Warrants), 1932-33, entry 43. Arr. chron. No index. Typed on printed form. 10 x 5½ x 13. Vault.

40. STATEMENTS OF COUNTY PHYSICIAN, 1935--. In Requisitions, Winfield and Parsons, entry 33.
Monthly statements of county physician to county commissioners for medical services rendered county charges, showing date of service, name and address of patient, diagnosis, treatment, amount due, by whom ordered, total for month, and physician's signature.

41. ROAD BILLS, 1929--. 12 file drawers. Title varies: Federal Aid Roads and Benefit Districts, 1929-30; County and Township Bills, 1931-32. 1928 in (Miscellaneous Bills and Claims), entry 47.
Bills and vouchers for payrolls, supplies, materials for repairs and other items in connection with construction, repair and maintenance of county roads, showing date, name and address of claimant, itemized statement of supplies or materials furnished and services rendered, voucher number, amount of claim, and date allowed. Arr. chron. No index. Hdw. on printed form. 10 x 5½ x 13½. Vault.

42. BRIDGE FUND BILLS, 1929--. 7 file drawers. 1928 in (Miscellaneous Bills and Claims), entry 47.
Bills and vouchers for labor, materials, supplies and other items used in construction, repair and maintenance of county bridges, showing date, name and address of claimant, amount claimed, itemized statement of services rendered or materials furnished, voucher number, approval of county engineer, and dates filed and allowed. Arr. chron. No index. Hdw. on printed form. 10 x 5½ x 13½. Vault.

43. BOUNTY BILLS (and Warrants), 1932-33. In Crippled Children Fund (Claims), entry 39.
Claims and voucher certificates for bounty on destructive birds and animals, and paid and canceled bounty warrants, showing date, name and address of claimant, kind and number of birds, bird eggs or animals, amount of bounty and date allowed, number and date of warrant, amount, and date paid.
For record of bounty payments, 1934--, see entry 125.

44. CERTIFICATES OF CONVICTION, 1870--. 1 file drawer. 1931 also in Miscellaneous (Public Carriers' License Fee Receipts), entry 379.
Certificates of conviction in criminal cases before justices of peace, showing name of defendant, offense charged, length of sentence or amount of fine, and signature of justice. Arr. chron. No index. Hdw. on printed form. 10 x 5½ x 13½. Vault.

45. FEDERAL RELIEF WORK (Payroll Claims), 1933--. 1 file drawer, 1 bdl. Title varies: Work Relief Payroll Claims, 1933.
Work relief payroll claims, 1933-36, showing date, project number, name, address and identification number, classification, rate of pay, number of man hours worked, total amount due, claim number, and signatures of worker and county clerk. Also contains: (Commodity Requests), 1935--, entry 31; (Recommendations for Removal of Employees), 1935-36, entry 58; (Rental Agreements), 1933--, entry 16, (Water Right Agreements), 1934--, entry 17. Arr. by subject. No index. Hdw. and typed. File drawer 10 x 5½ x 13½; bdl. 3 x 10 x 14. Vault.

46. (TIME SHEETS), 1926-28. In Pauper Fund Bills, entry 38. Discontinued.
Time sheets of county employees and laborers, showing date, pay period, name and address of worker, occupation, rate of pay, number of man hours worked, total amount due, and signatures of worker and foreman.

47. (MISCELLANEOUS BILLS AND CLAIMS), 1868-1928. 6 cardboard boxes (1-4, 75, 76).
Miscellaneous bills and claims. Contains: Bridge Fund Bills, 1928, entry 42; General Fund Bills, entry 36; Pauper Fund Bills, 1919-28, entry 38; Road Bills, 1928, entry 41. Arr. by subjects and chron. thereunder. No index. Hdw. on printed forms. Aver. 10½ x 8½ x 13½. Bsmt. vault.

Fees and Reports (See also entries 56, 115, 116)

48. COUNTY OFFICERS' QUARTERLY REPORTS, 1913, 1921--. 2 file drawers. Title varies: Quarterly Reports of County Officers and Old Insurance Policies, 1921-37.

County officers' quarterly reports to county commissioners of fees charged and collected, showing nature of service, date, to whom charged, by whom paid, amount, amount unpaid, fee book and page numbers where recorded, and signature of officer. Also contains: Insurance Policies, 1934--, entry 383. Arr. chron. No index. Hdw. on printed form. 10 x 5½ x 13½. Vault.

49. REPORT OF EXAMINATION OF CO(unty) TREAS(urer), 1863--. 1 file drawer.

Reports to county commissioners of audits of treasurer's records, 1863-95, showing date of audit, amount of cash in treasury, variation of records, statement of condition of records, recommendations, signatures of examining committee, and date filed. Also contains: (Canceled Bonds and Coupons), 1870--, entry 85. Arr. chron. No index. Hdw. on printed form. 10 x 5½ x 13½. Vault.

For general audit reports, 1934--, see entry 50.

50. AUDIT REPORT, 1934--. 20 vols.

Reports of audits of county offices, showing name of office, period of audit, amounts of receipts and disbursements, balances, recommendations and signatures of auditors. Arr. chron. No index. Typed. 40 pp. 11½ x 9 x ¼. Vault.

For report of examination of county treasurer, 1863-95, see entry 49.

51. ANNUAL REPORT OF TOWNSHIP TRUSTEE AND TREASURER, 1924--. 1 wooden box, 5 pigeon holes, 2 file drawers.

Annual financial reports of township trustees to county commissioners, showing receipts and disbursements, from what source received, to whom paid and purpose, statement of amount, nature and value of property received and disposed of and amount of warrants and bonded indebtedness outstanding in district. Arr. chron. No index. Hdw. on printed form. Box 10 x 12 x 15; pigeon holes 5½ x 5½ x 14; file drawers 10 x 5½ x 13½. Vault.

Surety Bonds
(See also entries 18, 110-114, 187, 189, 382)

52. (CONTRACTORS' BONDS), 1911--. In Deeds and Contracts (Miscellaneous Papers), entry 60-iv. Last entry 1935.

Bonds executed by contractors performing construction work for county, showing date, name and address of contractor, nature of contract, amount of bond, and affidavits of sureties.

53. (PRINTERS' BONDS), 1913-30, 1932--. 1913-15 in Claims Not Allowed, entry 37; 1915-30 in Deeds and Contracts (Miscellaneous Papers), entry 60-xiv; 1932-- in Bonds (and Oaths) of County (and Drainage District) Officers, entry 110.
Bonds executed by printing companies assuring faithful performance of agreement with county, showing date, name and address of company, amount and conditions of bond, affidavits of sureties, and date filed.

54. (APPEAL BONDS), 1908, 1925--. In Deeds and Contracts (Miscellaneous Papers), entry 60-ii. Last entry 1931.
Bonds executed by railway companies and individuals appealing from decisions of county commissioners to district court, showing date, nature of appeal, names of principal and sureties, amount of bond, signatures of attorney and sureties, and date filed.

55. (COUNTY DEPOSITORY BONDS), 1925-31, 1934--. 1925-31 in Miscellaneous (Public Carriers' License Fee Receipts), entry 379; 1934-- in (Bank Deposits), entry 372.
Certificates of bonds deposited by county depositories as security for deposit of county funds, showing date, serial number, denomination, issuing agency, total value of bonds, and signature of treasurer.

Miscellaneous

56. ANNUAL REPORT (Ransom Memorial Hospital), 1931--. 1 shelf.
Annual report of Ransom Memorial Hospital to county commissioners, showing names of trustees, number of doctors practicing in hospital, nurses and employees, assets and liabilities, operating expense and income statement, statements of discounts, names of contributors, records of donations, insurance schedule, record of patients admitted to hospital, and date filed. Arr. chron. No index. Typed. $6\frac{1}{2}$ x 16 x $19\frac{1}{2}$. Vault.

57. (RECEIPTS OF CONTRACTORS, CERTIFIED CHECKS), 1920--. Last entry 1931. In sales of Personal Property to Satisfy Liens (Affidavits of Sale), entry 169.
Receipts of contractors for return of certified checks deposited when submitting bids, showing project number, date of letting, name of bidder, amount of check deposited, name of bank on which drawn, date check was returned, and signature of contractor.

58. (RECOMMENDATIONS FOR REMOVAL OF EMPLOYEES), 1935-36. In Federal Relief Work (Payroll Claims), entry 45. Discontinued.
Poor commissioner's recommendations to county commissioners for removal from office of assistants, showing date, name and address of assistant, length of employment, reasons for request, and signature.

59. (CORRESPONDENCE), 1930--. 2 file boxes. 1919-28 in Deeds and Contracts (Miscellaneous Papers), entry 60-vii.
Original and duplicate correspondence to and from county engineer, state

highway department and other sources, pertaining to road matters and other official business of county commissioners. Arr. alph. by names of correspondents. No index. Hdw. and typed. 10½ x 5 x 12½. Office.

60. DEEDS AND CONTRACTS (Miscellaneous Papers), 1866, 1872--.
2 file drawers, 2 pigeon holes.

Miscellaneous original instruments of county commissioners and county clerk. The papers have been grouped according to subject classifications and listed with their exact year dates. Numbers are supplied for the purpose of reference to other documents of the same nature found elsewhere in this volume.

i. (Abstracts of Title to County Property), 1886--. See entry 12.
ii. (Appeal Bonds), 1908, 1925--. See entry 54.
iii. (Applications for Relief), 1875. See entry 32.
iv. (Contractors' Bonds), 1911--. See entry 52.
v. (Contracts and Agreements), 1909--. See entry 15.
vi. Corp. (Corporation) Tax, State (Utilities Assessment Roll), 1924-28. See entry 65.
vii. (Correspondence), 1919-28. See entry 59.
viii. Incorporate Petitions and Proceedings, 1908. See entry 22.
ix. Instruments of release of responsibility from claims, demands and rights of action against county, 1930--, showing name and address of party making release, date, and signatures of witnesses.
x. Old Road Projects (Road and Bridge Papers), 1886, 1913, 1918--. See entry 18.
xi. (Petitions for New Townships and Boundary Changes), 1870--. See entry 23.
xii. (Poor Farm Papers), 1872-73, 1878-83, 1895-96. See entry 14.
xiii. Precinct registrar's oath, 1917, showing name and address, precinct, city and ward, signature, and date filed.
xiv. (Printers' Bonds), 1915-30. See entry 53.
xv. Summonses served on county clerk in garnishments and civil suits brought against county or county officials, 1936, showing date, name of court, case number, name of plaintiff, cause of action, and final answer day.
xvi. (Transcripts of County Bond Issue Proceedings), 1930-31. See entry 5.
xvii. (Warranty Deeds), 1898--. See entry 11.

Arr. chron. No index. Hdw., typed, and hdw. and typed on printed forms. File drawers 16 x 20 x 24; pigeon holes 5½ x 5½ x 14. Vault.

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II. COUNTY CLERK

The present office of county clerk had its origin in 1855 as that of clerk to the county tribunal. The first territorial assembly authorized the county tribunal, composed of the probate judge as chairman and two commissioners, to appoint its own clerk, who was commissioned by the governor and required to give bond in the penal sum of not less than $1,000 for faithful performance of his duties (S.T.K. 1855, ch. 44, sec. 33). The assembly specified that the clerk to the county tribunal should be ex officio clerk of the probate court and perform all the duties of the probate judge in the latter's absence, subject to his confirmation or rejection upon his return (ibid., sec. 41). In turn, the clerk of the probate court was designated as ex officio county recorder (ibid., ch. 134, sec. 4), the three offices thus being filled by the same incumbent.

The first free-state assembly, enacting general laws for the territory in 1858, created the office of county auditor, elective for a two-year term, and specified that he should act as clerk to the county tribunal (G.L.T.K. 1857-58, ch. 5, secs. 1, 9), ex officio clerk of the probate court (ibid., ch. 13, sec. 37), and ex officio clerk of the district court (ibid., ch. 42, sec. 40). The office of county recorder was made elective under the title of register of deeds (ibid., ch. 13, sec. 40).

The assembly of 1860 provided that there should be elected in each county a county clerk, to serve a term of two years, and who should be clerk to the board of county commissioners and ex officio county auditor (G.L.T.K. 1860, ch. 28, secs. 42, 43). The state constitution, effective January 29, 1861 continued the office under its general terms, but provided that a clerk of the district court should be elected biennially in each county (C.S.K., art. 3, sec. 7). The first general statutes of the state, adopted in 1868, made no mention of a county auditor, but since 1925 the county clerk has been designated as ex officio county auditor in counties of not less than 59,000 nor more than 65,000 population (L. 1925, ch. 132, sec. 1; G.S. 1935, ch. 19, sec. 601), which, however, affected only Crawford County from 1925 to 1929.

The county clerk has been designated as ex officio county assessor since 1910 in all counties of less than 12,000 population (L. 1909, ch. 251, sec. 3); since 1914 in all counties of less than 55,000 population (L. 1913, ch. 321, sec. 1), and since 1925 in counties of less than 65,000 population (L. 1925, ch. 131, sec. 1), except those in which the office has been established as a separate one by a majority vote of the electors under provisions of the Laws of 1913. Franklin county never has taken advantage of this law.

The county clerk must execute and file with the county treasurer a bond of not less than $2,000 conditioned for faithful performance of duty. He must appoint a deputy, who acts for him in case of his absence or disability, and also may appoint other deputies, for whose acts he is

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responsible under his bond. In no event may he act as county treasurer or his deputy. In event of a vacancy, the county commissioners appoint a clerk for the unexpired term. (G.L.T.K. 1860, ch. 28, secs. 42, 44, 45, 108; G.S. 1935, ch. 19, secs. 301-303, 505.)

The salaries of county clerks vary with the population of the county. In Franklin County the officer's salary is fixed at $1,600 a year, and he is allowed $900 a year for clerk hire with the proviso that if this sum is insufficient the county commissioners may allow such additional sum as they deem necessary (L. 1927, ch. 207, sec. 1; G.S. 1935, ch. 28, sec. 102).

The county clerk is the pivotal officer in the county government and his duties are many and varied. As clerk to the board of county commissioners he is required to keep and preserve all its records and affix his seal to all its official acts (S.T.K. 1855, ch. 44, sec. 38; G.S. 1935, ch. 19, sec. 304). He attends all sessions of the board in person or by deputy, records and attests its proceedings in its journals, makes regular entries of resolutions and decisions concerning the raising of money and, if so required, records the vote of each member on any specific question. He signs all orders of the board for the payment of money, preserves and files all accounts and the action taken thereon, and designates on each the amount allowed by the board. (G.L.T.K. 1860, ch. 28, secs. 33, 34; G.S. 1935, ch. 19, secs. 305, 306.)

The county clerk attests all funding bonds issued by the county and the interest coupons thereon, and certifies to the state auditor a transcript of the proceedings leading up to the bond issue (R.S. 1923, ch. 10, secs. 105, 108; L. 1933, ch. 34, sec. 1; G.S. 1935, ch. 10, secs. 105, 108). In all legal proceedings against the county, process is served on the clerk, who notifies the county attorney thereof and presents to the county commissioners all information he has pertaining to the proceedings (G.L.T.K. 1860, ch. 28, sec. 6; G.S. 1935, ch. 19, sec. 106). He receives notices of appeal from the decisions of the board, notifies the county attorney of such appeal, and files with the clerk of the district court a brief return of the proceedings, together with the decision of the case and all bonds and papers in his possession pertaining thereto (G.L.T.K. 1860, ch. 28, secs. 26, 27; G.S. 1935, ch. 19, secs. 223, 224).

The county clerk's office performs some of the most important functions in the taxation system. Since 1914 the county clerk of Franklin County has served as ex officio assessor under the law restricting that office as a separate one to counties of more than 55,000 inhabitants (L. 1913, ch. 231, sec. 1). As ex officio assessor he appoints such number of deputies as he deems necessary (L. 1911, ch. 320, sec. 1; G.S. 1935, ch. 79, sec. 1411), and in his capacity as county clerk he makes up the assessment rolls of real estate required for each district and delivers the necessary field books to the deputy assessors. As ex officio assessor he transfers to the assessment roll the valuations and changes in descriptions as returned by the deputy assessors (G.S. 1868, ch. 107, sec. 41; as amended by L. 1911, ch. 316, sec. 8; G.S. 1935, ch. 79, sec. 408). To the assessment roll the county clerk then adds the

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list of railroad property in his county taxable under the law, as certified by the state tax commission (L. 1866, ch. 118, sec. 20 as amended by L. 1876, ch. 34, secs. 28, 29; L. 1909, ch. 243, secs. 2, 5; G.S. 1935, ch. 79, secs. 602, 603), and similar returns made by the tax commission of the property of telephone, telegraph, pipe line and electric power companies in the county (L. 1897, ch. 245, sec. 5 as amended by L. 1905, ch. 502, sec. 11 and L. 1919, ch. 304, sec. 10; G.S. 1935, ch. 79, sec. 710).

It is the clerk's duty to place upon the tax roll any taxable property the deputy assessors have failed to assess. The county treasurer is required to notify the clerk of any such property coming to his attention, and the clerk is empowered to administer oaths to the owners of such property. (L. 1864, ch. 37, sec. 5; G.S. 1935, ch. 19, sec. 314.)

The county clerk serves as clerk to the county board of equalization (G.L.T.K. 1860, ch. 114, secs. 28, 29; G.S. 1935, ch. 79, sec. 1601), and after it has completed its work he makes an abstract of the assessment rolls and forwards it to the state tax commission for any changes that body may deem necessary (G.L.T.K. 1860, ch. 114, sec. 26, as amended by L. 1908, ch. 29, sec. 1; G.S. 1935, ch. 79, sec. 1409).

The county commissioners and the governing bodies of cities, townships, city boards of education and rural school districts certify their respective tax levies to the county clerk in August of each year (G.L.T.K. 1860, ch. 114, sec. 29; G.S. 1935, ch. 79, secs. 1801, 1802), together with their budgets and financial statements prepared as required by law (L. 1933, ch. 316, secs. 6, 7; G.S. 1935, ch. 79, secs. 2930, 2931).

As soon as the state tax commission, acting as a state board of equalization, reports its action to the county clerk, it is the duty of that officer to compute the percentages of increase or decrease in valuation, determine the amounts to be levied on each parcel of real estate and the personal property of each owner, and make up the tax roll and deliver it to the treasurer for collection (G.L.T.K. 1860, ch. 114, sec. 31 as amended by L. 1876, ch. 34, sec. 84 and L. 1909, ch. 244, sec. 1; G.S. 1935, ch. 79, sec. 1803). He must also countersign the treasurer's tax receipts (L. 1876, ch. 78, sec. 8; G.S. 1935, ch. 79, sec. 1518). Errors in assessments may be corrected by the county clerk at any time prior to the delivery of the tax roll to the treasurer (L. 1913, ch. 322, sec. 1; L. 1917, ch. 321, sec. 1; G.S. 1935, ch. 79, sec. 1701).

When all tax levies for the current year have been determined and reported, the county clerk notifies each bank and trust company whose shareholders are taxed according to law, of the valuation, rate of levy, and amount of tax due from such shareholders. Banks may appeal from the amount thus charged by filing a notice of intention to appeal with the county clerk, who transmits to the state tax commission all papers relating to the assessment, receives the assessment as equalized by the tax commission and places it on the tax roll. (L. 1931, ch. 304, sec. 2; G.S. 1935, ch. 79, sec. 1101c).

County Clerk

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It is the duty of the county clerk to transmit to the state tax commission on or before December 15 of each year a statement showing the total amount of taxes levied in his county for all purposes for that year, and the rate per cent, the statement to be included by the tax commission in its annual report to the governor and the legislature (L. 1866, ch. 118, sec. 63 as amended by L. 1909, ch. 243, sec. 11; G.S. 1935, ch. 79, sec. 1806). In October of each year, immediately after the county treasurer's settlement with the county commissioners, the county clerk must prepare and send to the state treasurer and state auditor a statement of taxes collected in his county and due the state (L. 1866, ch. 118, sec. 105; G.S. 1935, ch. 79, sec. 2201).

The law makes it the county clerk's duty to keep duplicate records with the county treasurer of the sale of real estate for delinquent taxes (G.L.T.K. 1857-58, ch. 5, sec. 25; G.S. 1935, ch. 79, sec. 2317), countersign tax redemption certificates issued by the treasurer (G.S. 1868, ch. 107, sec. 102; G.S. 1935, ch. 79, sec. 2403), and issue tax deeds (G.L.T.K. 1857-58, ch. 5, sec. 28; G.S. 1935, ch. 79, sec. 2501).

The county clerk keeps account with the treasurer of all receipts and expenditures of county moneys. He charges the treasurer with the amount of the tax roll, and all fees and penalties as they become due; the amount of redemption money and of the state school fund received; the amount of fines and forfeitures, and all other items payable to the treasurer. Upon presentation of the proper vouchers he credits the treasurer with the amount of tax money paid over to proper authority, and all other moneys paid out according to law. (L. 1864, ch. 37, sec. 2; G.S. 1868, ch. 25, sec. 51; G.S. 1935, ch. 19, sec. 312.)

The county treasurer's receipts for money are not valid unless countersigned by the county clerk (G.S. 1868, ch. 25, sec. 54; G.S. 1935, ch. 19, secs. 316, 536). The clerk charges the county depositories with county funds deposited therein, and countersigns all checks or drafts drawn thereon (L. 1876, ch. 78, secs. 3, 4; G.S. 1935, ch. 19, secs. 531, 532).

The county clerk has general supervision of elections in his county for national, state, district and county officers. He supervises the printing and distribution of the ballots (L. 1893, ch. 78, sec. 15; G.S. 1935, ch. 25, sec. 604), has custody of all election books and papers, joins the county commissioners in opening and canvassing the returns on the Friday following the election, and issues certificates of election as required by law to successful candidates (G.S. 1868, ch. 36, secs. 28, 32; G.S. 1935, ch. 25, sec. 701). In the event of a contest he serves as clerk of the court (G.S. 1868, ch. 36, sec. 88; G.S. 1935, ch. 25, sec. 1414).

Township trustees and mayors of cities are required to certify annually to the county clerk the names of taxpayers to serve as jurors for the ensuing year. The clerk writes the names so certified on slips of paper and places them in a "jury box" from whence the required number is

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drawn thirty days before the beginning of each term of court (L. 1876, ch. 104, secs. 2, 3; G.S. 1935, ch. 43, secs. 102, 103). Prior to 1876 it was the duty of the county commissioners to make up the list and submit it to the clerk (L. 1861, ch. 84, secs. 1-5).

When a new township is organized, or the boundaries of any township altered, it is the duty of the county clerk to make out and transmit to the secretary of state a certified statement of its organization or alteration (G.S. 1868, ch. 25, sec. 48; G.S. 1935, ch. 19, sec. 309).

In counties having a population of more than 100,000 and not more than 120,000 the county clerk, county treasurer and county surveyor compose a board of approval of maps and plats, and no map or plat of a division or subdivision of such counties is entitled to record until approved by such board (L. 1925, ch. 144, sec. 1; G.S. 1935, ch. 19, sec. 2628). As county sealer the county clerk has custody of the county standards. He tests weights and measures upon request, placing a seal upon those which conform and a condemnation mark upon those he judges to be untrue or of an unapproved type (L. 1877, ch. 208, secs. 3, 4; G.S. 1935, ch. 83, secs. 122, 126).

Kansas statutes prescribe the duties of the county clerk and, in a general way, provide that records shall be kept but only in a few instances do they designate the manner in which they shall be kept. Thus the records in the county clerk's office fall into three classes: those definitely required by law, those implied by law, and those which, through custom and practice, have become a definite part of the records system of the office.

From the creation of the office in 1855 the county clerk has acted as clerk to the county tribunal with authority to keep and have custody of the records and papers of that body (S.T.K. 1855, ch. 44, sec. 33; G.S. 1935, ch. 19, sec. 304). He attends the sessions of the board of equalization, keeping a record of its proceedings (G.L.T.K. 1860, ch. 114, secs. 28, 29; G.S. 1935, ch. 79, sec. 1601); and since 1914 has acted as county assessor of Franklin County, performing the duties and keeping the records of that office (L. 1909, ch. 251, sec. 3; G.S. 1935, ch. 19, sec. 401).

In his capacity as clerk of the county and chief accounting officer, the county clerk's records include those books and accounts required or implied by law to be kept by the county clerk himself; statements, reports, and other miscellaneous papers kept or prepared by other county or township officers and required by law to be filed with the county clerk, either in their original form or in duplicate; and duplicates of reports or papers prepared by the county clerk and transmitted according to law to other county or state officers. The county clerk must deliver to any person so demanding, a copy of any record of his office upon receipt of the required fee (G.L.T.K. 1860, ch. 28, sec. 34; G.S. 1935, ch. 19, sec. 306).

County Clerk

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Tax records kept by the several county clerks vary in arrangement though only slightly in content. Duplicates of inheritance tax receipts are filed by the county treasurer with the county clerk (L. 1915, ch. 347, secs. 17, 18; G.S. 1935, ch. 79, sec. 1518). It is the duty of the county clerk to keep in a book prepared for that purpose, a duplicate record with the county treasurer of real estate sold for taxes, with a description thereof, the names of owners and purchasers, redemptions, assignments, and other pertinent facts concerning the sale (L. 1866, ch. 118, sec. 76; G.S. 1935, ch. 79, sec. 2317). The county treasurer also files all notices, affidavits or papers with reference to tax sales, with the county clerk for preservation (L. 1866, ch. 118, sec. 77; G.S. 1935, ch. 79, sec. 2318).

Beginning in 1917 and until the law was repealed in 1933, city and township officers were required to certify to the county clerk annually a list of poll taxes collected in their respective taxing districts, together with a list of poll taxes due and uncollected (L. 1917, ch. 267, sec. 1; R.S. 1923, ch. 68, sec. 201). The county clerk receives applications for permits to purchase gasoline tax exempt, forwards them to the state oil inspector (L. 1933, ch. 317, sec. 18; L. 1935, ch. 311, sec. 1) and files stubs of such applications in his office.

Since 1872 the county clerk has kept a register of school district bonds issued within his county (L. 1872, ch. 74, secs. 1, 2; G.S. 1935, ch. 72, sec. 2003) and since 1923 has been required by law to register all funding bonds issued by the county or its subdivisions, except incorporated cities and boards of education (R.S. 1923, ch. 10, sec. 107; G.S. 1935, ch. 10, sec. 107). Clerks of all taxing subdivisions of the county, including cities and boards of education, are required to certify to the county clerk annually a statement of bonded and floating indebtedness (L. 1877, ch. 90, sec. 1; G.S. 1935, ch. 10, sec. 1007) and in July of each year the county clerk prepares and forwards to the state auditor a financial statement and exhibit of his county and its subdivisions (G.S. 1868, ch. 25, sec. 56; G.S. 1935, ch. 19, sec. 317). Copies of these statements are retained in the office of the county clerk in Franklin County.

The county clerk is required to keep in a book provided for that purpose a record of all land transfers in his county and upon presentation of a deed of conveyance of real estate, must enter in his transfer record a description of the property and certify it upon the conveyance (L. 1877, ch. 145, sec. 1; G.S. 1935, ch. 67, sec. 239).

The county clerk keeps a "road record" in which he records all proceedings in regard to the laying out and establishment of roads in his county (G.S. 1868, ch. 25, sec. 49; G.S. 1935, ch. 19, sec. 310), files maps or plats of second and third class cities (G.S. 1868, ch. 78, sec. 3; G.S. 1935, ch. 12, sec. 403), and maps and profiles of proposed railroad routes through his county (G.S. 1868, ch. 23, sec. 48; G.S. 1935, ch. 66, sec. 403).

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Candidates for county and subdistrict offices and precinct committeemen file their nomination papers or declarations of intentions with the county clerk (L. 1893, ch. 78, sec. 7). He keeps a record of political party affiliations of voters and changes in affiliations (L. 1927, ch. 203, secs. 1-3; G.S. 1935, ch. 25, sec. 225), has supervision of the distribution of ballots, and takes from the judges of election to whom ballots are delivered, a receipt which he preserves in his office (L. 1893, ch. 78, sec. 15; G.S. 1935, ch. 25, sec. 604).

After the election the county clerk receives from the judges and clerks of election the marked ballots, poll books and tally sheets of votes cast, which he is required by law to preserve in his office (G.S. 1868, ch. 36, sec. 27, L. 1901, ch. 177, sec. 11; G.S. 1935, ch. 25, secs. 419, 426). He may destroy ballots after they have been on file for six months (L. 1913, ch. 189, sec. 4; G.S. 1935, ch. 25, sec. 419). Absentee ballots and affidavits of absentee voters are filed with the clerk of the county in which the vote is cast and by him mailed to the clerk of the county in which the voter resides, to be preserved until destroyed according to law (L. 1901, ch. 180, sec. 25; G.S. 1935, ch. 25, secs. 1002, 1005).

The county clerk joins the county commissioners in opening and canvassing the returns on the Friday following the election (G.S. 1868, ch. 36, sec. 28; G.S. 1935, ch. 25, sec. 701) and prepares an abstract of votes cast, filing one copy in his office and forwarding one copy to the secretary of state (G.S. 1868, ch. 36, sec. 31; G.S. 1935, ch. 25, sec. 704). After the count has been determined, the county clerk makes out and delivers certificates of election to the successful candidates (G.S. 1868, ch. 36, sec. 32; G.S. 1935, ch. 25, sec. 705). Political parties, political organizations and all candidates are required to file with the county clerk a statement of their campaign expenses (L. 1893, ch. 77, secs. 7, 8; G.S. 1935, ch. 25, sec. 901), and in the event of a contest, the county clerk serves as clerk to the court and keeps a record of its proceedings in the election book (G.S. 1868, ch. 36, sec. 88; G.S. 1935, ch. 25, sec. 1414). The county clerk of Franklin County files certificates of appointments of judges and clerks of election. He also files notices and certificates of appointment of deputy county officers and deputy sheriffs.

The following officers are required to file their surety bonds and oaths with the county clerk: county treasurer, probate judge, register of deeds, coroner, county attorney, sheriff, clerk of the district court, county surveyor or engineer (G.S. 1868, ch. 25, secs. 61, 84, 116, 135, 147, 153; G.S. 1935, ch. 19, secs. 501, 701, 801, 1001, 1101, 1201, 1301, 1401), county superintendent (G.S. 1868, ch. 76, art. 2, sec. 1; G.S. 1935, ch. 72, sec. 203), and township treasurers, constables and justices of the peace (G.S. 1868, ch. 110, secs. 17-20; G.S. 1935, ch. 80, secs. 203-206). Bonds of persons engaged in abstracting real estate are filed with the county clerk (L. 1889, ch. 1, sec. 1; G.S. 1935, ch. 67, sec. 243), as are bonds to insure the payments due from purchasers of school lands (G.S. 1868, ch. 94, sec. 7; G.S. 1935, ch. 72, sec. 2126).

County Clerk

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The law requires the county clerk to keep a ledger of receipts and expenditures and of the accounts of the county with county, township, district, and other officers (G.S. 1868, ch. 25, secs. 50-52; G.S. 1935, ch. 19, secs. 311-313). The county clerk keeps a record of all fees by him charged and collected (L. 1897, ch. 131, sec. 14; G.S. 1935, ch. 28, sec. 123), and in a book prepared for that purpose, enters a record of all county orders countersigned by him upon order of the county commissioners (L. 1860, ch. 28, sec. 35; G.S. 1935, ch. 19, sec. 307). The county clerk is required to keep a record of orders drawn on the treasury for the payment of money due cities, townships or other municipal organizations in his county (G.S. 1868, ch. 25, sec. 46; G.S. 1935, ch. 19, sec. 318, files duplicate receipts for money paid out by the county treasurer (L. 1879, ch. 166, sec. 68; G.S. 1935, ch. 75, sec. 621).

In making up his bank deposits the county treasurer is required to make a duplicate ticket and file it with the clerk. He also files with the clerk a statement of any money transmitted to the fiscal agent. Banks handling county funds must file monthly statements with the county clerk showing the amount of county money on deposit and the accrued interest each day during the month. (L. 1876, ch. 78, secs. 3, 4; G.S. 1935, ch. 19, sec. 531, 532.) The county clerk also receives and files duplicate reports, prepared by the township treasurers, of money received and disbursed for the township (G.S. 1868, ch. 110, sec. 28; G.S. 1935, ch. 80, sec. 403).

Applications for licenses to sell cigarettes are made to the county clerk upon blanks furnished by the state department of inspection and registration, and the county clerk certifies the issuance of all such licenses to the director of the department (L. 1933, ch. 122, secs. 3, 8, Special Session; G.S. 1935, ch. 79, secs. 3303, 3308). The county clerk issues licenses to itinerant vendors and peddlers (L. 1907, ch. 246, sec. 1; G.S. 1935, ch. 19, sec. 2201) and retains a duplicate copy of the license so issued in his office. He issues hunting, fishing, and trapping licenses (L. 1911, ch. 198, sec. 7; G.S. 1935, ch. 32, sec. 104a) and files stubs of licenses thus issued in his office.

The county clerk records the licenses of physicians and surgeons (L. 1901, ch. 254, sec. 4; G.S. 1935, ch. 65, sec. 1003); registered nurses (L. 1913, ch. 231, sec. 4; G.S. 1935, ch. 65, sec. 1102); osteopathic physicians (L. 1913, ch. 290, sec. 6; G.S. 1935, ch. 65, sec. 1203), embalmers (L. 1907, ch. 387, sec. 5; G.S. 1935, ch. 65, sec. 1701); and optometrists (L. 1923, ch. 220, sec. 3; G.S. 1935, ch. 65, sec. 1503). In Franklin County the record of chiropractors' licenses usually kept by the register of deeds (L. 1913, ch. 291, sec. 9; G.S. 1935, ch. 65, sec. 1306) is kept by the county clerk in the Physicians' Record (see entry 130).

He also registers marks and brands of livestock (G.S. 1864, ch. 82, sec. 1; G.S. 1935, ch. 47, sec. 401); and farm names (L. 1911, ch. 143, sec. 1; G.S. 1935, ch. 19, sec. 322). He keeps a record of the taking up of stray animals (L. 1861, ch. 83, sec. 9; G.S. 1935, ch. 47, sec. 200)

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and files notices, affidavits and certificates pertaining thereto. Certificates of limited partnerships are recorded by the county clerk in a book kept for that purpose (G.S. 1868, ch. 74, sec. 6; G.S. 1935, ch. 56, sec. 106). Between 1883 and 1885 the law required the county clerk to file the enrollment of late soldiers, their widows and orphans so certified to him by the assessor (L. 1883, ch. 109, sec. 3).

Officers, persons, or firms possessing machine guns are required by law to file a statement thereof with the county clerk whose duty it is to keep an accurate register of the same (L. 1933, ch. 62, sec. 7, Special Session; G.S. 1935, ch. 21, sec. 2607).

Druggists, hospitals, and others wishing to purchase intoxicating liquor for medicinal, scientific, or mechanical purposes must file a sworn statement with the county clerk and receive a permit therefor (L. 1917, ch. 215, secs. 5, 6; G.S. 1935, ch. 21, sec. 2105). When animals are found to be afflicted with a contagious disease which necessitates their destruction, the county commissioners may join with the state livestock commissioner in an appraisement of the animals (L. 1911, ch. 312, sec. 6), and the papers are filed with the county clerk. Notices and affidavits of sales of property to satisfy artisans' and feed and storage liens are filed with the county clerk (G.S. 1868, ch. 58, sec. 9; G.S. 1935, ch. 58, sec. 214).

The county clerk files lists of persons to serve as jurors as certified to him by township trustees and mayors of cities (G.S. 1868, ch. 54, sec. 1; G.S. 1935, ch. 43, sec. 112). If more than twelve petit jurors are needed for any term of court the judge is authorized by law to issue an order for the number he deems necessary and file the same with the county clerk (G.S. 1868, ch. 54, sec. 22; G.S. 1935, ch. 43, sec. 121).

Summonses in garnishment proceedings brought against the county or county officers or employees are served on the county clerk (L. 1919, ch. 237, secs. 1, 2; G.S. 1935, ch. 60, secs. 961, 962). The county superintendent is required by law to file with the county clerk annually a description of the boundaries of each school district in the county (G.S. 1868, ch. 92, p. 936, sec. 9; G.S. 1935, ch. 72, sec. 218) and also must file with the county clerk for publication, a copy of his quarterly report to the state superintendent (L. 1881, ch. 152, sec. 2; G.S. 1935, ch. 72, sec. 204). The county attorney and sheriff are required to make a semi-annual inventory of county personal property, a copy of which the county clerk files in his office and the record of which he keeps in a book kept for that purpose (L. 1925, ch. 209, sec. 5; G.S. 1935, ch. 19, sec. 2624). Proceedings of coroners' inquests and a list of witnesses are filed with the county clerk (G.S. 1868, ch. 25, sec. 131; G.S. 1935, ch. 19, sec. 1014) as are certificates of conviction in justice courts (G.S. 1868, ch. 83, sec. 25; G.S. 1935, ch. 63, sec. 502). County fair reports are filed with the county clerk (L. 1929, ch. 1, sec. 5; G.S. 1935, ch. 2, sec. 129) as are affidavits for the payment of bounties (L. 1899, ch. 59, sec. 1; L. 1929, ch. 147, sec. 4; G.S. 1935, ch. 19, sec. 2314).

Unless otherwise specified the terms "office" and "vault" used in the following entries to designate location of records refer to the office and adjoining vault of the county clerk.

Taxation
(See also entries 6-10, 290, 291, 315-317, 321-348)

Assessment (See also entries 315-317)

61. ABSTRACT OF ASSESSMENT, 1898--. 1 file drawer, 1 vol. 1859 in Sundry Papers, Liens and Judgments (Miscellaneous Records), entry 170-i.

Abstract of assessment of taxable property, showing valuation of each class of property in each township, total for township, total valuation of each class in county, grand total valuation for county, and total exemptions. Arr. chron. No index. Hdw. and typed on printed form. Vol. 400 pp. 18 x 15 x 2½; file drawer 10 x 5½ x 13½. 1 file drawer, 1898--, vault; 1 vol., 1919, south bsmt. vault.

62. REAL ESTATE ASSESSMENT ROLL, 1858-62, 1871, 1878-83, 1886-1901, 1904-7, 1916--. 268 vols. Title varies: County Assessment Roll, 1858-62.

Roll of real estate assessed for taxation, showing name and address of owner, description of property, number acres, value per acre, value of improvements, total; number city lots, value per lot, value of improvements, total; improvements added since last assessment, and valuation as fixed by county board of equalization and state tax commission. Also contains: (Personal Property Assessment Roll), 1858-62, 1871, 1878-83, 1886-1901, 1904-7, 1920-24, entry 64. Arr. num. by sec., twp., range, lot and block nos. No index. Hdw. and typed on printed form. Aver. 250 pp. 17 x 12 x 2. 1 vol., 1858-62, treasurer's vault; 220 vols., 1871, 1878-83, 1886-1901, 1904-7, 1916-30, south bsmt. vault; 47 vols., 1926--, vault.

63. (ADDED IMPROVEMENTS), 1923--. 1 pigeon hole.

Assessor's report of improvements added to real property since previous assessment and to be added to assessment roll by county clerk, showing township, name of owner, description of property, location by section and range numbers, value of added improvements and signature of assessor, Arr. chron. No index. Hdw. on printed form. 5½ x 5½ x 14. Vault.

64. (PERSONAL PROPERTY ASSESSMENT ROLL), 1858-62, 1871, 1878-83, 1886-1901, 1904-7, 1920-24. In Real Estate Assessment Roll, entry 62.

Roll of personal property assessed for taxation, showing name and address of owner, school district number, items and value of all tangible personal property owned, including shares of stock owned in corporations, value by owner under oath, value by assessor, total, amount of exemption, net taxable valuation; merchants' and manufacturers' statements, showing

number shares of stock outstanding, par value, value of real estate and personal property, nature of business, statement of receipts and expenditures, assets and liabilities, and signatures of taxpayer and deputy assessor.
For personal property statements, 1924--, see entry 315.

65. CORP. (Corporation) TAX, STATE (Utilities Assessment Roll), 1870-1908, 1911-20, 1927--. 4 file drawers, 15 vols., 9 folders. Title varies: R. R. (Railroad) and Telegraph Assessment, 1870-99; Tax Roll of Railroad, Telegraph and Telephone, 1874-1908; Bank Assessment Statement, 1911-12; Corporation Assessment, 1911-16. 1924-28 in Deeds and Contracts (Miscellaneous Papers), entry 60-vi.
Assessment roll of property owned by banks, railroads, telephone and telegraph companies, oil and gas companies, and other corporations, as taken by assessor or certified by state tax commission, showing name of bank or company, capital stock, par, market and actual value of shares, gross earnings and operating expenses, items, description and value of property, and aggregate value of plant. Arr. chron. No index. Hdw. and typed on printed forms. Vols. aver. 125 pp. 17 x 12 x 1; file drawers 10 x 5 x 14; folders 1 x 10 x 15. 4 file drawers 1870-99, 1917-20, vault; 15 vols., 1874-1908, 1911-16, 1927-29, south bsmt. vault; 9 folders, 1930--, office.

66. SPECIAL ASSESSMENT, 1930--. 1 vol.
Record of special assessments levied by cities and townships, showing name, nature and reason for assessment, name and address of taxpayer, description, of property, amount levied, amount payable in annual installments and date certified to county clerk. Arr. chron. No index. Typed. 1,600 pp. 14 x 10 x 7. Vault.

67. TAX ASSESSMENTS - FEDERAL AID, 1921--. 1 vol.
Record of taxes levied on adjacent property to pay county costs in construction and improvement of federal aid roads, showing project number, legal description of property, name of owner, number of acres, assessed valuation, date and amount of payments, amount of interest and remarks. Arr. chron. No index. Hdw. on printed form. 240 pp. 20 x 14 x 2. Vault.

68. (ASSESSMENT OF JUDGMENTS), 1897. In Sundry Papers, Liens and Judgments (Miscellaneous Records), entry 170-vi. Discontinued.
Judgments listed with county clerk for taxation, showing name of judgment debtor and creditor, amount of judgment, rate of interest, assessed value and in what court rendered.

Budgets and Levies

69. BUDGETS AND FINANCIAL STATEMENTS, 1934--. 2 file drawers, 3 bdls., 1 pigeon hole.
Budgets and financial statements of county, townships, school and drainage districts, showing receipts and disbursements by funds for current

and preceding years, floating and bonded indebtedness, estimate of receipts and expenditures for ensuing year, valuation of all taxable property as equalized by tax commission, estimated rate of levy for each purpose, and total. Arr. alph. by names of twps. and num. by school dist. nos. No index. Typed and hdw. on printed forms. File drawers 10 x 5½ x 13½; bdls. 2 x 5 x 10; pigeon hole 5½ x 5½ x 14. Vault.

70. RECORD OF LEVIES, 1880--. 3 vols. Title varies: Tax Levies, 1880-1909; Record of Tax Levies, 1910-18.

Record of city, township, school district and county tax levies, showing valuation of all property, whether increase or decrease, rate of levy, amount of levy for each purpose in each taxing district, and county total. Arr. chron. No index. Hdw. on printed form. 70 pp. 16 x 15 x ½. Vault.

71. (Certificates of) SCHOOL (and Other Tax) LEVIES, 1909-13, 1921--. 3 file drawers. Title varies: Levies, 1909-13; Old School Levies, 1921-29.

Certificates of tax levies voted by cities, townships and school districts, showing name of city or township, or district number, date of annual meeting, amount voted for each purpose, total assessed valuation of property, rate of levy, signature of clerk of taxing unit and date filed with county clerk. Arr. chron. No index. Hdw. on printed form. 10 x 5½ x 13½. Vault.

Collection (See also entries 291, 327-332)

72. CLERK'S TAX COLLECTIONS (Record of Taxes Collected), 1873-94, 1897-98. 2 vols. Discontinued. Title varies: Settlement Blotter, 1873-94.

County clerk's record of annual tax collections, showing volume and page numbers of tax roll, amount of tax collected, and to what funds apportioned. Arr. chron. No index. Hdw. on printed form. Aver. 250 pp. 18 x 12 x 1½. 1 vol., 1873-94, vault; 1 vol., 1897-98, south bsmt. vault.

73. (TAX RECEIPTS), 1931--. 8 file boxes.

Duplicates of tax receipts issued by treasurer, showing date, receipt number, name and address of taxpayer, description and valuation of property, amount of taxes for each purpose, rebates or penalties, total amount paid, and signature. Arr. chron. No index. Hdw. on printed form. 10 x 5 x 13. 6 file boxes, 1931-34, vault; 2 file boxes, 1935--, treasurer's vault.

For treasurer's triplicate receipts, 1906--, see entry 328.

74. BENEFIT DISTRICT ROAD ASSESSMENT RECEIPTS, 1929--. 1 bdl., 1 vol.

Duplicates of treasurer's receipts for payment of special taxes assessed for building benefit district roads, showing date, receipt number, name of taxpayer, name of road and project number, valuation of property, amount of taxes, and date paid. No index. Hdw. on printed form. Bdl.

5½ x 7 x 8½; vol. 450 pp. 12 x 9 x 4. 1 bdl., 1929-30, north bsmt. vault; 1 vol., 1931--, vault.

75. RECAPITULATION AND DISTRIBUTION OF TAXES, 1886-1903, 1910--. 2 vols. Title varies: Taxes Charged Treasurer, 1886-1903. Record of apportionment of taxes by funds, showing amount distributed for each purpose in each taxing subdivision, and totals. Arr. chron. No index. Hdw. on printed form. Aver. 148 pp. 18 x 14 x 1. 1 vol., 1886-1903, south bsmt. vault; 1 vol., 1910--, vault.

Delinquency (See also entries 290, 291, 333-346)

76. SETTLEMENT BLOTTER (Record of Delinquent Tax Sales), 1870-74. 1 vol. Discontinued.
Record of real estate sold by county for delinquent taxes, showing date of sale, description of property, name of owner, amount of taxes, fees and penalties, to whom sold, amount, certificate number, to whom assigned, date, by whom redeemed, amount, and certificate number. Arr. chron. No index. Hdw. 200 pp. 18 x 12 x 1. South bsmt. vault.

77. TAX SALES CERTIFICATES (Surrendered), 1868--. 2 file drawers. Certificates of sale of property for delinquent taxes, which have been surrendered to county clerk by purchasers in exchange for tax deeds, showing certificate number, date of sale, description of property, name of owner, amount of delinquent taxes, fees, penalties and costs, name of purchaser, amount paid, to whom assigned, and signatures of county clerk and treasurer. Arr. chron. No index. Hdw. on printed form. 10 x 5½ x 13. Vault.

78. (POLL TAX REPORT), 1923, 1924, 1935. In Sundry Papers, Liens and Judgments (Miscellaneous Records), entry 170-xv. Discontinued.
Township trustees reports of poll tax collections, showing name of taxpayer, date and amount paid; reports of delinquent poll taxes, showing date, name of township, name and address of delinquent, amount of taxes, period of delinquency, date notified, and signature of township trustee; and lists of persons subject to poll tax in township.

Redemption and Refund (See also entries 7-10, 347, 348)

79. REDEMPTION ASSIGNMENT RECORD, 1878-1903. 3 vols. (A-C). 1903-- in Transfer Record, entry 87.
Record of redemption and assignment of mortgaged property, showing date, description of property, amount secured, date of transfer, by whom redeemed, amount of redemption, and remarks. Arr. chron. Alph. index by names of redeemers. Hdw. 200 pp. 14 x 9 x 1½. South bsmt. vault.

80. ABSTRACT OF TAXES REFUNDED ON ERROR, 1872-79. 1 vol. Discontinued.
Abstract of taxes refunded because of excessive or erroneous assessments, showing name and address of owner, description of property, assessed

valuation, total amount of taxes paid, amount of refund, date of commissioners' orders, and volume and page numbers of tax book where recorded. Arr. chron. No index. Hdw. on printed form. 300 pp. 16 x 11 x 2. South bsmt. vault.

81. (REPORTS OF BENEFIT DISTRICT ROAD PROJECT TAX REFUNDS), 1922-29. In Sundry Papers, Liens and Judgments (Miscellaneous Papers), entry 170-xviii. Discontinued.

County clerk's reports to state highway commission of refunds of special taxes assessed for construction of benefit district roads, showing district number, name of owner, description of property, amount of refund, how payable, dates of installments and signature of county clerk.

82. (RECORD OF GASOLINE TAX EXEMPTION APPLICATIONS), 1933--. 1 vol.

Record of applications for permits to purchase motor vehicle fuel exempt from taxes, showing date, name and address of applicant, number of gallons to be purchased, purpose, kind, weight and size of engine, date permit granted, and amount of fees. Arr. chron. No index. Hdw. on printed form. 240 pp. 14 x 10 x 1½. Vault.

For refund applications and warrants, 1927-31, see entry 10; for refund receipts, 1925-31, see entry 348.

Fiscal Bonds

(See also entries 5, 364, 380, 381)

83. ABSTRACT OF INDEBTEDNESS, 1888--. 1 file drawer.

Abstract of county indebtedness by taxing units, showing name of city, township or school district, purpose for which debt was created, date of bond issue, rate of interest and date of maturity, amount of sinking fund in treasury, outstanding debts and obligations, amount of unfunded obligations, total value of all taxable property in district, and remarks. Arr. chron. No index. Typed on printed form. 10 x 5½ x 13½. Vault.

84. BOND REGISTER, 1866, 1880--. 3 vols. Title varies: Jail Bonds, 1866.

Register of funding bonds and coupons issued by county and subdivisions, showing date of bond issue, purpose, serial numbers, denominations, rate of interest, dates of maturity, where and to whom payable, dates of interest payments, and remarks. Arr. chron. No index. Hdw. on printed form. 320 pp. 19 x 13 x 2½. 1 vol., 1866, south bsmt. vault; 2 vols., 1880--, vault.

85. (CANCELED BONDS AND COUPONS), 1870--. In report of Examination of County Treasurer, entry 49. Last entry 1883.

Canceled county and school district funding bonds and coupons, receipts and correspondence relating thereto, showing date of issue, purpose, school district number, amount of bond, serial number, when and where payable, to whom, rate of interest, and date paid and canceled.

86. RECORD OF RAILROAD BONDS, 1870-74. 1 vol. Discontinued.
Record of bonds issued for county aid in building railroads, showing date of issue, serial numbers of bonds and coupons, denominations, rate of interest, to whom issued, date of maturity, date paid and remarks. Arr. chron. No index. Hdw. on printed form. 200 pp. 16 x 10 x $\frac{1}{2}$. South bsmt. vault.
For bond election petitions, 1868-82, see entry 30.

Land Records

Transfers (See also entries 172-176)

87. TRANSFER RECORD (Lands and Lots), 1880--. 16 vols.
Record of transfers of farm lands and city lots, showing date, nature of instrument, name of grantee and grantor, legal description of property, number of acres, or size of lot, consideration, amount of fees and remarks. Also contains: Redemption Assignment Record, 1903--, entry 79. Arr. chron. 4 vols., 1880-1909, no index; 12 vols., 1888--, num. index by twp., range, lot and block nos. Hdw. on printed forms. Aver. 275 pp. 18 x 13 x 3. 4 vols., 1880-1909, south bsmt. vault; 12 vols., 1888--, vault.

88. MARKET AND ASSESSED VALUATION OF SUNDRY ITEMS OF REAL ESTATE, 1921-30. 8 vols. Discontinued.
Record of market and assessed valuation of sundry items of real estate sold or transferred for bona fide consideration, showing name of township, date of acknowledgment, legal description of property, assessed value, true value and consideration. Arr. alph. by name of twps. No index. Hdw. 18 pp. 13 x 11 x $3\frac{1}{4}$. Vault.

89. (ABSTRACT OF TITLES TO PAWNEE INDIAN LAND), 1858-59. In Sundry Papers, Liens and Judgments (Miscellaneous Records), entry 170-iii. Discontinued.
County recorder's abstracts of Pawnee Indian lands, showing legal description of land, name of patentee, number of acres, to whom transferred, kind of instrument, dates and record of each successive transfer and other instruments affecting title.

90. (ABSTRACT OF FINAL PROOF OF HOMESTEADS), 1875-81. In Sundry Papers, Liens and Judgments (Miscellaneous Records), entry 170-ii. Discontinued.
Abstracts of final proof of homesteads, showing application number, name and address of applicant, description of tract entered, location by township, section and range numbers, number of acres, affidavits and date of final proof, seal and signature of registrar of federal land office.

School Lands

91. (RECORD OF SALE OF SCHOOL LANDS), 1866-70. 1 vol. Discontinued.
Record of appraisement and sales of school lands, showing names of appraisers and date of appointment, description of property, number of acres, date of appraisal, valuation fixed, date of sale, name and address of purchaser, price per acre, total sale price, amounts and dates of installments, rate of interest, and remarks. Arr. chron. Alph. index by names of purchasers. Hdw. 55 pp. 12 x 7½ x ¼. South bsmt. vault.

92. SCHOOL LAND (Report of Sales), 1860-99. 1 file drawer. Discontinued.
County clerk's report to state auditor of sales of school land and payments of installments, showing date of sale, name of purchaser, description of property, price per acre, number of acres, total amount, amount paid, amount of installments, rate of interest and signature of county clerk. Arr. chron. No index. Hdw. on printed form. 10 x 5½ x 13½. Vault.

Roads and Bridges
(See also entries 18-21, 28, 41, 42, 65, 74, 81, 152-157, 442, 453-457)

93. ROAD RECORD, 1866--. 8 vols. (A-H). Discontinued.
Title varies: Road Plats, 1866-76.
Record of petitions to lay out, establish and construct county roads, showing date, name of township, names and addresses of petitioners, nature of petition, action taken by county commissioners, appointment of viewers, summary of viewers' and surveyors' reports, notices to landowners, and newspaper clippings as proof of publication. Arr. alph. by names of main petitioners. No index. Hdw. on printed form. 450 pp. 17 x 12½ x 2½. Vault.

94. BRIDGE RECORD, 1880-97. 1 vol. Discontinued.
Record of bridges built in county, showing name of river or stream, location of bridge, cost, year of construction, by whom built, kind of bridge, dates of inspections, names of inspectors, and remarks. Arr. chron. No index. Hdw. on printed form. 150 pp. 15 x 11 x ½. Vault.

Elections

Registration and Nomination

95. REGISTER OF PARTY AFFILIATIONS, 1934--. 60 vols.
Register of electors and their political party affiliations as shown on poll books, showing name, city, township, ward and precinct, political

party affiliation, certified changes of affiliations, and remarks. Arr. alph. by names of electors. No index. Typed on printed form. 150 pp. 13 x 10 x 3/4. Vault.

96. CHANGE IN PARTY AFFILIATIONS, 1930--. 1 file drawer.
Affidavits of electors requesting a change of political party affiliations, showing name of city, township, ward, and precinct, with what party affiliated, to what party change is desired, elector's signature, county clerk's certification, and date. Arr. chron. No index. Hdw. on printed form. 10 x 5½ x 13½. Vault.

97. NOMINATION PAPERS OF CANDIDATES, 1928--. 1 cardboard box, 2 file drawers. Title varies: Nomination Papers, 1928-32. 1910, 1923, 1925 in Sundry Papers, Liens and Judgments (Miscellaneous Records), entry 170-xii.
Petitions of electors for nomination of candidates for public offices in primary election, showing name and address of candidate, office sought, political party affiliation, date of primary, signatures and addresses of petitioners and date of filing. Also contains: Declaration of Intention to Become Candidate, 1928-35, entry 98. Arr. chron. No index. Hdw. on printed form. Box 6 x 10 x 17; file drawers 10 x 5½ x 13½. 1 box, 1928-32, north bsmt. vault; 2 file drawers, 1934--, vault.

98. DECLARATION OF INTENTION TO BECOME CANDIDATE, 1936--. 2 file drawers. 1928-35 in Nomination Papers of Candidates, entry 97.
Declarations of intention to become candidate for public office, showing dates of filing and primary election, name and address of declarant, political party affiliation, amount of fee, and signatures of declarant and county clerk. Arr. chron. No index. Hdw. on printed form. 10 x 5½ x 13½. Vault.

99. RECORD OF PRIMARY NOMINATION PAPERS FILED, 1908-28. 1 vol. Title varies: Nomination Record, 1908-10. Discontinued.
Record of primary nominations for county offices, showing name, address and political party affiliation of candidate, office sought, number of signers in each ward and precinct, date filed, and remarks. Arr. chron. Alph. index. by names of candidates. Hdw. on printed form. 200 pp. 18 x 12 x 2. South bsmt. vault.

100. (CERTIFICATES OF APPOINTMENT OF JUDGES AND CLERKS OF ELECTION), 1895-1918. 1 cardboard box. 1920-- in Candidate's Expense, Primary and General Election, entry 108.
Certificates of appointments of judges and clerks on election boards, showing township, voting precinct, date of election, names of judges and clerks, date appointed and qualified, signature of township trustee and date filed. Arr. chron. No index. Hdw. on printed form. 12 x 10 x 18. South bsmt. vault.

101. ELECTION RECORD (Judges and Clerks Appointed), 1893-1924. 2 vols. 1925-- in Abstract of Votes Cast, entry 106.
Record of judges and clerks appointed for primary and general election boards, showing names and addresses, name or number of precinct, date of election, by whom appointed, dates of certification and filing of notice, and remarks. Arr. chron. No index. Hdw. on printed form, 1884-1930; typed, 1930--. 340 pp. 19 x 14 x 2½. Vault.

Poll Books and Ballots

102. ELECTION POLL BOOKS (and Tally Sheets), 1928--. 5 cardboard boxes, 1 bdl., 131 envelopes.
Poll books and tally sheets used in general and special elections, showing precinct, date of election, names of candidates and their political party affiliations, name of office, number of votes each received, total number of votes cast in precinct, and signature of judge of election boards. Contains: (Absent Voters' Ballots), 1936--, entry 104. Arr. chron. No index. Hdw. on printed form. Boxes aver. 10 x 16 x 21; bdl. 6 x 10 x 10; envelopes ½ x 10 x 15. 5 boxes, 1 bdl., 1928-34, north bsmt. vault; 131 envelopes, 1934--, vault.

103. (TALLY SHEETS OF ABSENT VOTES), 1936--. 1 pigeon hole.
Tally sheets of absentee voters on state ballots, showing name of candidate, office, party affiliation, number of votes for each candidate, total number of votes, and signature and seal of secretary of state. Arr. chron. No index. Hdw. on printed form. 5½ x 5½ x 14. Vault.

104. (ABSENT VOTERS' BALLOTS), 1932-35. 1 cardboard box. 1936-- in Election Poll Books (and Tally Sheets), entry 102.
Ballots of electors absent from county at time of election and who voted in another county, showing date, county, ward and precinct, name of precinct and ward of residence of voter, name and political party affiliation of candidate, for what office, and signature of judge of election board. Arr. chron. No index. Hdw. 8 x 10 x 12. South bsmt. vault.

105. (CERTIFICATES OF NOMINATION FOR TOWNSHIP OFFICES), 1936--. 2 file drawers. 1913-21 in Deputy Assessors' Bonds and Oaths and Appointments, entry 114.
Copies of county clerk's certificates of nomination of candidates for township offices, showing township, name of office and candidate, political party affiliation, number of votes received in primary and signatures of county commissioners. Arr. alph. by names of twps. No index. Typed on printed form. 10 x 5½ x 13½. Vault.

106. ABSTRACT OF VOTES CAST, 1884--. 3 vols. 1858-84 in Commissioners' Journal, entry 2.
Record of votes cast in primary and general elections, showing date of election, name of township and precinct, name of office, names and political party affiliations of candidates therefore, number of votes received by each, majority or plurality, and certified statement and

signatures of county commissioners and county clerk. Also contains: Election Record (Judges and Clerks Appointed), 1925--, entry 101. Arr. chron. No index. Hdw. on printed form, 1884-1930; typed, 1930--. 340 pp. 19 x 14 x 2½. Vault.

Election Expense

107. DISTRIBUTION OF ELECTION EXPENSES, 1934--. 1 file drawer.
Original statements of primary and general election expenses as apportioned to cities and townships on basis of votes cast, showing date of election, name of township and city, number of votes cast, itemized statement of apportioned amount, and approval of county commissioners. No index. Typed on printed form. 10 x 5½ x 13½. Vault.

108. CANDIDATE'S EXPENSE, PRIMARY AND GENERAL ELECTION, 1920--. 2 file drawers.
Candidates' statements of expense incurred in primary and general election campaigns, 1934--, showing name of candidate, office sought, date of election, itemized statement of expense and oath of candidate. Also contains: (Certificates of Appointment of Judges and Clerks of Election), entry 100. Arr. chron. No index. Hdw. on printed form. 10 x 5½ x 13½. Vault.

Contests

109. ELECTION CONTESTS AND OPINIONS AND REPORTS OF COUNTY ATTORNEY, 1877--. 1 file drawer.
Petitions, answers and other original instruments filed in election contests, showing date of election, name of candidate, for what office, name of contestor, reason for contest, date of hearing, opinions of county attorney and district judge, decisions and disposition of case. Arr. chron. No index. Hdw. on printed form. 10 x 5½ x 13½. Vault.

Oaths and Bonds
(See also entries 18, 52-54, 189, 381, 382)

110. BONDS (and Oaths) OF COUNTY (and Drainage District) OFFICERS, 1863--. 1 cardboard box, 1 file drawer.
Surety bonds executed by county and drainage district officers for faithful performance of duty, showing name and office of official, date, amount and conditions of bond, affidavits and signatures of sureties, date of qualification, approval of county commissioners, oath of official and date filed. Also contains: Bonds of Township Treasurer (and Other Officers), 1860-1928, entry 111, (Printers' Bonds), 1932--, entry 53. Arr. chron. No index. Hdw. on printed forms. Box 12 x 12 x 18; file drawer 10 x 5½ x 13½. 1 box, 1863-1910, south bsmt. vault; 1 file drawer, 1911--, vault.

111. BONDS OF TOWNSHIP TREASURER (and Other Officers), 1860--. 4 file drawers. Title varies: Bonds of Justice of Peace, 1860-1924; Bonds for Township Clerk, 1877-1928; Constables' Bonds, 1897-1928. 1860-1928 in Bonds (and Oaths) of County (and Drainage District) Officers, entry 110.

Bonds and oaths of township officers elected or appointed, showing name of officer, title of office, date elected or appointed, amount and conditions of bond, affidavits and signatures of sureties, date approved by county commissioners, date qualified, signature of county clerk, and date filed. Arr. chron. No index. Hdw. on printed form. 10 x 5½ x 13½. Vault.

112. APPOINTMENTS OF DEPUTIES, 1925--. 1 file drawer.

Appointments and oaths of deputy county officers, showing name of appointee, by whom appointed, date, signature of official, and certified statement, oath and signature of appointee. Arr. chron. No index. Hdw. and typed on printed form. 10 x 5½ x 13½. Vault.

113. DEPUTY APPOINTMENTS (Sheriff), 1919, 1923--. 1 file drawer.

Appointments and oaths of deputy sheriffs, showing name of appointee, date of appointment, signature of sheriff, date qualified, signature of county clerk, and date filed. Arr. chron. No index. Typed on printed form. 10 x 5½ x 13½. Vault.

114. DEPUTY ASSESSORS' BONDS AND OATHS AND APPOINTMENTS, 1913--. 2 file drawers. Title varies: Oaths of Office, Township Officers, High School Papers, 1913-21.

Appointments, bonds and oaths of deputies appointed by assessor, showing name of assessor, name and address of appointee, date of appointment, amount of bond, affidavits and signatures of sureties, approval of county commissioners, date qualified, date filed, and signature of county clerk. Also contains: (Certificates of Nomination for Township Offices), 1913-21, entry 105; Petitions for Establishing High School Districts, 1915-21, entry 24. Arr. chron. No index. Hdw. on printed form. 10 x 5½ x 13½. Vault.

Reports

(See also entries 48-51)

115. COUNTY SUPERINTENDENT'S (Quarterly) REPORTS, 1872--. 1 file drawer. Last entry 1899.

Copies of county superintendent's quarterly reports to state superintendent of public instruction, showing date, number of visits made to each school, total number, time spent in each, number of consultations with district boards, teacher meetings attended, lectures given, teachers' examinations held and certificates granted. Arr. chron. No index. Hdw. on printed form. 10 x 5½ x 13½. Vault.

116. (CORONER'S INQUEST REPORTS), 1915--. In Claims Not Allowed, entry 37.
County coroner's reports of inquests held, showing date, name of deceased, conditions surrounding death, name of jurors, findings and decisions of coroner or jury, transcript of evidence, amount of fees and costs, and signature of coroner.
For Coroner's Record, 1915--, see entry 286.

General Accounts
(See also entries 7-10, 35-51, 349-373)

Ledgers

117. GENERAL LEDGER, 1874-99, 1907--. 11 vols. (A-D, 3, 4, 4-8).
County clerk's record of accounts with county, city, township, school district and other funds, showing name of fund, date, items and amount of debits and credits, and balance in each fund. Arr. chron. No index. Hdw. on printed form. Aver. 350 pp. 19 x 12 x 2½. 6 vols., 1874-99, south bsmt. vault; 5 vols., 1907--, vault.
For treasurer's record, 1863-80, 1898--, see entry 349.

118. TREASURER'S DAILY STATEMENT AND SUPPORTING DOCUMENTS, 1908--. 1 cardboard box, 1 filing cabinet compartment. Prior records missing. 1899-- also in Daily Statements, entry 350.
County treasurer's daily statement sheets of cash transactions, showing date, statement number; items, amounts and sources of receipts; items and amounts of disbursements and to what funds charged; totals of receipts and disbursements, balance from last report and grand total; debits and credits to school district, township and city accounts; cash in banks, total available cash and approval of county commissioners. Each sheet is enclosed in an envelope together with the canceled warrants for the day. Also contains: (Bank Deposit Slips), 1934--, entry 128; (Canceled Checks), 1932--, entry 129; County Treasurer's Sundry Receipts, 1924--, entry 126. Arr. chron. No index. Hdw. on printed form. Box 11 x 13 x 22; compartment 22 x 22 x 22. 1 box, 1908-23, south bsmt. vault; 1 filing cabinet compartment, 1924--, vault.

119. DAILY STATEMENT RECORD, 1897-1905. 12 vols. (A, A-C, C-E, E, F, H-J). Discontinued.
County clerk's record of treasurer's daily cash receipts and disbursements showing date, items and amounts received, and items and amounts paid out. Arr. chron. No index. Hdw. on printed form. 200 pp. 14 x 10 x 1½. New bsmt. vault.

120. DAILY BALANCE RECORD, 1897-1905. 1 vol. Discontinued.
County clerk's daily record of accounts with treasurer, showing date, and items and amounts of debits and credits by funds. Arr. chron. No index. Hdw. on printed form. 400 pp. 18 x 15 x 2. South bsmt. vault.

121. (MONTHLY RECORD OF RECEIPTS AND DISBURSEMENTS), 1926--. 1 bdl., 1 vol.
County clerk's monthly record of receipts and expenditures of county monies by funds, showing date and amount of receipts, date, amount and purpose of expenditures, and monthly balance. Arr. chron. No index. Hdw. on printed form. Bdl. 2½ x 11½ x 20; vol. 350 pp. 22 x 12 x 3. Vault.
For record of disbursements, 1873-92, see entry 122.

122. COUNTY EXPENDITURES, 1873-92. 1 vol. Discontinued.
Record of expenditures of county monies by funds, showing date allowed by county commissioners, purpose, and from what fund drawn. Arr. chron. No index. Hdw. on printed form. 200 pp. 16 x 11 x 2. South bsmt. vault.
For subsequent record, 1926--, see entry 121.

123. WARRANT REGISTER, 1871--. 12 vols. (4 unmarked, D-K).
Title varies: Record of County Warrants, 1874-92.
Register of county warrants issued, showing warrant number, date, amount, to whom payable, purpose or service rendered, fund on which drawn, date canceled and remarks. Arr. chron. No index, 1871-1929; tab index by names of funds, 1930--. Hdw. on printed form, 1871-1929; typed on printed form, 1930--. Aver. 340 pp. 17½ x 15½ x 2. 9 vols., 1871-73, 1893--, vault; 3 vols., 1874-92, south bsmt. vault.
For register of warrants paid, 1888--, see entry 353.

124. FEE BOOK, 1875-1907, 1926--. 4 vols.
Record of fees charged and collected by county clerk, showing date, nature of service, amount, to whom charged, by whom and amount paid, date paid and remarks. Arr. chron. No index. Hdw. on printed form. Aver. 250 pp. 17 x 12½ x 1½. 2 vols., 1875-1907, south bsmt. vault; 2 vols., 1926--, vault.

125. (RECORD OF BOUNTY PAID), 1934--. 1 vol.
Record of bounty paid by county on destructive birds and animals, showing date, name and address of claimant, kind and number of birds and animals, amount of bounty, and dates allowed and paid. Arr. chron. No index. Hdw. on printed form. 100 pp. 14 x 9 x ½. Office.
For vouchers and warrants, 1932-33, see entry 43.

Receipts (See also entries 71, 72, 292, 327, 328, 360-367)

126. COUNTY TREASURER'S SUNDRY RECEIPTS, 1871-1924. 1 file drawer. 1924-- in Treasurer's Daily Statements and Supporting Documents, entry 118.
Duplicates of treasurer's receipts for money received and expended, showing date, receipt number, amount received, from whom, purpose, amount paid out, to whom, for what purpose, and signature. Arr. chron. No index. Hdw. on printed form. 10 x 5½ x 13½. Vault.

127. RECEIPTS FROM STATE TREASURER, 1861-98. 1907--. 2 file drawers. Title varies: Vouchers State Treasurer, 1861-98.
Copies of receipts from state treasurer for money received from county treasurer, showing date, receipt number, amount, purpose, and signature of state treasurer. Arr. chron. No index. Hdw. on printed form. 10 x $5\frac{1}{2}$ x $13\frac{1}{2}$. Vault.

Bank Accounts (See also entries 369-372)

128. (BANK DEPOSIT SLIPS), 1917-34. 1 cardboard box. 1934-- in Treasurer's Daily Statements and Supporting Documents, entry 118.
Duplicate deposit slips for money deposited in the various county depositories by treasurer, showing date, name of bank, items of deposit, total, and signature of receiving clerk. No index. Hdw. on printed form. 10 x 12 x 14. South bsmt. vault.

129. CANCELED CHECKS, 1921-32. 8 cardboard boxes (8, 12-17, 79). 1932-- in Treasurer's Daily Statements and Supporting Documents, entry 118.
Canceled checks drawn by treasurer on county depositories, showing date, name of bank, check number, name of payee, amount, purpose, and signature of treasurer. Arr. chron. No index. Typed on printed form. 7 x 11 x 20. South bsmt. vault.

Registration

130. PHYSICIANS' RECORD, 1879--. 2 vols. Title varies: Physicians' Register, 1879-1901.
Record and copies of certificates issued by the state board of medical examiners to physicians, surgeons, chiropractors, osteopaths and dentists practicing in county, showing certificate number, dates of issuance and registration, name and address of practitioner, schools attended, when and where diploma was granted, number of years in practice, and amount of registration fee. Arr. chron. Alph. index by names of physicians. Hdw. and hdw. on printed forms. Aver. 215 pp. 17 x 12 x 1. Vault.

131. NURSES' REGISTRATION RECORD, 1913--. 1 vol. Last entry 1936.
Register and copies of certificates of graduate nurses, showing name and address of nurse, certificate number, date issued by state board of examiners, affidavits and signature of nurse, date of registration and amount of fees. Arr. chron. No index. Hdw. on printed form. 150 pp. 18 x 13 x 2. Vault.

132. OPTOMETRISTS' REGISTRATION BOOK, 1923--. 1 vol. Last entry 1930.
Register and copies of certificates issued by state examining board to optometrists practicing in county, showing name and address of

practitioner, certificate number, school attended, signatures of optometrist and county clerk, and amount of registration fees. Arr. chron. No index. Hdw. on printed form. 100 pp. 11 x 8 x 1. Vault.

133. EMBALMER'S LICENSE RECORD, 1909--. 1 vol. Last entry 1910.
Record of licenses issued by state board of embalmers to practitioners in the county, showing name, age, address and qualification of practitioner, license number, date issued, and signatures of licensee and president and secretary of board of embalmers. Arr. chron. No index. Hdw. on printed form. 150 pp. 12 x 8 x 1. Vault.

134. FARM (Name) RECORD, 1911--. 1 vol. Last entry 1930.
Register of farm names, showing date of registration, name of farm, registration number, name and address of owner, exact location of farm, and signature and seal of county clerk. Arr. chron. Alph. index by names of owners. Hdw. on printed form. 150 pp. 15 x 11 x 1. Vault.

135. MARKS AND BRANDS (of Livestock), 1868--. 1 vol. Last entry 1901.
Register of marks and brands for livestock, showing description and diagram of mark or brand, name and address of owner, date registered, and fees paid. Arr. chron. Alph. index by names of owners. Hdw. on printed form. 318 pp. 12 x 10 x 1½. South bsmt. vault.

136. STRAYS (Certificates), 1859--. 1 file drawer. Last entry 1870.
Certificates or statements by justice of peace of stray animals taken up and disposed of, showing name and address of party taking up animal, kind and description, names of appraisers, estimated value, date notice published, amount of fees, costs, and signature of justice. Arr. chron. No index. Hdw. 10 x 5½ x 13½. Vault.

137. ESTRAY RECORD, 1860--. 4 vols. Last entry 1911.
Record of stray animal reported taken up, showing kind of animals, description, mark or brand, by whom taken up, date, names of appraisers, appraised value, expense of keeping, benefits derived, name of owner, and final disposition. Arr. chron. Alph. index by names of parties taking up animal. Hdw. on printed form. 300 pp. 16 x 11 x 2. South bsmt. vault.

138. FIREARM REPORTS AND LIQUOR PERMITS, 1934--. 1 file drawer.
Original reports of machine guns owned by city of Ottawa and Franklin County, 1934, showing number of firearms, kind, character, caliber, name of manufacturer, serial number of each, and signatures of chief of police and county sheriff. Also contains: (Liquor Permits), 1935--, entry 142. Arr. chron. No index. Typed. 10 x 5½ x 13½. Vault.

Licenses
(See also entries 374-379)

139. (HUNTING, FISHING AND TRAPPING LICENSE STUBS), 1935--. 2 cardboard boxes.
Stubs of hunting, fishing and trapping licenses issued by county clerk, showing license number, date issued, name, address, and physical description of licensee, amount of fees paid and signature of county clerk. Arr. chron. No index. Hdw. on printed form. 4 x 7 x 10. Vault.

Jurors
(See also entries 224-232)

140. JURY LIST, 1937--. 1 vol. 1924-36 in Jury List and Liquor Withdrawals (Statements of Liquor Shipments), entry 143.
Names of taxpayers certified to county clerk by township trustees to serve as jurors in district court for ensuing year, showing name of trustee and township, names and addresses of jurors, and date list was submitted. Arr. alph. by names of twps. No index. Typed on printed form. 200 pp. 14 x 10 x 1½. Vault.

141. LIST OF JURORS DRAWN, 1927--. 1 vol. 1871-1924 in Miscellaneous, entry 202.
Record of taxpayers drawn to serve as jurors in district court, showing date, term of court, name and address of juror, from what township, and remarks. Arr. chron. No index. Hdw. on printed form. 175 pp. 14½ x 10 x 1. Vault.

Liquor Records
(See also entries 273-275)

142. (LIQUOR PERMITS), 1935--. In Firearm Reports and Liquor Permits, entry 138.
Permits issued to druggists authorizing them to purchase and sell liquor for medical, mechanical, religious and scientific purposes, showing name and address of druggist, date issued, permit number, and signature of authorized agent.

143. JURY LIST AND LIQUOR WITHDRAWALS (Statements of Liquor Shipment), 1924-36. 1 file drawer. Discontinued.
Statement of liquor delivered in the state by common carriers, 1926-33, showing names of consignor, consignee and carrier, kind and quantity of liquor, place of shipment, date shipped and delivered, and signatures of agent of carrier and county clerk. Also contains: Jury List, entry 140. Arr. chron. No index. Hdw. on printed form. 10 x 5½ x 13½. Vault.

144. LIST OF BOOKS FURNISHED DRUGGISTS (Liquor Affidavits), 1887-1909. 1 vol. Discontinued.
Record of blank affidavits furnished druggists to be used by purchasers of intoxicating liquor for medical, mechanical, religious and scientific purposes, showing name of druggist, permit number, number of book, serial numbers of affidavits, date delivered, and remarks. Arr. chron. No index. Hdw. on printed form. 100 pp. 16 x 11 x ½. South bsmt. vault.

Maps and Plats
(See also entries 21, 145, 161, 182, 183, 447-457)

145. MAP OF FRANKLIN COUNTY, no date. 1 map.
Political map of Franklin County, showing boundary lines of county, townships and school districts, position of highways, streams, railroads, cities, towns, schools, churches, names of landowners, and township, range and section numbers. M. L. Denick, Ottawa, Kansas, artist. Scale, 2 inches equals 1 mile. Printed. Condition fair. 52 x 51. Vault.

146. OFFICIAL PLATS OF TOWNSHIPS, 1874-1914. 1 file drawer.
Plats of townships, showing section and township boundaries, township, section and range lines and numbers, dates of township organizations, and certification of county clerk. No index. Blueprints. 10 x 5½ x 13½. Vault.

147. MAPS OF TOWNSHIP AND SCHOOL DISTRICTS, 1919, 1930. 19 maps.
Political maps of townships and school districts of Franklin County, showing boundary lines of each, range and section numbers, and location of school houses, railroads, roads, rivers, lakes and churches. R. F. Mason, Ottawa, Kansas, artist. Scale, 1 inch equals 1 mile. Printed. Black-and-white and blueprint. 12 x 10 - 36 x 25. Vault.

148. MAPS OF TOWNS AND CITIES, 1924. 37 maps.
Political maps of cities and towns of Franklin County, showing name and location of city, names of additions, corporate limits, streets, drives, lots and blocks, public buildings, parks, streams and railroads. R. F. Mason, Ottawa, Kansas, artist. Scale, 1 inch equals 200 to 300 feet. Blueprint. Aver. 28 x 24. Vault.

149. (CITY OF OTTAWA), 1924. 1 map.
Plat of Ottawa city, showing newly established boundaries, lot and block numbers and location of streets, schools, parks and additions. R. F. Mason, Ottawa, Kansas, artist. Scale, 1 inch equals 200 feet. Blueprint. 36 x 42. Vault.

150. DRAINAGE DISTRICT MAPS, 1922-25. 7 maps.
Land tenure and physical maps of drainage districts, showing district boundaries, location of rivers, creeks and lakes, elevations, names of

landowners, and township, range and section numbers. Publisher not shown. Scale, 1 inch equals 600 feet. Blueprint. 76 x 36. Vault.

151. PLATS OF SECTION LINES, 1930. 7 maps.
Political maps of section lines surveyed, showing date, township, range and section numbers, and exact locations of section and quarter section lines. R. F. Mason, Ottawa, Kansas, artist. Scale, 4 inches equals 1 mile. Blueprint. 32 x 20. Vault.

152. MAP OF FRANKLIN ROADS, 1929. 7 maps.
Communication map of Franklin County, showing location and numbers of all federal, state and county roads, and positions of railroads, cities and towns. W.O. Hartley, Ottawa, Kansas, artist. Scale, 1 inch equals 1 mile. Blueprint. 36 x 22. Vault.

153. PLANS AND PROFILES OF PROPOSED STATE AND COUNTY ROADS, BRIDGES AND CULVERTS, 1925-35. 1,351 maps.
Plans, specifications and tracings of state and county roads, bridges and culverts, showing name and number of road or bridge, location typical sections, joint details, plans, profiles, intersections, cross sections, inlet and standard details of abutments, piers and superstructure, and summary of materials used. State highway commission, Topeka, Kansas, publisher. 1 inch, equals 10 to 300 feet. Blueprint. 36 x 24. Vault.

154. PLATS OF SURVEYS OF STATE AND COUNTY ROADS, 1921, 1922, 1930. 15 maps.
Blueprints of surveys of state and county roads, showing section boundaries and numbers, name, location and number of road, and type, width and condition of road. R. F. Mason, Ottawa, Kansas, artist. Scale, 1 inch equals $\frac{1}{2}$ mile. Blueprint. 42 x 18. Vault.

155. STATE HIGHWAY STRUCTURE STANDARDS, 1926-28. 94 maps.
Plans and specifications for reenforced concrete road slab, bridges and culverts, showing plans and profiles, typical cross sections, surface finish and table of quantities. Kansas State Highway Commission, Topeka, Kansas, publishers. Scale not shown. Blueprint and black-and-white. 25 x 39. Vault.

156. BENEFIT DISTRICT ROAD, 1922. 7 maps.
Land tenure maps of benefit district roads, showing district boundaries, township, range and section lines and numbers, names of landowners and number of acres owned, and location of roads, railroads, stre ms, cities and towns. R. F. Mason, Ottawa, Kansas, artist. Scale, 2 inches equal 1 foot. Black-and-white. 28 x 32. Vault.

157. (BRIDGE PLANS AND PROFILES), 1926-31. 124 maps, 5 tracings.
Plans and profiles of bridges, showing elevation, size, typical cross sections, excavations, classes of concrete and other materials, total quantities and location of bridge. Kansas State Highway Department,

Topeka, Kansas, publishers. Scale, 1 inch equals 10 feet. Blueprint and black-and-white. 22 x 35. Vault.

158. OIL AND GAS FIELDS OF FRANKLIN COUNTY, no date. 4 maps.
Land tenure and political maps of Wellsville, Rantoul and Lane oil and gas fields, showing section lines, range and section numbers, names of landowners, location of wells, whether drilling, abandoned, dry or producing, and positions of railroads, streams, cities and towns. Asa F. Commerso, Wellsville, Kansas, artist. Scale, 1 inch equals ½ to 1 mile. Blueprint. Aver. 26 x 25. Vault.

159. PIPE LINE MAP OF FRANKLIN COUNTY, 1917-28. 3 maps.
Maps of Franklin County, showing location of all gas and oil pipe lines through or within county, and location of towns, cities, streams, roads and railroads. Missouri and Kansas Pipe Line Company and Kansas National Gas Company, publishers. Scale varies, 1 to 4 inches equals 1 mile. Printed and blueprint. Aver. 36 x 32. Vault.

160. SANTA FE RAILROAD MAP OF NORTH OTTAWA JUNCTION, 1902. 1 map.
Map of Santa Fe railroad at north Ottawa Junction, showing position of main line, switches, spurs, sidings, coal chutes, depot, tool house, hospital, lunch room, water and gas pipes, and sewage system. No publisher shown. Scale, 1 inch equals 100 feet. Blueprint. 84 x 18. Vault.

161. COUNTY INFIRMARY, 1895. 4 maps.
Plans of interior and exterior of county infirmary, showing complete plans of building and side elevations. Geo. P. Washburn and Son, Ottawa, Kansas, artists. Scale, ¼ inch equals 1 foot. Blueprint. 36 x 23. Vault.

Miscellaneous

162. (TRANSCRIPT OF COUNTY COMMISSIONERS' PROCEEDINGS), 1936--.
In Sundry Papers, Liens and Judgments (Miscellaneous Records), entry 170-xxi.
County clerk's copies of transcripts of proceedings of board of county commissioners, showing date of meeting, business considered, resolutions adopted, and affidavits and signatures of county commissioners.
For minutes of proceedings, 1871-1910, 1912-13, see entry 1; for Commissioners' Journal, 1858--, see entry 2.

163. CORRESPONDENCE, 1905-13. 1 file drawer. 1934-- in Sundry Papers, Liens and Judgments (Miscellaneous Records), entry 170-ix.
Originals and duplicates of miscellaneous correspondence to and from various sources pertaining to official business of county clerk. Arr. chron. No index. Hdw. and typed. 10 x 5 x 14. Vault.

164. PROOFS OF PUBLICATIONS, 1858--. 2 file drawers. 1908 also in Sundry Papers, Liens and Judgments (Miscellaneous Records), entry 170-xvii.
Newspaper clippings filed as proofs of publishing legal notices, showing name of paper, nature of notice, and date published. No index. Printed. Condition fair. 10 x 5½ x 13½. Vault.

165. STATISTICAL ROLL (Census), 1885. 2 vols. 1858-60, 1874 in Sundry Papers, Liens and Judgments (Miscellaneous Papers), entry 170-xx. Discontinued.
Statistics of decennial federal census of Franklin County, showing name of township, city and ward, name, age, sex, color, marital status, profession and occupation of resident, place of birth, military record and statistics pertaining to illiteracy. Arr. num. by visitations, and chron. No index. Hdw. on printed form. 150 pp. 14 x 9 x 1. South bsmt. vault.

166. COUNTY PRINTERS' ORDERS, 1911-17. 1 vol. Discontinued.
Record of orders for stationery and office supplies authorized by county commissioners for county offices, showing date, items, quality and quantity ordered, for what office, from whom ordered and remarks. Arr. num. by order nos. No index. Hdw. on printed form. 50 pp. 10 x 10 x ½. South bsmt. vault.

167. (RECEIPTS FOR SESSION LAWS), 1898-1919. 1 vol. Discontinued.
Receipts for session laws distributed by county clerk to county officers, showing date, receipt number, identification of session law, name of official, date returned, and signature of county clerk. Arr. chron. No index. Hdw. on printed form. 250 pp. 12 x 7 x 1½. South bsmt. vault.

168. SCHNECK MURDER CASE, 1907. 1 file drawer.
Reports of case operatives, applications for writs of habeas corpus, affidavits, correspondence and various other papers and instruments pertaining to the Schneck murder case. No index. Hdw. and typed. 5½ x 5½ x 14. Vault.

169. SALES OF PERSONAL PROPERTY TO SATISFY LIENS (Affidavits of Sale), 1920--. 1 file drawer. Last entry 1931.
Affidavits of sale of personal property to satisfy liens, showing name and address of claimant, date of service, amount secured, description of property, name of owner, statement of expense and costs, date notice published, signatures of claimant and clerk of district court, and newspaper clippings attached as proofs of publication. Also contains: (Receipts of Contractors, Certified Checks), entry 57. No index. Hdw. on printed form. 10 x 5½ x 13½. Vault.

170. SUNDRY PAPERS, LIENS AND JUDGMENTS (Miscellaneous Records), 1858-60, 1864, 1871, 1874-84, 1887-89, 1895, 1897, 1899--. 3 file drawers, 3 pigeon holes.
Miscellaneous original instruments. The records have been grouped under

their subject classifications and listed with their exact year dates. Numbers are supplied for purpose of reference to other documents of the same nature listed elsewhere in this volume.

i. Abstracts of Assessment, 1859. See entry 61.
ii. (Abstract of Final Proof of Homesteads), 1875-81. See entry 90.
iii. (Abstracts of Title to Pawnee Indian Land), 1858-59. See entry 89.
iv. (Alteration of School District Boundaries), 1899. See entry 387.
v. (Applications to Increase Tax Levy), 1935--. See entry 6
vi. (Assessment of Judgments), 1897. See entry 68.
vii. Bailees' papers issued in cases involving seizure and sale of personal property to satisfy debt, 1887-89, showing description of property, owner, sale date, sale price, costs, amount of debt and balance due.
viii. Bindweed schedules for farms, roads and highways, 1937, showing township, name and address of landowner, number of acres to be treated, and date filed.
ix. Correspondence, 1934--. See entry 163.
x. County safe robbery, 1864, containing statement, affidavits, reports, depositions of witnesses and other papers pertaining to robbery of safe in courthouse.
xi. Firemen's certificates of exemption from military duty, 1877-84, showing name of members, company number, length of service, date issued and signatures of fire chief and secretary of fire company.
xii. Nomination Papers of Candidates, 1910, 1923, 1925. See entry 97.
xiii. (Orders for Refund of Taxes), 1934--. See entry 7.
xiv. Personal Property Statements, 1924. See entry 315.
xv. (Poll Tax Report), 1923, 1924, 1935. See entry 78.
xvi. Promissory note given in purchase of old courthouse site, 1871, showing amount of note, date due, rate of interest and signature of purchaser.
xvii. Proofs of Publication, 1908. See entry 164.
xviii. (Reports of Benefit District Road Project Tax Refunds), 1922-29. See entry 81.
xix. Resignations of Township Officers, 1920-21, showing name and title of officer, township, date effective, date filed, and officer's signature.
xx. Statistical Roll (Census), 1858-60, 1874. See entry 165.
xxi. (Transcript of County Commissioners' Proceedings), 1936--. See entry 162.
xxii. (Transcript of County Bond Issue Proceedings), 1933--. See entry 5.

Arr. by subjects. No index. Hdw., typed, and hdw. and typed on printed forms. File drawers 16 x 20 x 24; pigeon holes 5½ x 5½ x 14. Vault.

Next entry 171, p. 114)

III. REGISTER OF DEEDS

The office of register of deeds was established in each county by the first territorial assembly as the office of recorder (S.T.K. 1855, ch. 134, secs. 1, 2) and was filled ex officio by the clerk of the probate court (ibid., sec. 4). It was the officer's duty to record deeds, mortgages, covenants, marriage contracts, commissions and other instruments presented to him for that purpose, each class of instruments to be entered in a separate book (ibid., secs. 10, 11). He also was empowered to acknowledge deeds and other instruments (ibid., sec. 22).

The free-state assembly of 1858 changed the name of the office to register of deeds and made it elective for a two-year term (G.L.T.K. 1858, ch. 13, sec. 40; G.S. 1935, ch. 19, sec. 1201) and there has been no subsequent change. The same assembly created the office of land district recorder in each land district of the territory (G.L.T.K. 1858, ch. 59, sec. 1), and provided that deeds and conveyances might be recorded therein with the same effect as in the county recorder's office (ibid., sec. 7). The district recorder was required to make out abstracts monthly and send to the recorder of the county in which the property was located (ibid., sec. 13). The assembly of 1860 passed an act providing that no instrument in writing affecting real estate should be of any validity against subsequent purchase for a valuable consideration unless recorded in the office of the register of deeds of the county in which the property was situated (G.L.T.K. 1860, ch. 86). The state legislature of 1862 abolished the district recorders' offices and required that records of all instruments affecting land titles be transcribed and transmitted to the registers of deeds of the counties in which the land was situated (L. 1862, ch. 174).

The officer is required to execute and file with the county clerk a bond in the penal sum of $2,000 for faithful performance of duty and may appoint a deputy. Vacancies are filled by the county commissioners (L. 1860, ch. 28, sec. 47, 48; G.S. 1935, ch. 19, secs. 1201-1203).

Salaries of registers of deeds in the various counties vary from $900 to $2,800 per annum, depending on population. In Franklin County the officer receives $1,600 per annum and $600 yearly for clerk hire, with the proviso that if the latter figure is not sufficient the county commissioners may allow such additional sum as may be reasonable to conduct the work of the office efficiently. (L. 1919, ch. 198, sec. 1; G.S. 1935, ch. 28, sec. 114.)

The register of deeds has custody and must safely preserve all books, records, deeds, maps, plats and papers deposited in his office, and must record in suitable books all instruments and writings authorized by law and left with him for that purpose (G.L.T.K. 1860, ch. 28, sec. 50; G.S. 1935, ch. 19, sec. 1204). Any instrument in writing that conveys real estate, or whereby any real estate may be affected, may be recorded with the register of deeds of the county in which it is situated, and when

so recorded all persons are deemed to have notice of its contents (G.S. 1868, ch. 22, secs. 19, 20; G.S. 1935, ch. 67, secs. 221, 222). Land patents issued by the United States government, or properly certified copies thereof, may be so recorded (L. 1862, ch. 159, sec. 1; G.S. 1935, ch. 67, sec. 101) and also state land patents (L. 1907, ch. 234, sec. 1; G.S. 1935, ch. 67, sec. 101).

Since 1860 it has been the duty of the register of deeds to keep a receiving book in which he records the exact time every instrument is received by him for record, the amount of fee paid and the person to whom the record is delivered (G.L.T.K. 1860, ch. 28, sec. 52; G.S. 1935, ch. 19, sec. 1206). He must keep a general index, direct and inverted, of every instrument recorded by him and whenever any mortgage, bond or other instrument has been released or discharged from record the register of deeds must immediately note the discharge in both indexes opposite the entry of the instrument thus discharged (G.L.T.K. 1860, ch. 28, sec. 51; G.S. 1935, ch. 19, sec. 1205).

He must also keep a book of plats of towns, villages and additions thereto within his county with the description, acknowledgment or other writing thereon, together with an index to the book of plats thus provided for (G.L.T.K. 1860, ch. 28, sec. 53; G.S. 1935, ch. 19, sec. 1207). Plats of lots and blocks of cemeteries owned by cemetery corporations are filed with the register of deeds (L. 1919, ch. 104, sec. 1; G.S. 1935, ch. 17, sec. 1304).

The register of deeds is also required by law to keep an index to each volume of records kept in his office showing on one page the names of the grantors in alphabetical order and on the other page the names or the grantees in alphabetical order (G.L.T.K. 1860, ch. 2, sec. 54; G.S. 1935, ch. 19, sec. 1208). Whenever the county commissioners deem it necessary they may require him to keep a numerical index of all instruments recorded in his office effecting land titles, making entries of all instruments recorded in the subdivision devoted to the particular quarter section described in the instrument (G.S. 1868, ch. 25, secs. 95, 96; G.S. 1935, ch. 1209, 1210). This record has been kept in Franklin County since 1858.

Mortgages on chattels or personal property are void against the creditors of the mortgagor or subsequent purchasers unless recorded with the register of deeds in a book kept by the officer for that purpose (G.S. 1868, ch. 68, secs. 9, 14; G.S. 1935, ch. 57, secs. 301, 306). Every mortgage so filed is also void after the expiration of two years from the date of filing unless the mortgagee makes and files with the register of deeds a renewal affidavit, which affidavit the register of deeds attaches to the instrument on file (G.S. 1868, ch. 68, sec. 11; G.S. 1935, ch. 58, sec. 303).

Whenever any chattel mortgage or other instrument of indebtedness shall have been satisfied, it is the duty of the register of deeds to return it to the mortgagor, but if he cannot be found within two years the instrument may be destroyed. All chattel mortgages which have been on file for five years without being renewed also may be destroyed, provided that in either case a list of the instruments has been entered on the chattel mortgage index book (L. 1895, ch. 170, secs. 1-3; G.S. 1935, ch. 58, secs. 319-321). Whenever a mortgage on real estate is foreclosed by judgment in the district court it is the duty of the clerk of the court to enter upon the margin of the mortgage record of the register of deeds a statement showing the date of the judgment and the volume and page number of the journal in which the judgment is recorded (L. 1885, ch. 145, sec. 1; G.S. 1935, ch. 67, sec. 313).

The register of deeds must discharge any mortgage on record upon receipt of an instrument acknowledging satisfaction of the mortgage executed by the mortgagee and duly acknowledged and certified. It is the officer's duty to record at length every such instrument, and the acknowledgment thereof, and to make a reference to the book and page containing the record in the minute of the discharge by the register on the mortgage record. (G.S. 1868, ch. 68, sec. 7; G.S. 1935, ch. 67, sec. 308.)

In 1925 the legislature imposed on real estate mortgages, in lieu of the general property tax, a fee of 25 cents per $100, payable to the register of deeds at the time of recording, and of such fees the register makes a daily remittance and report to the county treasurer (L. 1925, ch. 273, secs. 1-4; G.S. 1935, ch. 79, secs. 1302-1304).

Certificates of purchase of property sold for delinquent taxes are recorded in the office of register of deeds (L. 1876, ch. 34, sec. 116; G.S. 1935, ch. 79, sec. 2313) as are liens on the real estate of persons receiving old-age assistance from the state (L. 1937, ch. 327, sec. 17).

Artisans' liens, (L. 1903, ch. 383, sec. 1) huskers' (L. 1917, ch. 231, sec. 2) and livestock liens (L. 1915, ch. 350, sec. 1) may be secured by filing a statement of the items of the account and a description of the property upon which the lien is claimed in the office of register of deeds (G.S. 1935, ch. 58, secs. 201, 204, 216).

The legislature of 1905 authorized boards of county commissioners to appoint a county gas inspector to enforce laws relative to drilling, regulating, piping and consumption of natural gas. He is required to enter all records of gas wells and inspections made in a book kept by the register of deeds (L. 1905, ch. 313, sec. 5; G.S. 1935, ch. 55, sec. 305). Within thirty days after the completion of an artesian well the owner thereof must file with the register of deeds a statement verified by affidavit, setting forth a description of the well, its flow, and other matters as required by law (L. 1891, ch. 133, art. 4, sec. 10; G.S. 1935, ch. 42, sec. 33). Liens for expenses incurred for repairs on

artesian wells are filed with the register of deeds, who records the claim in his office (L. 1911, ch. 210, secs. 24, 25; G.S. 1935, ch. 42, secs. 423, 424).

The register of deeds keeps a record of the official bonds of all county officers (G.S. 1868, ch. 25, sec. 174; G.S. 1935, ch. 19, sec. 2603) and approves and files the bonds of the county commissioners (L. 1875, ch. 40, sec. 1; G.S. 1935, ch. 19, sec. 233). He records chiropractors' licenses and keeps for public inspection a complete list of licenses recorded by him (L. 1913, ch. 291, sec. 9; G.S. 1935, ch. 65, sec. 1306). In Franklin County, however, the official bond record was begun only January 1, 1939 and is kept in the Miscellaneous Record (see entry 194), and the record of chiropractors' licenses is kept by the county clerk in the Physicians' Record (see entry 130).

Since 1897 the register of deeds has kept a "fee book" in which he records all fees by him charged and collected and which he pays into the general fund of the county. At quarterly intervals he files with the county clerk and presents to the county commissioners, a quarterly statement, verified by affidavit, of all money by him charged and collected, due and uncollected for the preceding quarter (L. 1897, ch. 131, sec. 14).

The legislature of 1899 made it the duty of the register of deeds to record the applications for and the appointments and reports of appraisers, and the orders of the court in all condemnation proceedings for county buildings (L. 1889, ch. 110, sec. 4). The law was repealed in 1923 (R.S. 1923, ch. 19, sec. 1501). Beginning in 1899 articles of agreement of building and loan associations were signed and acknowledged as required by law in the case of deeds conveying real estate and were recorded in the office of register of deeds in the county in which the corporation was located (L. 1899, ch. 78, sec. 2). This law was repealed in 1925 (L. 1925, ch. 127, sec. 11).

The officer records tax liens under United States internal revenue laws, and discharges thereof (L. 1923, ch. 107, sec. 1; G.S. 1935, ch. 79, sec. 2605), life insurance policies, of which he must make a daily report to the state insurance commissioner (L. 1927, ch. 231, secs. 40-408; G.S. 1935, ch. 40, sec. 408) and letters of attorney and revocations thereof (G.S. 1868, ch. 22, secs. 22-24; G.S. 1935, ch. 67, secs. 226, 227).

Duplicate grain certificates are filed with the register of deeds and indexed in the chattel mortgage index or some other suitable index book. Assignments of grain certificates are entered upon the duplicate and upon the index as kept by the register of deeds. (L. 1935, ch. 184, secs. 14-17; G.S. 1935, ch. 34, secs. 419-421.)

The register of deeds of each county where water is appropriated for the purpose of irrigating lands is required by law to keep a book in which he records all notices of the appropriation of water and the proof

of posting thereof (L. 1891, ch. 133, art. 8, sec. 25; G.S. 1935, ch. 42, sec. 105). Water rights may be subject to separate transfer from the land upon which they are established and when so transferred are recorded separately by the register of deeds according to the laws relating to the registration and recording of conveyances affecting the title of real estate (L. 1911, ch. 215, sec. 1; G.S. 1935, ch. 42, sec. 121). Water rotation agreements for more than one season are recorded by the register of deeds (L. 1891, ch. 133, art. 14, sec. 29; G.S. 1935, ch. 42, sec. 347).

The county surveyor is required to make and file with the register of deeds a certified record of permanent surveys made by him (L. 1879, ch. 177, sec. 3; G.S. 1935, ch. 19, sec. 1426). The legislature of 1907 also required that plats and field notes of the original government land surveys be deposited with the register of deeds after being obtained by the surveyor (L. 1907, ch. 169, sec. 1; G.S. 1935, ch. 19, sec. 1418). Prior to 1907 these records were kept in the surveyor's office (L. 1862, ch. 196, sec. 23).

In all counties in which the county surveyor's office is not kept open each day in the week, the records of that office are kept in the office of register of deeds at all times when the office of county surveyor is not open and the register of deeds is responsible on his official bond for their safe keeping (L. 1915, ch. 176, sec. 1; G.S. 1935, ch. 19, sec. 1408).

Unless otherwise indicated, the word "vault" used in the following entries to designate location of records, refers to the vault of the register of deeds.

General Recordings

171. RECEPTION RECORD, 1860--. 9 vols. (3 unmarked, 3-8).
Title varies: Receiving Index, 1860-1928.
Register of all documents filed for record, showing date, nature of instrument, time of reception, names of grantee and grantor, to whom delivered, and amount of recording fee. Arr. chron. No index. Hdw. on printed forms. Aver. 600 pp. 18 x 13 x 3. 6 vols., 1860-79, 1891-1908, 1919--, vault; 3 vols., 1879-91, 1909-18, south bsmt. vault.

Real Property

Indexes

172. GENERAL INDEX (to Deeds, Mortgages and Chattel Mortgages), 1868--. 40 vols. (1-25, 25, 1-13, 13).
Index (Chattel) to Deed Record, entry 174; Mortgage Record, entry 178,

and General (Chattel) Mortgage Record, entry 186, showing nature of instrument, time of reception, names of grantee and grantor or mortgagee or mortgagor, description of property, volume and page numbers where recorded, and remarks. Arr. alph. by names of grantees and grantors, mortgagees and mortgagors. Hdw. 600 pp. 18 x 13 x 3. Vault.

173. NUMERICAL INDEX, 1858--. 12 vols. (1-6, 1-6).
Numerical index to transfers of farm lands and city lots, showing names of grantor and grantee, nature of instrument and date filed, volume and page numbers where recorded, and legal description of property. Arr. num. by twp., section, range, lot and block nos. Hdw. on printed forms. Aver. 750 pp. 18 x 13 x 4. Vault.

Deeds (See also entries 87-92)

174. DEED RECORD, 1858--. 144 vols. (A-Z, 27-144).
Copies of warranty, sheriff's, quitclaim and other deeds filed for record, showing date and place of indenture, names of grantor and grantee, description of property, terms and consideration, and dates of execution and filing. Arr. chron. For index, see entry 172. Hdw. Aver. 600 pp. 18 x 13 x 3. Vault.

175. LAND DISTRICT RECORD, 1857-59. 1 vol.
Record of transfers of land, showing date of conveyance, names of parties, consideration, description of property, signatures of conveyor and witnesses, date, seal, certificate and signature of notary public, and date recorded. Arr. chron. No index. Hdw. 400 pp. 18 x 13 x 2. Vault.

176. CEMETERY DEED RECORD, 1887--. 1 vol.
Records of deeds to lots in cemeteries in Franklin County, showing name of cemetery, name of purchaser, consideration, description of property, date of deed, signature of consignor, date recorded and signature of register of deeds. Arr. chron. Alph. index by names of purchasers. Hdw. on printed forms. 550 pp. 18 x 13 x 3. Vault.

177. (DEEDS AND MORTGAGES), 1864--. 72 file drawers (lettered alph. A-Z).
Original deeds and real estate mortgages left with register of deeds for recording and which have not been called for by owners. Arr. chron. No index. Hdw. and typed on printed forms. $10\frac{1}{2}$ x 5 x 14. Vault.

Mortgages

178. MORTGAGE RECORD, 1858--. 108 vols. (A, A-Z, 1-81).
Copies of real estate mortgages filed for record, showing release of deed, extension granted, assignment of mortgage, release of mortgage, date, nature of instrument, description of property, names of mortgagor and mortgagee, terms, rate of interest, date of maturity, and date recorded. Arr. chron. For index, see entry 172. Hdw., 1858-1935. Typed, 1936--. Aver. 650 pp. 19 x 13 x 3. 107 vols., 1858--, vault; 1 vol., 1896-1923, south bsmt. vault.
For separate record of assignments, 1905--, see entry 179.

179. ASSIGNMENT OF MORTGAGES, 1905--. 2 vols.
Records of assignment of mortgages, showing date, names of assignor and assignee, description of property, amount of mortgage, amount of unpaid balance, date recorded, and signature of register of deeds. Arr. chron. No index. Hdw., 1905-30; typed, 1931--. 200 pp. 18 x 13 x 2½. Vault.
For record of assignments, 1858--, see entry 178.

180. DAILY REPORT (Mortgage Registration), 1925--. 1 vol.
Copies of daily reports of mortgage registration fees collected and turned over to the treasurer, showing registration number, names of mortgagor and mortgagee, description of property, amount of mortgage, registration fee, volume and page numbers where recorded. Arr. chron. No index. Typed on printed forms. 650 pp. 15 x 9½ x 3½. Vault.

181. AFFIDAVITS, 1920--. 1 file drawer.
Affidavits of ownership of mortgages, showing name of affiant, date, name of executor, volume and page number where recorded, amount of mortgage, and date recorded. Arr. chron. No index. Hdw. on printed forms. 10½ x 5 x 14. Vault.

Plats and Surveys (See also entries 444-446)

182. PLAT BOOK, 1857-1906. 4 vols. (2 unmarked, A, 3).
Political plats and maps of cities, towns, subdivisions and additions, showing names and boundaries of cities, towns and their additions, and numbers and boundaries of sections, ranges and townships, lots, blocks and streets. No index. Black-and-white and blueprint. Aver. 250 pp. 18 x 13 x 2. Vault.

183. LAND SURVEY RECORD, 1880-91. 1 vol.
Records of field notes and plats made by the county surveyor, showing date of survey, section, township, range and marker, findings of the surveyor, name of landowner, date recorded and signature of register of deeds. Arr. chron. Alph. index by names of landowners. Hdw. 440 pp. 18 x 13 x 2½. Vault.

184. (ORDERS OF SURVEYS), 1885-1921. In Bonds and Survey, entry 187. Discontinued.
Requests and orders for surveys of privately owned land, showing date of survey, date order recorded, survey number, location of survey by lot, block, section, range or township, and signature of county surveyor.

Personal Property

185. MORTGAGES (Chattel Mortgages), 1932--. 50 file drawers (labeling varies).
Chattel mortgages filed for record with register of deeds, showing names of mortgagor and mortgagee, date of filing, nature of instrument, amount of mortgage, description of property, terms, rate of interest, date of release, date due, and book and page numbers where recorded. Arr. chron.

No index. 10½ x 5 x 14. Vault.
For record of chattel mortgages, 1868--, see entry 186.

186. GENERAL (Chattel) MORTGAGE RECORD, 1868--. 32 vols. (A-Z, 1-6). Title varies: Chattel Mortgage Record, 1868-1928.
Record of chattel mortgages filed, showing time of reception, names of mortgagor and mortgagee, description of property, amount secured, terms, dates of maturity, renewal, and release, and remarks. Arr. chron. For index, see entry 172. Hdw. on printed forms. 600 pp. 18 x 13 x 3. 26 vols., 1868-1928, south bsmt. vault; 6 vols., 1929--, vault.
For chattel mortgages, 1932--, see entry 185.

Appointments and Bonds
(See also entries 52-55, 110-114, 382)

187. BONDS AND SURVEY (Bonds of County Commissioners), 1872--. 3 file drawers.
Bonds executed by county commissioners for the faithful performance of duty, showing name of official, position, amount and conditions of bond and affidavits of sureties. Also contains: (Orders of Surveys), 1885-1921, entry 184. Arr. chron. No index. Hdw. on printed forms. 10½ x 5 x 15. Vault.

188. CERTIFICATES OF DEPUTATIONS, 1871-1917. 1 vol. Discontinued.
Record of certificates of appointments as deputy county officers, showing names of appointor and appointee, to what office appointed, date recorded, and signature of register of deeds. Arr. chron. No index. Hdw. 150 pp. 16 x 11 x 1½. South bsmt. vault.

189. (OFFICIAL BOND RECORD), 1939--. In Miscellaneous Record, entry 194.
Record of surety bonds given by county officials for faithful performance of duty, showing date, name of official, office, amount of bond and names of sureties.

Miscellaneous

190. FEE BOOK, 1898--. 11 vols. (A-K).
Records of fees charged and collected by register of deeds, showing date, from whom received, instrument number, kind of service rendered, and amount paid. Arr. chron. No index. Hdw. on printed forms. 350 pp. 19 x 13 x 2½. 9 vols., 1898-1928, south bsmt. vault; 2 vols., 1929--, vault.

191. RECORD OF DISCHARGED SOLDIERS, SAILORS, 1919--. 2 vols.
Records of honorable discharge of soldiers and sailors from the army and navy of the United States, showing date of discharge, name, serial

number, rank, place of birth, age when enlisted, physical description, and enlistment record. Arr. chron. Alph. index by names of soldiers and sailors. Hdw. on printed forms. 550 pp. 18 x 13 x 2⅜. Vault.

192. POWER OF ATTORNEY RECORD, 1873--. 4 vols. (A-D).
Copies of letters of attorney, showing name of grantor, name of attorney, provisions of appointment, seal and signature of notary public, date recorded, and signature of register of deeds. Arr. chron. Alph. index by names of grantors. Hdw., 1873-1930; typed, 1931--. 480 pp. 18 x 12 x 2. Vault.

193. RECORD OF FENCE VIEWERS, 1882--. 1 vol.
Records of assignments and reports of township boards acting as boards of viewers of fences along property lines, showing dates of assignment of report, place of meeting, description of lands to be divided, recommendations and signatures of viewers, date recorded, and signature of register of deeds. Arr. chron. No index. Hdw. on printed forms. 250 pp. 16 x 13 x 2. Vault.

194. MISCELLANEOUS RECORD, 1882--. 24 vols. (1-12, 14-20, 22-25c).
Copies of affidavits, leases, agreements, acknowledgments, certificates of no tax liability, assignments, licenses, notices of old age assistance liens, and other miscellaneous instruments filed for record, showing date of indenture, nature of instrument, names of parties, terms and conditions, consideration, and date recorded. Vol. C also contains: (Official Bond Record), 1939--, entry 189. Arr. chron. Alph. index by names of parties of first part. Hdw., 1882-1917; typed, 1918--. 650 pp. 18 x 13 x 3½. Vault.

IV. DISTRICT COURT

The organic act divided the territory of Kansas into three judicial districts, provided that a term of the district court should be held in each by a judge of the supreme court at such times and places as might be provided by law, and gave to the judge authority to appoint his own clerk (10 U.S. Stat., ch. 286, sec. 27). The times and places of the terms of the district court were defined by the first territorial assembly (S.T.K. 1855, ch. 41).

The state constitution, effective January 29, 1861 divided the state into five judicial districts and designated that "provision may be made by law for the increase in the number of judicial districts whenever two-thirds of the members of each house shall concur". Districts thus created were required to be composed of compact territory bounded by county lines. (C.S.K., art. 3, secs. 5, 13.) The constitution also provided that a judge should be elected in each district to hold his office for a term of four years and that a clerk of the district court should be elected in each organized county for a term of two years (ibid.,

sec. 3, 7). Since the adoption of the constitution the number of judicial districts has been increased to thirty-eight.

Vacancies in the office of judge of the district court are filled by appointment by the governor, the appointee to hold office until the next ensuing election (ibid., art. 3, sec. 11). A judge may be removed by resolution of both houses of the legislature, two-thirds of the members of each house concuring (ibid., sec. 15). To be qualified for the position, the candidate must be at least 30 years old, regularly admitted to the practice of law, and must have been engaged in active practice or served as a judge of a court of record for at least four years (L. 1915, ch. 208, sec. 1; G.S. 1935, ch. 20, sec. 105). In the event the judge is absent, has served as counsel in the case at bar, or is related to either of the parties, a judge pro tempore may be selected by the bar to take the same oath and have the same powers as the regular judge (G.S. 1868, ch. 28, secs. 4, 5, 8; G.S. 1935, ch. 20, secs. 305, 306, 309).

Counties with a population of not less than 75,000 nor more than 110,000 may elect three judges of the district to preside over three divisions (L. 1920, ch. 31, sec. 1; L. 1923, ch. 124, sec. 1; G.S. 1935, ch. 20, sec. 501) and counties with a population of more than 110,000 are required by law to elect four judges of the district court and to provide accommodations for four divisions designated by law as divisions numbers One, Two, Three and Four (L. 1909, ch. 112, sec. 1; G.S. 1935, ch. 20, sec. 601).

In case of the absence or disqualification of the judge of one division, the judge of any of the other divisions may hold court in place of the absent judge and is authorized to do and perform any act pertaining to the division of the absent judge (L. 1909, ch. 112, sec. 3; G.S. 1935, ch. 20, sec. 603). All powers of appointment delegated by law to the judge of the district court are exercised jointly by the judges of all the divisions if more than one division exists in any district, and changes of venue for cause and upon grounds provided by law may be taken from one division to another (L. 1909, ch. 122, sec. 4; G.S. 1935, ch. 20, secs. 604, 609).

A judge of the district court may appoint in each county in his judicial district a bailiff whose duty it is to attend all sessions of the court and perform such duties as may be required by the judge (L. 1927, ch. 177, sec. 1; G.S. 1935, ch. 20, sec. 312). In districts containing more than one division of the district court a bailiff or bailiffs may be appointed for each division to perform such duties as may be required by the judge of the division for which he is appointed (L. 1920, ch. 31, sec. 8; G.S. 1935, ch. 20, sec. 508). The salaries of each district court judges in Kansas is fixed at $4,000 per year (L. 1920, ch. 30; G.S. 1935, ch. 75, sec. 3120).

The judge of the district court, or of each division if it consists of more than one, must appoint a shorthand reporter to attend his court,

whose duty it is to take full stenographic notes of the evidence and oral proceedings of the court. The reporter must take and subscribe to the official oath as required by law and may not be related by blood to the judge of the court wherein he is employed. (L. 1885, ch. 189, sec. 1 as amended by L. 1921, ch. 171, sec. 1; G.S. 1935, ch. 20, sec. 901.)

In the event of the absence or disqualification of the probate judge, the clerk of the district court, upon the application of interested parties, appoints a judge pro tempore (L. 1907, ch. 166, sec. 12; G.S. 1935, ch. 20, sec. 1108).

Vacancies in the office of clerk of the district court are filled by appointment by the district judge, the appointee to hold office until the next ensuing election (L. 1861, ch. 24, sec. 6; G.S. 1935, ch. 19, sec. 1306). The clerk must execute to the state a bond of not less than $2,000 nor more than $60,000 for faithful performance of his duties (L. 1861, ch. 24, sec. 1 as amended by L. 1897, ch. 96, sec. 3; G.S. 1935, ch. 19, sec. 1301) and may appoint one or more deputies and take from them bonds in such sums as he deems necessary (L. 1861, ch. 24, sec. 3; G.S. 1935, ch. 19, sec. 1303). In judicial districts with a population of more than 110,000 the clerk of the district court must appoint and assign a deputy to each of the four divisions of the court whose duty it is to conduct all business of the division to which he is assigned (L. 1909, ch. 112, sec. 7 as amended by L. 1913, ch. 173, sec. 1; G.S. 1935, ch. 20, sec. 607).

The first territorial a ssembly, which organized Franklin County, placed it in the Second judicial district (S.T.K. 1855, ch. 91, sec. 2). In 1859 it was transferred to the Third judicial district (G.L.T.K. 1859, ch. 40, sec. 7), and no record of district court proceedings appear prior to that time. The first case appearing on the present court records was filed January 19, 1859 (Civil Appearance Docket, vol. 1, p. 1; see entry 203) and the first decision was rendered September 22 of that year (Journal Docket, vol. 2, p. 1; see entry 195). Franklin now comprises the Fourth judicial district with the counties of Anderson and Douglas, with terms of court designated to open on the first Mondays in January and April and the second Monday in September (L. 1895, ch. 102, sec. 1; G.S. 1935, ch. 20, sec. 1004).

The district court is a court of record and has general original jurisdiction in all matters, both civil and criminal (not otherwise provided by law), and jurisdiction in cases of appeal and error from all inferior courts and tribunals, and has general supervision and control of all such inferior courts to prevent and correct error and abuse (L. 1861, ch. 22, sec. 1; G.S. 1935, ch. 20, sec. 301). The district court exclusively is vested with power to grant divorces, as regulated by law (C.S.K., art. 2, sec. 18).

District courts may parole persons convicted of crime in the district court or in inferior courts at any time before the person thus convicted is delivered to the state penitentiary and may terminate for

(Next entry 195, p. 125)

cause, any parole granted by giving notice of the termination to the clerk of the district court (L. 1907, ch. 178, secs. 1-4; G.S. 1935, ch. 62, secs. 2201-2204). At his own discretion a district judge may issue an order of complete discharge to any person paroled by the district court after the minimum sentence as imposed by the court has elapsed (L. 1907, ch. 178, sec. 8; G.S. 1935, ch. 62, sec. 2208).

Since 1875 the district court has had authority to confer the rights of majority upon minors upon receipt of a petition filed by the minor or his next friend setting forth the age of the minor and the cause for which he seeks to obtain his rights of majority (L. 1875, ch. 114, sec. 1; G.S. 1935, ch. 38, sec. 109).

Jurisdiction in naturalization of aliens is conferred by federal statutes on district courts, as well as United States district courts and other "courts of record having a seal, clerk, and jurisdiction in action at law or equity, or law and equity, in which the amount in controversy is unlimited" (34 Stat. 596, U.S.C., title 8, secs. 357, 358). Any alien may declare on oath before the clerk of a court of record in the county of his residence his intention to become a citizen. Within two to seven years thereafter he must make and file in duplicate a petition for admission to citizenship. (Ibid., sec. 379.) His certificate of arrival in the United States and his declaration of intention must be filed with the petition and made a part thereof, together with the affidavits of two witnesses (34 Stat. 597, U.S.C. title 8, sec. 380). No action on the petition may be taken for at least ninety days. Hearing days are fixed by the court. The application may obtain a change in name and have the certificate issued in his new name. (34 Stat. 598, U.S.C., title 8, sec. 396.) All hearings must be had in open court, and representatives of the immigration bureau have the right to be heard, to cross-examine the applicant and present testimony in opposition to his own (34 Stat. 599, U.S.C., title 8, sec. 399).

When the workmen's compensation law was enacted in 1911 it was provided that a workman's claim could be determined and enforced in any court of competent jurisdiction when arbitration was unsuccessful (L. 1911, ch. 218, sec. 31). The legislature of 1927 gave jurisdiction in such cases exclusively to the state public service commission but provided for appeal to the district court by either party from the commission's orders (L. 1927, ch. 232, secs. 23, 42; G.S. 1935, ch. 44, secs. 523, 556).

State laws originally provided for the admission of attorneys by the district courts to practice in the district or inferior courts (G.S. 1868, ch. 11, sec. 2), but this power was abrogated by legislative enactment in 1903 when applications for admission to practice in all courts of the state were required to be made to the supreme court (L. 1903, ch. 64, secs. 1, 2; G.S. 1935, ch. 7, sec. 102).

The legislature of 1859 provided that grand juries should attend terms of court (L.T.K. 1859, ch. 27, secs. 57-85) but the legislature

of 1868 specified that grand juries should not thereafter be summoned unless ordered by the court (G.S. 1868, ch. 82, sec. 73). In 1887 the legislature specified that a grand jury should attend at two terms of court in each organized county. If there were more than two terms, it was to attend the first and the third terms and any others which the judge might order. The judge also was required to issue an order calling a grand jury upon petition of the citizens. (L. 1887, ch. 167, sec. 1.) Since 1889 the Kansas statutes have provided that a grand jury may be called only upon petition of the voters (L. 1889, ch. 153, sec. 1; G.S. 1935, ch. 69, sec. 901).

In the performance of his duties, the clerk of the district court is under the direction of the court, and is required to exercise the powers and perform the duties conferred and imposed upon him by the civil code, by other statutes, and by the common law, and must safely keep and preserve all papers, process, pleadings and awards that may be filed or by law placed in his office (G.L.T.K. 1859, ch. 23, sec. 602; G.S. 1935, ch. 19, sec. 1302). The clerk of the district court has authority to administer oaths and affirmations in all cases in which an oath or affirmation may be required and may take acknowledgments of deeds, mortgages and other instruments of writing (L. 1861, ch. 24, sec. 5; G.S. 1935, ch. 19, sec. 1305).

The Kansas statutes not only make specific provisions for certain records to be kept by the clerk of the district court, but in some instances designate the manner in which they shall be kept. Beginning in 1859 all "courts of record" were required by law to keep a journal, appearance docket, trial docket, judgment docket and execution docket (G.L.T.K. 1859, ch. 25, sec. 314) and in 1868, those records and "such other books as might be ordered by the court or required by law" were designated specifically as records of the clerk of the district court (G.S. 1868, ch. 80, sec. 703; G.S. 1935, ch. 60, sec. 3801).

In the journal the clerk must keep a daily record of proceedings, orders of the court and judgments entered on confession or default (G.S. 1868, ch. 80, sec. 705; G.S. 1935, ch. 60, sec. 3803) and in the appearance docket he enters all actions in the order in which they are brought, the date and time of return of the summons and all subsequent proceedings and papers in the case (G.L.T.K. 1859, ch. 25, sec. 315; G.S. 1935, ch. 60, sec. 3802). Transcripts of judgments from justice courts are entered in the appearance docket by the clerk of the court (G.S. 1868, ch. 80, sec. 518; G.S. 1935, ch. 60, sec. 3480).

The law requires the judgment docket to be kept in the form of an index in which the name of each person against whom a judgment is rendered appears in alphabetical order (G.S. 1868, ch. 80, sec. 706; G.S. 1935, ch. 60, sec. 3804). Transcripts of judgments from justice courts are also entered upon the judgment docket of the district court (G.S. 1868, ch. 80, sec. 518; G.S. 1935, ch. 60, sec. 3480), as are abstracts of delinquent personal property taxes, which the county

treasurer is required by law to certify to the clerk of the district court to become a lien upon real property owned by the delinquent (L. 1876, ch. 34, sec. 96; G.S. 1935, ch. 79, sec. 2105).

The execution docket contains a record of all executions issued by the clerk, with the sheriff's return thereof (G.S. 1868, ch. 80, sec. 707; G.S. 1935, ch. 60, sec. 2805). Although not specifically required by law, the clerk of the district court usually keeps a separate docket of special executions issued by the court, a "foreign execution docket" of executions rendered upon county property in courts outside the county, and a docket of orders of sale of property on execution.

The clerk of the district court gives a receipt for money received on redemption and must keep a record of all money thus received in a book kept for that purpose (L. 1903, ch. 109, sec. 14; G.S. 1935, ch. 60, sec. 3451).

Under the direction of the court the clerk lists all cases set for trial, with the date set for hearing, in the trial docket which must be so made as to give reasonable notice to the parties as to the day upon which any case may be heard (G.L.T.K. 1859, ch. 25, sec. 214; G.S. 1935, ch. 60, sec. 2930).

Since 1915 the clerk of the district court of any county in which there is not printed a recognized legal news or court calendar, has been authorized by law to print and distribute to the members of the bar of his county a bar docket or calendar of cases set for trial in the next ensuing term of court (L. 1915, ch. 193, sec. 1; G.S. 1935, ch. 19, sec. 1307). Although not required by law, an abstract of the judgment docket, a demurrer docket and a motion docket are frequently kept by the clerk of the district court.

The clerk must file together and preserve in his office all papers delivered to him for that purpose, in every action or special proceeding. The papers in each case must be kept together, enveloped in a wrapper and labeled with the title of the cause and the date each instrument was filed. The clerk must also keep all records, books, and papers appertaining to the court, and record its proceedings. (G.S.T.K. 1859, ch. 24, secs. 596, 597, 600; G.S. 1935, ch. 60, secs. 3808, 3809, 3811.) All writs and orders for provisional remedies, and process of every kind, are issued by the clerk upon filing of a precipe demanding them (G.L.T.K. 1859, ch. 25, sec. 595; G.S. 1935, ch. 60, sec. 3807).

Persons claiming a lien on property for labor or materials furnished must file a statement of the amount claimed with the clerk of the district court of the county in which the property is located. Immediately upon receipt of the statement it is the duty of the clerk to enter a record of the statement as filed in a book kept for that purpose and designated as the mechanic's lien docket. (G.S. 1868, ch. 80, sec. 633; G.S. 1935, ch. 60, sec. 1402).

With the enactment of the workman's compansation law in 1911, receipts for final payment and release of liability of the employer were required to be filed with the clerk of the district court (L. 1917, ch. 226, sec. 15). By legislative enactment in 1927, however, jurisdiction in such cases was given exclusively to the state public service commission (L. 1927, ch. 232, sec. 23; G.S. 1935, ch. 44, sec. 523).

Bonds for costs in civil cases are filed and approved by the clerk of the district court before summons is issued (G.S. 1868, ch. 80, sec. 501; G.S. 1935, ch. 60, sec. 2401). Bonds for appeal to the state supreme court from decisions of the district court are approved by the trial judge and filed in the office of clerk of the district court (L. 1889, ch. 127, sec. 2; G.S. 1935, ch. 62, sec. 1710).

Persons appealing to the district court from decisions of the board of county commissioners must execute a bond to be filed with other papers, with the clerk of the district court (G.S. 1868, ch. 25, sec. 31; G.S. 1935, ch. 19, sec. 225). Bonds in cases of voluntary assignments for the benefit of creditors are filed in the office of clerk of the district court and recorded by him in a book kept for that purpose and labeled "assignments". In the same record the clerk must also enter the court's approval or rejection of the bond thus filed. (G.S. 1868, ch. 6, sec. 11; G.S. 1935, ch. 60, sec. 1311.)

The clerk keeps a record of the attendance of witnesses and jurors at each term of the district court, together with their fees and the date claimed and is required to make a report of all fees thus paid to the county commissioners within ten days after the close of each term (L. 1862, ch. 99, sec. 23; G.S. 1935, ch. 28, sec. 130). The clerk also must keep, in a book provided for that purpose and designated as his "fee book", a record of all fees by him charged and collected and make an itemized report to the county commissioners quarterly (L. 1897, ch. 131, sec. 14; G.S. 1935, ch. 28, sec. 123).

All criminal prosecutions must be filed in the name of the state and prosecuted in the court having jurisdiction either by indictment or information (G.S. 1868, ch. 32, secs. 66, 100; G.S. 1935, ch. 62, secs. 801, 1001). Informations may be filed by the prosecuting attorney and verified by the oath of himself or the complaining witness (G.S. 1868, ch. 32, sec. 67: G.S. 1935, ch. 62, sec. 802). The clerk must record the information or indictment in a book provided for that purpose and the judge must compare the record with the original and certify to the correctness thereof (G.S. 1868, ch. 32, sec. 117; G.S. 1935, ch. 62, sec. 1018).

The clerk of the district court keeps a record of all pardons, commutations or paroles granted to persons convicted in the district court of his county (G.S. 1868, ch. 73, sec. 1; G.S. 1935, ch. 62, sec. 2216), and records all recognizances taken in district court in his recognizance docket (G.L.T.K. 1859, ch. 27, sec. 122; G.S. 1935, ch. 62, sec. 1209). Bonds for appeal to the supreme court in misdemeanor

cases are approved and filed by the clerk of the district court in which the case was heard (L. 1915, ch. 188, sec. 1; G.S. 1935, ch. 62, sec. 1705).

Federal statutes require the clerk of the district court to keep and file duplicates of declarations of intention to become a citizen filed in the district court. Duplicates of the declaration must be sent to the bureau in Washington as well as duplicates of the petitions and certificates and copies of proceedings in cases of applicants denied admission (34 Stat. 599-600, U.S.C., title 8, sec. 400). The law specified that the declarations of intention and petitions for naturalization shall be bound in chronological order in separate volumes, indexed, consecutively numbered and made a part of the records of the court. Each certificate issued must bear the volume and page numbers of the petition and certificate stub. (34 U.S. Stat. 601, U.S.C., title 8, sec. 404.)

The clerk of the court records the commissions, oaths and bonds of notaries public and transmits the original bonds and oaths to the secretary of state (G.S. 1868, ch. 71, sec. 4; G.S. 1935, ch. 53, sec. 104). No patent may be legally sold until copies of the letters patent and an affidavit as to their authenticity are filed with the clerk of the district court (L. 1889, ch. 182, sec. 1; G.S. 1935, ch. 57, sec. 101).

The legislature of 1925 provided for a semi-annual inventory of county property to be made by the sheriff and county attorney. Copies of the inventory thus made must be filed with the county clerk and the clerk of the district court. (L. 1925, ch. 138, sec. 1; G.S. 1935, ch. 19, sec. 2624.)

Beginning in 1871, petitions for the incorporation of third class cities were filed with the clerk of the district court (L. 1871, ch. 60, sec. 2). Since 1886 however, these petitions have been filed with the county commissioners (L. 1886, ch. 66, sec. 2; G.S. 1935, ch. 15, sec. 102). Beginning in 1897, petitions for vacating streets or alleys and for excluding unplatted tracts from cities were filed with the clerk of the district court (L. 1897, ch. 267, secs. 1-3) but since 1905 these have been required by law to be filed with the county commissioners (L. 1905, ch. 519, sec. 1; G.S. 1935, ch. 12, sec. 504).

Unless otherwise specified, the word "office" used in the following entries to designate location of records refer to the vault of the clerk of the district court.

Civil Cases
(See also entries 287-289)

Proceedings

195. JOURNAL DOCKET, 1859--. 29 vols. (A-Z, 1, 2, 2).
Journal record of all civil and criminal proceedings of district court,

showing case number, title and cause, date filed, attorneys, pleadings, property attached, date of trial, motions, assignments, orders of court, fees, costs and disposition of case, information filed and probates granted in criminal cases. Arr. chron. Separate index, 1859-76; num. index by case nos. and alph. index by names of plaintiffs, 1876--. Hdw. on printed form, 1859-1916; typed on printed form, 1916--. Aver. 500 pp. 17 x 12 x 2½. Vault.

For separate motion docket, 1868-1910, see entry 208; separate record of assignments, 1870-86, entry 209.

196. JOURNAL DOCKET INDEX, 1859-76. 4 vols.
Index to journal docket of civil and criminal cases, showing names of plaintiff and defendant, with reference to volume and page number. Arr. alph. by names of plaintiffs. Hdw. Aver. 26 pp. 18½ x 13 x ¼. Vault.

197. (SHORTHAND NOTES), 1888--. 10 cardboard boxes, 2 file drawers. 1888-91 also in Miscellaneous, entry 202.
Shorthand notes of testimony and proceedings in civil and criminal cases, showing case number, title and cause, attorneys, witnesses and review of evidence. No index. Hdw. Boxes 10 x 13 x 22; file drawers 10½ x 5 x 13½. 8 boxes, 1888-1927, north bsmt. vault; 2 boxes, 1927-36, south bsmt. vault; 2 file drawers, 1937--, vault.

198. TRANSCRIPT OF TESTIMONY, 1918-34. 1 file drawer. 1935-- (civil) in (Civil Cases), entry 200; 1935-- (criminal) in (Criminal Cases), entry 221.
Transcripts of testimony in civil and criminal cases, showing date trial, case number, title and cause, name of witness and review of evidence. No index. Typed. 16 x 11½ x 24. Vault.

199. DEPOSITIONS, 1893--. 6 cardboard boxes, 1 file drawer. Title varies: Old Depositions, 1893-1930. 1892-1911 also in Miscellaneous, entry 202.
Depositions of witnesses in civil and criminal cases, showing case number, title and cause, attorneys, name and testimony of defendant, seal and signature of notary public. Also contains: (Recognizance Bonds), 1909-31, entry 227. Arr. chron. No index. Hdw. and typed. File drawer 16½ x 11½ x 24; boxes 13 x 13 x 13. 6 boxes, 1893-1930, north bsmt. vault; 1 file drawer 1929--, vault.

Case Files

200. (CIVIL CASES), 1859--. 439 file drawers.
Petitions, pleadings, subpoenas, summonses, notices, affidavits, motions, journal entries, receipts for money and other original instruments filed in civil actions, showing case number, date of filing, title and cause, attorneys, witnesses, costs, and disposition of case. Also contains: Transcript of Testimony, 1935--, entry 198. Arr. num. by case nos. No index. Hdw. on printed form. 10 x 5 x 13½. Vault.

201. ORIGINAL NOTES AND MORTGAGES (Exhibits), 1932--. 1 file drawer.
Deeds, mortgages, redemption certificates and other miscellaneous instruments and objects used as exhibits in civil and criminal trials, showing instrument identification, case number, title and cause, and date filed. No index. Hdw. on printed form. 10½ x 5 x 13½. Vault.

202. MISCELLANEOUS, 1861-1927, 1931--. 2 cardboard boxes, 1 file drawer.
Summonses, subpoenas, journal entries, releases of judgment, agreements, judge's charges to jury, divorce decrees, mandates, affidavits, fee bills and other original instruments properly belonging in civil case files, 1861-1921, 1931-32. Also contains: (Affidavits of Jurors' Attendance), 1902-16, entry 220; (Affidavits of Witness Attendance), 1909-24, entry 231; Bonds (Civil), 1905-12, 1931-32, entry 220; (Certificates of Patents), 1880-1910, entry 240; (Commitments to Jail), 1863-83, entry 222; Depositions, 1892-1911, entry 199; General Fund Bills, 1895-1922, entry 36; List of Jurors Drawn, 1871-1924, entry 141; Mechanics' Liens, 1911-15, entry 216; (Oaths of District Judges Pro Tem), 1897-1917, entry 241; (Orders for Additional Jurors), 1931--, entry 230; (Recognizance Bonds), 1905-9, entry 227; (Shorthand Notes), 1888-91, entry 197; (Workmen's Compensation Release), 1913-27, entry 219. Arr. chron. No index. Typed, and hdw. and typed on printed forms. Boxes aver. 14 x 17 x 23; file drawer 10½ x 5 x 13½. 2 boxes, 1861-1927, north bsmt. vault; 1 file drawer, 1931--, vault.

General Dockets

203. CIVIL APPEARANCE DOCKET, 1859-80, 1883--. 23 vols. (1, 2, A-D, F-P, R-W).
Docket of civil cases filed in district court, showing date, case number, title and cause, attorneys, date and nature of pleadings filed and writs issued, fees, costs and disposition of case. Arr. chron. Alph. index by names of plaintiffs; also separate index, 1880--. Hdw. on printed form. 600 pp. 18½ x 13 x 3½. Vault.

204. INDEX TO DEFENDANTS (Appearance Docket), 1880--. 4 vols. (A-D)
Index to civil appearance docket, showing case number, title and cause, names of plaintiff and defendant, and volume and page numbers where recorded. Arr. alph. by names of defendants and num. by case nos. Hdw. on printed form. 125 pp. 18 x 13 x 1-3/4. Vault.

205. BAR DOCKET, 1871-1910. 6 vols. (A-F). Discontinued.
Attorneys' docket of civil and criminal cases set for trial, showing case number, title and cause, attorneys, date set for hearing, and remarks. Arr. num. by case nos. Separate index, 1871-76, 1904-10; alph. index by names of plaintiffs, 1877-1903. Hdw. on printed form. Aver. 550 pp. 18 x 12 x 2½. Vault.

206. BAR DOCKET INDEX, 1871-76, 1904-10. 2 vols.
Index to bar docket, showing case number and title and cause with reference to volume and page numbers where recorded. Arr. alph. by names of plaintiffs. Hdw. Aver. 26 pp. 18 x 12 x ¼. Vault.

207. TRIAL DOCKET, 1859--. 32 vols. (12 unmarked, A-T).
Judge's record of civil and criminal cases set for trial, showing case number, title and cause, attorneys, date of hearings and continuances, minutes of proceedings and disposition of case. Arr. chron., 1859-1923; arr. num. by case nos., 1924--. Alph. index by names of plaintiffs, 1859-1923; no index, 1924--. Hdw. on printed form. Aver. 225 pp. 18½ x 12½ x 2½. Vault.

208. MOTION DOCKET, 1868-1910. 2 vols. Discontinued as separate record.
Docket of motions filed in civil and criminal cases, showing case number, title and cause, date of filing, nature and purpose of motion, by whom made, and ruling of court. Arr. chron. No index. Hdw. 150 pp. 16 x 11 x 1½. South bsmt. vault.
For journal entries, 1859--, see entry 195.

209. RECORD OF ASSIGNMENTS, 1870-86. 1 vol. Discontinued as separate record.
Record of appointments of assignees to liquidate accounts of insolvent business firms, showing name of firm, date of appointment, name of assignee, amount of bond, names of sureties and date qualified. Arr. chron. Alph. index by names of assignees. Hdw. on printed form. 550 pp. 18 x 13 x 3½. Vault.
For journal entries, 1859--, see entry 195.

Judgment and Execution (See also entries 287-289)

210. JUDGMENT DOCKET, 1859--. 10 vols. (A-J)
Record of judgments rendered in district court, showing date, term of court, case number, title and cause, against whom rendered, amount, rate of interest, costs, attorneys, journal and page number where recorded, and remarks. Arr. chron. Alph. index by names of defendants. Hdw. on printed form. 500 pp. 18½ x 13 x 2½. Vault.

211. EXECUTION DOCKET, 1861--. 7 vols. (A-G).
Docket of executions, showing case number, title and cause, attorneys, date and amount of judgment, date of execution, to whom issued, description of property, date of sale, to whom, amount received, and sheriff's return. Arr. chron. Separate index, 1861-83; alph. index by names of plaintiffs. Hdw. on printed form. 250 pp. 18 x 13 x 3. Vault.

212. INDEX TO EXECUTION DOCKET, 1861-83. 2 vols. Discontinued.
Index to docket of executions, showing case number and names of plaintiff and defendant, with reference to volume and page numbers where recorded. Arr. alph. by names of plaintiffs. Hdw. on printed form. Aver. 50 pp. 16 x 12 x ½. Vault.

213. FOREIGN EXECUTION DOCKET, 1881--. 1 vol.
Docket of executions against property in other counties, showing case number, plaintiff and defendant, attorneys, amount of judgment, against whom rendered, rate of interest, costs, sheriff's return, and disposition of case. Arr. chron. Alph. index by names of defendants. Hdw. on printed form. 200 pp. 18 x 12½ x 2¼. Vault.

214. ATTACHMENT RECORD, 1885--. 1 vol.
Record of attachments, showing case number, title and cause, attorneys, when issued, when returned, appraised value of property, names and addresses of appraisers, description of property attached, volume and page numbers of appearance docket, and remarks. Arr. chron. Alph. index by names of defendants. Hdw. on printed form. 215 pp. 18½ x 13 x 2¼. Vault.

215. REDEMPTION RECORD, 1899--. 1 vol.
Record of redemption of land sold under mortgage foreclosures, showing case number, title and cause, description of property, date of sale, to whom sold, amount of lien, amount of taxes, interest, costs, total, amount of bid deficiency, date of redemption and by whom redeemed. Arr. chron. Alph. index by names of plaintiffs. Hdw. on printed form. 600 pp. 18 x 13 x 3. Vault.

Workmen

216. MECHANICS' LIENS, 1922--. 2 file drawers. 1911-15 in Miscellaneous, entry 202.
Mechanics' liens, showing case number, date, names of owner, contractor and claimant; amount claimed, date filed, signatures of claimant and clerk of district court, and seal of notary public. Arr. chron. No index. Hdw. on printed form. 10½ x 5 x 13. Vault.

217. MECHANICS' LIENS (Record), 1870--. 3 vols. (A-C).
Record of mechanics' liens, showing date of filing, names of owner, contractor and claimant; amount claimed, description of property, and remarks. Arr. chron. Separate index, 1870-1917; alph. index by names of owners, 1918--. Hdw. on printed form. Aver. 18½ x 12½ x 2. Vault.

218. MECHANICS' LIENS INDEX, 1870-1917. 2 vols. Discontinued.
Index to record of mechanics' liens, showing names of owner and claimany, date filed, and volume and page numbers where recorded. Arr. alph. by names of owners. Hdw. Aver. 26 pp. 18 x 12½ x ½. Vault.

219. (WORKMEN'S COMPENSATION RELEASE), 1913-27. In Miscellaneous, entry 202. Discontinued.
Original instruments of release of employer from liability under workmen's compensation act, showing nature and extent of injury, amount of compensation received, from whom, name of individual or company released, and signatures of employee and witnesses.

Bonds

220. BONDS (Civil), 1881-87, 1889-1905, 1931--. 1 vol., 1 cardboard box, 2 file drawers. Title varies: Bonds for Costs, 1881-87. 1905-12, 1921-32 in Miscellaneous, entry 202.
Replevin, injunction, attachment, supersedeas and appeal bonds, and bonds for costs in civil cases, showing date, case number, title and cause, name of principal, amount and conditions of bond, affidavits and signatures of sureties, and date approved. Box also contains: (Recognizance Bonds), 1889-1904, 1931--, entry 227. Arr. chron. Alph. index by names of bondsmen, 1881-87; no index, 1889-1905, 1931--. Hdw. on printed forms. Vol. 200 pp. 16 x 11 x 1½; box 5 x 10 x 10; file drawers 10½ x 5 x 13½. 1 vol., 1881-87, south bsmt. vault; 1 box, 1889-1905, north bsmt. vault; 2 file drawers, 1931--, vault.

Criminal Cases
(See also entries 195-199, 201, 205-208)

Case Files

221. (CRIMINAL CASES), 1859--. 69 file drawers.
Information, warrants, affidavits, subpoenas, motions, pleadings, court decisions, commitments, journal entries and other original instruments filed in criminal cases, showing case number, date of filing, names of defendant, complainants and witnesses, nature of charge, attorneys, fees, costs, and disposition of case. Also contains: (Commitments to Jail), 1883--, entry 222; Transcripts of Testimony, 1935--, entry 198. Arr. num. by case nos. No index. Hdw. on printed form. 10½ x 5 x 13½. Vault.

222. (COMMITMENTS TO JAIL), 1863--. 1863-83 in Miscellaneous, entry 202; 1884-- in (Criminal Cases), entry 221.
Court orders directed to sheriff and jailer for commitment of prisoners, showing date, name of prisoner, dates of arrest and conviction, length of jail sentence and amount of fine, and signature and seal of clerk of district clerk.

Dockets

223. INFORMATION RECORD, 1882-1922. 3 vols. (A-C). Discontinued as separate record.
Record of information filed in criminal cases, showing case number, date, name of defendant, crime charged, names of complainant and witnesses, and date set for trial. Arr. chron. and num. by case nos. Alph. index by names of defendants. Hdw. on printed form, 1882-1915; typed on printed form, 1916-22. Aver. 375 pp. 18 x 13 x 2½. Vault.
For related record, 1875--, see entry 224.

224. CRIMINAL APPEARANCE DOCKET, 1875--. 5 vols. (A-E).
Docket of criminal cases and informations filed in district court, showing case number, date, term of court, name of defendant, nature of charge, dates and nature of pleadings filed and writs issued, attorneys, fees, costs, and disposition of case. Arr. chron. Alph. index by names of defendants. Hdw. on printed form. Aver. 400 pp. 18 x 12½ x 2½. Vault.
For separate information record, 1882-1922, see entry 223.

Bonds

225. RECORD OF RECOGNIZANCE AND BOND, 1869-1915. 4 vols. Discontinued.
Record of bonds executed for appearance of defendants in criminal cases, showing case number, name of defendant, nature of charge, date set for appearance, amount of bond, names of sureties, and date filed. Arr. chron. Separate index, 1869-95; alph. index by names of defendants, 1895-1915. Hdw. on printed form. 600 pp. 18 x 13 x 3. Vault.
For original bonds, 1889--, see entry 227.

226. RECORD OF RECOGNIZANCE AND BOND INDEX, 1869-95. 1 vol.
Index to record of recognizance and bonds, showing case number and name of defendant with reference to volume and page numbers where recorded. Arr. alph. by names of defendants. Hdw. on printed form. 26 pp. 18 x 12 x ¼. Vault.

227. (RECOGNIZANCE BONDS), 1889--. 1889-1904, 1931-- in Bonds (Civil), entry 220; 1905-9 in Miscellaneous, entry 202; 1909-31 in Depositions, entry 199.
Bonds posted for appearance in court of defendants in criminal cases, showing date, case number, name of defendant, date set for appearance, amount and conditions of bond, affidavits of sureties, and approval by clerk of district court.
For record of recognizance bonds, 1869-1915, see entry 225.

Jurors and Witnesses
(See also entries 140, 141)

228. JURY AND WITNESS DOCKET (Jury Attendance Record), 1870--. 5 vols. (A, D-G). Title varies: Jury Book, 1870-1916.
Record of jury attendance in district court, showing term of court, date, title of cause, name of juror, whether regular or special panel, residence, days attended, mileage, amount of fees, and date paid. Also contains: Witness Claims, 1893--, entry 232. Arr. chron. 1 vol., 1870-1916, no index; 4 vols., 1893--, alph. index by names of jurors. Hdw. on printed form. Aver. 400 pp. 19 x 13 x 2¼. Vault.

229. (AFFIDAVITS OF JURORS' ATTENDANCE), 1902-16. In Miscellaneous, entry 202. Discontinued.
Jurors' affidavits of attendance, showing date, term of court, number

of days present, mileage, rate per day, per mile, total amount claimed, and signatures of juror and clerk of district court.

230. (ORDERS FOR ADDITIONAL JURORS), 1931--. In Miscellaneous, entry 202.
Duplicates of orders of district judge for drawing and summoning of additional jurors to serve during current term, showing date, term of court, number of jurors to be summoned, and signature of judge.

231. (AFFIDAVITS OF WITNESS ATTENDANCE), 1909-24. In Miscellaneous, entry 202. Discontinued.
Witnesses' affidavits of attendance, showing date, term of court, title and cause, for which party, number of days, mileage, rate per day, rate per mile, total amount claimed, and signatures of witness and clerk of district court.

232. WITNESS CLAIMS, 1862-80. 1 vol. 1893-- in Jury and Witness Docket (Jury Attendance Record), entry 228.
Record of claims of witnesses, showing date, term of court, case number, title and cause, name of witness, for which party, number of days, mileage, total fees due, when claimed, and remarks. Arr. chron. No index. Hdw. on printed form. 200 pp. 16 x 11 x 1. South bsmt. vault.

Naturalization

233. NATURALIZATION RECORD (First Naturalization Papers), 1869--. 2 vols.
Record of first naturalization papers, containing petitions and declarations of intention to become citizen of United States, showing date, name and address of applicant, date and place of birth, date and place of arrival in United States, country renounced, occupation, marital status, names and residences of children, and date filed. Arr. chron. No index, 1869-1904; alph. index by names of applicants, 1904-6. Hdw. on printed form. Aver. 200 pp. 18 x 13 x 1-3/4. Vault.

234. FINAL NATURALIZATION RECORD, 1870--. 1 vol.
Final record of naturalization, showing name and address of alien, date and place of birth, date and place of arrival in United States, occupation, marital status, physical description and photograph, names and residences of children, date of filing declaration and petition, affidavits of witnesses, order of court granting or denying citizenship, oath of allegiance, and certificate number. Arr. chron. Alph. index by names of applicants. Hdw. on printed form. 200 pp. 15½ x 11½ x 2. Vault.

235. INDEX TO FINAL NATURALIZATION RECORD, 1870--. 1 vol.
Index to record of final naturalization, showing name and address of

applicant and certificate number, date citizenship granted or denied, and reference to volume and page numbers where recorded. Arr. alph. by names of applicant. Hdw. 75 pp. 13 x 10 x 1. Vault.

Receipts and Disbursements

236. ALIMONY DOCKET (Record of Alimony Paid), 1921--. 1 vol.
Record of money paid to district clerk for alimony in divorce cases, showing date, names of plaintiff and defendant, date of hearing, amount of alimony granted, date payments due, amount and date paid, amount unpaid, and remarks. Arr. chron. Alph. index by names of plaintiffs. Hdw. on printed form. 200 pp. 18 x 13 x 2. Vault.

237. FEE BOOK, 1901--. 6 vols. (D-I).
Record of fees charged and collected by clerk of district court, showing date, case number, title and cause, service rendered, amount of fees, to whom charged, amount and date paid, and amount unpaid. Arr. chron. Alph. index by names of plaintiffs. Hdw. on printed form. Aver. 250 pp. 18 x 13 x 3. Vault.

Miscellaneous

238. NOTARY PUBLIC RECORD, 1868--. 3 vols. (A-C). Title varies: Notary Public Docket, 1868-98.
Record of notaries' commissions, bonds and oaths, showing name and address of notary, by whom commissioned, date, sworn statement of applicant, date commission expires, amount of bond, names and affidavits of sureties, and signature of clerk of court. Arr. chron. Separate index, 1868-1923; alph. index by names of notaries, 1923--. Hdw. on printed form. Aver. 550 pp. 16 x 12 x $2\frac{1}{2}$. Vault.

239. INDEX TO NOTARY PUBLIC DOCKET, 1868-1923. 1 vol. Discontinued.
Index to notary public docket, showing name and address of appointee, with reference to volume and page numbers where recorded. Arr. alph. by names of notaries. Hdw. 26 pp. 16 x 12 x $\frac{1}{4}$. Vault.

240. (CERTIFICATE OF PATENTS), 1880--. In Miscellaneous, entry 202. Last entry 1910.
Certificates of patents from United States patent office, showing patent number, date issued, name and address of patentee, nature and description of invention, and signature of commissioner of patents.

241. (OATHS OF DISTRICT JUDGES PRO TEMPORE), 1897--. In Miscellaneous, entry 202. Last entry 1917.

Oaths of judges pro tempore of district court, showing date, oath and signature of judge pro tem, and signature and seal of clerk of district court.

V. PROBATE COURT

The first territorial assembly provided that there should be established in each county a probate court, to be deemed a court of record, and presided over by a probate judge, who was appointed by the assembly to serve until the general election of 1857, after which he was to be elected for a four-year term (S.T.K. 1855, ch. 44, secs. 1-6). In addition to original jurisdiction in matters of estates (ibid., sec. 8), the probate court during the territorial period had concurrent jurisdiction with the district court in all actions on bonds, notes, or other unliquidated demands for direct payment of money or property not exceeding $1,000 exclusive of interest (ibid., sec. 10).

The probate court could grant writs in injunction returnable to the district court (ibid., sec. 14), could enforce obedience to its orders the same as the district court, and issue executions on its judgments, and had concurrent jurisdiction with the district court in cases in equity in which executors or administrators were parties, and not involving more than $100 (ibid., secs. 21, 22). Appeals lay to the district court or supreme court, and either party had the right of trial by jury (ibid., secs. 25, 26).

In addition to his court duties, the probate judge was president of the board of county commissioners (ibid., sec. 28). The clerk to the board was ex officio clerk of the probate court, with power to perform all duties of the judge in the latter's absence, subject to confirmation or rejection by the judge upon his return (ibid., sec. 41).

The territorial assembly of 1860 changed the term of the probate judge to two years (G.L.T.K. 1860, ch. 28, sec. 39). The state constitution, effective January 29, 1861, specifies that "there shall be a probate court in each county, which shall be a court of record and have such probate jurisdiction and care of estates of deceased persons and minors, and persons of unsound mind, as may be prescribed by law, and shall have jurisdiction in cases of habeas corpus. The court shall consist of one judge who shall be elected by the qualified voters of the county and hold his office two years." (C.S.K., art. 3, sec. 8.) Until 1905, when an amendment was adopted eliminating the provision, the constitution provided that the judge should serve as his own clerk. In 1913 an act was passed allowing probate judges from $300 to $2,000 annually for clerk hire, depending on population (L. 1913, ch. 197, sec. 13). An amendment to the law in 1919 provides that when the allowance for clerk hire is insufficient to properly expedite the business of the

(Next entry 242, p. 140)

office, the county commissioners shall allow such additional sum as may be necessary (L. 1919, ch. 203, sec. 1; G.S. 1935, ch. 28, sec. 113).

The probate judge is required to execute to the state a bond in a penal sum of from $2,000 to $25,000 for faithful performance of duty (G.S. 1868, ch. 25, sec. 84; G.S. 1935, ch. 19, sec. 1101) and in Franklin County receives a salary of $1,600 a year and $600 a year for clerk hire (L. 1913, ch. 197, sec. 13; G.S. 1935, ch. 28, sec. 113). Vacancies in the office are filled by appointment by the governor until the ensuing election (G.S. 1868, ch. 25, secs. 84, 86; G.S. 1935, ch. 19, sec. 1103). In event of the absence or disqualification of the probate judge, the clerk of the district court, upon application of interested parties, appoints a judge pro tempore (L. 1907, ch. 166, sec. 12; G.S. 1935, ch. 20, sec. 1108).

The statutes provide that the probate courts shall be courts of record and within their respective counties shall have original jurisdiction: 1) to take the proof of last wills and testaments and admit them to probate, and to admit authenticated copies of last wills and testaments executed, proved and admitted to probate in the courts of any other state, territory or country; 2) to grant and revoke letters testamentary and letters of administration; 3) to direct and control the official acts of executors and administrators, settle their accounts, and order the distribution of estates; 4) to appoint and remove guardians for minors, persons of unsound mind and habitual drunkards, and make all necessary orders relating to their estates, and to direct and control the official acts of such guardians and settle their accounts; 5) to bind apprentices and exercise such control and make such orders respecting them as the law prescribes; 6) to hear and determine cases of habeas corpus; 7) to have and exercise the authority and jurisdiction provided by law respecting administrators and executors and the settlement of the estates of deceased persons (L. 1861, ch. 25, sec. 1; G.S. 1935, ch. 20, sec. 1101).

The probate judge must send the inventory and appraisal of estates to the state inheritance tax commission, together with a copy of the will of the decedent and such other copies of papers in his possession as the inheritance tax commission may require (L. 1909, ch. 248, secs. 12, 13 as amended by L. 1915, ch. 357, secs. 11, 17, 18; G.S. 1935, ch. 79, secs. 1511, 1517).

The probate judge has jurisdiction in proceedings for the care and hospitalization of crippled children and has authority upon his own motion or upon receipt of a complaint filed by any qualified elector, to direct the county or city health officer, or any other properly qualified physician, to examine any child in the county deemed to be crippled, and report his findings to the court within thirty days (L. 1931, ch. 283, sec. 7; G.S. 1935, ch. 65, sec. 5a02). Upon receipt of the physician's report the judge may hear the case, and if satisfactory evidence is presented to the effect that the child is in need of treatment and that his parents or guardian are unable to pay for the

care and hospitalization as recommended by the reporting physician, the judge may order the child to be sent to a hospital approved by the crippled children's commission with all or any part of the expense paid by the commission (L. 1931, ch. 283, sec. 8; G.S. 1935, ch. 65, sec. 5a03).

Any person wishing to adopt a minor child must make an offer of adoption to the probate court of the county of which he is a resident. Upon receipt of such application the judge must require the interested parties to appear and may, upon investigation, approve or refuse the application for adoption. (G.S. 1868, ch. 67, sec. 6; G.S. 1935, ch. 38, sec. 107.)

In 1885 the legislature provided for the establishment of the state orphans home at Atchison and specified that applications for admission be made to and passed upon by the probate judge (L. 1885, ch. 185, secs. 1, 4, as amended by L. 1909, ch. 115, sec. 1; G.S. 1935, ch. 76, secs. 1701, 1704). The legislature of 1879 provided for establishment of the state reform school at Topeka (L. 1879, ch. 170, sec. 2), and gave courts of record and probate courts power to commit to the institution any boy under 16 years old subject to imprisonment, or who was incorrigible, or led a vagrant or immoral life (L. 1881, ch. 129, sec. 4; G.S. 1935, ch. 70, sec. 2105). In 1889 the legislature made provision for establishment of the industrial school for girls at Beloit and empowered courts of record and probate courts to commit thereto any girl under 16 years old convicted of any offense punishable by imprisonment, or who was incorrigible, or resorted to immoral practices (L. 1889, ch. 158, secs. 1-3, 10-12; G.S. 1935, ch. 76, sec. 2202, 2207).

The same legislature also enacted a law for the protection of children, authorizing peace officers to bring before any magistrate authorized to issue warrants any child under 16 years old subjected to cruel or inhumane treatment, or found in a house of ill fame (L. 1889, ch. 104, secs. 4, 5; G.S. 1935, ch. 38, sec. 704). Later, officers were authorized to bring such children before "any court of summary jurisdiction" (L. 1901, ch. 106, sec. 2; G.S. 1935, ch. 38, sec. 302). By custom however, the majority of such cases were handled through the probate court until 1905, when a juvenile court was established in each county to have jurisdiction over cases of dependent, neglected and delinquent children, with the provision that the probate judge should be judge of the juvenile court (L. 1905, ch. 190; G.S. 1935, ch. 38, sec. 401; see p. 146).

The judge of the probate court acts as judge of the county court in counties adopting the provisions of the act and receives as compensation for his services, a salary equal to one-half that he receives as judge of the probate court. As judge of the county court the probate judge exercises the ordinary powers and jurisdiction of a justice of the peace and has concurrent jurisdiction with the district court in all civil cases in any sum not exceeding $1,000. (L. 1923, ch. 131, secs. 3, 4, 8; G.S. 1935, ch. 20, sec. 803, 804, 808.) No county court ever has been established in Franklin County.

Probate Court

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The probate judge issues marriage licenses, and is authorized to perform the marriage ceremony (G.S. 1868, ch. 61, secs. 6, 10; G.S. 1935, ch. 23, sec. 106, 116).

Beginning in 1881, when the state prohibitory liquor law was enacted, the probate judge was authorized to grant, upon petition, permits to druggists to sell liquor for medicinal purposes, and to cancel such permits (L. 1881, ch. 128, sec. 2). This law was repealed in 1909 (L. 1909, ch. 164).

The laws of 1876 made it the duty of the probate judge to pass upon petitions of settlers for the purchase of school land (L. 1876, ch. 122, art. 14, sec. 4; L. 1909, ch. 218, sec. 3). By legislative enactment in 1874 the probate judge was authorized to appoint commissioners to condemn land for school house sites (L. 1874, ch. 122, sec. 3), but this duty was transferred to the district court in 1909 (L. 1909, ch. 86, sec. 2; G.S. 1935, ch. 72, sec. 4702).

In 1868 the probate judge was given authority to incorporate towns and villages upon petition of a majority of the inhabitants (G.S. 1868, ch. 108, sec. 1), but the law was repealed in 1871 by another which vested the judge of the district court with power to incorporate third class cities (L. 1871, ch. 60, sec. 2; G.S. 1935, ch. 15, sec. 1103).

It is the duty of the probate judge, when so ordered by the county commissioners, to make an examination of the books and funds of the county treasurer and make a report thereof to the county board (L. 1874, ch. 8, secs. 3, 4; Special Session; G.S. 1935, ch. 19, secs. 522, 523).

All writs, orders and other process of the probate court are issued and directed to the sheriff of the county in which they are issued. In the absence or non-attendance of the sheriff, the probate judge may appoint any elector of his country and swear him as a special sheriff for the service of any process. A minute of the appointment thus made, and of the oath of the appointee, must be entered in the record and endorsed on the process served. (L. 1869, ch. 38, sec. 1; G.S. 1935, ch. 20, sec. 1105.)

The Territorial laws of 1858 made it the duty of the probate judge to keep a journal, appearance docket, trial docket, education docket, and judgment docket (G.L.T.K. 1858, ch. 11, sec. 304) but the territorial assembly of 1859 amended the earlier act and required the above five records of "all courts of record" (G.L.T.K. 1859, ch. 25, sec. 314). The general statutes of 1868 require these records specifically of the district court only (G.S. 1868, ch. 80, sec. 403; G.S. 1935, ch. 60, sec. 3801) but the general statutory provisions for the probate court imply that a journal and an appearance docket shall be kept, and these records are almost universally found among the records of the probate courts of the several counties. In addition, the probate judge is required by statute to keep "a record of all business done by or before him" (G.L.T.K. 1858, ch. 13, sec. 39; G.S. 1935, ch. 19, sec. 1102) although the manner in which the record shall be kept is not specified.

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The probate court must keep an abstract of all demands established against any estate under its jurisdiction and of all judgments of other courts filed in probate court against any estate, including for each, the amount, date, class and to whom payable (G.S. 1868, ch. 37, sec. 100; G.S. 1935, ch. 22, sec. 721). No court can allow a demand against an estate unless an oath or affidavit of the amount due is filed by the claimant and a concise entry of the order of allowance must be made by the judge in the record of the court (G.S. 1868, ch. 37, sec. 87, 88; G.S. 1935, ch. 22, sec. 708, 709).

The probate judge must record in a book provided for that purpose all wills admitted to probate (G.S. 1868, ch. 37, sec. 204; G.S. 1935, ch. 22, sec. 1309) and any will in writing may be deposited in the probate judge's office for safe keeping during the lifetime of the testator (G.S. 1868, ch. 117, sec. 3; G.S. 1935, ch. 22, sec. 202). Every will deposited with the probate court for safe keeping must be enclosed in a sealed wrapper with the name of the testator, the date of delivery to the probate court, and the name of the person by whom delivered, included thereon and may also have upon it the name of the person to whom it shall be delivered after the death of the testator (G.S. 1868, ch. 117, sec. 4; G.S. 1935, ch. 22, sec. 205).

Authenticated copies of wills executed and proved according to the laws of any state or territory of the United States relative to property in this state may be admitted to record in the probate court of any county in the state where any part of such property may be situated (G.S. 1868, ch. 117, sec. 24; G.S. 1935, ch. 22, sec. 227). Wills executed, proved and allowed in any foreign country may be allowed and admitted to record in Kansas upon order of the probate judge of the county in which application is made after due process of law (G.S. 1868, ch. 117, sec. 25; G.S. 1935, ch. 22, sec. 228). No will shall be effectual to pass real or personal estate unless it has been admitted to probate or recorded by the judge of the probate court as provided by law (G.S. 1868, ch. 117, sec. 29; G.S. 1935, ch. 22, sec. 232).

Since 1868 it has been the duty of the probate court to record in books provided for that purpose all letters testamentary or of administration and all bonds of executors or administrators before the letters are issued; all inventories, appraisements and sale bills; and other papers connected therewith; all accounts and settlements of any executor or administrator except vouchers, and all other acts and proceedings of the court relating to estates (G.S. 1868, ch. 37, sec. 204; G.S. 1935, ch. 22, sec. 1309). Similar records must also be kept by the probate judge in relation to guardians and wards, lunatics and habitual drunkards so far as they are applicable (G.S. 1868, ch. 37, sec. 205; G.S. 1935, ch. 22, sec. 1310).

The tax chargeable against any estate is certified by the state inheritance tax commission to the county treasurer and a copy of the certification is filed with the probate court having jurisdiction in the case (L. 1915, ch. 357, sec. 12; G.S. 1935, ch. 79, sec. 1512). Upon

payment of the tax as charged to the county treasurer, the probate judge receives a triplicate copy of the receipt which must be recorded in full upon his journal (L. 1915, ch. 357, sec. 18; G.S. 1935, ch. 79, sec. 1518).

All accounts and settlements of executors and administrators with the vouchers for all debts paid must be filed and preserved by the probate court. These accounts, but not the vouchers, must also be recorded at length. (G.S. 1868, ch. 37, sec. 156; G.S. 1935, ch. 22, sec. 913).

Beginning in 1867 it became the duty of the probate judge to keep a correct copy of all marriage licenses issued by him in a book provided for that purpose together with a copy of the return of the license endorsed by the person performing the ceremony (L. 1867, ch. 84, sec. 6; G.S. 1935, ch. 23, sec. 112). The legislature of 1913 provided that marriage license returns should be transmitted directly to the state registrar (L. 1913, ch. 224, sec. 7) but since 1917 persons performing marriage ceremonies have been required by law to return the license to the probate judge who enters the return in his marriage record and transmits the original license and certificate of marriage to the state registrar (L. 1917, ch. 236, sec. 1; G.S. 1935, ch. 23, sec. 109). Forms for marriage licenses are furnished by the state registrar and contain a part to be detached and forwarded to the state registrar, the license to be delivered to the applicant and a stub of each license issued, which the law designates must remain in the office of the probate judge (L. 1913, ch. 224, sec. 3; G.S. 1935, ch. 23, sec. 107). The probate judge may also take from persons making application for marriage licenses, affidavits as to the age of the contracting parties (L. 1867, ch. 84, sec. 5; G.S. 1935, ch. 23, sec. 106).

Proceedings in cases for the adoption of minors are recorded in the journal of the probate court (L. 1903, ch. 361, sec. 1; G.S. 1935, ch. 38, sec. 106) and since 1897 it has been the duty of the probate judge to keep a fee book in which he keeps a record of all fees by him charged and collected (L. 1897, ch. 131, sec. 14; G.S. 1935, ch. 28, sec. 123). He must also make a quarterly report to the county commissioners of fees by him charged and collected and due and uncollected, and although not definitely required by law, duplicate copies of these reports are commonly found among the records of the probate court (L. 1897, ch. 131, sec. 14; G.S. 1935, ch. 28, sec. 123).

In every appeal taken from the probate court to the district court the appellant must file in the probate court a bond in such sum and with such security as the probate judge may require (G.S. 1867, ch. 4, sec. 4; G.S. 1935, ch. 22, sec. 1104). Beginning in 1875 the county commissioners were required to file their official bonds with the probate court (L. 1875, ch. 40, sec. 1) but the next legislature specified that the filing of these bonds should be a function of the register of deeds (L. 1876, ch. 65, sec. 1; G.S. 1935, ch. 19, sec. 233).

General Recordings

242. PROBATE COURT JOURNAL, 1857--. 33 vols. (A-Z, AA, AB, C2, 1, 31-33).
Journal of all proceedings of probate court, including estate cases, wills, guardianship, adoptions, insanity, care and treatment of crippled children, and dependent, neglected, and delinquent children, showing case number, title and style of cause, date of filing, date of hearing, orders of court, and final disposition of case. Alph. index by names of estates and principal parties. Hdw., 1857-1908; typed, 1908--. Aver. 600 pp. 18 x 12 x 3. Vault.

243. APPEARANCE DOCKET AND FEE BOOK, 1898--. 10 vols. (A, A-G, 1-2). Title varies: Fee Book, 1898-1930.
Appearance docket of cases filed in probate court, showing date of filing, title and style of cause, attorneys, dates and nature of instruments filed, volume and page numbers where recorded, fees, costs, disposition of case, and remarks. Arr. chron. and num. by case nos. Alph. index by names of estates, and principal parties, 1898-30; alph. index by titles of cases, 1931--. Hdw. on printed form. Aver. 320 pp. 17 x 12 x 2½. Vault.

244. RECORD (Trial) DOCKET, 1891-1913. 2 vols. (A, 5). Title varies: Trial Docket Probate Court, 1891-96. Discontinued.
Docket of cases set for trial, showing case number, title and style of cause, names of attorneys, date of hearing, proceedings had, orders of court, and disposition of case. Arr. chron. Alph. index by names of defendants. Hdw. on printed form. Condition fair, 1891-96. 475 pp. 18½ x 12½ x 2½. Vault.

245. PROBATE DOCKET, 1858-92. 2 vols. Discontinued.
Journal record of administration of estates, showing name of estate, name of administrator, executor or guardian; appraisals, inventories, sales records and record of annual and final settlements. Arr. chron. Alph. index by names of estates. Hdw. on printed form. 350 pp. 16 x 12 x 2. Vault.

Estates

Case Files

246. DECEASED (Estate Cases), 1857--. 158 file drawers (letter alph. A-Y). Title varies: Gosdin Estate, 1922-35.
Original instruments filed in cases pertaining to estates of deceased persons, including last wills and testaments, petitions for probate, affidavits of death, petitions for and letters and bond of administrators and executors, inventories, appraisements and allowances, claims, accounts and settlements, showing names of deceased, heirs, witnesses, claimants,

appraisers and attorneys, amounts of bequests and payments, and final settlements. Arr. alph. by names of deceased. No index. Hdw. and typed on printed forms. 10½ x 5 x 13½. Vault.

247. MINORS (Estate Cases), 1857--. 47 file drawers (lettered alph. A-Z).
Original instruments filed in cases pertaining to estates of minor heirs, including letters and bonds of guardians, claims, inventory and appraisement, orders of court, accounts and settlements. Arr. alph. by names of minor heirs. No index. Hdw. and typed on printed form. 10½ x 5 x 13½. Vault.

Wills

248. WILL RECORD, 1863--. 10 vols. (A-J).
Copies of wills filed for probate and proof of wills, showing names of testator and witnesses, legacies and bequests, date and place of signing, date admitted to probate, and signature of probate judge. Arr. chron. Alph. index by names of testators. Hdw. on printed form, 1863-1932; typed on printed form, 1933--. Aver. 500 pp. 16½ x 11½ x 2½. Vault.

249. RECORD OF WILLS DEPOSITED, 1931--. 1 vol.
Record of wills deposited with probate court for safekeeping, showing date, name of testator, by whom deposited, amount of fee, receipt number, to whom delivered, date delivered, on whose order, and signature of recipient. Arr. chron. Alph. index by names of testators. Hdw. on printed form. 250 pp. 16½ x 11½ x 1½. Vault.

250. WILLS DEPOSITED FOR SAFE KEEPING, 1923--. 1 file drawer.
Original wills held by probate court for safekeeping, showing names of testator, date and place of signing, to whom to be delivered, signature of probate judge, and date deposited. No index. Hdw. on printed form. 10½ x 5 x 13½. Vault.

Letters and Bonds

251. RECORD OF ADMINISTRATORS' (Executors') LETTERS TESTAMENTARY AND BONDS, 1887--. 4 vols. (A-D).
Petitions for and record of letters testamentary and bonds of executors showing name of deceased, name of administrator or executor, amount of bond, affidavits of sureties, affidavit of death, petitions for appointment of administrator or executor, oaths, and signature of probate judge. Arr. chron. Alph. index by names of administrators or executors. Hdw. on printed form. Aver. 450 pp. 16½ x 11½ x 2½. Vault.

252. RECORD OF ADMINISTRATORS' LETTERS AND BONDS, 1880--. 4 vols. (A-D).
Petitions for and appointments and bonds of administrators of estates, showing name of deceased, affidavit of death, petition for appointment of administrator, name, oath, and bond of administrator, date and

amount of bond, verification of sureties, and signature of probate judge. Arr. chron. Alph. index by names of estates. Hdw. on printed form. 350 pp. 18 x 13 x 2. Vault.

253. PETITIONS FOR LETTERS OF GUARDIANSHIP, 1924--. 1 vol.
Petitions for appointments of guardians of minors, showing description and value of property, name of petitioner, date of petition, findings of court, order appointing guardian, signature of probate judge. Arr. chron. Alph. index by names of estates. 475 pp. 18½ x 12 x 2½. Vault.

254. RECORD OF GUARDIANS' LETTERS AND BONDS, 1881--. 3 vols. (A-C).
Record of appointments of guardians for estates of minors and insane persons with bonds, oaths, and verification of sureties, showing name of ward, name of guardian, date and amount of bond, names of sureties and signatures. Arr. chron. Alph. index by names of wards. Hdw. on printed form. 575 pp. 18½ x 13 x 3. Vault.

Inventory and Appraisement

255. RECORD OF INVENTORY AND APPRAISEMENT ALLOWANCE, 1858--. 16 vols. (labeling varies). Title varies: Guardians' Inventory and Appraisement, 1922--.
Record of inventory and appraisement of real property and personal effects of decedents, showing name of deceased, names of appraisers, date of appointment and oaths, allowances to widow and children, exemptions from administration and debts, statement of all goods and chattels, bonds, mortgages, notes and other securities; statement of debts and accounts, moneys, bank bills, and other circulating medium, description of real estate, and signature of probate judge. Arr. chron. No index, 1858-74; alph. index by names of estates, 1875--. Hdw. on printed form. Aver. 538 pp. 18½ x 13 x 2½. Vault.

Sale of Property

256. GUARDIAN'S SALE OF REAL ESTATE, 1882--. 1 vol.
Record of sales of real estate by guardians, showing names of estate, ward, and guardian; date of petition and sale, description of property, notice of sale, names and affidavits of appraisers, verification of sureties, report of sale, confirmation of sale and order for deed, approval of deed, and date of filing. Also contains: Record of Sale Bills, 1914--, entry 258. Arr. chron. Alph. index by names of estates. Hdw. on printed form. 300 pp. 16 x 12 x 2. Vault.

257. ADMINISTRATORS' (and Executors') SALE OF REAL ESTATE, 1879--. 3 vols. (A, 1, 2).
Record of sale of real property of estates by administrators and executors, showing name of estate, names and affidavits of appraisers, date appraised, verification of sureties, location and description of

property, to whom sold, date of sale, and amount received. Arr. chron. Alph. index by names of estates. Hdw. on printed form. Aver. 165 pp. 18 x 12½ x 2½. Vault.

258. RECORD OF SALE BILLS, 1874-1914. 1 vol. 1914-- in Guardian's Sale of Real Estate, entry 256.
Record of sales of personal property of estates of decedents, showing name of deceased, date of filing, date and place of sale, name of administrator or executor, name of clerk of sale, itemized list of articles, appraised value, sold or not sold, name of purchaser, cash or note, name of surety, and amount. Arr. chron. Alph. index by names of estates. Hdw. on printed form. 500 pp. 16 x 11 x 2. Vault.

Claims and Settlements

259. ABSTRACT OF CLAIMS, 1863--. 3 vols. (A, A, 1).
Abstract of claims presented and allowed against estates, showing name of estate, to whom payable, date and amount of claim, costs, fees, remarks, and volume and page reference to journal. Arr. chron. Alph. index by names of estates. Hdw. on printed form. 350 pp. 18 x 12½ x 2. Vault.

260. ALLOWANCE OF DEMANDS, 1894--. 3 vols. (A-C).
Record of claims against estates, and allowances made by probate court, showing name of administrator, executor or guardian, name of claimant, amount claimed, amount allowed, and terms. Arr. chron. Alph. index. by names of estates. Hdw. on printed form. 350 pp. 16½ x 11½ x 2. Vault.

261. RECORD OF ACCOUNTS, 1892--. 3 vols. (A-C).
Record of accounts of estates, showing name of estate, name of administrator, executor or guardian; date when due, date filed, and number of settlement. Arr. chron. Alph. index by names of estates. Hdw. on printed form. 300 pp. 18 x 13 x 2½. Vault.
For Administrators' Accounts, 1863-74, 1891-1903, see entry 262.

262. ADMINISTRATORS' ACCOUNTS, 1863-74, 1891-1903. 2 vols.
Title varies: Accounts and Settlements, 1863-74.
Record of annual accounts and final settlements of estates by administrators and executors, showing name of estate, name of administrator or executor, items of debits and credits, voucher numbers, dates, signatures and oaths. Arr. chron. Alph. index by names of estates. Hdw. on printed form. Aver. 510 pp. 18 x 12 x 2½. Vault.
For Record of Accounts, 1892--, see entry 261.

263. RECORD OF GUARDIAN'S ACCOUNTS, 1881--. 7 vols. (A-G).
Record of annual accounts and final settlements of estates by guardians, showing date, names of estate or ward, name of guardian, items of debits and credits, voucher numbers, and signatures and oaths. Arr. chron. Alph. index by names of estates. Hdw. on printed form. 575 pp. 18½ x 13 x 2. Vault.

Marriages

264. MARRIAGE LICENSES (and Stubs), 1862--. 23 file drawers (labeled alph. A-Z), 48 vols. (labeled by inclusive license nos. 55,101-G34,000).
Original marriage licenses returned, 1862-1916, copies of licenses, 1862-1916, and stubs of marriage licenses issued, 1917--, showing date, names, ages and addresses of contracting parties, and signature of probate judge; licenses and copies also show date and place of marriage and name of person performing ceremony. Arr. chron. No index. Hdw. on printed forms. File drawers 10½ x 5 x 13½; vols. 100 pp. 7½ x 5 x 3/4. Vault.

265. MARRIAGE RECORD, 1858--. 19 vols. (1, A-R).
Record of marriages, showing names, addresses, ages, and color of contracting parties, names of parents, previous marital status, date license issued, license number, place and date of marriage, and name of person performing ceremony. Alph. index by names of contracting parties. Hdw. on printed form. Aver. 575 pp. 16½ x 12 x 2½. Vault.

Minors
(See also entries 39, 247, 253, 254, 256, 277-279)

266. (CRIPPLED CHILDREN CASES), 1932--. In Insane and Miscellaneous, entry 271.
Complaints, reports of examining physicians, decisions and orders of court, and other original instruments in proceedings for care and treatment of crippled children, showing date, name of complainant, name, race, age and sex of child, name, address, and oath of physician, date of hearing, orders of court, name of hospital to which committed, and financial statement.

267. CRIPPLED CHILDREN'S RECORD, 1932--. 1 vol.
Record of proceedings in care and hospitalization of crippled children, showing names of child, parents, or guardian; case number, name of complainant, name and report of examining physician, date of hearing, findings and orders of court, and financial statements. Arr. num. by case nos. and chron. thereunder. Alph. index by names of children. Typed on printed form. 120 pp. 19 x 12½ x 2. Vault.

268. ADOPTIONS (of Minors), 1917-18. 1 file drawer. 1872-- also in Insane and Miscellaneous, entry 271.
Original instruments filed in proceedings for adoption of minors, showing date, name of applicant and offer to adopt, name of child, consent of parents or guardian, oath of applicant, order to adopt, relinquishment, and approval of probate judge. Arr. chron. No index. Hdw. on printed form. 10½ x 5 x 13½. Vault.

269. ADOPTION RECORD, 1884--. 2 vols.
Record of adoptions of minors, showing names of child, parents or guardian, name of person offering to adopt, consent to adoption, orders of court, and change of name. Arr. chron. Alph. index by names of children. Hdw. on printed form. 240 pp. 16 x 11 x 1½. Vault.

270. INDUSTRIAL SCHOOL RECORD, 1899-1905. 1 vol. Discontinued.
Record of proceedings for commitment of delinquent boys and girls to state reform schools, showing name of child, charges, date of warrant, statement of examining physician, notice of hearing, names of complainants and witnesses, and findings and orders of court. Arr. chron. Alph. index by names of delinquents. Hdw. on printed form. 300 pp. 18½ x 13½ x 2½. Vault.
For Juvenile Court Record, 1905--, see entry 279.

Lunacy

271. INSANE AND MISCELLANEOUS, 1872--. 35 file drawers (labeled alph. A-Z).
Original instruments filed in proceedings for insane, feeble-minded and epileptic persons, including orders, affidavits, notices, warrants to convey, inquiries, reports, copy of instructions containing application of parent or guardian; verification as to residence, financial statement; general, medical, personal and family history; county commissioner's agreement, and correspondence from state board of administration, showing dates, names of patient and complainants, names of witnesses, verdict, disposition of case and date of filing. Also contains: Adoptions (of Minors), entry 268; (Crippled Children Cases), 1932--, entry 266. Arr. alph. by title of case. No index. Hdw. and typed on printed forms. 10½ x 5 x 13½. Vault.

272. LUNACY RECORD, 1880--. 6 vols. (A-C, 3-5).
Record of proceedings in cases of insane and feeble-minded persons, showing affidavit of lunacy, order of hearing, notice to patient, appointment of commission, report of examining physician, report of commission, judgment, to what institution committed, certificate of residence, financial statement, and order restoring citizenship. Arr. chron. Alph. index by names of patients. Hdw. on printed form. 450 pp. 18½ x 13½ x 3. Vault.

Liquor Records
(See also entries 142-144)

273. DRUGGISTS' PAPERS, OLD (Permits and Bonds to Sell Liquor), 1878-1908. 2 file drawers. Discontinued.
Petitions of druggists for permits to sell intoxicating liquors for medicinal, mechanical, and scientific purposes, copies of permits, bonds

of druggists and affidavits of sales, showing name and address of purchaser, purpose for which liquor is to be used, date of purchase, date, amount, and conditions of bond and affidavits of sureties. Arr. alph. by names of druggists. No index. Hdw. on printed form. 10½ x 5 x 13½. Vault.

274. DRUGGISTS' PETITIONS, PERMITS, AND BONDS, 1894-1908. 1 vol. Discontinued.

Record of druggists' petitions for permits to sell intoxicating liquors, showing date of petition, name and address of druggist, date of hearing, date of permit, amount of bond and names of sureties. Arr. chron. Alph. index by names of druggists. Hdw. on printed form. 480 pp. 18½ x 13½ x 2. Vault.

275. RECORD OF DRUGGISTS' INVENTORY, 1885-1908. 1 vol. Discontinued.

Record compiled from reports of druggists to probate judge on druggists' inventory of liquor, showing date of inventory, name of druggist, amount of liquor purchased monthly, and amount on hand. Arr. chron. Alph. index by names of druggists. Hdw. on printed form. 350 pp. 18 x 12 x 2. Vault.

Miscellaneous

276. PROBATE COURT RECEIPT BOOK (Receipts for Papers), 1899--. 2 vols. (1, 2).

Record of documents taken from office of probate court, showing file number, title of case, date, by whom taken, date and by whom returned. Arr. chron. No index. Hdw. on printed form. Aver. 225 pp. 18 x 12½ x 2. Vault.

VI. JUVENILE COURT

The juvenile court was created in each county in the state by the legislature of 1905, to have jurisdiction in matters pertaining to dependent, neglected and delinquent children (L. 1905, ch. 190, sec. 1; G.S. 1935, ch. 38, sec. 401).

Prior to the creation of the juvenile court, cases of dependent or delinquent children were handled chiefly through the probate court, although jurisdiction was vested in any court of record. The statutes provide that "courts of record and the probate courts of the state shall have power to commit boys under 16 years old to the state industrial school for boys at Topeka" (L. 1881, ch. 129, sec. 4; G.S. 1935, ch. 76, sec. 2105) and "girls under 18 years old to the industrial school for girls at Beloit" (L. 1889, ch. 158, sec. 11 ; G.S. 1935, ch. 76, sec. 2207). The legislature of 1889 authorized and empowered any corporations having for their purpose the establishment and maintenance of a

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(Next entry 277, p. 148)

children's home to receive and retain friendless children and provide for them until the age of majority, and gave corporations of this kind all the powers of natural or legal guardians (L. 1889, ch. 134, sec. 1; G.S. 1935, ch. 38, sec. 112). Most of the provisions now existing for the handling of juvenile cases by the juvenile court were passed by the legislature of 1901, jurisdiction at the time being given to "any court of summary jurisdiction" (L. 1901, ch. 106, sec. 1-17; G.S. 1935, ch. 38, secs. 310, 318).

The probate judge is designated as judge of the juvenile court and receives for his services the same fees he would receive for like service as probate judge (L. 1905, ch. 190, sec. 1; G.S. 1935, ch. 38, sec. 401). He is required to appoint one or more "discreet persons of good character" to serve as probation officers during the pleasure of the court (L. 1905, ch. 190, sec. 3; G.S. 1935, ch. 38, sec. 403). Probation officers in Franklin County are authorized by law to receive compensation not to exceed two dollars a day for the time of actual service (L. 1927, ch. 226, sec. 1; G.S. 1935, ch. 38, sec. 424).

The juvenile court has jurisdiction over children under 16 years old who are not at the time inmates of any state institution or industrial school. "Neglected child" and "dependent child" are defined as any child who for any reason might be destitute, homeless or abandoned, without proper care. Any child violating any law, or knowingly associating with criminals or immoral persons, or believed to be growing up in idleness or crime, the statutes define as "delinquent". (L. 1905, ch. 190, sec. 2; G.S. 1935, ch. 38, sec. 402.)

The act provides that it shall be "liberally construed to the end that the care, custody and discipline of a child shall approximate, as nearly as may be proper, parental care; and in all cases where the same can be properly done, that a child may be placed in an approved family home, by legal adoption or otherwise. And in no case shall any proceedings, order or judgment of the juvenile court in cases within the purview of this act, be deemed or held to import a criminal act on the part of the child; but all proceedings, orders and judgments shall be deemed to have been taken and done in the exercise of the parental power of the state". (L. 1905, ch. 190, sec. 15; G.S. 1935, ch. 38, sec. 415.)

As judge of the juvenile court the probate judge has authority to issue subpoenas and compel attendance by attachment as for contempt, and to issue all process that may be necessary, the same as justices of the peace may do in misdemeanor cases. Writs and processes are served by the probation officer of the court. (L. 1905, ch. 190, sec. 1; G.S. 1935, ch. 38, sec. 401.) The probation officer must make such investigations as the judge may require. It is also his duty to represent the interests of the child when the case is heard, furnish the court with information and assistance and take such charge of the child before and after trial as the judge may direct. (L. 1905, ch. 190, sec. 2; G.S. 1935, ch. 38, sec. 402.)

County and city attorneys are required to give probation officers assistance within their jurisdiction. Police officers and constables making arrests of children under 16 years old must report the fact to the probation officer or judge of the juvenile court. (L. 1905, ch. 190, sec. 12, 13; G.S. 1935, ch. 38, sec. 412, 413.)

Complaint that any child is dependent, neglected or delinquent may be made to the court by any reputable person. If it is determined that there is no ground for complaint, the court may summon the parents or other interested persons and proceed to hear and dispose of the case, or may continue it from time to time. The judge may allow the child to remain in its own home while the case is pending or place it in a suitable home subject to supervision of the probation officer, or in a place provided by the county, but no child may be committed to jail except in case of a felony. (L. 1905, ch. 190, secs. 4, 5; G.S. 1935, ch. 38, sec. 404, 405.)

The judge of the juvenile court must make an annual report to the governor on the first day of July of each year, and must include therein a complete history of the proceedings of the court for the preceding year, statistics as to the number of cases, nature of cases and disposition of the same and also a financial report of the court for the year just past (L. 1907, ch. 177, sec. 11; G.S. 1935, ch. 38, sec. 422).

Although the statutes make no provision for specific records of the juvenile court, they make it the duty of the county commissioners to furnish the judge with "such dockets, records and blanks as may be necessary in the conduct of the business of the court" (L. 1905, ch. 190, sec. 1; G.S. 1935, ch. 38, sec. 401).

The juvenile court records are kept in the vault of the probate court.

For other records pertaining to minors other than these of the juvenile court see entries 39, 247, 253, 254, 256, 266-270, 277-279.

277. JUVENILE COURT (Case Files), 1905--. 5 file drawers. Petitions, court orders, oaths, notices to probation officers and persons interested, warrants, summonses, and other original instruments filed in cases pertaining to dependent, neglected or delinquent children showing date, names of petitioner, witnesses, child and parties interested, history of case, orders for custody and support, warrants to convey child to state institution, and items of fees and costs. Arr. num. by case nos. No index. Hdw. on printed form. 10½ x 5 x 13½. Vault.

278. JUVENILE COURT (Appearance) DOCKET, 1905--. 1 vol. Docket of cases filed in juvenile court, showing case number, nature of cause, name of child, names of complainant, attorneys and parents or guardian, fees, costs, and disposition of case. Arr. chron. Alph. index by names of children. Hdw. on printed form. 300 pp. 16 x 12 x 2. Vault.

279. JUVENILE COURT RECORD, 1905--. 2 vols.
Record of court proceedings in cases of dependent, neglected, and delinquent children, showing name of child, date, petition for commitment to institution, notice to interested persons of date of hearing, and orders of court. Arr. chron. Alph. index by names of children. Hdw. on printed form. 400 pp. 16 x 12 x 2. Vault.
For Industrial School Record, 1899-1905, see entry 270.

VII. JUSTICE OF THE PEACE

During the territorial period and the early days of statehood the justice of the peace played an important role in the administration of justice in Kansas. The office was created by the first territorial assembly, which provided that each municipal township should be entitled to four justices (S.T.K. 1855, ch. 93, art. 1, sec. 1). They were empowered to cause to be kept all laws made for the preservation of the peace; to cause to come before them any person who broke the peace and commit him to jail or bail; to arrest persons attempting to break the peace and to compel security for their behavior. They also could punish for contempt. (Ibid., secs. 6, 7.)

Justices also had the power to subpoena witnesses, take depositions, and to take acknowledgments of deeds and other written instruments, except conveyances of land located outside the county. When the office was vacated they were required to turn their records over to the county clerk, to be turned over to some other justice. (Ibid., secs. 9, 10.) In civil matters justices had jurisdiction in actions of debt, contract and damages involving not more than $100; trespass and injury to person or personal property involving not more than $50; and cases involving a penalty provided by the territorial statutes of not more than $50. They could take and enter judgments by confession. (Ibid., art. 2, sec. 1.)

The jurisdiction of the justice was coextensive with the county. Writs could be served by any constable in any township, but were returnable before the justice in the township in which one or more of the defendants could be served, and such justice had full jurisdiction to try the case. The justice had no cognizance of any action against an executor or administrator of an estate or corporation, or of detinue, replevin, slander, malicious prosecution, false imprisonment, or where the title to land was in question. (Ibid., sec. 3.) He had jurisdiction in simple assault and battery, except when punishable by imprisonment under the territorial laws, or when damage exceeded $100. If the offense was punishable by imprisonment or a fine of $100 or more, the justice was required to admit the prisoner to bail until the next term of court. (Ibid., ch. 94, secs. 1, 2.) When there was no coroner, or when he was absent or for some other reason could not serve, the assembly specified that a justice of the peace might perform his duties

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(ibid., ch. 86, sec. 16). The county tribunal was authorized to appoint, as often as necessary, one or more justices in each township to lay out the roads in the township into convenient road districts, and allot to the overseers the persons subject to work on the roads (ibid., ch. 139, secs. 28, 29).

The assembly of 1857 reduced the number of justices to two in each township, or four if the township contained an incorporated city (L.T.K. 1857, sec. 3, p. 56), and gave them jurisdiction in cases of trespass, false imprisonment, malicious prosecution, libel and replevin where the amount involved did not exceed $100 (ibid., sec. 2, p. 56).

The first justices were appointed by the county tribunal (S.T.K. 1855, ch. 44, sec. 13), to serve terms of five years (ibid., ch. 93, art. 1, sec. 2). The assembly of 1857, however, reduced the term to four years (L.T.K. 1857, sec. 4, pp. 56, 57), and in 1860 it was reduced to two years (G.L.T.K. 1860, ch. 128, sec. 2). The state constitution, effective January 29, 1861, provides for the election of two justices in each township to serve terms of two years, and designated that their powers and duties be prescribed by law. The number of justices in any township may be increased by legislative enactment. (C.S.K., art. 3, sec. 9.) The statutes also provide that the county commissioners, when petitioned by a majority of the voters of a township, may make an order increasing or decreasing the number of justices to be voted for at the next ensuing election, as they may deem expedient but in no event may there be less than two (G.S. 1868, ch. 110, secs. 35, 36; G.S. 1935, ch. 80, secs. 602, 603). When a justice vacates his office, his dockets must be placed in the hands of some other justice in the township (G.S. 1868, ch. 110, sec. 38; G.S. 1935, ch. 80, sec. 605). Justice of the peace must be an elector of the township from which he is elected (G.S. 1868, ch. 110, sec. 16; G.S. 1935, ch. 80, sec. 202). Upon his election or appointment, he must take the oath of office and execute to the state a bond, to be approved by the county commissioners, for faithful performance of duty (G.S. 1868, ch. 110, secs. 16, 18; G.S. 1935, ch. 80, secs. 202, 203). Vacancies in office are filled by appointment by the governor until the next ensuing regular election (G.S.K., art. 3, sec. 11).

Justices have jurisdiction coextensive with the county in the following civil matters: 1) actions for the recovery of money only, where the amount claimed does not exceed $300; 2) to try actions for forcible entry and detention of real property; 3) to issue orders of attachment and proceed against the effects of debtors in certain cases; 4) to issue subpoenas for and compel attendance of witnesses in matters pending before them; 5) to issue executions on judgments rendered by them; 6) to proceed against security for costs and bail for the stay of execution in matters before them; 7) to administer any oath authorized by law; 9) to take acknowledgment of written instruments; 10) to act in the absence of the probate judge in the trial of contested elections of justices of the peace; 11) to solemnize marriages (G.S. 1868, ch. 81, sec. 1, as amended

by L. 1870, ch. 88, sec. 1; G.S. 1935, ch. 61, sec. 102). In criminal matters the justice has concurrent original jurisdiction with the district court, coextensive with the county, in all cases of misdemeanor in which the fine cannot exceed $500 nor the imprisonment one year. Warrants are served by the sheriff or constable or any person especially appointed in writing by the justice. (G.S. 1868, ch. 83, secs. 1, 2; G.S. 1935, ch. 63, secs. 101, 201.)

The justice of the peace is required to keep a docket in which he must enter the title of each action, the time of filing, time of service and return of writs, orders of arrest and attachments, every adjournment and at whose request, and in whose favor any judgment is rendered or execution issued (G.S. 1868, ch. 81, sec. 188; G.S. 1935, ch. 61, sec. 1504).

There are seventeen townships in Franklin County, of which one, Ottawa City Township, is a municipal township automatically created when the city attained a population of 2,000 (G.S. 1868, ch. 110, sec. 48; G.S. 1935, ch. 80, sec. 1404). Ottawa City and Williamsburg townships have two justices each and Harrison and Richmond have one each. At the present time no justices are qualified in the remaining thirteen townships.

This inventory includes only records of the two justices of Ottawa City Township.

Civil Cases

280. JACKETS (of Civil Cases), 1931--. 24 bdls. (case nos. 7102-8454).

Jackets formerly containing original instruments filed in civil cases before justice of peace, showing case number, title and cause, names of attorneys, date of return, and volume and page numbers of civil dockets where recorded. The instruments have been turned over to the clerk of the district court or other proper authorities. Arr. num. by case nos. No index. Hdw. on printed form. 6 x 4½ x 10. Office, 206½ South Main St., Ottawa, Kansas.

281. CIVIL DOCKET, 1879-87, 1891--. 43 vols. (1, 2, 11, 12, D-M, O-S, 20-43). Title varies: Justice Civil Docket, 1879-87, 1891-1926.

Docket of civil cases filed with justice of peace, showing date, case number, title and cause, dates and nature of pleadings filed and writs issued, proceedings had, fees, costs and disposition of case. Arr. chron. and num. by case nos. Alph. index by names of plaintiffs. Hdw. on printed form. Aver. 300 pp. 17 x 12½ x 2½. 29 vols., 1879-87, 1891-1926, south bsmt. vault, courthouse; 14 vols., 1925--, office, 205½ South Main St., Ottawa, Kansas.

282. (MISCELLANEOUS INSTRUMENTS), 1923-30. 2 cardboard boxes. Orders of sale and attachment, summonses, subpoenas, executions, garnishment orders and affidavits, and other miscellaneous original instruments filed in civil cases. Arr. num. by case nos. No index. Hdw. on printed form. 9 x 6 x 15. South bsmt. vault, courthouse.

Criminal Cases
(See also entry 44)

283. JACKETS (of Criminal Cases), 1931--. 20 bdls. (case nos. 3280-5260).
Jackets formerly containing original instruments filed in criminal cases, showing case number, name of defendant, charges, attorneys, date of return, and volume and page numbers of appearance dockets where recorded. The instruments have been turned over to the clerk of the district court or other proper authorities. Arr. num. by case nos. No index. Hdw. on printed form. 6 x 4½ x 10. Office, 206½ South Main St., Ottawa, Kansas.

284. CRIMINAL DOCKET, 1859-75, 1894--. 21 vols. (15 unmarked, 5-10). Title varies: Justice's Criminal Docket, 1919-24.
Docket of criminal cases tried by justice of peace, showing date of filing, case number, name of defendant, nature of charge, attorneys, dates and nature of pleadings filed and writs issued, proceedings had, fees, costs and disposition of case. Arr. chron. and num. by case nos. Alph. index by names of defendants. Aver. 354 pp. 16⅓ x 12 x 2½. 4 vols., 1859-75, 1894-1918, south bsmt. vault, courthouse; 10 vols., 1907--, office, 206½ South Main St., Ottawa, Kansas; 1 vol., 1919-24, clerk of district court vault, courthouse; 6 vols., 1925--, 205½ South Main St., Ottawa, Kansas.

285. (RECEIPTS FOR FINES), 1919--. 5 vols.
Stubs of receipts given by justices for fines paid, showing date, case number, amount of fine, amount paid, and by whom. Arr. chron. No index. Hdw. on printed form. Aver. 100 pp. 8½ x 5 x ½. 2 vols., 1919-27, bsmt. vault, courthouse; 3 vols., 1928--, office, 206½ South Main St., Ottawa, Kansas.

VIII. CORONER

The office of coroner in each county was created by the first territorial assembly and there has been practically no change in its functions to the present day. The first coroners were appointed by the board of county commissioners and commissioned by the governor (S.T.K. 1855, ch. 44, sec. 34). The assembly of 1858 provided that they should be elected biennially (G.L.T.K. 1858, ch. 13, sec. 78; G.S. 1935, ch. 19, sec. 1001).

Coroner

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The coroner must execute and file with the county clerk a bond in the penal sum of from $500 to $5,000 for faithful performance of duty (G.L.T.K. 1860, ch. 28, sec. 85; G.S. 1935, ch. 19, sec. 1001). When there is no coroner, or he is disqualified or unable to act, any justice of the peace of the county may perform his duties in relation to dead bodies (G.L.T.K. 1860, ch. 28, sec. 102; G.S. 1935, ch. 19, sec. 1016). Vacancies in the office of coroner are filled by appointment by the governor until the next ensuing election (L. 1861, ch. 28, sec. 39; G.S. 1935, ch. 25, sec. 312). A coroner may be removed by ouster proceedings instituted by the attorney general in the district court or the state supreme court (L. 1911, ch. 237, secs. 1, 2; G.S. 1935, ch. 60, sec. 1609, 1610). The coroner of Franklin County receives $3 a day for each day he is employed in holding inquests and the same fees as justices of the peace and sheriffs for performing like services. He receives, in addition, 10 cents for every mile necessarily traveled in discharging his official duties (L. 1913, ch. 197, sec. 30; G.S. 1935, ch. 28, sec. 111).

In counties with a population of 130,000 or more the coroner may appoint two deputies, which appointments must be in writing and filed in the office of county clerk. The coroner may take from his deputies whatever bond he deems necessary to secure faithful performance of their duties and the deputies thus appointed are authorized by law to exercise all the powers conferred upon the coroner (L. 1929, ch. 155, secs. 1, 2; G.S. 1935, ch. 19, secs. 1018, 1019). When there is no sheriff in the county, or the sheriff has been committed to jail, it is the coroner's duty to exercise all the functions of the sheriff until one is elected and qualified (G.L.T.K. 1860, ch. 28, sec. 86; G.S. 1935, ch. 19, sec. 1002).

The coroner is required to hold an inquest upon the dead bodies of persons who are supposed to have died from unlawful means, or the cause of whose death is unknown. When he has notice of such death, he is required to summon a jury of six persons and may issue subpoenas for such witnesses as he deems necessary. He has the same authority as a justice of the peace in forcing attendance of witnesses and punishing for contempt. The testimony must be reduced to writing and subscribed by the witnesses. The inquisition, the written evidence and a list of the witnesses who testify must then be returned to the county clerk. If the inquisition find that a crime has been committed on the deceased and names the person believed by the jury to have committed it, the coroner may order his immediate arrest, if he is present; otherwise he may issue a warrant to the sheriff or any constable, which warrant has the same force as that issued by a justice of peace. Should the deceased have no relatives or friends, the coroner may order his burial at county expense. (G.L.T.K. 1860, ch. 28, secs. 89-101; G.S. 1935, ch. 19, secs. 1003-1015.)

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286. CORONER'S RECORD, 1915--. 1 vol.
Coroner's record of inquests, showing date, name of deceased, circumstances of death, names of jurors and witnesses, findings of jury and coroner, and record of fees and cost. Arr. chron. Alph. index by names of deceased. Hdw. on printed form. 284 pp. 16 x 12 x 1½. Office, 336½ South Main St., Ottawa, Kansas.
For coroner's inquest reports, 1913--, see entry 116.

IX. SHERIFF

The office of sheriff was created in each county by the first territorial assembly, and there have been but few basic changes in its functions to the present day. The assembly elected a sheriff for each organized county to hold office until 1857, after which it specified that the officer was to be elected by the people for a term of four years (S.T.K. 1855, ch. 150, secs. 1, 2). The assembly of 1858 changed the term of sheriff to the present one of two years (G.L.T.K. 1858, ch. 13, sec. 60; G.S. 1935, ch. 19, sec. 801). The state constitution limited the time of service of the officer to two successive terms (C.S.K., art. 9, sec. 3).

To insure faithful performance of duty the sheriff is required to execute to the state a bond of from $2,000 to $20,000, to be approved by the county commissioners and filed with the county clerk (G.S. 1868, ch. 25, sec. 99, as amended by L. 1897, ch. 96, sec. 2; G.S. 1935, ch. 19, sec. 801). He is required to appoint an undersheriff to hold office at his pleasure, and as many deputies as he thinks proper, and is responsible on his bond for their official acts (G.S. 1868, ch. 25, secs. 101, 103; G.S. 1935, ch. 19, secs. 803, 805). When a vacancy occurs in the office of sheriff, the undersheriff fills the office until the governor appoints a sheriff to serve until the next ensuing regular election (L. 1870, ch. 111, sec. 1; G.S. 1868, ch. 19, sec. 804). In Franklin County the sheriff receives a salary of $2,000 a year (L. 1913, ch. 197, sec. 8; G.S. 1935, ch. 28, sec. 106). In the event the sheriff is committed to jail the coroner becomes keeper of the jail as long as the sheriff remains therein (G.S. 1868, ch. 25, sec. 117; G.S. 1935, ch. 19, sec. 1002).

In counties with a population of 65,000 or more the sheriff, with the approval of the county commissioners, may appoint deputy sheriffs to patrol county highways, the number of appointments to depend upon the population of the county (L. 1923, ch. 116, sec. 1; L. 1931, ch. 168, sec. 1; G.S. 1935, ch. 19, secs. 806, 807a). In counties with a population of 35,000 or more, the county commissioners, upon nomination and recommendation of the sheriff, may appoint a matron for the county jail, to have charge of women prisoners confined therein and, as a member of the sheriff's force, to have the same authority as a deputy sheriff (L. 1913, ch. 154, sec. 1; G.S. 1935, ch. 19, sec. 901).

Sheriff

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It is the duty of the sheriff, the undersheriff and his deputies to keep and preserve the peace in their county, and to quiet and suppress any affrays or unlawful assemblies, and to this end the sheriff may call to his aid any persons he deems necessary (S.T.K. 1855, ch. 150, sec. 3; G.S. 1935, ch. 19, sec. 813). The legislature of 1885 made it the duty of the commander of any regiment, battalion or company of the state militia to aid the sheriff with his command when called upon by that officer, in case of breach of the peace, tumult, riot or resistance to process (L. 1885, ch. 142, sec. 29). In 1901 this law was modified to permit the militia officer to maneuver his command according to his own judgment (L. 1901, ch. 255, sec. 42; G.S. 1935, ch. 48, sec. 242).

The sheriff, by himself or daputy, is required to keep the jail and supply proper food and fuel for the prisoners (S.T.K. 1855, ch. 150, sec. 4; G.S. 1935, ch. 19, sec. 811). He is required to receive all federal prisoners committed to his care, provided the federal government pays for their keep (G.S. 1868, ch. 53, sec. 18; G.S. 1935, ch. 19, sec. 1918). When a prisoner is committed on a criminal action, the county must allow the sheriff a reasonable charge for his keep (G.S. 1868, ch. 53, sec. 10; G.S. 1935, ch. 19, sec. 1910). Immediately upon arrest of any person believed to be a fugitive from justice, to have committed a felony, or to be in possession of stolen property, the sheriff is required to take impression of the alleged offender's fingerprints and send them to the federal department of justice (L. 1931, ch. 178, sec. 1; G.S. 1935, ch. 21, sec. 2501).

The lynching of a prisoner in the custody of a sheriff in Kansas constitutes evidence of failure on the part of the sheriff to do his duty and the office immediately becomes vacant. Within ten days after the lynching the sheriff may file a petition for reinstatement with the governor who, upon the presentation of conclusive evidence that the sheriff used reasonable effort to protect the life of the prisoner, may issue to him a certificate of reinstatement (L. 1903, ch. 221, sec. 5; G.S. 1935, ch. 21, sec. 1007).

The territorial legislature of 1859 made death the punishment for first degree murder in Kansas (L. 1859, ch. 28, sec. 3), and required the sheriff to inflict the sentence by hanging (ibid., ch. 32, secs. 241, 242). In 1872 the legislature provided that executions should take place within the walls of the state penitentiary and be carried into effect by the warden. The sheriff's only duty was to convey the prisoner to the penitentiary. (L. 1872, ch. 166, secs. 1, 4.) Life imprisonment was substituted for the death penalty in 1907 (L. 1907, ch. 188, sec. 1), but in 1935 the death penalty was reinstated and it is again the duty of the sheriff, upon receiving the proper warrant, to convey the prisoner to the penitentiary for execution. (L. 1935, ch. 155, sec. 12; G.S. 1935, ch. 62, sec. 2412).

In civil matters the sheriff is required to serve and execute, by himself or deputy, all processes, writs, precepts, and orders issued and directed to him by lawful authority, and to attend upon the several

courts of record held in his county (G.S. 1868, ch. 25, sec. 106; G.S. 1935, ch. 19, sec. 812). He is required to sell lands or tenements on execution and make a deed to the purchaser (G.S. 1868, ch. 80, sec. 459; G.S. 1935, ch. 60, sec. 3438). When a receiver is not appointed by the court, the sheriff may act as receiver for the property he is attaching, and may commence and maintain actions in his own name as such (G.S. 1868, ch. 80, sec. 211; G.S. 1935, ch. 60, sec. 925). The sheriff must be present in the office of the county clerk at the drawing of the jury (G.S. 1868, ch. 54, sec. 11; G.S. 1935, ch. 43, 109), and must summon those drawn for jury duty (G.S. 1868, ch. 54, sec. 15, as amended by L. 1921, ch. 166, sec. 1; G.S. 1935, ch. 43, sec. 113). Until 1917, when the legislature made it the duty of the county clerk, it was the sheriff's duty to proclaim the holding of elections (G.S. 1868, ch. 36, sec. 5 as amended by L. 1917, ch. 178, sec. 1; G.S. 1935, ch. 25, sec. 105).

The territorial assembly of 1855 designated the sheriff as ex officio collector of taxes for his county (S.T.K. 1855, ch. 150, secs. 1, 2) but the assembly of 1860 made the collection of taxes a duty of the county treasurer (G.L.T.K. 1860, ch. 28, sec. 114; G.S. 1935, ch. 19, sec. 1515). The sheriff is required to collect delinquent personal property taxes upon warrants issued by the county treasurer (G.S. 1868, ch. 107, sec. 123; G.S. 1935, ch. 79, sec. 2101), and since 1933 has been required to collect delinquent income taxes upon warrants issued by the state tax commission (L. 1933, ch. 320, sec. 35; G.S. 1935, ch. 79, sec. 3235).

The sheriff must keep a calendar of all prisoners committed to jail, and return a copy to the judge at the opening of each term of the district court (G.S. 1868, ch. 53, sec. 4; G.S. 1935, ch. 19, sec. 1904). He is also required to keep and file a copy of all process required to be returned to the court of issue, and to keep and file all instruments or copies thereof, by which prisoners are committed or liberated (G.S. 1868, ch. 53, secs. 11, 12; G.S. 1935, ch. 19, secs. 1911, 1912). The sheriff must also keep a fee book in which he records all fees by him charged and collected and all those due and uncollected (L. 1897, ch. 131, sec. 14; G.S. 1935, ch. 28, sec. 123).

Additional records found in the sheriff's office are kept by implication of the statutes, or by custom and practice rather than by actual statutory requirement. In some counties the sheriff keeps a day book, which in most cases, is a combined record of all processes served. Occasionally, however, the sheriff keeps a day book together with specialized records of attachments, executions, orders of sale and the more important processes. If he so desires he may retain in his office copies of fingerprint impressions sent to Washington (L. 1931, ch. 178, sec. 1; G.S. 1935, ch. 21, sec. 2501). In addition he sometimes retains duplicate copies of his quarterly report to the county commissioners of fees collected (L. 1897, ch. 131, sec. 14; G.S. 1935, ch. 28, sec. 123).

In the following entries the word "vault" used to designate location of records refers to the sheriff's vault.

Civil Processes

287. SHERIFF'S DAY AND EXPENSE BOOK, 1884--. 40 vols. Title varies: Sheriff's Day Book, 1884-1925.
Sheriff's daily record of civil processes served, showing date, name of court, nature of instrument, title of cause, date received, date served, by whom, fees and costs incurred and date of return. Also contains: Sheriff's Execution Docket, 1915--, entry 288. Arr. chron. No index. Hdw. on printed form. 2 vols., aver. 225 pp. 16 x 12 x 2; 38 vols. 192 pp. 7½ x 4½ x ½. 39 vols., 1884--, office; 1 vol., 1894-98, south bsmt. vault.

288. SHERIFF'S EXECUTION DOCKET, 1876-1914. 2 vols. 1915-- in Sheriff's Day and Expense Book, entry 287.
Record of executions on orders of sale and attachment, showing name of court, title and cause, date received, date of sale, to whom, price received, fees and costs, date of return, and remarks. Arr. chron. Alph. index by names of plaintiffs. Hdw. on printed form. 500 pp. 18 x 12 x 3. South bsmt. vault.

289. SHERIFF'S SALES ON FORECLOSURE AND PARTITIONS, 1935--. 4 bdls.
Record of sales on mortgage foreclosures and partitions, showing date, case number, title and cause, date of publication, date and amount of sale, name of purchaser, dates of certificate of purchase, tax deed and amount of fees and costs. Arr. chron. No index. Hdw. and typed on printed form. 4½ x 4 x 10. Office.

Delinquent Taxes

290. (RECORD OF DELINQUENT PERSONAL PROPERTY TAX WARRANTS), 1919--. 2 vols.
Record of warrants received from treasurer for collection of delinquent personal property taxes, showing warrant number, date, name and address of taxpayer, amount of taxes, costs and penalties, amount collected, date of return, fees and remarks. Arr. num. by warrant nos. No index. Hdw. on printed form. 508 pp. 17½ x 13 x 2½. Office.

291. RECEIPTS (Personal Property Tax), 1932--. 1 file drawer.
Duplicate copies of receipts issued by sheriff for delinquent personal property tax collected, showing date, receipt number, name of payer, amount, purpose, and sheriff's signature. Also contains: (Receipts For Fees Collected), 1934--, entry 305. Arr. num. by receipt nos. No index. Hdw. on printed form. 13½ x 11½ x 24½. Office.

Criminal Records

292. WARRANTS (State), 1935--. 1 file box.
Warrants issued for arrest of persons on criminal charges, showing warrant number, date, name of defendant, order to sheriff to arrest, signature of justice, dates of filing, and execution, and record of fees. Arr. alph. by names of defendants. No index. Hdw. on printed form. 9 x 5 x 9-3/4. Office.

293. COMMITMENTS, 1935--. 1 file box.
Orders to sheriff for commitments to county jail or state institutions, showing date, title and cause, names of plaintiff and defendant, and name of complainant. Also contains: (Receipts from State Institutions), entry 294. Arr. alph. by names of prisoners. No index. Hdw. on printed form. 9 x 5½ x 11½. Office.

294. (RECEIPTS FROM STATE INSTITUTIONS), 1935--. In Commitments, entry 293.
Receipts issued to sheriff by warden or superintendent of state institution for commitment of prisoners, showing name of institution, date of receipt, names of sheriff and prisoner, date of sentence, and signature of warden or superintendent.

295. JAIL RECORD, 1869-1905, 1913--. 2 vols. Title varies: Prison Calendar, 1869-1905.
Record of prisoners committed to county jail, showing date, name and address, charge, physical description, remarks, and date of liberation. Arr. chron. Alph. index by names of prisoners, 1869-1905; no index, 1913--. Hdw. on printed form. Aver. 290 pp. 16¼ x 12 x 2. 1 vol., 1869-1905, south bsmt. vault; 1 vol., 1913--, office.

296. AUTOMOBILE REPORT (Stolen Cars), 1934--. 1 file board.
Reports of automobiles stolen, showing name and address of complainant, date, hour and place of theft, state and city license numbers, and description of car. Arr. chron. No index. Typed on printed form. 11½ x 8½. Office.

297. STOLEN AUTOMOBILES, 1934--. 1 cardboard file box.
Record of automobiles stolen, showing name of state and license number of car, motor number, description of car, and date and place of theft. Arr. alph. by makes of cars and num. by motor nos. No index. Typed. 5 x 6 x 11½. Office.

298. (STOLEN PROPERTY), 1937--. In Bulletin S(heriff's) O(ffice), entry 307.
Sheriff's record of property stolen, showing date reported, name and address of owner, description and location of property, by whom reported, and history of case.

299. JOURNAL (Investigations), 1935--. 2 vols.
Sheriff's daily record of investigations made, showing date, description of investigation, mileage, fees, and names of sheriff and deputy. Arr. chron. No index. Hdw. 300 pp. 12-3/4 x 8 x 1. Office.

300. (ROGUES' GALLERY), 1933--. 1 file box.
Photographs and descriptions of persons wanted on criminal charges, showing name, age, physical description, criminal history, identifying marks, where wanted, on what charge, and reward offered. Arr. alph. by names of criminals. No index. Printed. 5 x 7 x 13. Office.

301. FINGERPRINTS, 1930--. 1 file drawer.
Sheriff's record of fingerprints and criminal histories, showing name of criminal, case number, color, sex, nationality, place of birth, residence, charge, date of arrest, disposition of case, and prints of fingers and thumb of each hand. Arr. alph. by names of criminals. No index. Printed and typed on printed form. 11½ x 13½ x 24½. Office.

Receipts and Disbursement

302. LEDGER (Cash Book), 1932--. 1 vol.
Record of all cash received by sheriff, showing date, from whom received, receipt number, case number, amount and purpose. Arr. chron. Alph. index by subjects. Hdw. 272 pp. 14½ x 9 x 1. Office.

303. FEE BOOK, 1913--. 5 vols. (A-E).
Sheriff's record of fees charged and collected, showing date, case number, nature of service, amount of fee, to whom charged and date paid. Arr. chron. No index. Hdw. on printed form. 400 pp. 16½ x 12 x 2. Office.

304. GENERAL RECEIPTS, 1932--. 16 vols.
Duplicates of receipts issued by sheriff, showing date, number and amount of receipt, name of payor, purpose, and signature of sheriff. Arr. num. by receipt nos. No index. Hdw. on printed form. 50 pp. 8½ x 4 x ½. Office.

305. (RECEIPTS FOR FEES COLLECTED), 1934--. In Receipts (Personal Tax), entry 291.
Receipts issued by treasurer to sheriff for fees remitted, showing date, number and amount of receipt, purpose, name of fund credited and signature of treasurer.

Miscellaneous

306. NUMERICAL AUTO LICENSE RECORD, 1933--. 2 vols.
Sheriff's record of motor vehicle licenses issued, showing license number, name and address of owner, and description of car. Arr. num. by license nos. No index. Typed on printed form. 140 pp. 16-3/4 x 11 x 1. Office.

307. BULLETIN S(heriff's) O(ffice), 1937--. 1 vol.
Record of motor vehicle accidents reported in county, showing date, place and time of accident, names of owners and drivers of vehicles, license numbers, personal damage and remarks. Contains: (Stolen Property), entry 298; (Suicide Record), entry 308. Arr. chron. No index. Hdw. 125 pp. 12 x 9½ x 1¼. Office.

308. (SUICIDE RECORD), 1937--. In Bulletin S(heriff's) O(ffice), entry 307.
Sheriff's record of suicide cases in county, showing date reported, place of occurrence, name of deceased and narrative report of case.

309. LETTERS RECEIVED AND REPLY TO LETTERS, 1935--. 1 file drawer.
General correspondence of sheriff pertaining to crime, law enforcement, jail inmates and other business of office. Arr. chron. No index. Hdw. and typed. 11½ x 13½ x 24½. Office.

X. COUNTY ATTORNEY

The organic act of May 30, 1854, divided the Territory of Kansas into three judicial districts (10 U.S. Stat. 286, sec. 27) and the first territorial assembly created the office of district attorney in each, making it appointive by the assembly for a four-year term (S.T.K. 1855, ch. 10, sec. 1). In 1858 the territorial assembly abolished the office of district attorney and created that of county attorney to be elective in each county of the territory (G.L.T.K. 1858, ch. 13, sec. 49).

The state constitution, effective January 29, 1861, divided the state into five judicial districts (C.S.K., art. 3, sec. 5), and decreed that the number might be increased by law whenever two-thirds of the members of each house of the legislature might concur (ibid., sec. 14). The first state legislature abolished the office of county attorney and re-created that of district attorney, making the officer elective for a term of two years (L. 1861, ch. 2, sec. 1). Three years later the office of district attorney was again abolished, and that of county attorney restored and made elective for a two-year term (L. 1864, ch. 31, secs. 1, 2, 13; G.S. 1935, ch. 19, sec. 701). No subsequent change has been made.

The county attorney must be a regularly qualified practicing lawyer, and must execute to the state and file with the county clerk a bond in penal sum of not less than $2,000 for faithful performance of duty (G.S. 1868, ch. 25, sec. 135 as amended by L. 1907, ch. 163, sec. 1; G.S. 1935, ch. 19, sec. 701). Vacancies in the office are filled by appointment by the judge of the district court until the next ensuing election (G.S. 1868, ch. 25, sec. 146; G.S. 1935, ch. 19, sec. 715). In case of the absence or disability of the county attorney and

his deputy, the court before whom the officer is to appear may appoint an attorney to act as county attorney, by an order to be entered upon the minutes of the court (G.S. 1868, ch. 25, sec. 142; G.S. 1935, ch. 19, sec. 711).

In Franklin County the officer receives a salary of $1,625 a year (L. 1919, ch. 199, sec. 1; G.S. 1935, ch. 28, sec. 105).

By legislative enactment in 1864 the county attorney was authorized to appoint a deputy to perform all the duties of the county attorney during the absence or disability of that officer (L. 1864, ch. 31, sec. 15; G.S. 1935, ch. 19, sec. 706). In counties with a population of 100,000 or more the county attorney may appoint a first deputy and second deputy (L. 1917, ch. 129, sec. 1; G.S. 1935, ch. 19, sec. 707) and in counties with a population of not less than 110,000 the county attorney may appoint an additional deputy whose duty it is to give special attention to the preparation and trial of criminal cases (L. 1923, ch. 111, secs., 1, 2; G.S. 1935, ch. 19, secs. 709, 710). In counties with a population of 137,000 or more, the county commissioners may appoint a county counselor whose duty it is to give advice in and prosecute and defend all civil cases for the county except tax foreclosure suits, thus relieving the county attorney of these duties (L. 1917, ch. 128, sec. 2 as amended by L. 1923, ch. 112, sec. 2; G.S. 1935, ch. 19, sec. 247).

It is the duty of the county attorney to appear in the courts of his county and prosecute or defend on behalf of the people all suits, applications or motions, civil or criminal, arising under the laws of the state, in which the state or county is a party or interested. Any magistrate in his county may require him to appear and prosecute all complaints made in behalf of the state of which such magistrate shall have jurisdiction. He must also, when called upon to do so, render opinions and advice to all civil officers of the county concerning matters of county interest. (G.S. 1868, ch. 25, secs. 136-138; G.S. 1935, ch. 19, secs. 702-704.) The members of a grand jury sitting in any county may require the county attorney to attend them, examine witnesses, give legal advice and draw up bills of indictment (G.S. 1868, ch. 25, sec. 144; G.S. 1935, ch. 19, sec. 713).

The prosecuting witness in any criminal case may employ, at his own expense, special counsel to assist the county attorney (L. 1901, ch. 62, sec. 1; G.S. 1935, ch. 19, sec. 717) and the county commissioners may employ an additional attorney to assist the county attorney, when they deem it necessary, in any case or investigation involving the duties of his office (L. 1925, ch. 139, sec. 1; G.S. 1935, ch. 19, sec. 725). Provisions of the prohibitory liquor law allow the county attorney a fee of $25 on each count upon which the defendant is convicted, to be taxed as costs, but in no case is the county liable for payment of such fee (L. 1885, ch. 149, sec. 10; G.S. 1935, ch. 21, sec. 2124).

Questions arising as to the nomination of county or township officers are submitted to the county attorney, the county clerk and the clerk of the district court and any decision of a majority of the group is final (L. 1893, ch. 78, sec. 10; G.S. 1935, ch. 25, sec. 308). When the probate judge is a party in cases of contested elections, the county attorney has jurisdiction, approves the required bonds and decides the case (G.S. 1868, ch. 36, sec. 89; G.S. 1935, ch. 25, sec. 1415).

The county attorney and sheriff are required to make a personal investigation and inventory twice annually of all personal property owned by the county, which information is recorded in a book kept by the county clerk for that purpose, and a copy filed with the clerk of the district court (L. 1925, ch. 138, sec. 1; G.S. 1935, ch. 19, sec. 2624). With the judge of the district court the county attorney is required to make an investigation of the county jail at each term of court, and make a report of his findings to the county commissioners (L. 1868, ch. 53, sec. 2; G.S. 1935, ch. 19, sec. 1902).

The several county attorneys and the attorney general have authority to approve and register labels on caustic or corrosive substances and to enforce the laws pertaining thereto (L. 1927, ch. 247, sec. 4; G.S. 1935, ch. 65, sec. 646).

The county attorney must keep a record of all fees by him charged and collected in a book designated as a "fee book" (L. 1897, ch. 131, sec. 14; G.S. 1935, ch. 28, sec. 123). This is the only record in his office specifically required by law. He must, however, make a quarterly report to the county commissioners of all fees he has collected during the preceding three months (L. 1897, ch. 131, sec. 14; G.S. 1935, ch. 28, sec. 123), duplicate copies of which he sometimes retains in his office.

The word "office" used in the following entries to designate location of records refers to the office of the county attorney.

310. TRIAL BRIEFS, 1937--. 1 file drawer.
Carbon copies of transcripts of testimony and depositions of witnesses in civil and criminal cases, showing case number, date, names of plaintiff, defendant, witness and attorneys, and details of testimony. Arr. chron. No index. Typed. 12 x 18 x 24. Office.

311. COMPLAINTS (Before Justices of Peace), 1928--. 1 file drawer.
Carbon copies of complaints filed before justices of peace, showing date, name of court, nature of complaint, against whom, and signatures of complainant and justice. Arr. alph. by names of defendants. No index. Typed on printed form. 12 x 18 x 24. Office.

312. IDENTIFICATION ORDERS (Criminals Wanted), 1933--. 1 file drawer.
Cards from director of investigations, United States Department of Justice, describing persons wanted on criminal charges, showing date, name

and aliases, identification number, fingerprint classification, physical description, photograph, names of relatives, and charges on which wanted. Contains: Correspondence, 1931-36, entry 313; Agreements and Statements, 1929--, entry 314. Arr. chron. No index. Hdw. and typed. 12 x 18 x 24. Office.

313. CORRESPONDENCE, 1937--. 1 file drawer. 1931-36 in Identification Orders (Criminals Wanted), entry 312.
Originals and copies of correspondence to and from county attorney pertaining to crime and criminals, county affairs, and other business of the office. Arr. chron. No index. Hdw. and typed. 12 x 18 x 24. Office.

314. (AGREEMENTS AND STATEMENTS), 1929--. In Identification Orders (Criminals Wanted), entry 312.
Copies of agreements and statements made in criminal cases tried in Franklin County courts in which county is a party or interested, showing date, title of cause, terms of agreement, and signatures.

XI. COUNTY ASSESSOR

The first assembly, setting up a tax system for the Territory of Kansas, provided that a county assessor should be appointed annually by the county tribunal (S.T.K. 1855, ch. 137, art. 2, sec. 1) and made it the duty of every citizen to list with the officer all property owned by him or under his management (ibid., secs. 8, 9). In 1860 the office was made elective for a term of one year (G.L.T.K. 1860, ch. 28, sec. 121), and when Kansas was admitted to statehood January 29, 1861, it was continued under the general terms of the constitution (C.S.K., schedule, sec. 3).

In 1869 the legislature abolished the office of county assessor and provided that the trustee of each township, by virtue of his office, should be the assessor for his township. For the purpose of the act, incorporated cities were declared townships, and in each such city the office of assessor was made elective for a term of one year. The county commissioners were authorized to allow the township assessors not more than $3 a day as compensation, and to allow the appointment of one or more deputy assessors in any township where needed. The township trustee was required to give an additional bond as township assessor, and the county commissioners were empowered to fill any vacancy in the office. (L. 1869, ch. 30, sec. 1.)

Beginning in January 1908 the office of county assessor was restored and made appointive by the county commissioners for a term of two years (L. 1907, ch. 408, sec. 19). Under this law the county commissioners of Franklin County appointed an assessor January 1908 (Commissioners' Journal, vol. 1, p. 282; see entry 2). He was required to appoint the trustee of each township as deputy assessor for that township, and with

the consent of the county commissioners such other deputies as might be necessary (L. 1907, ch. 408, sec. 19). Beginning in November 1910, the legislature made the office elective for a term of two years in all counties with more than 12,000 population, which included Franklin County, and provided that in counties with 12,000 inhabitants or less, the county clerk should be ex officio assessor, to perform all the duties of the office and be subject to its penalties, and to receive such compensation for the additional duties as the county commissioners might see fit to pay (L. 1909, ch. 251, sec. 3). Under this law a county assessor was elected in Franklin County November 8, 1910 (Abstract of Votes Cast, Vol. 2, p. 15; see entry 106). Effective in 1914 the office was restricted as a separate one to counties of more than 55,000 population (L. 1913, ch. 321, sec. 1), which excluded Franklin County from its provisions.

In 1925 the office of assessor was restricted to counties of more than 65,000 population (L. 1925, ch. 131, sec. 1; G.S. 1935, ch. 19, sec. 401). The law of 1913 stipulated that in counties in which the county clerk acted as ex officio assessor the county commissioners, upon petition of ten per cent of the voters, could submit to the electors of the county the question of establishing the office as an elective one (L. 1913, ch. 321, sec. 1; G.S. 1935, ch. 19, sec. 401), but Franklin County never has taken advantage of this clause.

The county assessor, or his deputy, must list all taxable personal property within his county or district as of March 1 of each year. He is empowered and authorized to increase or diminish the value of any item listed (L. 1876, ch. 34, secs. 9, 11, 14; G.S. 1935, ch. 79, secs. 306, 309, 312), and to take "no-property" statements from persons claiming to own no taxable personal property (L. 1876, ch. 34, sec. 13; G.S. 1935, ch. 79, sec. 311). At the time he is required to make his returns to the county clerk the assessor must deliver to that officer all statements of property received from persons, companies or corporations required to list personal property, which statements are preserved by the county clerk (L. 1876, ch. 34, sec. 66; G.S. 1935, ch. 79, sec. 1430).

If the assessor should discover that any property subject to taxation in any year was not assessed for that year, or, for any cause not the fault of the assessor, any portion of any personal property has escaped taxation in any year within five years next preceding, it is his duty to list and value that property at twice its value and to designate the valuation on his return as "Escaped Assessment" (L. 1876, ch. 34, sec. 60; G.S. 1935, ch. 79, sec. 1427).

At the time of listing personal property, each deputy assessor must make a list of all real property in his assessment district which has become subject to taxation since the last previous listing of real property and must make return of the property thus listed, through the county assessor to the county clerk (L. 1911, ch. 316, sec. 3; G.S. 1935, ch. 79, sec. 403). Real property in the state is assessed by the county

assessor and his deputies every fourth year, although the board of county commissioners, by resolution, may order the assessment of real property in the county for any even year (L. 1915, ch. 356, sec. 1 as amended by L. 1927, ch. 323, sec. 1; G.S. 1935, ch. 79, sec. 402).

The county clerk makes out the assessment rolls for his county and delivers them to the county assessor not later than February 15 and the assessor supplies each deputy with a field book of all real estate subject to taxation in his district. The deputy makes the assessment of property and returns the field book, with the new assessments therein, to the county assessor, who transfers the assessed valuations to the assessment rolls and returns the rolls to the county clerk. (L. 1876, ch. 34, sec. 57; G.S. 1935, ch. 79, sec. 408). When the new assessments are complete, it is the duty of the county assessor to send to each property owner a notice of the assessment thus made and include therein a description of the real estate assessed and the amount of the assessment (L. 1875, ch. 34, sec. 46; G.S. 1935, ch. 79, sec. 411).

The assessors of the several counties in Kansas must meet at least once in every two years with the members of the state tax commission at the state capital to consider matters relating to taxation (L. 1907, ch. 408, sec. 8; G.S. 1935, ch. 79, sec. 1401).

In addition to the listing and valuation of real and personal property for taxation, the deputy assessors are required to gather statistical data as required by the state board of agriculture. The state constitution specified that the legislature should provide for the taking of the first state census in 1865 and for a similar enumeration of inhabitants at least once in every ten years thereafter (C.S.K., art. 2, sec. 26) and by legislative enactment in 1865 this duty was placed upon the several county assessors (L. 1865, ch. 20, sec. 1). In 1873 the legislature made the enumeration of inhabitants an annual duty of the assessor (L. 1873, ch. 137, sec. 1; G.S. 1935, ch. 11, sec. 101).

Beginning in 1865 also, the assessor was required to collect statistics on the number of acres improved, unimproved and fenced within his district, the production of livestock and farm products and data on social conditions (L. 1865, ch. 20, sec. 17) and in 1868 he was given the added duty of listing all persons who were blind, deaf, dumb or idiots (G.S. 1868, ch. 25, secs. 80-82). In 1873 the assessor was required to collect statistics relating to coal, stone and other products (L. 1873, ch. 75, sec. 137) and in 1875 data concerning the number of persons in each occupation, trade and profession; the number of native and foreign-born persons over the age of 21 years; the number of libraries, churches, newspapers and school houses and facts relating to pauperism and crime (L. 1875, ch. 67, sec. 3).

The laws of 1868, 1873 and 1875, dealing with agricultural and other statistics collected by the assessor, were repealed in 1933 and a new law enacted making it the duty of each deputy assessor, at the time

of taking lists of property for taxation to "annually ascertain in a full and complete manner, and accurately and legibly set down in schedules prepared for that purpose, such data relating to agriculture in his assessing district as may be required by the state board of agriculture" (L. 1933, ch. 113, sec. 1; G.S. 1935, ch. 11, sec. 101).

Horticultural statistics were included with other agricultural data under the laws of 1873 (L. 1873, ch. 137, sec. 1) but in 1903 the secretary of the state horticultural society was given charge of the collection of horticultural statistics and deputy assessors were required to compile statistics as to the number of trees, area of orchards, nurseries, cemetaries and parks, upon blanks provided by the society (L. 1903, ch. 404, secs. 1, 2; G.S. 1935, ch. 8, secs. 802, 803).

Since 1885 it has been the duty of the assessor to collect information on vital statistics for the local board of health for his respective county (L. 1885, ch. 129, sec. 9; G.S. 1935, ch. 65, sec. 149).

As early as 1861 the several assessors in Kansas were required by statute to make an enumeration of residents in their respective districts liable for military duty (L. 1861, ch. 59, sec. 6) and in 1865 they were required to take a census of all persons enrolled in the military service of either the state or the national government (L. 1865, ch. 20, sec. 1). By legislative enactment in 1885 the assessor was required to take a census of honorably discharged volunteer Union soldiers and include in the enumeration information as to the state in which each one enlisted, the arm of service and in what prison confined if a prisoner of war (L. 1885, ch. 93, sec 1). The legislature of 1889 made it the duty of the assessor to take a census of every person employed in the armies of the United States in the War of 1861, including regulars, volunteers, and militia, or any man however employed in the military or naval service or the marine corps; surgeons, nurses or chaplains in the service of the army or navy; and the widows and children of persons so listed (L. 1889, ch. 233, sec. 1).

The legislature of 1929 made it the duty of the several assessors to enumerate all persons who served in the army, navy or marine corps in the World War (L. 1929, ch. 251, secs. 1, 4).

The county assessors' records for the most part are implied rather than required by statute. The county assessor furnishes his deputies with field books containing full and complete legal descriptions of property subject to taxation and in which the several deputies must record their new assessments. After the new assessments have been made the deputy assessors return the field books to the county assessor, and though not required by law to be preserved after the new assessments have been copied in the assessment rolls of the county, the field books as a rule are found among the records of the county assessor's office.

Though the assessor was required by the legislature of 1865 to collect statistical data, no specific records pertaining thereto were required until 1933. Under the law of 1865 the assessor made one set of returns to the secretary of state (L. 1865, ch. 20, sec. 4). The General Statutes of 1868 and the Laws of 1869 and 1873 provide that returns be made to the county clerk who was required to send a "tabular statement" thereof to the state auditor (G.S. 1868, ch. 25, sec. 82; L. 1869, ch. 30, sec. 1; L. 1873, ch. 137, sec. 1). Since 1933 it has been the duty of the county assessor to prepare abstracts of the enumeration of inhabitants, agricultural and other statistics in duplicate, and on forms provided by the state board of agriculture. He must send the original abstract to the state board of agriculture and file the duplicate in the archives of his office. (L. 1933, ch. 114, sec. 2; G.S. 1935, ch. 11, sec. 102.) The deputy assessors make returns of horticultural statistics to the county clerk, who compiles them according to law, and forwards them, together with the compilation, to the office of the state horticultural society at the state capital (L. 1903, ch. 404, sec. 3; G.S. 1935, ch. 2, sec. 804).

The several laws requiring the county assessor to compile military statistics made no mention of any permanent records of military statistics to be kept by the officer. Statistics compiled according to the Laws of 1861 were sent to the attorney general (L. 1861, ch. 59, sec. 6) and those compiled according to the Laws of 1865 to the secretary of state (L. 1865, ch. 20, sec. 1). The statutes provided that the enumeration of Civil War soldiers compiled according to the laws of 1885 should be sent to the secretary of state (L. 1885, ch. 93, sec. 1) but this law was amended in 1889 when provision was made for the transmittal of this enumeration to the adjutant general (L. 1889, ch. 233, sec. 1).

In 1929 the county assessor was required to take an enrollment of persons who served in the army, navy or marine corps in the World War, and their widows and orphans and to forward the material thus collected to the county clerk. It then became the duty of the county clerk to prepare duplicate copies of the enumeration thus received by him, retain the original in his office and forward the duplicate to the adjutant general. (L. 1929, ch. 251, secs. 1, 4). This law was repealed in 1931 (L. 1931, ch. 278, sec. 1).

In the following entries the term "vault" refers to the county clerk's vault.

Taxation

(See also entries 6-10, 61-82, 290, 291, 321-348).

315. PERSONAL PROPERTY STATEMENTS, 1924--. 359 vols., 56 bdls. 1924 also in Sundry Papers, Liens and Judgments (Miscellaneous Records), entry 170-xiv.

Statements of personal property assessed for taxation, showing name of owner, township, school, drainage and cemetery district numbers, items of property, valuation by owner and assessor; merchants' and manufacturers' statements showing assets and liabilities, gross receipts and expenditures, shares of stock issued and outstanding, and nature of business. Contains: (Money and Credit Statements), 1934--, entry 316. Arr. alph. by names of cities and twps. No index. Hdw. on printed form. Vols. aver. 350 pp. 16½ x 11½ x 2½; bdls. 1½ x 11 x 16. 262 vols., 1924-32, south bsmt. vault; 97 vols., 56 bdls., 1932--, vault.

For personal property assessment roll, 1858-62, 1871, 1878-83, 1886-1901, 1904-7, 1920-24, see entry 64.

316. (MONEY AND CREDIT STATEMENTS), 1926-33. 17 vols. 1934-- in Personal Property Statements, entry 315.

Statement sheets of intangible personal property, showing name and address of taxpayer, school district number, amount and value of annuities, stocks, notes, bills receivable, judgments, cash in bank and mortgages, total valuation, and signatures of property owner and deputy assessor. Arr. chron. No index. Hdw. on printed form. 1200 pp. 16 x 11 x 4½. Vault.

317. (NO PROPERTY STATEMENTS), 1934--. 20 bdls.

Affidavits of property owners whose personal and intangible property is within limits of exemptions, showing name of taxpayer, township, city and school district, valuation of personal property, money and credits, and signatures of owner and assessor. Arr. chron. No index. Hdw. on printed form. 3½ x 11 x 16. South bsmt. vault.

Statistical Records

318. ENUMERATION CARDS, 1935. 1 bdl.

Enumeration cards, showing name of city, ward and precinct number, name and address of resident, names of inhabitants living at same address, and signature of deputy assessor. No index. Hdw. on printed form. 6 x 7 x 19. North bsmt. vault.

319. ABSTRACT OF AGRICULTURE, POPULATION AND OTHER STATISTICS, 1906--. 42 vols.

Abstracts of agriculture, population and other statistics, showing population by townships, number of farms, names of owners, agents or managers; number of acres improved, unimproved, fenced and unfenced; estimated value of farm, farm implements and machinery; kind, number and value of livestock, dairy and poultry products; number of churches and value of property; number of schools and colleges and their attendance; number of libraries, and statistics pertaining to crime, pauperism and wages. Arr. alph. by names of twps. No index. Hdw. 20 pp. 14 x 12 x ¼. Vault.

320. ABSTRACTS OF TOTALS OF HORTICULTURAL STATISTICS, 1890-1906, 1920--. 41 vols. Title varies: Abstracts of Horticultural Statistics, 1890-1906.
Horticultural statistics of county, showing number of acres in nursery stock orchards, vineyards, small fruit, vegetables and timber, estimated value and production of each, and total, number of lakes, ponds, public parks and playgrounds, number of cemeteries and remarks. Arr. alph. by names of twps. No index. Hdw. and hdw. on printed form. Aver. 7 pp. 13 x 11 x 1/16. 24 vols., 1890-1906, south bsmt. vault; 17 vols., 1920--, vault.

XII. COUNTY BOARD OF EQUALIZATION

From the beginning of the territory the county tribunals have been vested with power to make adjustments in the taxable valuation of property as returned by the assessors. The first territorial assembly, in setting up a tax system for the territory, specified that each class of property be assessed, valued and listed separately (S.T.K. 1855, ch. 137, art. 2, sec. 27); that the county tribunal should hear appeals from valuations made by the assessor (ibid., sec. 31), and should hear and determine allegations of erroneous assessments, and cause them to be corrected (ibid., art. 6, sec. 5). The assembly of 1858 created a territorial board of equalization (G.L.T.K. 1858, ch. 67), and required the county clerk to transmit to it an abstract of the assessment roll annually by October 1 (ibid., ch. 66, sec. 34).

The assembly of 1860, revising and making more definite the tax laws of the territory, declared boards of county commissioners to constitute county boards for the equalization of taxes in their respective counties (G.L.T.K. 1860, ch. 114, sec. 25; G.S. 1935, ch. 79, sec. 1601). The statutes thus existing were continued under the general terms of the constitution when Kansas received statehood January 29, 1861 (C.S.K., schedule, sec. 3), and although the tax laws of the state have been repeatedly revised and amended through the years, no fundamental changes in the system of equalization have been made.

The county board of equalization is required to meet in the county clerk's office on the third Monday in May of each year and inquire into the valuation of the various classes of property in the respective assessment districts of the county and make such changes as may be necessary. Each year that real estate is assessed, which according to law is every fourth year, the board may raise or lower the value of each tract or lot in such sum as to secure what it believes to be its actual value in money. Similar action in regard to personal property must be taken annually. The board also is required to equalize the value of the several assessment districts of the county by raising or lowering the value of the different classes of property to conform with the value of the same classes in other districts, so that all property in the county shall be equally assessed at its actual money value.

When the board finds it necessary to increase the valuation of property, except when the valuation of an entire class of property is raised for purpose of equalization, the county clerk is required to mail a notice to the person affected, stating the time and place when a hearing will be had. The county board then holds a session to hear and determine the complaints any taxpayer may make. Sine die adjournment must be taken on or before June 20, and thereafter the board has no authority to make any changes. (L. 1876, ch. 34, sec. 74, as amended by L. 1913, ch. 323, sec. 1; G.S. 1935, ch. 79, sec. 1602.)

Any person feeling himself aggrieved by the action of the county board may within thirty days appeal to the state tax commission sitting as the state board of equalization, which meets on the second Wednesday in July of each year. The state board has power to equalize the assessment of all property in the state between persons, firms or corporations of the same assessment district, between cities and townships of the same county, and between the different counties in the state, as well as the property required by law to be assessed by the tax commission itself. Whenever the value of any taxing district is changed by the state board, the officers having authority to levy taxes for such district must use the valuation so fixed as a basis for making their levies. (L. 1907, ch. 408, sec. 17, as amended by L. 1908, ch. 79, sec. 1; G.S. 1935, ch. 79, sec. 1409.

The general statutes of 1868 made it the duty of the county clerk, as clerk to the county board of equalization, to keep "an accurate journal or record of the proceedings and orders of said board" (G.S. 1868, ch. 107, sec. 43). In the re-statement of the law in 1913 the county clerk was designated as clerk to the board of equalization but no definite provision was made for specific records (L. 1913, ch. 323, sec. 1). In Kansas the journals of the county commissioners, meeting in their various capacities, as a rule are kept together. Nevertheless, the journal of the commissioners, sitting as a board of equalization, is technically a separate record from the journal of the commissioners sitting as a county board.

For tax records other than those of the board of equalization, see entries 6-10, 61-82, 290, 291, 315-317, 323-348.

321. BOARD OF EQUALIZATION JOURNAL, 1900--. 1 vol. 1858-1900 in Commissioners' Journal, entry 2.
Journal of proceedings of board of county commissioners sitting as county board for equalization of tax assessments, showing date of meeting, members present, description of property, amount of increase or decrease in valuation, increases and decreases in valuations of assessment and action taken thereon. Also contains: Equalization (Taxpayers' Applications), 1930--, entry 322. Arr. chron. No index. Hdw. 550 pp. 18 x 13 x 2½. County clerk's vault.

322. EQUALIZATION (Taxpayers' Applications), 1865-1908, 1916-30. 1 file drawer, 2 vols. Title varies: Refunding Petitions, 1865-1908. 1930-- in Board of Equalization Journal, entry 321.

Applications from property owners to county board of equalization for relief from excessive and erroneous assessments and refund of taxes paid on errors, showing date, name and address of owner, description of property, amount of reduction or refund requested, and reasons therefor. Arr. chron. No index. Fdw. File drawer 10 x 5½ x 13½; vols. 50 pp. 14 x 8 x ¼. 1 file drawer, 1865-1908, county clerk's vault; 2 vols., 1916-30, south bsmt. vault.

XIII. COUNTY TREASURER

The first territorial assembly created the office of county treasurer in Kansas and made it appointive by the county tribunal until the general election of 1857, after which it became elective for a term of two years (S.T.K. 1855, ch. 32, sec. 1; G.S. 1935, ch. 19, sec. 501). Unlike the other county officers, the treasurer takes office on the second Tuesday in October following his election and is required to execute to the state and file with the county clerk a bond in such penal sum as the county commissioners may direct, conditioned for faithful performance of duty (G.S. 1868, ch. 25, sec. 61; G.S. 1935, ch. 19, sec. 501). The county treasurer is authorized to appoint a deputy to perform his duties in his absence or disability and in the event of a vacancy in the office the county commissioners appoint a treasurer to serve until a successor is elected and qualified (G.S. 1868, ch. 25, secs. 63, 64; G.S. 1935, ch. 19, secs. 503, 504). The county treasurer in Franklin County receives a salary of $1,800 a year (L. 1927, ch. 207, sec. 1; G.S. 1935, ch. 28, sec. 102).

The treasurer's office is one of the important cogs in the county tax machine. The legislature of 1860 designated the county treasurer, by virtue of his office, as collector of taxes for his county with authority to exercise all powers and duties pertaining thereto that might be prescribed by law (G.L.T.F. 1860, ch. 28, sec. 114; G.S. 1935, ch. 19, sec. 515). Prior to 1860 the sheriff was collector of taxes for his county (S.T.K. 1855, ch. 137, art. 3, sec. 1). The county clerk, after all levies required by law have been certified to him, determines the total amount to be levied on each tract or lot of real estate and upon all personal property subject to taxation, makes up the tax roll and certifies it to the treasurer for collection (G.S. 1868, ch. 107, sec. 73; G.S. 1935, ch. 79, sec. 1803). As soon as the county treasurer receives the tax roll he must enter in a column opposite each description of property the amount of unpaid taxes and any unredeemed sales for previous years on such property. In addition, it is his duty to cause a notice to be published in some newspaper of general circulation in the county, stating the amount of taxes charged for state,

county, township, school, city and other purposes, for that year on each hundred dollars valuation. (L. 1876, ch. 34, sec. 88; G.S. 1935, ch. 79, sec. 2001.)

To any one requesting it, the county treasurer must deliver, either by mail or in person, a written statement of taxes due on any real or personal property, and may demand or accept no fee for the service (L. 1915, ch. 174, sec. 2; G.S. 1935, ch. 59, sec. 516). For taxes paid, the treasurer must give a receipt showing a description of the property, its assessed valuation and the amount of taxes levied for each purpose (G.S. 1868, ch. 107, sec. 77; G.S. 1935, ch. 79, sec. 2002).

Taxes imposed on legacies and successions are payable to the treasurer of the county in which is situated the probate court having jurisdiction (L. 1909, ch. 248, sec. 3; G.S. 1935, ch. 79, sec. 1502). Using the probate court's inventory and appraisal of the estate as a basis for determining the tax, the inheritance tax commission certifies the amount due to the probate court and county treasurer, and the treasurer, upon payment, must give a receipt to the payer, a duplicate to the county clerk, and a triplicate to the probate judge (L. 1915, ch. 357, secs. 11, 18; G.S. 1935, ch. 79, secs. 1511, 1518). For his services in the collection of inheritance taxes, the county treasurer is authorized to retain five per cent of the taxes thus collected for the use of the county. He pays the remainder to the state treasurer to become a part of the general revenue fund of the state. (L. 1915, ch. 357, sec. 25; G.S. 1935, ch. 79, sec. 1527).

In 1925 the legislature imposed a tax on monies and credits and provided for its collection by the county treasurer as personal property taxes (L. 1925, ch. 277, sec. 1; G.S. 1935, ch. 79, sec. 3108). The legislature of 1927 defined bonds and debentures of the state, foreign governments and political subdivisions thereof, as secured debts and imposed a stamp tax thereon of not to exceed $2 per $100 valuation (L. 1927, ch. 327, sec. 3). Stamps thus provided for were sold by the state treasurer and, upon special request, by any county treasurer, who was deemed responsible on his official bond for all stamps received by him. Upon presentation to the county treasurer of any evidence of secured debt and the proper stamps, it was the duty of the officer to attach the stamps to the instrument and to certify thereon that the required tax had been paid to maturity. (L. 1927, ch. 327, secs. 4, 5.) This law was repealed in 1930 (L. 1930, ch. 19, sec. 1).

The collection of delinquent poll taxes was made a duty of the county treasurer by legislative enactment in 1917. Under this law it became the duty of the county clerk to certify to the county treasurer the delinquent poll tax list, which tax the treasurer was required to collect as personal taxes. He issued notices to all persons owing poll tax and ten days later was authorized to issue warrants for all taxes still unpaid. (L. 1917, ch. 267, sec. 1.) This law was repealed in 1933 (L. 1933, ch. 237, sec. 1).

County Treasurer (Next entry 323, p. 180)

In January and July of each year the treasurer must prepare and forward to the state auditor and state treasurer statements of taxes collected in his county and due the state, and must pay, without delay, any drafts drawn by the state treasurer on state funds in his possession, under penalty of fine and imprisonment for failure to do so (L. 1876, ch. 34, sec. 99; G.S. 1935, ch. 79, sec. 2201).

All real estate on which the tax is not paid by June 20 each year is subject to sale, and the treasurer is required to make up a list of such delinquency and a notice of the proposed sale and cause both to be published once a week for four consecutive weeks in some newspaper of general circulation in the county. He must then proceed to sell the property thus listed at public auction at the time and place stated in the notice for enough to cover the delinquent taxes and costs. (L. 1876, ch. 34, secs. 105-107; G.S. 1935, ch. 79, secs. 2301-2306). If the property is not sold it may be bid in by the treasurer in the name of the county for the amount (L. 1876, ch. 34, sec. 114; G.S. 1935, ch. 79, sec. 2311). The treasurer issues a certificate to any one purchasing land sold for taxes or redeeming land bid in by the county (L. 1876, ch. 34, secs. 116, 117; G.S. 1935, ch. 79, secs. 2313, 2314).

An owner may redeem his property at any time within four years by paying to the county treasurer the amount of taxes, penalties and costs then due and receives thereupon a certificate of redemption from the treasurer. The treasurer must refund the money of the original tax sale purchaser upon receipt of his surrendered tax certificate. (L. 1876, ch. 34, secs. 127-130; G.S. 1935, ch. 79, secs. 2401-2404.)

When personal property taxes remain unpaid on the first day of January or July, the treasurer is required to send two notices to the delinquent, and if the taxes remain unpaid for thirty days thereafter, he issues a warrant to the sheriff directing him to levy on the goods and chattels of the property owner. The sheriff collects the taxes the same as upon execution and returns the money and warrants to the treasurer within sixty days. (L. 1876, ch. 34, sec. 92 as amended by L. 1933, ch. 310, sec. 2; G.S. 1935, ch. 79, sec. 2101). Upon receipt of a poverty affidavit certifying that any person against whom personal property taxes is charged by reason of poverty or infirmity, is unable to pay, the county treasurer is authorized to note the fact upon the tax roll, and to submit all such affidavits received, with the record of uncollected taxes, to the county commissioners (L. 1876, ch. 34, sec. 93; G.S. 1935, ch. 79, sec. 2102).

The county clerk charges the treasurer with the amount of taxes on each tax roll delivered to him during his term of office, as well as with the additional assessments, penalties, money received for land sold for taxes, redemption money and all other moneys paid in (G.S. 1868, ch. 25, sec. 51; G.S. 1935, ch. 19, sec. 312).

The county treasurer may issue alias tax warrants to the sheriff of any county in the state for the collection of taxes due and uncollected on personal property removed from the county in which the tax was assessed (G.S. 1868, ch. 107, sec. 127; G.S. 1935, ch. 79, sec. 2104). Upon return of any unsatisfied tax warrant by the sheriff, the county treasurer, if he believes the taxpayer has property which cannot be reached by tax warrant, may file with the clerk of the district court an abstract of the amount of taxes, penalties, and costs due, and thereafter the unpaid tax becomes a lien on real estate owned by the delinquent (L. 1876, ch. 34, sec. 96; G.S. 1935, ch. 79, sec. 2105).

The treasurer receives and disburses all moneys belonging to the county as well as all other moneys directed by law to be paid to him and, except where special provision is made by law, may pay out county moneys only upon order of the county commissioners (G.S. 1868, ch. 25, sec. 66; G.S. 1935, ch. 19, sec. 506). He takes duplicate receipts for all moneys, warrants, orders or other evidences of debt paid out by him and files one with the county clerk (G.S. 1868, ch. 25, sec. 71; G.S. 1935, ch. 19, sec. 511). He also takes receipts for money remitted to the state treasurer (G.S. 1868, ch. 102, sec. 62; G.S. 1935, ch. 75, sec. 621). The clerk charges the treasurer with all accounts he is required to collect and credits him with all money paid out and uncollected and keeps account with him of all county receipts and expenditures (G.S. 1868, ch. 25, sec. 51; G.S. 1935, ch. 19, sec. 312).

At the October meeting of the board of county commissioners, or at any other time the board may direct, the county treasurer must settle his accounts with the county board and exhibit to them all his books, papers and vouchers to be audited and allowed. This settlement must also include the affairs of each city, township, school district or other municipal organization. (G.S. 1868, ch. 25, secs. 67, 68 as amended by L. 1891, ch. 101, secs. 1, 2; G.S. 1935, ch. 19, secs. 507, 508.) Since 1897 it also has been the duty of the county treasurer to make a quarterly report to the county board of fees collected by him, and of those due and uncollected (L. 1897, ch. 131, sec. 14; G.S. 1935, ch. 28, sec. 123).

On the last business day of January, April, July and October of each year the county treasurer must make and publish a statement showing the amount in the treasury and must set forth clearly the different funds to which the money accounted for belongs (L. 1874, ch. 8, sec. 1 Special Session; G.S. 1935, ch. 19, sec. 520). Whenever the county board so orders, the probate judge, with two persons chosen by the board, must examine and count the funds in the hands of the county treasurer and make such examination of his books and accounts as the board may require. The report of the examination thus made is certified to the county clerk and if any deficiency is found the county clerk must make a report thereof to the county attorney who may take whatever action he deems necessary. (L. 1874, ch. 8, secs. 3, 4, Special Session; G.S. 1935, ch. 19, secs. 522, 523.)

The treasurer must sign all warrants drawn on the county treasury and must pay and cancel those presented to him in the order in which they are presented when there is sufficient money in the treasury to do so (L. 1891, ch. 249, secs. 4-7; G.S. 1935, ch. 10, secs. 804-807). The county clerk may draw orders on the treasurer for moneys collected for the taxing subdivisions of the county (G.S. 1868, ch. 25, sec. 57; G.S. 1935, ch. 19, sec. 318) and school district officers may do the same for money due their districts (L. 1876, ch. 122, art. 4, sec. 16; G.S. 1935, ch. 72, sec. 1018).

The county treasurer collects moneys due the county for school purposes and pays it to the school districts as apportioned by the county superintendent (L. 1876, ch. 122, art. 17, sec. 1; G.S. 1935, ch. 72, sec. 2401). He also applies to the state treasurer for state school moneys due his county, and pays it to the various school districts as apportioned by the county superintendent (L. 1876, ch. 122, art. 16, secs. 6, 7; G.S. 1935, ch. 72, secs. 2306, 2307). The county treasurer is custodian of the county normal institute fund, composed of fees paid by teachers attending and such appropriation as the county commissioners deem necessary, and which may be paid out only on order of the county superintendent and for services rendered by various persons in connection with the institutes (L. 1877, ch. 136, secs. 3-5, 7; G.S. 1935, ch. 72, secs. 1404-1406. Purchasers of school lands make their payments to the county treasurer and are given a receipt therefor (L. 1876, ch. 122, art. 4, sec. 7; G.S. 1935, ch. 72, sec. 1007).

Fees due local registrars of vital statistics for reporting births and deaths in their respective districts are paid from the county general fund by the county treasurer upon proper certification of the amount by the state registrar (L. 1911, ch. 296, sec. 14; G.S. 1935, ch. 65, sec. 143).

Beginning in 1881 the probate judge issued permits to druggists to sell intoxicating liquor for medicinal purposes and reported to the county treasurer the amount of fees collected (L. 1881, ch. 128, sec. 2) but this law was repealed in 1909 (L. 1909, ch. 164). The county clerk issues hunting licenses and pays the fees to the county treasurer for remittance to the state (L. 1911, ch. 198, sec. 8; G.S. 1935, ch. 32, sec. 104). He also remits to the county general fund fees received from the sale of licenses to retail cigarettes (L. 1933, ch. 122, sec. 5, Special Session; G.S. 1935, ch. 79, sec. 3305). Justices of the peace are required to pay to the county treasurer all fines collected by them, and take receipts in duplicate therefor, filing one with the county clerk (G.S. 1868, ch. 83, sec. 26; G.S. 1935, ch. 63, sec. 503).

The county treasurer is required to make daily deposits of all funds in his possession in banks designated by the county commissioners (L. 1897, ch. 94, sec. 1; G.S. 1935, ch. 19, sec. 530). He must make deposit slips in duplicate and file one with the county clerk, who charges the bank with the amount. Checks and drafts drawn by the treasurer are charged to him and countersigned by the county clerk. (L. 1876, ch. 78, secs. 3-7; G.S. 1935, ch. 19, secs. 531-535.)

Motor vehicle license fees are paid to the county treasurer, who gives his receipt in triplicate therefor, one copy going to the applicant, another to the chief clerk of the industrial reformatory and the third to the state vehicle commissioner (L. 1913, ch. 65, sec. 2, as amended by L. 1929, ch. 81, sec. 23; G.S. 1935, ch. 8, sec. 145). In 1925 an act was passed requiring motor carriers to pay to the county treasurer of the counties in which their principal places of business were located an annual license fee in addition to the regular license fees imposed on all motor vehicles (L. 1925, ch. 206, sec. 6) but in 1931 this fee was made payable to the state public service commission (L. 1931, ch. 236, sec. 17; G.S. 1935, ch. 66, sec. 1124). The county commissioners insure county property in the name of the treasurer (G.S. 1868, ch. 25, sec. 16; G.S. 1935, ch. 19, sec. 212).

The bulk of the county treasurer's records are kept by the officer in his capacity as collector of taxes or as fiscal agent of the county. To these are added the accounts he keeps as motor vehicle registration agent for the county and a few miscellaneous records. Like those in other county offices, many of the records in the county treasurer's office are kept by implication of the statutes rather than by actual statutory provision, and a great many others are kept because methods of business practice in the handling of money make their existence advisable.

The county treasurer receives the tax roll from the county clerk not later than November 1 of each year and is charged by the clerk with the amount of taxes assessed thereon (G.L.T.K. 1860, ch. 23, sec. 114; G.S. 1935, ch. 79, sec. 1803). Though the statutes designate the record merely as "the tax roll", by custom and practice in a number of counties, it is broken down into separate rolls for real and personal property, and in many instances for other particular types of taxes. Thus, among the records of the county treasurer's office may be found separate tax rolls for real and personal property, and individual rolls for lands and lots, intangibles, moneys and credits, secured debts, special assessments and others.

The county treasurer issues receipts for tax money collected (L. 1866, ch. 118, sec. 60; G.S. 1935, ch. 79, sec. 2002) and, as a general rule, preserves duplicate copies of receipts thus issued. From the inheritance tax commission he receives a certified list of inheritance taxes due (L. 1909, ch. 248, sec. 18 as amended by L. 1915, ch. ch. 257, sec. 12; G.S. 1935, ch. 79, sec. 1512) and upon payment must give a receipt to the payer, a duplicate to the county clerk and a triplicate to the probate judge. Though not specifically required by law, it also is customary for the treasurer to keep copies of inheritance tax receipts in his office. As a rule also, he preserves copies of his quarterly reports to the state treasurer of inheritance taxes collected in the county.

Having its statutory basis, no doubt, in the law requiring the county treasurer to keep a just and true account of the receipts and

expenditures of his office in a book, or books, provided for that purpose (G.S. 1868, ch. 25, sec. 67; G.S. 1935, ch. 19, sec. 507), the county treasurer as a rule keeps a record of taxes collected in his county and of the disbursement of money thus collected into the several county funds. This record may include also an account of taxes charged back or added and of the distribution of redemption money paid to the treasurer. It bears the title "Tax Collection Register", "Record of Distribution and Charge Back" or some other similar designation, depending upon its contents.

Anyone desiring to protest the payment of taxes must file with the county treasurer, at the time of payment of the protested taxes, a written statement setting forth the grounds upon which the protest will be made (L. 1929, ch. 291, sec. 1; G.S. 1935, ch. 79, sec. 2005). Though not definitely required by law, the county treasurer usually preserves copies of his semi-annual statements to the state auditor and state treasurer of taxes collected and due the state (L. 1866, ch. 118, sec. 105; G.S. 1935, ch. 79, sec. 2201).

Duplicate copies of lists of lands and lots subject to sale for delinquent taxes and of notices of the proposed sale, both of which the county treasurer is required to publish, (G.S. 1868, ch. 107, sec. 81; G.S. 1935, ch. 79, sec. 2302) are, as a rule, preserved by the officer for record. The statutes, on the other hand, are specific in their requirement that the treasurer preserve the printer's affidavits of publication of these lists and notices (L. 1866, ch. 118, sec. 68; G.S. 1935, ch. 79, sec. 2304).

Immediately after the close of any sale of land for taxes the county treasurer must record a list of lands and town lots thus sold in a book prepared for that purpose. The record, according to law, must include, for each entry, the number and date of the certificate of sale, the name of the owner and the name of the purchaser, a description of the tract, a record of the amount of prior and subsequent taxes paid, the date of the deed, and a record of any conveyance (L. 1866, ch. 34, sec. 120; G.S. 1935, ch. 79, sec. 2317). The county treasurer, as a rule, keeps copies of tax sale certificates issued by him (L. 1866, ch. 118, sec. 73; G.S. 1935, ch. 79, sec. 2313) and duplicate copies of compromise assignment certificates issued to persons purchasing property sold for taxes for less than the amount of the tax (L. 1879, ch. 43, sec. 1; G.S. 1935, ch. 79, sec. 2411).

Duplicate copies of delinquent personal property tax notices (L. 1866, ch. 118, sec. 95; G.S. 1935, ch. 79, sec. 2101) may be found in the county treasurer's office as may duplicate copies of warrants issued by the treasurer to the sheriff for the collection of delinquent personal property taxes (L. 1866, ch. 118, sec. 95; G.S. 1935, ch. 79, sec. 2101). The original warrants are required by law to be returned to the treasurer (L. 1866, ch. 118, sec. 95; G.S. 1935, ch. 79, sec. 2101) and the county treasurer sometimes preserves duplicate copies of abstracts of personal

property taxes certified to the clerk of the district court for collection (L. 1876, ch. 34, sec. 96; G.S. 1935, ch. 79, sec. 2105).

Between 1917 and 1933, when the law was repealed, the county clerk certified lists of persons owning delinquent poll taxes to the county treasurer (L. 1917, ch. 267, sec. 1; L. 1933, ch. 237, sec. 1). Duplicate copies of warrants and notices issued by the treasurer for collection, and original warrants as returned by the sheriff also may be found among the records in the treasurer's office.

Duplicate copies of redemption certificates issued by the county treasurer to persons redeeming property sold for delinquent taxes (L. 1866, ch. 118, sec. 74; G.S. 1935, ch. 79, sec. 2314) frequently are preserved by the county treasurer for record as are copies of redemption publication notices which the county treasurer is required to publish at least four months before the expiration of the time limited for redeeming lands sold for taxes (L. 1866, ch. 118, sec. 88; G.S. 1935, ch. 79, sec. 2410). Upon surrendering their tax sale certificates to the county treasurer, persons purchasing property for delinquent taxes may have their money redeemed (L. 1866, ch. 118, sec. 81; G.S. 1935, ch. 79, sec. 2404). The name of every person redeeming property sold for taxes, together with the date of redemption, is entered by the county clerk in his record of tax sales (L. 1876, ch. 34, sec. 120; G.S. 1935, ch. 79, sec. 2317).

Since 1872 the county clerk has been required by law to furnish the county treasurer with a copy of his school district bond register (L. 1872, ch. 94, sec. 2; G.S. 1935, ch. 72, sec. 2003). By custom and practice in many counties in Kansas the county treasurer also keeps a duplicate copy of the county clerk's register of bonds of the county and lesser taxing districts and thereon keeps a record of the accounts of the county and its subdivisions as required of the fiscal agent of the county. Cancelled school district bonds, though required by statute to be destroyed by the school district officers after their cancellation by the county treasurer, frequently remain in the office of the treasurer for indefinite periods of time after their cancellation. When the cancelled bonds are delivered to the several school district treasurers upon cancellation, the county treasurer takes a receipt therefor and delivers all receipts thus taken to the county clerk at the time he prepares his annual report to the county clerk, in July of each year, of bonds paid and cancelled (L. 1879, ch. 49, sec. 7; G.S. 1935, ch. 72, sec. 2005).

The county treasurer is required by law to keep a just and true account of the receipts and expenditures of all money coming into his hands by virtue of his office in a book or books prepared for that purpose, which books must be open at all times for the inspection of the county commissioners and to all other county and state officers (G.S. 1868, ch. 25, sec. 67; G.S. 1935, ch. 19, sec. 507). Duplicate copies of the county treasurer's statement of monies in the treasury, required by law to be published at quarterly intervals each year (L. 1874, ch. 8,

sec. 5, Special Session; G.S. 1935, ch. 19, sec. 524), usually are preserved by the officer for record.

The county treasurer must enter a record of all warrants presented to him in a book kept for that purpose, which record must include the number, date and amount of each warrant and the name of the payee (L. 1875, ch. 76, sec. 1; G.S. 1935, ch. 19, sec. 509). Though it need not be in a separate book, the county treasurer also must keep a record of warrants presented to him and unpaid because of insufficient funds (L. 1875, ch. 76, sec. 1; G.S. 1935, ch. 19, sec. 509).

The county clerk, the county superintendent and the several township, city and school district officers present their orders to the county treasurer for payment, and the statutes imply that the orders thus presented be preserved by the treasurer.

The county treasurer takes duplicate receipts for all money paid out by him and files one copy with the county clerk (L. 1864, ch. 37, sec. 4; G.S. 1935, ch. 19, sec. 511). Receipts for money paid out under specific statutory provisions, also taken in duplicate as provided by the law of 1864, in some instances are filed separately. Thus, joint school district receipts, township treasurer's receipts, normal institute fund receipts and others may be found in the county treasurer's office as separate records.

The county treasurer preserves receipts from the state treasurer for money remitted to the state (L. 1861, ch. 90, sec. 16; G.S. 1935, ch. 75, sec. 621). He also takes receipts from the state treasurer for hunting, fishing and trapping license fees remitted to the state and preserves the receipts thus taken in his office (L. 1927, ch. 221, sec. 17; G.S. 1935, ch. 32, sec. 104c). For money received, the county treasurer gives his receipt (L. 1864, ch. 37, sec. 6; G.S. 1935, ch. 19, sec. 316), and by implication of the statutes, retains either the stub or the receipt thus given, or a duplicate copy thereof, in his office for record.

Since 1897 the county treasurer has been required by law to keep a fee book with a record therein of all fees by him charged and collected (L. 1897, ch. 131, sec. 14; G.S. 1935, ch. 28, sec. 123). The register of deeds files with the county treasurer a daily report of mortgage registration fees charged and collected by him according to law and the treasurer must keep an account of the fees thus received and credit them to the county general fund (L. 1925, ch. 273, sec. 4; G.S. 1935, ch. 79, sec. 3104).

From the state registrar the county treasurer receives, at periodical intervals, a list of births and deaths registered in his county (L. 1911, ch. 296, sec. 14; G.S. 1935, ch. 65, sec. 143). Duplicate copies of the officer's quarterly reports to the county commissioners of fees collected also may be found among the records of the office, as

may be duplicate copies of the treasurer's quarterly statements to the county board of the financial condition of the treasury. In counties with a population of 45,000 or more the county auditor is required by law to deposit a copy of his monthly audit of claims in the office of county treasurer (L. 1872, ch. 67, sec. 8; G.S. 1935, ch. 19, sec. 608).

The county treasurer preserves duplicate deposit slips for money placed in county depositories (L. 1876, ch. 78, sec. 3; G.S. 1935, ch. 19, sec. 531). Check stubs, cancelled checks, bank books and other similar records also may be found in the office.

The county treasurer keeps duplicate copies of motor vehicle license receipts issued by him (L. 1913, ch. 65, sec. 2 as amended by L. 1929, ch. 81, sec. 7; G.S. 1935, ch. 8, sec. 129). Beginning in 1925 he kept copies of receipts for motor carriers' license fees (L. 1925, ch. 206, sec. 6) but in 1931 these fees were made payable to the state public service commission (L. 1931, ch. 236, sec. 17). Since 1929 the county treasurer has been required by law to keep his motor vehicle records open to the public (L. 1929, ch. 91, sec. 26; G.S. 1935, ch. 8, sec. 148).

The county treasurer fixes, approves and files in his office the official bond of the county clerk (L.T.K. 1860, ch. 28, sec. 42; G.S. 1935, ch. 19, sec. 301). Though not required by statute, he sometimes keeps a record of the county superintendent's apportionment of the county and state school funds.

Unless otherwise indicated, the words "office" and "vault" used in the following entries to designate the location of records, refer to the office and vault of the county treasurer.

Taxation

(See also entries 8-10, 61-82, 290, 291, 315-317)

Tax Rolls

323. ABSTRACT OF TAX ROLL, 1903-7, 1925-32. 3 vols. (1 unmarked, A, B). 1932-- in Tax Roll, entry 324.
Summary of tax roll by taxing districts, showing valuation of each class of property in each district, total, rate of taxes for each purpose, and totals for each district and total for county. Arr. num. by tax roll nos., 1903-7; arr. chron., 1925-32. No index, 1903-7; alph. index by names of twps., 1925-32. Hdw. on printed form. Aver. 225 pp. 19 x 13 x 2. 2 vols., 1903-7, south bsmt. vault; 1 vol., 1925-32, vault.

324. TAX ROLLS, 1861-63, 1865--. 320 vols.
Record of taxes charged against real estate and personal property showing name and address of owner, school district number, description of

property, number of acres, value of land and improvements, value of personal and intangible property, total taxable valuation, amount of current and delinquent taxes, fees, penalties, costs and rebates, total amount due, amount paid, date, and receipt number. Contains: Abstract of Tax Roll, 1932--, entry 323. Arr. chron. Alph. index by names of twps., cities and additions. Hdw. on printed form. Aver. 250 pp. 18½ x 14½ x 2. 210 vols., 1861-63, 1865-1915, south bsmt. vault; 110 vols., 1916--, vault.

325. INHERITANCE TAX NOTIFICATIONS, 1921--. 2 file drawers. Copies of statements of state inheritance tax commission determining taxes due on estates, showing date, name of decedent, date of death, whether testate or intestate, description and value of real and personal property, amount of debts and expenses of administrator, names and relationship of heirs, amount due each, amounts exempt and taxable, tax rate, and amount of taxes and date due. Arr. chron. No index. Typed on printed form. 10½ x 5 x 14. Vault.

326. TAX STATEMENTS, 1929--. 4 cardboard boxes (70-73), 3 bdls. Statements to owners of taxes due on real estate, returned with payment of taxes, showing date, name and address of owner, legal description of land, number of acres, assessed valuation, rate of tax, total tax due, and signature of county clerk. Arr. chron. No index. Hdw. on printed form. Boxes 12 x 10 x 22; bdls. 7 x 1 x 13. 4 boxes, 1929-36, north bsmt. vault; 3 bdls., 1937--, vault.

Collection (See also entries 72-75, 291)

327. TAX COLLECTION REGISTER, 1880-94. 12 vols. Discontinued. Record of tax collections, showing receipt number, school district number, township, name of taxpayer, description of property, amount of taxes for each purpose, amount of delinquent taxes, fees, penalties, refunds, and total amount and date paid. Arr. num. by receipt nos. No index. Hdw. on printed form. 150 pp. 16 x 11 x 2. South bsmt. vault.

328. TAX RECEIPTS, 1906--. 1,866 vols.
Triplicate copies of receipts issued by treasurer for payment of taxes on real estate and personal property, showing receipt number, date, name and address of taxpayer, description of property, amount of taxes, fees, penalties, costs and rebates, and total amount paid. Arr. num. by receipt nos. No index. Hdw. on printed form. Aver. 200 pp. 22 x 12 x 3½. 1,640 vols., 1906-36, new bsmt. vault; 226 vols., 1937--, Vault.

For county clerk's duplicates, 1931--, see entry 73.

329. INHERITANCE TAX RECEIPTS, 1927--. 6 vols.
Treasurer's duplicate copies of receipts for payment of inheritance taxes, showing receipt number, date, name of taxpayer, name of estate, amount of legacies or bequest, names of heirs, amount of taxes paid

and signature of treasurer. Arr. num. by receipt nos. No index. Hdw. on printed form. 25 pp. 11 x 6½ x ¼. Vault.

330. (TAX PAYMENT MEMORANDA), 1925. In (Bank Deposits), entry 372.

Memoranda from taxpayers authorizing treasurer to charge to their bank accounts amount of taxes due, showing date, name and address of taxpayer, description of property, amount of taxes, for what period, and name of bank.

331. COUNTY TREASURER (Tax Payment Protests), 1928--. 3 file drawers. Title varies: Protests, 1928-34. 1927 in Miscellaneous (Public Carriers' License Fee Receipts), entry 379.

Protests from various banks and corporations, objecting to payment of personal property taxes as entered on assessment roll, showing name and address of bank or corporation, reason for protest and signature of cashier, manager and president. Arr. chron. No index. Typed. 10½ x 5 x 14. Vault.

332. SEMI-ANNUAL REPORT OF TAXES DUE STATE TREASURER, 1936--. 1 file drawer.

Treasurer's semi-annual report to state auditor of taxes collected and due the state, showing date, total levy for various purposes, per cent of current taxes collected, amount of delinquent taxes, levy deficiency, amount of taxes collected by funds, county total, amount due state, and signature of treasurer. Arr. chron. No index. Hdw. on printed forms. 10 x 5 x 10½. Vault.

Delinquency (See also entries 76-78, 290, 291)

333. RECORD OF DELINQUENT TAX SALES, 1861-1903, 1916--. 15 vols. 1904-15 missing.

Record of sales of real estate for delinquent taxes, showing name of owner, description of property, amount of taxes, period of delinquency, date and number of redemption certificate, to whom assigned, amounts of assignment and redemption, to whom deeded, date, amount of fees paid, and remarks. Arr. alph. by names of twps. or cities 1861-1903; arr. chron. 1916--. No index, 1861-80; alph. index by names of twps., cities or additions, 1916--; also separate index, 1881--. Hdw. on printed form, 1861-1903, 1916-35; typed on printed form, 1936--. 225 pp. 17½ x 15 x 2½. 10 vols., 1861-1903, south bsmt. vault; 5 vols., 1916--, vault.

334. INDEX TO TAX SALES, 1881--. 9 vols.

Index to record of sales of real estate for delinquent taxes, showing description of property, sale certificate number, date sold, name of purchaser, and volume and page number where recorded. Arr. num. by section, twp. and range nos. Hdw. on printed form. 350 pp. 10 x 12 x 2. Vault.

335. PUBLICATION NOTICE OF DELINQUENT TAX SALES, 1928--. 2 file drawers.
Affidavits and proofs of publishing notices of delinquent tax sales, showing name of publisher and publication date, for what period, affidavit and signature of editor, and newspaper clippings as proof. Arr. chron. No index. Hdw. on printed form. 10½ x 5 x 14. Vault.

336. (Record of) TAX SALE CERTIFICATES, 1858-1911. 7 vols. Discontinued.
Record of tax sale certificates issued to purchasers of property sold for delinquent taxes, showing certificate number, date of sale, description of property, name of owner, amount of delinquent taxes, fees, penalties and costs, name of purchaser, amount paid, by whom redeemed and amount of redemption, and signatures of purchaser, treasurer and clerk. Arr. chron. No index. Hdw on printed form. 200 pp. 18 x 12 x 2. South bsmt. vault.
For stubs of certificates 1911--, see entry 337.

337. TAX SALE CERTIFICATES AND ASSIGNMENTS, 1911--. 1 vol.
Stubs of certificates and assignments of real estate sold for delinquent taxes, showing date, certificate number, description of property, amount of taxes and costs, date of sale, name of purchaser, to whom assigned, date deed due, and signature of treasurer. Arr. chron. No index. Hdw. on printed form. 150 pp. 14 x 8 x ½. Vault.
For record of certificates, 1858-1911, see entry 336.

338. COMPROMISE TAX SALE CERTIFICATES, 1896--. 2 vols. Last entry 1936.
Stubs of compromise tax sale certificates of real estate bid off by county and sold by authority of county commissioners for less than amount of delinquent taxes due, showing date, certificate number, description of property, amount of delinquent taxes, fees, costs and penalties, compromise amount, name of purchaser and signature of treasurer. Arr. chron. No index. Hdw. on printed form. 150 pp. 14 x 7 x ½. Vault.

339. TAX SALES CERTIFICATES (Surrendered), 1859--. 2 file drawers.
Certificates of sale of property for delinquent taxes, which have been surrendered upon payment of redemption money, showing certificate number, date of sale, name of purchaser, to whom assigned, description of property, amount of delinquent taxes, fees, penalties and costs, by whom redeemed, amount of redemption, and signatures of purchaser, treasurer and county clerk. Arr. chron. No index. Hdw. on printed form. 10 x 5½ x 13½. Clerk's vault.

340. RECORD OF WARRANTS ISSUED TO SHERIFF, 1902--. 3 vols.
Record of warrants issued by treasurer to sheriff for collection of delinquent personal taxes, showing warrant number, date issued, amount of taxes, penalties, costs, brief of sheriff's return, amount collected,

and remarks. Arr. chron. No index. Hdw. on printed form. 250 pp. 16 x 11½ x 2½. Vault.

341. (PERSONAL PROPERTY TAX WARRANTS), 1937--. 1 cardboard box. Duplicate copies of warrants issued by treasurer to sheriff for collection of delinquent personal property taxes, showing date, warrant number, name and address of taxpayer, amount of taxes, penalties and costs, and signature of treasurer. Arr. num. by warrant nos. No index. Hdw. on printed form. 9 x 6 x 11. Vault.

342. DELINQUENT POLL TAX NOTICES, 1921-32. 9 vols. Discontinued; law repealed.
Duplicate copies of notices issued by treasurer to delinquent poll taxpayers, showing date, name of township, name and address of delinquent, amount due, and date warrant will be issued unless paid. Arr. num. by notice nos. No index. Hdw. on printed form. 125 pp. 18 x 8 x 1. South bsmt. vault.

343. DELINQUENT POLL TAX WARRANTS, 1919-20, 1925-32. 3 vols. Discontinued; law repealed.
Duplicate copies of warrants issued by treasurer to sheriff for collection of delinquent poll taxes, showing date, warrant number, name of delinquent, township, amount of taxes, penalties and fees, and signature of treasurer. Arr. num. by warrant nos. No index. Hdw. on printed form. 125 pp. 11 x 8 x 1. South bsmt. vault.

344. DELINQUENT TAX RECEIPTS, 1936--. 9 vols.
Triplicate copies of receipts for payment of delinquent real estate and personal property taxes, showing date, receipt number, name and address of taxpayer, description of property, amount of taxes, fees, costs and penalties, total amount paid, and signature of treasurer. Arr. num. by receipt nos. No index. Hdw. on printed form. Aver. 50 pp. 12 x 7 x ½. Vault.

345. DELINQUENT POLL TAX RECEIPT, 1917-32. 11 vols. Discontinued; law repealed.
Duplicate copies of receipts for payment of delinquent poll taxes, showing date, receipt number, name of taxpayer, township or city, amount of taxes, for what period, and signature of treasurer. Arr. num. by receipt nos.. No index. Hdw. on printed form. 125 pp. 11 x 8 x 1. South bsmt. vault.

346. (RECORD OF UNCOLLECTED TAXES), 1892-1927. 1 vol. Discontinued.
Treasurer's record of uncollected taxes, showing date, township or city, name of taxpayers, valuation of property, amount of delinquent taxes, for what period, total uncollected taxes by taxing districts and total for county. Arr. alph. by names of twps. and cities. No index. Hdw. on printed form. 340 pp. 17 x 15 x 1½. Vault.

Redemption and Refund (See also entries 7-10, 79-82)

347. REDEMPTION RECEIPTS, 1901--. 171 vols.
Triplicate copies of receipts issued to persons redeeming real estate sold for delinquent taxes, showing date, receipt number, date of sale, to whom sold, years of delinquency, name and address of redeemer, description of property, valuation, amount of taxes, interest, penalties and cost, date redeemed and signature of treasurer. Arr. num. by receipt nos. No index. Hdw. on printed form. Aver. 100 pp. 10 x 7 x 1. 50 vols., 1901-11, 1919-32, north bsmt. vault; 20 vols., 1912-24, south bsmt. vault; 101 vols., 1925--, vault.

348. GASOLINE REFUND (Receipts), 1925-31. 1 vol. Discontinued; law repealed.
Receipts for refund of taxes paid on motor vehicle fuel purchased for non-road purposes, showing date, receipt number, name of purchaser, date purchased, application number, date claim was filed, number of gallons purchased, purpose and amount allowed. Arr. chron. No index. Typed on printed form. 200 pp. 11½ x 9½ x 2. South bsmt. vault.
For refund applications and warrants, 1927-31, see entry 10; for applications for exemption permits, 1933--, see entry 82.

General Accounts
(See also entries 7-10, 35-51, 117-129)

Ledgers (See also entries 117-125)

349. GENERAL LEDGER, 1863-80, 1898--. 9 vols. Title varies: County Treasurer's School District Ledger, 1863-74; Journal, 1874-80.
Treasurer's record of accounts with county, township, city, school district and other funds, showing name of fund, dates, items and amounts of debits and credits to each, and balance in fund. Arr. chron. Alph. index by names of funds. Hdw. on printed form. Aver. 315 pp. 18 x 12 x 2½. 2 vols., 1863-74, south bsmt. vault; 6 vols., 1874-80, 1898-1923, 1926--, vault; 1 vol., 1923-26, county clerk's vault.
For county clerk's record, 1874-99, 1907--, see entry 117.

350. DAILY STATEMENTS, 1899--. 68 vols.
Treasurer's daily statement sheets of cash receipts and disbursements. Duplicates of entry 118. Arr. chron. No index. Hdw. on printed form. Aver. 200 pp. 14 x 10 x 1½. 6 vols., 1899-1917, south bsmt. vault; 50 vols., 1900-1934, new bsmt. vault; 10 vols., 1934--, vault.

351. CASH BOOK, 1869, 1874, 1896-98, 1917-30, 1935--. 9 vols.
Treasurer's daily record of cash transactions, showing date, items and amounts received, from what source, items and amount disbursed, to whom, for what purpose, and evening balance. Arr. chron. No index. Hdw. on printed form. Aver. 150 pp. 14 x 9 x 1½. South bsmt. vault.

352. TRIAL BALANCE, 1934--. 1 file box.
Treasurer's daily trial balance sheets, showing date, name of fund, items and amounts received and disbursed, and evening balance. Arr. chron. No index. Typed. 12 x 3 x 12. Vault.

Warrants and Orders (See also entries 8-10, 123)

353. WARRANT REGISTER, 1888--. 7 vols. (1 unmarked, A, B, B-E).
Record of county warrants paid by treasurer, showing date, warrant number, name and address of payee, amount, purpose, from what fund, and date paid. Arr. num. by warrant nos. No index. Hdw. on printed form. Aver. 500 pp. 18 x 13 x 2½. Vault.
For register of warrants issued, 1871--, see entry 123.

354. TOWNSHIP ORDERS, 1934--. 1 file drawer.
Orders drawn on treasurer by township clerks for funds due, showing date, order number, name of township, amount, from what fund, and signatures of township clerk and trustee. Arr. chron. No index. Hdw. on printed form. 10½ x 5 x 14. Vault.

355. SCHOOL DISTRICT ORDERS, 1936--. 1 file drawer.
Orders drawn on treasurer by school district clerks for funds due, showing date, district number, order number, amount, from what fund and signatures of district clerk and director. Arr. chron. No index. Hdw. on printed form. 10½ x 5 x 14. Vault.

356. ORDERS AND SCHOOL APPORTIONMENT, 1934--. 1 file drawer.
Orders for apportionment of state and county school funds, showing date, school district number, name and address of district treasurer, school census, amount apportioned to each pupil, total to district, amount unapportioned, and signature of county superintendent. Arr. chron. No index. Hdw. on printed form. 10½ x 5 x 14. Vault.
For record of apportionment, 1886-1916, 1931--, see entry 399.

357. NORMAL INSTITUTE (County Superintendent's Orders on Institute Fund), 1925--. 1 file drawer.
County superintendent's orders on institute fund, showing order number, date, amount, to whom, for what purpose or service, and signature of county superintendent. Arr. chron. No index. Hdw. on printed form. 10 x 5 x 10½. Vault.

358. TUITION REPORTS, 1935--. 1 file drawer.
Copies of reports of non-resident high school pupils for whom tuition is due from other counties, showing school district number, name of school, name, age and grade of pupils, from what county, date diploma was received, date of entering high school, amount of tuition due, and signatures of school district clerk and county superintendent. Arr. chron. No index. Typed on printed form. 10½ x 5 x 14. Vault.

359. STATE TREASURERS' DRAFTS, 1917--. 1 file drawer.
State treasurers' drafts for funds due state from county, showing date, draft number, to whom payable, amount, signatures of state treasurer and auditor, and date paid. Arr. chron. No index. Hdw. on printed form. 10½ x 5 x 14. Vault.

360. (Certificates of Fees Due Registrars of) VITAL STATISTICS, 1923--. 1 file drawer.
Certificates of fees due local registrars of vital statistics, showing date, certificate number, name and address of registrar, number of birth and death certificates sent to state registrar, amount of fees due, from what fund, and signature of state registrar. Arr. chron. No index. Typed on printed form. 10½ x 5 x 14. Vault.

Receipts (See also entries 73, 74, 126, 127, 291, 328, 329, 379)

361. GENERAL RECEIPTS, 1926--. 70 vols.
Triplicate copies of receipts given by treasurer for miscellaneous payments to county, showing date, receipt number, from whom received, amount, purpose, to what fund credited, and signature of treasurer. Arr. num. by receipt nos. No index. Hdw. on printed form. Aver. 50 pp. 10 x 7 x ½. Vault.

362. (TOWNSHIP AND CITY TREASURER'S RECEIPTS), 1912-25, 1928--. 28 vols.
Duplicate receipts of township and city treasurer's for money received from county treasurer, showing date, receipt number, name of city or township, amount, from what fund, and signature of township or city treasurer. Arr. num. by receipt nos. No index. Hdw. on printed form. Aver. 150 pp. 8 x 7½ x 1. 15 vols., 1912-25, south bsmt. vault; 13 vols., 1928--, office.

363. SCHOOL DISTRICT TREASURER'S RECEIPTS, 1917--. 37 vols.
Triplicate copies of receipts from school district treasurers for money received from county treasurer, showing date, receipt number, district number, amount, by whom received, from what fund, and signature of district treasurer. Arr. chron. No index. Hdw. on printed form. Aver. 175 pp. 10 x 8½ x 1¼. 13 vols., 1917-28, north bsmt. vault; 24 vols., 1929--, vault.

364. FISCAL AGENCY RECEIPTS, 1936--. 1 file drawer.
Receipts from state fiscal agent for bond payments received from county treasurer, showing date, receipt number, name of county treasurer, amount, purpose and signature of state fiscal agent. Arr. chron. No index. Typed on printed form. 10½ x 5 x 14. Vault.

365. STATE TREASURER'S RECEIPTS (for Motor License Fees), 1933--. 1 file drawer. 1929-33 in Miscellaneous (Public Carriers' License Fee Receipts), entry 379.
State treasurer's receipts for motor vehicle registration fees received

from county treasurer, showing date, receipt number, name of county treasurer, amount, and signature of state treasurer. Arr. chron. No index. Typed on printed form. 10½ x 5 x 14. Vault.

366. HUNTERS' LICENSE RECEIPTS, 1936--. 1 file drawer.
State treasurer's receipts for hunters' license fees received from county treasurer, showing date, receipt number, name of county treasurer, amount, and signature of state treasurer. Arr. num. by receipt nos. No index. Typed on printed form. 10½ x 5 x 14. Vault.

367. (Receipts for) FINES, 1927--. 4 vols.
Treasurer's triplicate copies of receipts for fines received from justices of peace, showing date, receipt number, case number, title and cause, name of justice, amount, and signature of treasurer. Arr. chron. No index. Hdw. on printed form. Aver. 50 pp. 9 x 7 x 1. Vault.

368. RECEIPTS (for Federal Relief Funds), 1933. 1 vol.
Original receipts for federal relief funds paid to various projects, by treasurer, showing date, receipt number, project number, nature of project, amount, and signature of project foreman. Arr. num. by receipt nos. No index. Hdw. on printed form. 50 pp. 10 x 9 x ½. Vault.

369. (Statements of State) HIGHWAY (Funds Collected), 1934--. 1 file drawer. 1929-31 in Miscellaneous (Public Carrier License Fee Receipts), entry 379.
Copies of treasurer's statements of state highway funds collected, showing date, name of city, month for which collection was made, amount, total amount of collections, and remarks. Arr. chron. No index. Hdw. on printed form. 10½ x 5 x 13. Vault.

Bank Accounts (See also entries 125, 129)

370. BANK RECORD, 1890-1907, 1911--. 5 vols. (2 unmarked, 1, 1, 2). Title varies: Check Register, 1890-1907.
Treasurer's accounts with various county depositories, showing name of bank, date, itemized deposits, date and amount of withdrawals, check number, to whom payable, and balance. Arr. chron. No index, 1890-1907; alph. index by names of banks, 1911--. Aver. 300 pp. 17 x 12½ x 2. 2 vols., 1890-1907, south bsmt. vault; 3 vol., 1911--, vault.

371. (BANK BOOKS), 1901-25, 1934--. In (Bank Deposits), entry 372.
Bank books from various banks handling county funds, showing date, name of bank, dates and amount of deposits and withdrawals, accrued interest and balance.

372. (BANK DEPOSITS), 1901-25, 1934--. 1 cardboard box.
Deposit slips from various banks handling county funds, showing date, name of bank, itemized statement of deposits, total, and signature of receiving clerk. Also contains: (Bank Books), entry 371; (Canceled

Checks), 1922-25, 1934--. entry 373; (County Depository Bonds), 1934--, entry 55; General Fund Bills, 1925, entry 36; (Tax Payment Memoranda), 1925, entry 330. No index. Hdw. on printed form. Condition fair. 16½ x 15½ x 22. North bsmt. vault.

373. (CANCELED CHECKS), 1929-32. 1 cardboard box. 1922-25, 1934-- in (Bank Deposits), entry 372.
Canceled checks drawn by treasurer on school district, township and county funds, showing date, name of bank, check number, to whom payable, amount, purpose, signature of treasurer, and date canceled and paid. No index. Hdw. on printed form. 8 x 20 x 30. North bsmt. vault.

Motor Vehicles
(See also entry 306)

374. MOTOR VEHICLE LICENSE RECORD, 1916--. 7 vols.
Record of motor vehicle licenses issued, showing date, license number, name and address of licensee, make, style, model and weight of vehicle, engine number and amount of fees paid. Arr. chron. Alph. index by names of applicants. Hdw. on printed form. Aver. 275 pp. 16 x 12 x 2. 4 vols., 1916-23, south bsmt. vault; 3 vols., 1924--, vault.

375. AUTO LICENSE APPLICATIONS, 1936--. 9 cardboard boxes.
Duplicates of applications for motor vehicle licenses, showing date, name and address of applicant, make, model, style, weight and engine number of vehicle, license number, amount of fees, certificate of ownership and signature of applicant. Arr. alph. by names of applicants. No index. Typed on printed form. 6 x 9 x 11. Vault.

376. (AUTOMOBILE TRANSFER AND REGISTRATION RECEIPTS), 1937--. 2 boxes.
Automobile transfer and registration receipts, showing date, license number, make, model, style, weight and engine number of vehicle, name of owner, date license issued, date of purchase, to whom transferred and registered, amount of fees paid, and signature of treasurer. Arr. num. by receipt nos. No index. Typed on printed form. 9 z 6 x 11. Vault.

377. CERTIFICATE OF CONVENIENCE FOR PUBLIC CARRIERS, 1929--. In Miscellaneous (Public Carriers' License Fee Receipts), entry 379.
Certificates of convenience and necessity for public carriers showing date, route and license number, names of cities through which route runs, number of miles of route in each county, docket number, and signature of secretary of public service commission.

378. MOTOR VEHICLE FEES (Statement), 1937--. 1 file drawer.
Treasurer's statements of fees received for registration of motor

vehicle titles, showing date, amount of fees, added penalties, total, amount of refunds, and balance. Arr. chron. No index. Hdw. on printed form. 10½ x 5 x 14. Vault.

379. MISCELLANEOUS (Public Carriers' License Fee Receipts), 1925-33. 1 file drawer.
Receipts from various county treasurer for share of public carriers' license fees received from Franklin County treasurer, showing date, county receipt number, name of Franklin County treasurer, amount, and signature of receiving treasurer. Also contains: (Applications and Appointments, Railroad Condemnation Proceedings), 1929, entry 384; Certificate of Convenience for Public Carriers, 1929--, entry 377; Certificates of Conviction 1931, entry 44; (County Depository Bonds), 1925-31, entry 55; County Treasurer (Correspondence), 1925-30, entry 385; State Treasurer's Receipts (for Motor License Fees), 1929-33, entry 365; (Statements of State) Highway (Funds Collected), 1929-31, entry 369; County Treasurer (Tax Payments Protests), 1927, entry 331. Arr. chron. No index. Hdw. on printed form. 10½ x 5 x 14. Vault.

Fiscal Bonds
(See also entries 5, 83-86)

380. REGISTER OF (County) BONDS, 1910--. 2 vols.
Register of fiscal bonds issued by Franklin County and sub-divisions, showing title of bond, purpose, date issued, denominations, serial numbers, rate and amount of interest, when, where and to whom payable, and date paid. Arr. chron. No index. Hdw. and typed on printed form. 200 pp. 15 x 14 x 2. Vault.

381. REGISTER OF SCHOOL BONDS, 1871--. 1 vol.
Register of bonds issued by school districts, showing district number, date of issue, denominations, serial numbers, rate of interest, date of maturity, where and to whom payable, and amount of registration fees paid. Arr. chron. No index. Hdw. on printed form. 275 pp. 17 x 15 x 1½. Vault.

Surety Bonds
(See also entries 18, 52-54, 110-114, 189)

382. BONDS (County Officials' Bonds and Oaths), 1934--. 1 file drawer.
Bonds and oaths executed by county clerk and assistant county treasurer, as assurance of faithful performance of official duties, showing date, name of officer, title of office, amount of bond, affidavits of sureties, and date of approval. Arr. chron. No index. Typed on printed form. 10½ x 5 x 14. Vault.

383. INSURANCE POLICIES, 1937--. 1 file drawer. 1934-- in County Officers' Quarterly Reports, entry 48.
Insurance policies on county property, showing dates of issue and expiration, amount, terms and conditions, premium, description of property insured, and name of underwriter. No index. Typed on printed forms. 10 x 5½ x 13½. County clerk's vault.

Miscellaneous

384. (APPLICATIONS AND APPOINTMENTS, RAILROAD CONDEMNATION PROCEEDINGS), 1929. In Miscellaneous (Public Carriers' License Fee Receipts), entry 379.
Treasurer's copies of applications for and appointments of commisssioners to condemn land for railroad purposes, showing date, location and description of land to be condemned, for what purpose, names and addresses of commissioners appointed, signature of district judge, and commissioners' oaths.
For condemnation proceedings, 1879-88, see entry 25.

385. COUNTY TREASURER (Correspondence), 1934--. 2 file drawers. 1925-30 in Miscellaneous (Public Carriers' License Fee Receipts), entry 379.
Originals and duplicates of miscellaneous correspondence to and from various sources pertaining to official business of county treasurer's office. Arr. chron. No index. Hdw. and typed. 10 x 5½ x 13½. Vault.

XIV. COUNTY SUPERINTENDENT OF PUBLIC INSTRUCTION

The first territorial assembly provided for the establishment of free common schools in each county of Kansas Territory (S.T.K. 1855, ch. 144, art. 1, sec. 1). The county tribunal was authorized to form school districts upon petition of a majority of the voters therein, after which the voters elected three trustees and one inspector as a governing board, which was declared a body corporate (ibid., secs. 2-6). The assembly of 1858 created the office of county superintendent and made it elective for a one-year term (G.L.T.K. 1858, ch. 8, secs. 13-31).

Since statehood the officer has been elected biennially under authority of the state constitution, which provides that a county superintendent shall be elected in each county to serve a term of two years, and whose duties shall be prescribed by law (C.S.K., art. 6, sec. 1). His term begins the first Monday in July of each odd year (L. 1921, ch. 225, sec. 1; G.S. 1935, ch. 72, sec. 201), and he is required to execute to the state a bond in the sum of $1,000 conditioned for faithful performance of duty (L. 1881, ch. 152, sec. 1; G.S. 1935, ch. 72, sec. 203).

County Superintendent of Public Instruction (Next entry 386, p. 196)

In Franklin County the county superintendent receives a salary of $1,200 per year, and in addition thereto the sum of $20 for each 100 children of school age above 1,500 in the county (L. 1917, ch. 119, sec. 1, as amended by L. 1919, ch. 201, sec. 1; R. S. 1923, ch. 28, 116; G.S. 1935, ch. 28, sec. 116), which makes an average annual salary of $1,940.

To be eligible for the office a candidate must hold a first grade certificate, a state certificate, or be a graduate of an accredited college or normal school, and must have taught at least eighteen months (L. 1907, ch. 167, sec. 1; G.S. 1935, ch. 72, sec. 202). Vacancies in the office are filled by appointment by the county commissioners, and in event of their failure or inability to do so, by the state superintendent (L. 1911, ch. 278, sec. 1; G.S. 1935, ch. 72, sec. 209). In counties employing more than 235 teachers, exclusive of cities of the first and second class, the county superintendent is authorized to appoint an assistant to act as deputy who is authorized to perform all duties of the office as required by the county superintendent and who receives a salary of $1,000 a year (L. 1917, ch. 132, sec. 1; G.S. 1935, ch. 72, sec. 216).

The county superintendent has general supervision of educational matters in his county outside cities of the first and second class, the latter being governed by their own boards of education. It is his general duty to visit each school in his county at least once each six-months, correcting any deficiency that may exist in the government of the school, the classification of the pupils, or the methods of instruction in the several branches taught; to make privately such suggestions to the teachers as he may deem proper and necessary to the welfare of the school; to note the character and condition of the school house, furniture, apparatus and grounds, and make a report in writing to the district board, with suggestions for possible improvements; to examine the accounts and record books of the district officers and see that they are kept as required by law; to encourage formation of associations of teachers and educators for mutual improvement, and so far as possible participate in their meetings; to attend the county normal institute and use his influence to secure the attendance of teachers; to make a daily inspection and keep a record of the work of the institute; to hold a public meeting in each school district of the county at least once a year, to discuss school questions and elevate the standard of education; and to keep his office open at the county seat each Saturday. (L. 1881, ch. 152, sec. 2; G.S. 1935, ch. 72, sec. 204.)

On the last Monday in March, June, September and December the county superintendent must make a report to the state superintendent showing the number of school visits made, the number of consultations held with school officers, the number of days his office has been kept open, the number of district treasurer's and clerk's record books examined, the number of teachers' meetings attended, the number of public lectures delivered and such other information as the state superintendent may require (L. 1881, ch. 152, sec. 2; G.S. 1935, ch. 72, sec. 204).

 (Next entry 386, p. 196)

In addition to his quarterly reports, the county superintendent must make an exhaustive annual report of school affairs in his county, not later than October 1 of each year which report must include a statement of the number of school districts in his county, the number and sex of children of school age in each district, the number of teachers employed, the length of terms taught in each district together with information on the county normal institute, acadamies and colleges in the county, the amount and distribution of school money in the county and such other information as may be required (L. 1881, ch. 152, sec. 5; G.S. 1935, ch. 72, sec. 207).

It is the county superintendent's duty to divide the county into convenient school districts and to change the boundaries of districts when the interests of the inhabitants thereof require it, subject to certain restrictions as to population and assessed valuation (L. 1881, ch. 152, sec. 12; G.S. 1935, ch. 72, sec. 213). Persons feeling themselves aggrieved by such changes may appeal to the board of county commissioners, whose action is final (L. 1876, ch. 122, art. 3, sec. 5; G.S. 1935, ch. 72, sec. 309).

Each school district is a body corporate and is deemed duly organized when the officers constituting the district board have been elected and qualified, and have signified their acceptance in writing to the county superintendent (L. 1876, ch. 122, art. 3, secs. 1, 3; G.S. 1935, ch. 72, secs. 301, 302). Vacancies are filled by appointment by the county superintendent (L. 1881, ch. 152, sec. 7; G.S. 1935, ch. 72, sec. 208). The officer may consolidate two or more adjoining districts having less than five pupils of school age upon majority vote of the electors of the districts (L. 1901, ch. 307, sec. 11; G.S. 1935, ch. 72, sec. 901).

The county superintendent must furnish the county clerk with a description of the boundary of each school district on or before the last Monday in May of each year (L. 1876, ch. 122, art. 2, sec. 15 as amended by L. 1887, ch. 219, sec. 1; G.S. 1935, ch. 72, sec. 218) and, at least ten days before the day of the annual school meeting each year, must certify to the several school district clerks in his county the total assessed valuation in their several districts (L. 1881, ch. 152, sec. 2; G.S. 1935, ch. 72, sec. 204). Since 1915, it has been his duty also, to hold a convention for members of school district boards at least once a year for the purpose of consultation and instruction on matters pertaining to the administration of school district affairs. Each school district may designate one or more members to attend the convention. (L. 1915, ch. 302, sec. 1; G.S. 1935, ch. 72, sec. 205.)

The state constitution provided that the proceeds of all lands granted to the state by the United States for the support of schools, which included sections 16 and 36 in each township, should constitute a perpetual school fund "which shall not be diminished, but the interest of which, together with all the rents of the lands, and such other means as the legislature may provide, by tax or otherwise, shall be inviolably

appropriated to the support of common schools" (C.S.K., art. 6, sec. 3). The state annual school fund consists of the interests and rents from the perpetual school fund (L. 1879, ch. 149, sec. 4; G.S. 1935, ch. 72, sec. 2301), and is apportioned by the state superintendent on the basis of school population and paid by the state treasurer to the various county treasurers, who in turn pay the money to the various district treasurers as apportioned by the county superintendents (L. 1876, ch. 122, art. 16, secs. 2, 4, 6, 7; G.S. 1935, ch. 72, secs. 2304, 2307). The constitution provides also that "all money which shall be paid by persons as equivalent for exemption from military duty; the clear proceeds of fines for any breach of the penal laws, shall be exclusively applied in the several counties in which the money is paid or fines collected, to the support of common schools" (C.S.K., art. 6, sec. 6). The legislature of 1868 required that "all fines and penalties imposed, and for all forfeitures incurred in any county, shall be paid into the treasury thereof to be applied to the support of common schools" (G.S. 1868, ch. 92, sec. 332; G.S. 1935, ch. 62, sec. 1908). This money constitutes the county school fund, and is collected by the county treasurer and also paid over to the district treasurers upon orders of the county superintendent (L. 1876, ch. 122, art. 17, sec. 1; G.S. 1935, ch. 72, sec. 2401).

The county superintendent is required to hold annually, for not less than five days nor more than twenty days, a normal institute for the instruction of teachers and those desiring to teach (L. 1877, ch. 136, sec. 1, as amended by L. 1915, ch. 304, sec. 1; G.S. 1935, ch. 72, sec. 1401). With the advice of the state superintendent he selects the time and place, and appoints a conductor and instructors. A fee of one dollar is charged each person attending, and the county commissioners may appropriate not to exceed $100 to meet any deficiency. The county treasurer is custodian of the normal insitute fund, which may be expended only upon order of the county superintendent for expenses incurred in connection with the institutes. (L. 1877, ch. 136, secs. 4, 8; G.S. 1935, ch. 72, secs. 1405, 1408.)

In 1876 the county superintendent was made ex officio chairman of the board of county examiners, composed of himself and two other persons appointed by the county commissioners upon his recommendation, and which issued teachers' county certificates (L. 1876, ch. 122, sec. 6). Since 1937 the other two members of the board are appointed, upon the county superintendent's nomination, by the state board of education, which also issues the certificates (L. 1937, ch. 296, sec. 7).

By virtue of his office the county superintendent became president of the board of trustees of county high schools established under the provisions of the general high school law of 1886 (L. 1886, ch. 147, sec. 3), and by specific legislative enactments. He continued as president of the board of trustees of community high schools succeeding county high schools according to the law of 1923 (L. 1923, ch. 187, sec. 1; G.S. 1935, ch. 72, sec. 2501).

Since 1881 the county superintendent has been designated by the statutes as visiting agent in his county to have supervision over indentured pupils of the state industrial school for boys, and is required to visit each boy twice a year, inquire into his condition, and make such other investigations as the state board of administration may require. He also is required to seek out suitable persons who are willing to receive pupils from the industrial school under articles of indenture. (L. 1881, ch. 129, secs. 13-15; G.S. 1935, ch. 76, secs. 2115-2117.) In addition, the county superintendent is designated by law as agent for his county for the state orphans' home. He is required to visit the children placed in homes in his county twice annually, and at such other times as the superintendent of the home may request, and make a written report to the latter on the condition of each child. For these duties the county superintendent received three dollars a day for time actually engaged, and his necessary traveling expenses. (L. 1889, ch. 236, sec. 6; G.S. 1935, ch. 76, sec. 1710.)

The county superintendent is required by statute to keep a complete record of his official acts, a record of candidates for teachers' certificates and of certificates granted, and a register of teachers employed in his county, including therein the teachers' salaries per month, grade of certificate and the date of the superintendent's visit. He must keep a record of the semi-annual apportionments of the state and county school funds and must preserve other statistical records upon which he bases his reports to the state superintendent of public instruction. (L. 1881, ch. 152, sec. 2; G.S. 1935, ch. 72, sec. 204.)

In a book prepared for that purpose the county superintendent is required by law to keep a description of the boundaries of each school district or part of a district in his county, together with a plat of each district, the date of its organization, a full record of all changes in boundaries and a list of officers with the date of the election or appointment for each (L. 1881, ch. 152, sec. 12; G.S. 1935, ch. 72, sec. 213).

The county superintendent approves and files the bonds of the several school district treasurers in his county (L. 1876, ch. 122, art. 4, sec. 12; G.S. 1935, ch. 72, sec. 1016) and from the clerk of each school district receives an annual report, submitted to and approved by the electors of the district, which report includes the number of children of school age in the district, the number enrolled in school, the names and number of teachers in the district, the amount of money received from the several school funds and the amount raised in the district for school purposes, together with such other facts and statistics as the county superintendent may require (L. 1876, ch. 122, art. 4, sec. 8; G.S. 1935, ch. 72, sec. 1008).

Within two weeks after the annual election of school district officers, the district clerk must transmit to the county superintendent a list containing the names and addresses of school district officers. The clerk must also report to the county superintendent upon the time of the

commencement of each term of school in his district. (L. 1876, ch. 122, art. 4, sec. 13; G.S. 1935, ch. 72, sec. 1015).

Although not definitely required by law, the county superintendent usually preserves duplicate copies of his annual and quarterly reports to the state superintendent.

Although the statutes prescribe that certain records shall be kept by the county superintendent, only infrequently do they designate the manner in which they shall be kept. In 1930 however, uniform forms for records kept by the county superintendent were prescribed by the state superintendent of public instruction and since that time many of the records of the office have been combined into a county superintendent's uniform record.

In the year ending June 30, 1938 there were eighty-three organized elementary school districts in Franklin County, of which eighty maintained school during the year, the remaining three sending their pupils to other schools. There are six rural high schools in the county. (Thirty-first Biennial Report, State Superintendent of Public Instruction of Kansas, p. 285).

In the following entries the term "office" refers to the office of county superintendent.

Organization and Boundaries

386. RECORD OF SCHOOL DISTRICT BOUNDARIES, 1877--. 1 vol. 1929-- also in County Superintendent's Uniform Record, entry 400.

Record of organization and boundaries of school districts, showing district number, date of organization, date of first meeting, names of officers elected, changes made in boundary lines, date of action, and plats of each school district, showing legal description and changes made. Arr. num. by district nos. No index. Hdw. on printed form. 450 pp. 18 x 13 x 2½. Office.

387. (ALTERATION OF SCHOOL DISTRICT BOUNDARIES), 1899. In Sundry Papers, Liens and Judgments (Miscellaneous Records), entry 170-iv.

Petitions to county superintendent asking formation of new school districts and change of boundaries; superintendent's notices of change; protests and notices of appeal to county commissioners, showing description of boundaries of old and new districts, date of petition, names and addresses of signers, dates of notices, time limit for appeal, by whom appealed and reasons therefore, and clerk's notices of holding district meeting.

County Superintendent of Public Instruction - District Officers; Teachers (388-392)

District Officers

388. RECORD OF SCHOOL DISTRICT OFFICERS, 1919-29. 1 vol. 1929-- in County Superintendent's Uniform Record, entry 400; 1931-- also in Record of Apportionment of State and County Funds, entry 399.

Record of school district officers, showing title of office, name and address of officer, date of election, date term expires, and remarks. Arr. chron. by date of entry. No index. Hdw. on printed form. 100 pp. 16 x 12 x 1. Office.

Teachers

(See also entries 397, 398)

389. APPLICATION FOR TEACHERS' CERTIFICATES (Record of County Certificates), 1898--. 1 vol. 1929-- also in County Superintendent's Uniform Record, entry 400.

Record of teachers' county certificates issued, showing name, age, and address of teacher, number of college hours and high school credits, institute record, date of issuance, expiration, renewal, and endorsement of certificate, and transcript of grades. Arr. chron. No index. Hdw. on printed form. 150 pp. 16 x 12 x 1½. Office.

390. RECORD OF COUNTY TEACHERS' EXAMINATION GRADES, 1929--. In County Superintendent's Uniform Record, entry 400.

Record of county teachers' examination grades, showing name, age, and address of teacher, number of college hours and high school credits, record of examination in each subject, average, grade of certificate granted, and dates of issuance and expiration of certificate.

391. REGISTRATION OF STATE CERTIFICATES AND DIPLOMAS, 1909--. 35 vols. 1931-- also in County Superintendent's Uniform Record, entry 400.

Register of state certificates, showing name and address of teacher, kind of certificate, date of issuance and expiration, date registered, and signature of county superintendent. Arr. chron. by dates of registration. No index. Hdw. on printed form. 50 pp. 7 x 5 x ¼. Office.

392. RECORD OF TEACHERS EMPLOYED, 1886-1933. 2 vols. 1929-- also in County Superintendent's Uniform Record, entry 400. 1931-- also in Record of Apportionment of State and County Funds, entry 399.

Record of teachers employed by school districts, showing district number, name, address and salary of teacher, length of term, kind of certificate, date of issuance and expiration, date registered, date of county superintendent's visits, and remarks. Arr. chron. No index. Hdw. on printed form. 150 pp. 16 x 12 x 1. Office.

393. INSTITUTE RECORD, 1930--. In County Superintendent's Uniform Record, entry 400.
Record of county normal institute, showing names and salaries of conductors and instructors, names and addresses of teachers attending institute, number of days present, fees paid, programs, and remarks.

Pupils

394. EXAMINATION, COMMON SCHOOL DIPLOMA, 1890-1928. 3 vols. (1, A,B). 1929-- in County Superintendent's Uniform Record, entry 400; 1931-- also in Record of Apportionment of State and County Funds, entry 399.
Record of examinations for common school diplomas, showing district number, name of pupil, age, grade, subjects in which examined, average made in each, whether diploma granted, and date. Arr. num. by district nos. and chron. thereunder. No index. Hdw. on printed form. 150 pp. 18 x 12 x 1½. Office.

Reports
(See also entry 115)

395. ANNUAL REPORTS (School District Clerk), 1906--. 20 file boxes. Title varies: Clerk's Annual Report, 1907-28.
Annual reports of school district clerks to county superintendent, showing date, district number, school census, enrollment by color and sex, length of school term, names and salaries of superintendents, principals and teachers, number of buildings and rooms, number of volumes in library, value of school property, assessed value of district, financial statement, tax levy, and signature of clerk of school district. Also contains: Teachers Term Reports, 1927--, entry 398. Arr. chron. No index. Hdw. on printed form. 10 x 5½ x 13. 13 file boxes, 1906-28, bsmt. vault; 7 file boxes, 1927--, office.

396. CARDS REPORTING TEACHERS AND OFFICERS ELECTED (District Clerk's Report of Commencement of School Term), 1921-25, 1935--. 2 file boxes.
Reports by school district clerks to county superintendent at commencement of school term, showing date, district number, name of teacher, length of term, teacher's salary, home and current addresses, grade of certificate held, name of school and signature of clerk. Arr. chron. No index. Hdw. on printed form. 6 x 5 x 11½. 1 file box, 1921-25, bsmt. vault; 1 file box, 1935--, office.

397. TEACHERS' MONTHLY REPORTS, 1907--. 11 cardboard boxes, 2 file drawers, 1 file box.
Teachers' monthly report to county superintendent, showing date, month,

district number, name of teacher, number pupils enrolled, average daily attendance, and signature of teacher. Arr. chron. No index. Hdw. on printed form. Boxes 8½ x 11 x 22; file drawers 10 x 7 x 20; file box 10 x 7 x 20. 11 boxes, 1907-34, bsmt. vault; 2 file drawers, 1 file box, 1934--, office.

398. TEACHERS' TERM REPORT, 1906-24. 6 file boxes. 1927-- in Annual Reports (School District Clerk), entry 395.
Teachers' term reports to school district clerk and county superintendent, showing date, district number, name of school, name of teacher, sex, kind of certificate, enrollment of pupils by grade and sex, average daily attendance, length of term, number tuition pupils, number of volumes in library, report of scholarship and classification, daily program, work done in special subjects, and teacher's signature. Arr. num. by district nos. and chron. thereunder. No index. Hdw. on printed form. 10 x 5 x 12. Bsmt. vault.

School Funds
(See also entries 355-358)

399. RECORD OF APPORTIONMENT OF STATE AND COUNTY FUNDS, 1886-1916, 1931--. 2 vols. Title varies: Apportionment of School Funds, 1886-1916. 1931-- also in County Superintendent's Uniform Record, entry 400.
Record of semi-annual apportionment of state and county school funds by county superintendent, showing balance remaining from last apportionment, amounts received from state and county funds, total, number residents in county ages 5 to 21 inclusive, amount apportioned each, total, balance unapportioned, district number, name and address of treasurer, number of pupils, amounts apportioned in March and August, and balance for year. Also contains: Examination, Common School Diploma, 1931--, entry 394; Record of School District Officers, 1931--, entry 388; Record of Teachers Employed, 1931--, entry 392. Arr. by subject and chron. thereunder. No index. Hdw. on printed form. Aver. 300 pp. 17 x 12½ x 1½. Office.
For orders for apportionment, 1934--, see entry 356.

Miscellaneous

400. COUNTY SUPERINTENDENT'S UNIFORM RECORD, 1929--. 1 vol.
General record of county superintendent. Contains: Applications for Teachers' Certificates (Record of County Certificates), entry 389; Examination, Common School Diploma, entry 394; (Institute Record), 1930--, entry 393; Record of Apportionment of State and County Funds, 1931--, entry 399; (Record of County Teachers' Examination Grades), entry 390;

Record of School District Boundaries, entry 386; Record of School District Officers, entry 388; Record of Teachers Employed, entry 391; Registration of State Certificates and Diplomas, 1931--, entry 391. Arr. by subjects and chron. thereunder. No index. Hdw. on printed form. 350 pp. 19 x 13 x 1½. Office.

XV. COUNTY BOARD OF HEALTH

Powers of the counties to regulate health and sanitation date from 1885, when the legislature passed an act creating a state board of health and providing that the board of county commissioners of each county should constitute county boards of health.

The state board consists of nine members appointed by the governor for three-year terms, serving without salary, but receiving compensation for time actually expended as the governor may approve. The board has power to select one of its members as president, and to appoint a competent physician as full time secretary and executive officer. The state board supervises the health interests of the state and has broad powers in making and enforcing rules for safeguarding the public health. Its duties include investigation of epidemics, supervision of ventilation and sanitary service in public buildings, and registration of births and deaths. (L. 1885, ch. 129, secs. 1-5; G.S. 1935, ch. 65, secs. 101-103.)

Each local board of health is required to elect a physician, who is ex officio a member of the board and health officer for his county. He holds office at the pleasure of the board and may be removed for cause. (L. 1885, ch. 129, sec. 7; G.S. 1935, ch. 65, sec. 201.) He must take the oath prescribed for county officers and execute to the state a bond in the penal sum of $500 for faithful performance of duty (L. 1909, ch. 102, sec. 1; G.S. 1935, ch. 85, sec. 202). Under this law the county commissioners of Franklin County appointed the first health officer June 3, 1885 (Commissioners' Journal, vol. E, p. 256).

The county health officer receives for his services such sum as may be fixed by the county commissioners. Upon his appointment he is required to notify the state board immediately, and to distribute without delay to the rightful persons all forms received from the state board. (L. 1885, ch. 129, sec. 8; G.S. 1935, ch. 65, sec. 202.) It is the duty of every physician to report to the local health officer any deaths occurring within his practice or within his knowledge, including the circumstances of death, if known (L. 1885, ch. 129, sec. 9; G.S. 1935, ch. 65, sec. 148). Prosecutions for violation of the health laws or regulations are conducted by the county attorney, and all fines collected are paid into the county treasury for the use of the school fund (L. 1885, ch. 129, sec. 12; G.S. 1935, ch. 65, sec. 151).

County Board of Health (Next entry 401, p. 202)

Municipal or county boards of health, or health officers having knowledge of any infectious or contagious disease within their jurisdiction are required to exercise supervision over it during its continuance and see that all provisions of law relating to isolation, placarding, quarantine and disinfection are duly enforced, and report the condition to the state board. The health officer may close schools, theatres and similar institutions when an epidemic threatens. (L. 1901, ch. 285, sec. 3; G.S. 1935, ch. 65, sec. 119.)

The state and local boards are empowered to examine into all causes of sickness, and into all nuisances and sources of filth deemed injurious to the inhabitants, and may order the occupant of the premises to remove them at his own expense, subject to a fine for failure to do so (L. 1907, ch. 383, sec. 1; G.S. 1935, ch. 65, sec. 159). Whenever smallpox or other contagious or infectious diseases exist in any city of the second or third class, the governing body, the county health officer and the county commissioner of the district in which the city is located may take such action as they deem necessary for the control of the disease. The county is required to reimburse the city for all necessary items of expense in such cases. (L. 1919, ch. 145, secs. 1, 2; G.S. 1935, ch. 65, secs. 301, 302.)

The legislature of 1925 authorized county boards of health in counties of 75,000 to 100,000 population, and containing a city of the first class, to employ a skilled professional nurse whenever deemed necessary (L. 1925, ch. 202, sec. 1; G.S. 1935, ch. 65, sec. 202). Two years later this power was extended to all counties, with the authorization to hire additional personnel when needed (L. 1927, ch. 240, sec. 1; G.S. 1935, ch. 65, sec. 202). However, no health nurse is employed in Franklin County.

It is the duty of the county health officer to make a sanitary inspection of each school building and grounds at the opening of the fall term, and such additional inspections as may be necessary for the protection of public health (L. 1927, ch. 240, sec. 1; G.S. 1935, ch. 65, sec. 202).

Beginning in 1883 assessors of personal property in the several townships and city wards are required to gather information regarding births, deaths and marriages and report them to the local boards of health (L. 1885, ch. 129, sec. 10; G.S. 1935, ch. 65, sec. 149). In 1911, however, a division of vital statistics was established within the state board, the state was divided into registration districts, and clerks of incorporated cities were made local registrars for their cities and such additional territory as might be designated. They issue burial or removal permits and receive birth certificates for their respective districts. Undertakers must obtain and file certificates of death with the registrar of the district, and physicians must follow the same procedure with respect to births. (L. 1911, ch. 296, secs. 2-10; G.S. 1935, ch. 65, secs. 131-139.) Consequently, since 1913 records of vital statistics have not been kept by the local health officers.

In Kansas the journals of the county commissioners, meeting in their various capacities, as a rule, are kept together; nevertheless, the journal of the commissioners, sitting as a board of health, is technically a separate record from the journal of the commissioner sitting as the county board.

401. (PROCEEDINGS, COUNTY BOARD OF HEALTH), 1885--. In Commissioners' Journal, entry 2.
Journal of proceedings of county commissioners sitting as county board of health, showing date of meeting, members present, business considered, bills allowed and disallowed, resolutions adopted, orders issued, applications and complaints received, appointments made, and all other transactions.

402. RECORD OF CONTAGIOUS DISEASES, 1916--. 2 vols.
Record of contagious diseases reported in county, showing name, address, age, sex, nationality of patient, school attended, number in family, date of onset of disease, complications, name of reporting physician, period of quarantine and date reported to state board of health. Arr. alph. by names of diseases and chron. thereunder. No index. Hdw. on printed form. 500 pp. $18\frac{1}{2}$ x 13 x $2\frac{1}{2}$. 1 vol., 1916-35, county clerk's vault; 1 vol., 1936--, office, Bennett Bldg., $236\frac{1}{2}$ South Main St., Ottawa, Kansas.

XVI. COUNTY SOCIAL WELFARE BOARD

From the beginning of the territory in 1855 the commissioners of the several counties in Kansas were required to provide for the relief of the poor and unfortunate at county expense (S.T.K. 1855, ch. 126, secs. 1-6). The state constitution, effective January 29, 1861 continued the obligation of the counties to "provide, as may be prescribed by law, for those inhabitants who, by reason of age, infirmity or other misfortune, may have claims upon the sympathy and aid of society" (C.S.K., art. 7, sec. 4). In 1862 the state legislature designated township trustees and the mayors and councils of cities as overseers of the poor (G.L.S.K. 1862, ch. 163, sec. 1), requiring them to make return to the county clerk of the amounts needed for support of the poor in their districts, which was paid from the county treasury upon orders of the county commissioners (ibid., sec. 19). The commissioners also were authorized to purchase land, erect a poorhouse and employ a superintendent, and to appoint annually a physician to care for the poorhouse inmates (ibid., secs. 25, 27).

In 1872 the legislature created the office of poor commissioner in all counties of more than 30,000 population, making it appointive by the county commissioners for a two-year term, and providing that the officer should have, under control of the county commissioners, general care and supervision of the poor in his county (L. 1872, ch. 161, sec. 1).

County Social Welfare Board (Next entry 403, p. 205)

In 1891 the poor commissioner act was amended to make it apply only to counties of more than 45,000 population (L. 1891, ch. 155, sec. 1). In 1901 it was made to apply to all counties of more than 28,000 population (L. 1901, ch. 133, sec. 1). In 1913 the population limit was reduced to 22,000 (L. 1913, ch. 162, sec. 1), and in 1931 to 17,000 (L. 1931, ch. 199, sec. 1), which included Franklin County. In 1933 the legislature abolished entirely the duties of township and city officers as overseers of the poor, and provided for appointment of a poor commissioner in all counties of the state for a two-year term (L. 1933, ch. 196, sec. 6; G.S. 1935, ch. 39, sec. 517).

Under the law of 1872 the poor commissioner was required to execute to the board of commissioners a $5,000 bond for faithful performance of duty (L. 1872, ch. 161, sec. 7). He was required to inform himself of the necessity of all expenditures of public money for the relief of paupers; to make all necessary purchases for assistance of paupers not in the public poorhouse, and to certify all such accounts. It was his duty to visit the poorhouse weekly and make a monthly report to the county board concerning its condition and that of the inmates. The county commissioners were required to let the custody of poorhouse inmates at a given sum per day per person to the lowest responsible bidder, who was required to make a monthly report to the commissioners, giving the names of the inmates, the number of days present, the condition of their health and the amount of expenditures in their behalf. No person could be received in the poorhouse except upon written order of the poor commissioner, who was required to keep an accurate record thereof and include it in his monthly report. (Ibid., secs. 2-6.) The poor commissioner also was required to make an annual report to the county board, giving the names of all persons admitted to the poorhouse during the year, the number of days present, the cost, the amount expended for each pauper aided outside the poorhouse, and an estimate of the amount of money needed to be raised by taxation for the ensuing year. (ibid., sec. 8).

The general law of 1933 provided that "the board of county commissioners shall administer the relief and aid of the poor and indigent who are unable to care for themselves" (L. 1933, ch. 196, sec. 1; G.S. 1935, ch. 39, sec. 512). The county commissioners were required to appoint a poor commissioner at a salary not exceeding $1,500 a year, and as many assistants as necessary (L. 1933, ch. 196, secs. 6, 7; G.S. 1935, ch. 39, secs. 517, 518). The poor commissioner was required to investigate the condition of all relief applicants, obtain such information as the county commissioners required, and keep a record thereof. He was required to make all purchases required for the relief of the poor not in the poorhouse and to make a monthly report to the county commissioners regarding each case of assistance. (L. 1933, ch. 196, secs. 9-11; G.S. 1935, ch. 39, secs. 520-522). The poor commissioner also was required to make an annual report to the county commissioners stating in detail the names of all persons aided, and the amount of relief extended (L. 1933, ch. 196, sec. 14; G.S. 1935, ch. 39, sec. 525).

County Social Welfare Board (Next entry 403, p. 205)

Early in 1937 the Kansas legislature enacted a law to provide a uniform system of welfare work for the state, to aid the counties and supervise the directing of welfare work therein, and to comply with the conditions set forth in 49 U.S. Stat. 620, being Public No. 271-74th Congress (HR 7260) and amendments thereof, and the rules and regulations of the federal social security board relating thereto (L. 1937, ch. 327, sec. 1).

The act created a state board of social welfare as a body corporate to consist of five members appointed by the governor (ibid., sec. 3). This board was empowered to develop state plans for cooperation with the federal government; to determine the general policies relating to social welfare work supervised by it, and make regulations therefor; and to supervise all activities of the county boards of social welfare (ibid., sec. 8).

Boards of county commissioners are designated in the act as county social welfare boards and required to provide aid, assistance and service on the basis of need in their respective counties in accordance with state laws and the rules of the state board. They are required to appoint a county director who must furnish such bond and receive such compensation as the county board may deem proper, and who may, with the board's approval, appoint one of his assistants as deputy. The county director is the executive and administrative officer of the county organization and is required to perform such duties as the county board may direct. (Ibid., secs. 10, 11.)

In order to provide for a uniform record system, the state board of administration was required by statute in 1933 to prescribe standard forms for relief records. In addition, the county commissioners were required to set up and maintain a central index containing the original or a true copy of each application for relief, and the financial data card of each client. (L. 1933, ch. 196, secs. 3, 4; G.S. 1935, ch. 39, secs. 514, 515.)

By legislative enactment in 1937 relief forms were required to be prescribed by the state social welfare board. The county board and private agencies are required by law to maintain both a public and confidential file of cases, perpetual index of all applications for assistance and such other records as the state board may require. (L. 1937, ch. 327, sec. 11.)

In the following entries the word "office" used to designate location of records refers to the office of the county welfare director in the city hall at Fourth and Walnut Streets.

For records pertaining to county charges other than those administered by the county social welfare board, see entries 31-34, 38-40, 45.

Proceedings

403. (PROCEEDINGS, COUNTY SOCIAL WELFARE BOARD), 1937--. In Commissioners Journal, entry 2.
Journal of proceedings of county commissioners sitting as a county social welfare board, showing date, commissioners present, appointments made and resignations received, bills allowed and disallowed, resolutions adopted, orders issued, and all other transactions.

Indexes

404. CENTRAL INDEX FILE, 1933--. 1 file drawer.
Card index of all persons receiving public assistance from county, showing case number, name and address of client, number in family and date of contract. Arr. alph. by names of clients. Typed. 12 x 11 x 24. Office.

405. NUMERICAL CASE REGISTER, 1933--. 1 vol.
Numerical index of all persons receiving public assistance in county, showing name and case number. Arr. num. by case nos. No index. Typed on printed form. 350 pp. 13 x 10½ x 1½. Office.

Applications

406. DSW 100 (Application for Assistance), 1937--. 1 file drawer.
Applications for public welfare assistance, showing date, case number, name, address, race and birth date of applicant; names and birth dates of children at home; names, ages and relationship of others in household; former marriages, reasons for application, statement of property owned, type of assistance applied for, signatures of applicant and spouse, and acknowledgment of notary public. Arr. alph. by names of applicants. No index. Typed on printed form. 17 x 11 x 24. Office.

407. (REGISTER OF APPLICATIONS FOR ASSISTANCE), 1937--. 1 vol.
Record of applications for public assistance, showing date, type of assistance, name of applicant, case number, number of dependent children, name of case investigator, dates of beginning and completion of investigation, and disposition of application. Arr. alph. by names of applicants. No index. Typed on printed form. 350 pp. 11 x 18 x 2. Office.

408. (AUTHORIZATION FOR FINANCIAL INVESTIGATION), 1937--. In (Budget Sheets), entry 423.
Authorizations by applicants for public assistance of investigation of

financial circumstances by county board, showing date, authorization, and signature of applicant.

409. (REPORT ON APPLICATIONS FOR ASSISTANCE), 1937--. In (Budget Sheets), entry 423.
Home visitors' reports to county board on investigation of applicants for public assistance, showing date, case number, name, address, age, sex and color of applicant, record of marriages; names, addresses and incomes of children and other relatives; places of residence in last two years, record of employment, physical and mental condition, details of real estate and personal property owned, military or naval service, financial statement, and recommendation and signature of home visitor.

410. (REPORT ON APPLICATIONS FOR AID TO DEPENDENT CHILDREN), 1937--. In (Budget Sheets), entry 423.
Home visitors' reports to county director of investigations of applicants for aid to dependent children, showing date, case number, name and address of applicant, names, birth dates and physical and mental condition of children; names, address, birth dates and citizenship of parents, record of marriages and employment; names and addresses of relatives, causes of dependency of children, description and value of property owned by parents or relatives, financial statement, and recommendation and signature of home visitor.

411. (AUTHORIZATION FOR EYE EXAMINATION), 1937--. In (Budget Sheets), entry 423.
Authorizations to ophthalmologists to examine eyes of applicants for aid to the blind, showing date, names and address of applicant and ophthalmologist, amount of fee allowed, signature of county director, ophthalmologist's certification and signature, and approval and signature of state supervising ophthalmologist.

412. (APPLICATION FOR ENROLLMENT IN CIVILIAN CONSERVATION CORPS), 1937--. 1 filing envelope. 1937-- also in (Budget Sheets), entry 423.
Triplicate copies of applications for enrollment in Civilian Conservation Corps, showing date, name, address, marital status and date and place of birth of applicant; education, last employment, previous C.C.C. record if any, directions for allotment of pay for dependents, and signature of applicant. Arr. alph. by names of applicants. No index. Typed on printed form. 9 x $\frac{1}{4}$ x 12. Office.

Notices and Appeals

413. (NOTICE OF ASSISTANCE GRANT), 1937--. In (Budget Sheets), entry 423.
Copies of notices to applicants of eligibility for public assistance, showing date, name and address of applicant, type of assistance, amount of monthly allowance, date first check will be received, and signature of county director.

414. (NOTICE OF REJECTION OF APPLICATION), 1937--. In (Budget Sheets), entry 423.
Copies of rejection notices to applicants for public assistance, showing date, name and address of applicant, type of assistance asked, reason for rejection, and signature of county director.

415. (NOTICE OF CHANGE OR DISCONTINUANCE OF GRANT), 1937--. In (Budget Sheets), entry 423.
Copies of notices to public assistance clients of changes in or discontinuance of grants, showing date, name and address of client, amounts of decrease or increase, or date of discontinuance, reasons for change, and signature of county director.

416. (REQUEST FOR HEARING AND NOTICE OF DECISION), 1937--. In (Budget Sheets), entry 423.
Request to county board or private agency for review of decisions of county director on applications for public assistance, showing date, name of applicant, reasons for request, notice of date of hearing, and notice for county director of decision on review and reasons therefore.

417. (APPEAL TO STATE BOARD), 1937--. In (Budget Sheets), entry 423.
Copies of appeals to state board from decisions of county board by applicants for public assistance, showing date, name and address of applicant, reasons for request, and date filed.

Certification of Eligibility

418. FORMS DFA 310, 309, 308, 307, 306 (Certification of Eligibility and Authorization for Payment of General Assistance), 1937--. 1 file drawer.
Home visitor's certifications of eligibility of applicants, and authorizations for payment of general assistance, showing date, case number, name and address of applicant, type of case, number in family, amount and kind of assistance authorized, whether regular or emergency, date discontinued, and signatures of home visitor and county director. Contains: (Certification of Eligibility and Authorization for Payment of Aid to the Blind), entry 420; (Certification of Eligibility and Authorization for Payment of Old Age Assistance), entry 419; (Certification of Eligibility and Authorization for Payment of Aid to Dependent Children), entry 421; (Change in Certification and change of Authorization for Payment), entry 426. Arr. num. by case nos. No index. Typed on printed form. 13 x 11 x 24. Office.

419. (CERTIFICATION OF ELIGIBILITY AND AUTHORIZATION FOR PAYMENT OF OLD AGE ASSISTANCE), 1937--. In DFA Forms 310, 309, 308, 307, 306 (Certification of Eligibility and Authorization for Payment of General Assistance), entry 418.

Home visitor's certifications of eligibility of applicants, and authorizations for payment of assistance to the aged, showing case number, date, name, birth date and financial status of applicant, length of residence in state, verification of statements, amount approved, and signatures of home visitor and county director.

420. (CERTIFICATION OF ELIGIBILITY AND AUTHORIZATION FOR PAYMENT OF AID TO THE BLIND), 1937--. In DFA Forms 310, 309, 308, 307, 306 (Certification of Eligibility and Authorization for Payment of General Assistance), entry 418.
Home visitor's certifications of eligibility of applicants, and authorizations for payment of assistance to blind persons, showing case number, date, name, birth date and financial status of applicant, length of residence in state, degree of blindness as shown by ophthalmologist's certificate, amount of aid approved, and signatures of home visitor and county director.

421. (CERTIFICATION OF ELIGIBILITY AND AUTHORIZATION FOR PAYMENT OF AID TO DEPENDENT CHILDREN), 1937--. In DFA Forms 310, 309, 308, 307, 306 (Certification of Eligibility and Authorization for Payment of General Assistance), entry 418.
Home visitor's certifications of eligibility, and authorization for payment of aid to dependent children, showing case number, date, name of applicant, names and birth dates of children, relationship to applicant, residence, length of residence in state, how deprived of support verifications of statements, amount of aid approved, and signatures of home visitor and county director.

Budgets and Grants

422. DFA 305 IDENTIFICATION, 1937--. 1 file drawer.
Identification slips of persons receiving assistance, showing date, case number, name, age, sex, height and weight of recipient, and signatures of recipient and county director. Arr. num. by case nos. No index. Typed on printed form. 13 x 11 x 24. Office.

423. (BUDGET SHEETS), 1937--. 1 file drawer.
Budget sheets of persons receiving assistance, showing name, case number, sources and amounts of income, value of home products used, items and amounts of necessary expenditures for each member of family, remarks, and signature of recipient. Also contains: (Appeal to State Board), entry 417; (Application for Enrollment in Civilian Conservation Corps), entry 412; (Authorization for Eye Examination), entry 411; (Authorization for Financial Investigation), entry 408; (Notice of Assistance Grant), entry 413; (Notice of Change or Discontinuance of Grant), entry 415; (Notice of Rejection of Application), entry 414; (Request for Hearing and Notice of Decision), entry 416; (Report on Application For Aid to Dependent Children), entry 410; (Report on Application for Assistance),

entry 409; (Report on Review of Situation of Client), entry 425. Arr. chron. No index. Hdw. and typed on printed form. 17 x 11 x 24. Office.

424. (AUGHORIZED BUDGET AND RE-INTERVIEW RECORD), 1937--. 1 vol. Record of authorized budgets of social welfare clients, showing case number, name, age, sex and color of client, date of birth, name and relationship of guardian or relative, type of assistance, date and amount of authorized budget, dates and amounts of payments, work record, social security record, and dates and amounts of surplus commodities furnished. Arr. chron. No index. Typed on printed form. 400 pp. 17 x 11 x 3. Office.

425. (REPORT ON REVIEW OF SITUATION OF CLIENT), 1937--. In (Budget Sheets), entry 423.
Report of investigators on quarterly reviews of situation of public assistance clients, showing date, case number, name and address of client, type of assistance, present amount, and recommendations for increase, decrease, continuance or discontinuance.

426. (CHANGE IN CERTIFICATION AND CHANGE OF AUTHORIZATION FOR PAYMENT), 1937--. In DFA Forms 310, 309, 308, 307, 306, (Certification of Eligibility and Authorization for Payment of General Assistance), entry 418.
Home visitor's certifications of changes in original certifications of eligibility of clients, showing date, case number, name of client, type of assistance, change in grant, date effective, and signatures of home visitor and county director.

427. (FEDERAL COMMODITY ORDER), 1937--. 1 file drawer.
Receipts of public assistance clients for commodities, showing date, case number, name and address of client, items, quantity and value of commodities, and clients signature. Arr. num. by case nos. No index. Hdw. on printed form. 13 x 11 x 24. Office.

428. (CLAIM FOR REIMBURSEMENT), 1937--. In Forms DFA 300, 301, 302, 303, DRS 204 (Schedule of Disbursements), entry 437.
Monthly claims of county board for reimbursement from state funds, showing date, voucher number, amount spent from county funds for each type of assistance, total, totals due from state and federal funds, total reimbursement due, and certification and signature of county director.

429. (WORK RELIEF DATA CARD), 1932-33. 1 bdl.
Financial reports of work relief clients, showing name, address, date and place of birth, prior residence; date of application, case number, number in household, estimated weekly budget, income, and remarks of investigator. No index. Hdw. on printed form. 2 x 9 x 11½. North bsmt. vault, courthouse.

General Reports

430. MONTHLY (Case) REPORTS, 1933--. 51 filing envelopes. Title varies: Social Welfare Monthly Disbursement Sheets and Reports, 1937--.
Monthly reports of active relief cases, showing date, number of cases at beginning of month, number of applications received, number approved and rejected, number of cases closed, number served, and number carried over from previous month. Also contains: (General Assistance Reports), 1937--, entry 432; (Civilian Conservation Camp Reports), 1937--, entry 435; (Monthly Commodity Reports), entry 436; (Monthly Financial Reports), 1933-37, entry 438; (Monthly Old Age Assistance Reports), 1937--, entry 433; (Monthly Report of Dependent Children), 1937--, entry 434; (Report of Administrative Expenditures), 1937--, entry 439; (Monthly Statistical Report on Public Assistance), 1937--, entry 431. Arr. chron. No index. Typed on printed form. Aver. $\frac{1}{2}$ x $13\frac{1}{2}$ x 17. Office.

431. (MONTHLY STATISTICAL REPORT ON PUBLIC ASSISTANCE), 1937--. In DFA Forms 300, 301, 302, 303, DRS 204 (Schedule of Disbursements), entry 437; also in Monthly (Case) Reports, entry 430.
County director's monthly report on public assistance, showing date, number of applications received for each type of assistance, number approved, number of cases opened and closed during month, number pending at end of month, cash payments to recipients, obligations incurred in behalf of recipients, number of cases of general assistance, and number of persons represented in families aided.

432. (GENERAL ASSISTANCE REPORTS), 1937--. In Monthly (Case) Reports, entry 430.
County director's monthly reports of general assistance cases, showing case number, name of recipient, number in family, items and amounts of expense, total per case, total for each item, grand total, and amount of claim for reimbursement.

433. (MONTHLY OLD AGE ASSISTANCE REPORTS), 1937--. In Monthly (Case) Reports, entry 430.
County director's monthly reports of old age assistance cases, showing date, name and age of each recipient, case number and amount of grant.

434. (MONTHLY REPORT OF DEPENDENT CHILDREN), 1937--. In Monthly (Case) Reports, entry 430.
County director's monthly reports of public assistance given dependent children, showing date, name and age of child, case number, names of parent or guardian, and amount of grant.

435. (CIVILIAN CONSERVATION CAMP REPORTS), 1937--. In Monthly (Case) Reports, entry 430.
County director's monthly reports of applications for enrollment in Civilian Conservation Corps, showing date, number of applications received from negroes and white men during month, and total.

436. (MONTHLY COMMODITY REPORTS), 1933--. In Monthly (Case) Reports, entry 430.
County director's monthly reports on commodities, showing date, amount of each kind of commodity on hand at beginning of month, amount received during month, amount distributed, and number of cases served.

Financial Reports

437. FORMS DFA 300, 301, 302, 303, DRS 204 (Schedule of Disbursements), 1937--. 1 filing envelope.
Copies of monthly reports of assistance rendered to dependent children, blind, aged, and needy persons generally, showing type of assistance, case number, name, age and sex of recipient, name and relationship of relative or guardian, amount of check, warrant number and remarks. Contains: (Claim for Reimbursement), entry 428; (Report of Administrative Expenditures), entry 439; (Monthly Statistical Report on Public Assistance), entry 431. Arr. chron. No index. Typed on printed form. 12 x 2 x 18. Office.

438. (MONTHLY FINANCIAL REPORTS), 1933-37. In Monthly (Case) Reports, entry 430.
Poor commissioner's monthly reports of assistance rendered needy, showing date, number of families and single persons served, number in each family, amount paid for each member in family and total for family, and totals for medical care, hospitalization, burial and miscellaneous items.

439. (REPORT OF ADMINISTRATIVE EXPENDITURES, 1937--. In Forms D.F.A. 300, 301, 302, 303, DRS 204 (Schedule of Disbursements), entry 437; also in Monthly (Case) Reports, entry 430.
County director's monthly report of administrative expenditures, showing date, amount spent for wages and salaries, travel, office equipment and miscellaneous items, total, and certification and signatures of county director and chairman of board.

XVII. COUNTY ENGINEER

The office of county engineer had its inception in an act of the legislature of 1909 creating the office of county engineer of highways and bridges. The act provided that within six months after taking effect on March 5, 1909 the county commissioners of all counties with a population in excess of 20,000, which included Franklin County, should appoint a county engineer of highways and bridges who should have general supervision of all the highway and bridge work in the county under authority of the county commissioners. The county surveyor could be appointed if he was qualified by training and experience. Counties of

less than 20,000 population could come under the act by resolution of the board. (L. 1909, ch. 198, sec. 1.) There is no record that such an officer was appointed under this law in Franklin County.

Since 1917 a county engineer has been appointed in every county in the state by the county commissioners, with the approval of the state highway commission, for such time as they deem necessary, or until removed for cause (L. 1917, ch. 264, sec. 8 as amended by L. 1919, ch. 245, sec. 2; G.S. 1935, ch. 68, sec. 501). Under this law the county commissioners of Franklin County appointed an engineer May 9, 1917, his duties to begin June 1 of that year (Commissioners' Journal, vol. 2, p. 235; see entry 2). The officer is required to execute a bond to be approved by the commissioners in the penal sum of $2,500 for faithful performance of duty (L. 1917, ch. 264, sec. 14; G.S. 1935, ch. 68, sec. 505). The commissioners must allow him such number of assistants as are deemed necessary to conduct his office (L. 1917, ch. 264, sec. 13; G.S. 1935, ch. 68, sec. 504).

The statutes provide that in Franklin County the county engineer shall receive an annual salary of not less than $1,600 (L. 1917, ch. 264, sec. 12; L. 1919, ch. 245, sec. 4; G.S. 1935, ch. 28, sec. 119).

The initial act of 1909 provided that the county engineer should consult with the township highway commissioners and road overseers of the several districts on road and bridge matters; direct the manner of carrying on repairs and improvements and instruct such officials as to the best methods and plans to be followed, particularly with reference to the use of the road drag; keep himself informed by actual view of the work to be done, and deliver to the overseers outline plans for the work; study the topographical and soil conditions in each township; collect information concerning deposits of stone, shale, clay and other materials; classify the roads according to their importance, and designate them as county, township and local roads and see that they were maintained and kept in good condition; make maps and plats of the roads in each district and township and file them with the county clerk as additional and supplemental road records, and have charge of the bridge work of the county under authority of the board and, if competent to do so, make plans and profiles therefor and do all the engineering work in connection therewith (L. 1909, ch. 198, sec. 2; G.S. 1935, ch. 68, sec. 502).

In 1917 the legislature created the state highway commission to have general supervision over all roads and bridge laws, and the construction and maintenance of all roads, bridges and culverts in the state, except township roads not receiving federal aid (L. 1917, ch. 264, secs. 4, 6; G.S. 1935, ch. 74, secs. 2001, 2002). The same legislature made it the duty of the county engineer to prepare plans, specifications and estimates for roads, bridges, or culverts built in the county and to act for the county in all matters relating to the construction, repair, or

maintenance of roads, bridges and culverts for which the county pays any part of the cost. He must visit and inspect the highways and bridges of each township at least once a year, has authority to advise and direct the township board of highway commissioners and the road overseer as to the best methods of construction, repair and maintenance of roads and bridges under their supervision, and must prepare plans, specifications and general regulations therefor to submit to the township officers. In addition, the county engineer must make maps of the roads in the several townships under his supervision, which records, when approved by the county commissioners, and filed in the offices of the several township clerks and with the county clerk, are deemed to be a part of the official road records of the county. The officer also must answer inquiries and hold at least two public meetings annually to advise officials upon road and bridge matters. (L. 1917, ch. 264, sec. 9; G.S. 1935, ch. 68, sec. 502).

In 1917 the legislature passed an act creating the county unit system, providing for its adoption by a majority vote of the electors, and authorizing the county commissioners to submit the question to the electors when they deemed it advisable. Under this plan all roads and bridges in the county are constructed and maintained at county expense, in order of their relative importance, and under the direction of the county engineer. (L. 1917, ch. 264, sec. 25.) This system never has been adopted in Franklin County.

Since 1909 it has been the county engineer's duty to study soil conditions in his county and to collect information concerning deposits of gravel, sand, clay and other road and bridge building materials and to investigate and determine the most approved methods of using these materials (L. 1909, ch. 198, sec. 2 as amended by L. 1917, ch. 264, sec. 9; G.S. 1935, ch. 68, sec. 502). He also makes an inspection of all bridges and culverts in his county annually, estimates the costs of repairs needed to keep them safe for traffic for the coming year and files his report with the county clerk for use of the county commissioners. From this report the commissioners determine what building and repairs shall be done, for which the engineer prepares plans and specifications. (L. 1917, ch. 80, sec. 2; G.S. 1935, ch. 68, sec. 1102. All plans for the construction and repair of any highway bridge or culvert not costing in excess of $2,000 must be submitted to the engineer for his approval. Those costing more than $2,000 must be submitted to the state highway engineer. (L. 1917, ch. 80, sec. 11; G.S. 1935, ch. 68, sec. 1111.)

Before beginning the construction or repair of any bridge or culvert by day labor the county engineer must file his plans and specifications in the county clerk's office (L. 1917, ch. 80, sec. 16; G.S. 1935, ch. 68, sec. 1116). Plans ans specifications for roads also must be filed with the county clerk (L. 1917, ch. 264, sec. 27; G.S. 1935, ch. 68, sec. 520).

The county engineer is required by law to make a written report to the county commissioners annually on the work accomplished on all roads

of the county during the year (L. 1917, ch. 264, sec. 47; G.S. 1935, ch. 68, sec. 540). In all matters pertaining to the engineering, supervision or maintenance of drainage works, the county engineer serves as engineer and superintendent under authority of the county commissioners (L. 1933, ch. 183, sec. 4; G.S. 1935, ch. 24, sec. 120).

Since 1919 the county engineer has performed all the duties of county surveyor in Franklin County under the statute making it the duty of the county engineer to act as county surveyor in all counties with a population of less than 60,000 and not having a city of 40,000 or more (L. 1917, ch. 145, sec. 1; G.S. 1935, ch. 19, sec. 1403). The office of county surveyor was created by the first territorial assembly and made appointive by the county tribunal for a four-year term (S.T.K. 1855, ch. 154, sec. 1). The officer was required to execute all orders directed to him by any court of record for the survey of land, the title to which was in dispute before the court, and all orders of survey for the partition of real estate (ibid., sec. 4). It was his duty to survey any land or lot at the expense of the person requesting it (ibid., sec. 5), and he was required to keep a record of all surveys made by himself or deputies, to number the surveys progressively, and to file and preserve a calculation of each (ibid., sec. 8). The assembly of 1858 made the office elective for a two-year term (G.L.T.K. 1858, ch. 13, sec. 92; G.S. 1935, ch. 19, sec. 1401).

In his capacity as county surveyor the county engineer is required to compare the magnetic with the true meridian four times yearly, and to keep at least three books --- a record of the annual variation of the magnetic needle, calculations by latitude and departure of all surveys made by the surveyor or his deputies, and a book of field notes and diagrams of surveys (L. 1862, ch. 196, secs. 6, 7; G.S. 1935, ch. 19, secs. 1406, 1407). It was made his duty to establish permanently the center corner of all sections in the north and west tiers of a congressional township and to obtain as soon as possible certified copies of the field notes of government surveys (L. 1862, ch. 196, secs. 6, 7, 10, 23-25; G.S. 1935, ch. 19, secs. 1406, 1407, 1410, 1413).

The county engineer is required by law to keep a record of all contracts and all purchases of material, machinery or apparatus to be used in road construction costing in excess of $200 (L. 1917, ch. 264, sec. 9; G.S. 1935, ch. 68, sec. 502). He must keep an accurate itemized account of all expenditures for labor, materials and work performed on roads by day labor and must file a sworn statement in the office of the county clerk at the end of each month, and a final statement when the work is finished (L. 1917, ch. 264, sec. 27; G.S. 1935, ch. 68, sec. 520). The county engineer must follow the same procedure in the construction of bridges by day labor (L. 1917, ch. 80, sec. 16; G.S. 1935, ch. 68, sec. 1115). Duplicate copies of reports thus provided for may be found among the county engineer's records as may duplicate copies of his annual reports to the county commissioners of the status of work on county and township roads. Duplicate copies of plans and specifications for county and township roads and bridges, the originals of which the

engineer is required by law to file with the county clerk, may be preserved by the officer in his office for record.

Within five days after the regular township meeting, the township clerk must make a full itemized sworn statement to the county engineer of work accomplished upon township roads and bridges, which reports the county engineer files in his office. All reports must be upon standard forms as prescribed by the state highway commission and must be transmitted to the county engineer at monthly or quarterly intervals, depending upon the time of the township meeting. (L. 1917, ch. 264, sec. 46; G.S. 1935, ch. 68, sec. 539).

Maps of the various county and township roads are also filled by the county engineer in his office (L. 1917, ch. 264, sec. 9; G.S. 1935, ch. 68, sec. 502).

Road and Work Records

440. FIELD BOOK, 1924--. 18 vols.
Engineer's daily record, showing date, temperature, weather conditions, location and description of work done. Arr. chron. No index. Hdw. 100 pp. 7 x 5 x 3/4. 12 vols., 1924-32, north bsmt. vault; 6 vols., 1931--, office.

441. REPORTS, 1933--. 4 cardboard boxes (45-48), 1 file drawer.
Weekly and monthly reports of labor, showing names and addresses of workers, date, description of work done, hours, wage rate and total amount due, with signatures of workmen and foreman. No index. Hdw. Boxes 8 x 9 x 13½; file drawer 18 x 12 x 24. 4 boxes, 1933-34, north bsmt. vault; 1 file drawer, 1935--, office.

442. (LABORATORY REPORTS), 1921-22. 2 file boxes. Discontinued.
Copies of reports on laboratory tests of road material, showing date of report, item number, trade name and identification marks, and results of tests made. Arr. chron. No index. Typed on printed form. 11½ x 3 x 12. North bsmt. vault.

443. (HAULING TICKETS), 1929-32. 25 bdls. Discontinued.
Contractors' hauling tickets, showing date and number of ticket, name of contractor, truck number, amount and kind of material hauled and signature of inspector. Arr. chron. No index. Hdw. on printed form. 2 x 8½ x 11. North bsmt. vault.

Surveys
(See also entries 183-184)

444. SURVEY RECORD, 1867--. 7 vols. (A-F, D). Last entry 1915.
Record of surveys made by county surveyor, showing date, description of land, name and owner, field notes, markers set, lines established and detailed plat of each survey. Arr. chron. Hdw. 475 pp. 12½ x 17 x 2½. North bsmt. vault.

445. INDEX TO SURVEY, 1867-1915. 1 vol.
Index to survey record, showing description of property surveyed and volume and page numbers where recorded. Arr. by twps. and cities, and num. thereunder by sec., twp., range, lot and block nos. Hdw. 156 pp. 18 x 13 x 2. North bsmt. vault.

446. ANNUAL VARIATION OF THE MAGNETIC NEEDLE, 1870--. 1 vol. Last entry 1913.
Surveyor's record of annual variation of magnetic needle, showing year, month, day and hour of observation, state of weather, compass reading, east and west elongation, variation and time of variation, and surveyor's signature. Arr. chron. No index. Hdw. 475 pp. 15½ x 12 x 2½. North bsmt. vault.

Maps and Plats
(See also entries 21, 147-153, 186)

447. MAP OF FRANKLIN COUNTY (Land Ownership), 1936. 1 map.
Land tenure map of Franklin County, showing township, section and range lines, schools, churches, cemeteries, towns, rivers, creeks, railroads, and names of landowners. John Rodgers, Ottawa, Kansas, artist. Scale 2 inches equals 1 mile. Printed 54 x 54. Office.

448. PLATS, approx. 1855-63. 2 vols.
Plat books of county, drawn from field notes of original government survey, showing township, section and range lines and numbers, rivers, creeks, roads, Indian reservations, date of survey, signature of surveyor general and certification of commissioner, General Land Office, Department of the Interior. Arr. num. by twp., sec. and range nos. No index. Printed and photo-lithographed. Aver. 41 pp. 21 x 19 x 2. North bsmt. vault.

449. TOWNSHIP AND SCHOOL DISTRICT MAP OF FRANKLIN COUNTY, 1914. 3 maps.
Political map of Franklin County, showing township, section and range lines, rivers, creeks, cities, towns and boundaries of townships and school districts. R. F. Mason, Ottawa, Kansas, artist. Scale 1 inch, equals 1 mile. Black-and-white. 26 x 34. North bsmt. vault.

450. (CITY OF OTTAWA), 1923-24, 1929. 3 maps.
Political and land tenure maps of city of Ottawa, showing township and section lines, city boundary lines, names of streets, lot and block numbers, names of property owners, and additions to and changes in corporate limits. R. F. Mason, Ottawa, Kansas, artist. Scale, 1 inch equals 200 feet. Black-and-white. Aver. 40 x 34. North bsmt. vault.

451. (CEMETERY MAPS), 1932, 1934-36. 242 maps.
Physical maps of Highland and Berea Cemeteries, showing boundary lines, lot and block numbers, drives, walks, churches, water lines, hydrants and names of streets and avenues. R. F. Mason, Ottawa, Kansas, artist. Scales vary. Printed, black-and-white and blueprint. $7\frac{1}{2}$ x $16\frac{1}{2}$ to 48 x 50. North bsmt. vault.

452. MAP OF HIGHLAND CEMETERY, 1886. 12 maps.
Physical maps of Highland cemetery, showing boundary lines, lot and block numbers, driveways and walks. G. F. Kessler, Kansas City, Missouri, artist; Mathew Northrup and Company, Buffalo, New York, publishers. Scale, 1 inch equals 80 feet. Black-and-white, colored and blueprint. Aver. 35 x 38. North bsmt. vault.

453. STATE AID PROJECT, STATE HIGHWAY K-33, OTTAWA TO OSAGE COUNTY LINE, 1921. 1 map.
Survey of state aid project on Highway K-33, showing name and location of road, mileage, township, section and range lines traversed, creeks, towns and railroads. R. F. Mason, Ottawa, Kansas, artist. Scale, 1 inch equals 2,640 feet. Black-and-white. 36 x 40. North bsmt. vault.

454. COUNTY ROAD MAPS, 1936--. 298 maps.
Physical maps of Franklin County, showing name and location or road, mileage, plans and profiles, cross sections and materials used. County engineer, artist. Scale, 2 inches equals 1 mile. Blueprints. Aver. 27 x 36. Office.

455. INDEX ROAD MAP OF FRANKLIN COUNTY, 1936. 1 map.
Communications map of Franklin County, showing township, section and range lines, cities, towns, rivers and creeks, and county, state and township roads. Artist not named. Scale, $1\frac{1}{2}$ inches equals 1 mile. Black-and-white. 42 x 48. Office.

456. MAP OF FRANKLIN COUNTY (Road Maps), 1925. 3 maps.
Communications maps of Franklin County, showing township, section and range lines, rivers, creeks, railroads and highways; county, township and private roads, and location of towns. R. F. Mason, Ottawa, Kansas, artist. Scale, 1 inch equals 1 mile. Printed and blueprint. 40 x 42. North bsmt. vault.

457. FRANKLIN COUNTY BRIDGE MAPS, 1936. 50 maps.
Physical maps of county bridges, showing name and location of bridge, plans and profiles and standard construction details. County engineer, artist. Scale not shown. Black-and-white and blueprint. 34 x 20. Office.

Miscellaneous

458. LEDGER (of Disbursements), 1933--. 3 vols.
Engineer's daily record of disbursements, showing date, item, amount, date paid, invoice number, and name of payee. Arr. chron. No index. Hdw. 100 to 350 pp. 12 x 8 x 3/4 to 18 x 11 x 1½. 1 vol., 1933-34, north bsmt. vault; 2 vols., 1935--, vault.

459. INVOICES AND FREIGHT BILLS, 1926--. 6 file boxes, 1 file drawer.
Original invoices and freight bills covering merchandise shipped to county engineer, showing date, item, amount, names of shipper and carrier, and total amounts paid. Arr. chron. No index. Hdw. File boxes 11½ x 3 x 12; file drawer 18 x 12 x 24. 6 file boxes, 1926-34, north bsmt. vault; 1 file drawer, 1935--, office.

460. CORRESPONDENCE, 1919--. 4 letter files, 1 cardboard box, 1 file drawer.
Letters and copies of letters exchanged by county engineer and various firms and individuals pertaining to business of office. Arr. chron. No index. Typed. Letter files 11½ x 3 x 12; cardboard box 12 x 12 x 20; file drawer 18 x 12 x 24. 4 letter files, 1919-33, north bsmt. vault; 1 box, 1934-36, south bsmt. vault; 1 file drawer, 1937--, office.

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(All numbers refer to entries. A record entry number is listed under each decade which the record covers in full or in part. An entry number is underlined to call attention to the initial appearance of the record; the last listing of the entry number indicates the decade within which the record ends.)

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