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THE COUNTY.

**31. *Prelude.***—The first Territorial Legislature, in 1855, established twenty counties; that is, defined their boundaries. To these twelve more were added before the admission of the Territory as a State. Others have been established at different sessions of the State Legislature;<sup>2</sup>

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<sup>1</sup> A striking illustration of this is to be found in a comparison of officials, as follows:

Officers in School Districts number about.....	27,000
“ Townships number about.....	11,000
“ Counties number about.....	1,400
“ Cities, excluding Councilmen, about.....	900
“ State, including Supreme Court and District Judges, but excluding Legislature, about....	65

Again, the tax levied for the payment of all the expenses of the State government, including the support of all State institutions, is only about one-eighth of the entire amount of taxes levied and collected in Kansas each year.

<sup>2</sup> The number of counties in 1889 was one hundred and six. Garfield County was disorganized in 1893, leaving at present one hundred and five counties, all organized for county purposes.

and some old counties have been divided, the early name has been dropped, and new names have been given to the reorganized portions. By a special statute, boundaries may be changed by a majority vote of the electors of the counties interested; but no county shall have an area of less than four hundred and thirty-two square miles.

**32. Organization.**—County organization usually took place under general laws (see paragraphs 1577 to 1593, both inclusive, of General Statutes of 1889); but some counties were and new counties may be organized under the particular provisions of the laws creating them. It is not necessary to consider these provisions here. Counties may be divided and new counties created by the Legislature at its pleasure, subject only to the constitutional requirement that no county can be created having less than four hundred and thirty-two square miles, nor reduced below such area.

**33.** The county-town, or *county-seat*—*i. e.*, the place where county offices are located—is determined by a vote of the electors of the county. As in the case of the township, each county is a body corporate and politic; that is, is a legal person; and as such can sue and be sued, make contracts, and hold real estate.

**34. Elections.**—County elections occur on the Tuesday next succeeding the first Monday in November of each year; but not for the same officers each time. In each “even” year we vote for members of the Legislature (or Representatives), a Probate Judge, a Clerk of the District Court, a Superintendent of Public Instruction, one Commissioner, and a County Attorney. Once in four years, in what is called the presidential year, we add to these a State Senator. In the “odd” years there are elected one

Commissioner, a Sheriff, a County Clerk, a Treasurer, a Register of Deeds, a Surveyor, and a Coroner. These elections are announced, or “proclaimed,” by the Sheriff at least ten days before they occur. The voting is done in election districts, which are townships, unless otherwise determined by law, and in city wards. All county officers enter upon the discharge of their duties on the second Monday of January next after election, except the Treasurer, whose term begins on the second Tuesday of October next after his election; and all give bonds. Senators and Representatives never give bonds.

**35. Officers.**—The *County Commissioners* stand in much the same relation to the county that the Director does to the school district, or the Trustee to the township. Although *county* officers, the Commissioners are elected from separate districts, by the electors of such districts respectively. They are the representatives of the county, the general agents of the county, the county executive. All county property is in their care; they examine and settle all accounts of the receipts and expenditures of the county; they apportion and order the levy of taxes; they lay out, alter, or discontinue roads;<sup>1</sup> they set off and organize townships, and change their boundaries; they canvass the votes for the respective county and township officers, and determine the results of such elections; they canvass the votes for State and district officers, for members of the State Legislature, for members of Congress, and for Presidential electors, and such canvass is certified to the Secretary of State. They have powers necessary to meet the requirements of county business in all cases where no other

<sup>1</sup> See note, page 65.

provision is made by law. Their term of office is for three years, and is so arranged that one Commissioner is elected each year. This always leaves two of the Board—a majority—who have some acquaintance with county business; a very wise provision. Their compensation is by the day, for actual service required and rendered; the total number of days being regulated by statute with reference to the population of the county, this being thought the most practicable way of estimating the probable business of the county.

36. The *County Clerk* is the Secretary of the Board of County Commissioners, and is custodian of their records and papers and the seal of the county. He keeps a full set of accounts of the receipts and expenditures of the county, and of the business of his county with all county, township, district, and other officers. These are especially designed as a check on the Treasurer's accounts, and as a test of their accuracy. This includes, of course, the complete tax-rolls, and all the proceedings connected with the levy and collection of taxes. He makes a complete and detailed report to the State Auditor every year of the financial condition of the county. In return for his services he receives a salary, varying according to the population of the county.

37. The *County Treasurer* has charge of the money of the county. Everything due the county is paid to him, and all expenditures pass through his hand. He is the collector of all taxes; and therefore must open accounts with all cities, townships, and school districts in his county. He makes full reports to and settlements with the County Commissioners once in each year; and once

each quarter the Probate Judge and two citizens appointed by the Commissioners enter the office, without previous notice, and examine the books and count the funds in the Treasurer's hands.

38. The *Register of Deeds* has care of the various records affecting title to land. All deeds, mortgages, maps of towns or villages, and other writings which, under the law, may become a charge on any land, or may assist in determining the ownership of land, are copied by the Register in books prepared for that purpose and kept in his office. These are always open to public inspection, and are carefully and conveniently indexed.

39. The *Sheriff* is the general ministerial officer of the District Court, attending all its sittings; and is the county representative of the executive branch of government. He appoints an under-sheriff, or general deputy, and such deputies as he may think necessary—being himself responsible for the acts of these subordinate officers. He has charge of the county jail, and of all the prisoners kept there. It is his duty to do all in his power to preserve the peace, to suppress all unlawful assemblages, and to make all necessary arrests. Should he need assistance at any time, he is authorized to call to his aid such persons in the county as he may think necessary. This is known as "summoning a posse." He gives public notice of all elections, attends the drawing of jurors, and summons them when drawn, and in all ways furthers the execution of all laws.

40. It is the duty of the *Coroner* to examine all the circumstances connected with death by unlawful means, or where the cause of the death is unknown. This is called "holding an inquest;" and in the performance of this duty

the Coroner is assisted by six jurymen, summoned by himself. If the jury find that a crime has been committed, the Coroner may issue a warrant for the arrest of the person charged; but the trial of such person is conducted in the usual courts, and in the usual manner. When the Sheriff is a party, or is incompetent to act, the Coroner may serve legal process issued from the District Court. When there is no Coroner, a Justice of the Peace may hold "inquests."

41. The *County Attorney* appears in all the courts of his county, and prosecutes or defends on the part of the people all suits in which the State or his county has an interest. He is the legal adviser of the Board of Commissioners; and it is his duty to inspect personally the jail and its management during each term of court, and make report to the County Commissioners.

42. The *County Surveyor* is entrusted with the lines or boundaries of the various divisions of the county. He subdivides the sections established by the United States Surveyors; re-establishes missing corners or landmarks; surveys the lines of all public roads; and disputes or misunderstandings as to the boundaries of adjoining lands are generally referred to him for settlement; but appeals may be taken from his decision to the District Court.

43. Each county having more than twenty-five thousand inhabitants is entitled to an officer known as the *County Auditor*, who is appointed by the District Court of such county. It is his duty to examine all claims presented against the county and to decide as to their validity; to inspect the accounts of the Treasurer every two months; and to examine the reports and books of the Sheriff and of

the Clerk of the District Court concerning fees and other moneys collected by them. He must publish each month, in the official paper of the county, a complete statement of all the claims which he has allowed.<sup>1</sup>

44. The Commissioners in each county constitute the *County Board of Health*. They elect some reputable physician as *County Health Officer*. The county officers and the State Board of Health act together; the former having the same general powers in their respective counties that the latter has in the State.<sup>2</sup>

45. The *County Superintendent of Public Instruction* has general charge of the educational interests of the county. He divides the county into School Districts, visits the schools, suggests to either teachers or School Boards needed improvements, examines accounts and records connected with school work, encourages the formation of Teachers' Associations, supervises the summer Normal Institutes,<sup>3</sup> prepares certain educational statistics and reports these to the State Superintendent of Public Instruction, and decides most of the disputes arising within Districts. Appeals may be taken from his decision to the County Commissioners respecting the formation of districts or the division of property.

Much depends on his character, education, patience, firmness, and industry. The greatest care should be used in selecting this very important public officer, and he should

<sup>1</sup> For duties of the *Clerk of the District Court*, see under the Judiciary, par. 124.

<sup>2</sup> For duties of the *State Board of Health*, see under State Officers, par. 90.

<sup>3</sup> See under Higher Education.

be retained in office as long as he gives satisfaction, or until the people are sure of getting a better servant.

**46.** The County Superintendent is assisted in the discharge of one portion of his duty by two Examiners, who are appointed by the County Commissioners, and, with the Superintendent, form the *County Board of Examiners*. These persons must hold first-grade or State certificates, or be regular graduates of one of the State institutions of higher learning.

**47.** *Notaries Public* are appointed by the Governor, in each county. The statute places no limit on their number. Each gives an official bond, which, with his oath of office, is filed with the Clerk of the District Court; and each must have an official seal. They have authority to administer oaths, to take and certify acknowledgment of deeds and of other papers affecting the title to lands, to protest promissory notes for want of payment, to take depositions of witnesses, and to exercise other powers granted by commercial usage.

**48.** The Legislature divides the State periodically into *Senatorial and Representative Districts*. From the first are chosen the members of the Upper House, and from the last those of the Lower House. The Constitution provides that there shall not be more than forty Senators nor more than one hundred and twenty-five Representatives. Members of the Legislature must be qualified voters of the District for which they are elected, and must reside in that District. No member of Congress nor officer of the United States, and no one convicted of misuse of public funds, is eligible to a seat in the Legislature. The powers

and duties of Senators and Representatives will be given under the legislative branch of the State government.

**49. Conclusion**—Reviewing the county officers, it will be readily seen that ability, integrity, and efficiency are the chief requisites. The offices are peculiarly positions of trust and practical service in behalf of the entire people. Upright, energetic business men to do the business of the people in an upright and energetic way—that is what is wanted. Mere party prejudices should have no weight whatever; there should be, as in the district or in the township, simply an effort to secure the best man. The only legitimate exception to this may be made in the choice of the members of the Legislature. Since with these lies the choice of United States Senators, and the latter are closely connected with national affairs, there may be some ground for party allegiance in any measure which affects their election.

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## CITIES.

**50. Prelude.**—Whenever, for any reason, a large number of people reside within a comparatively limited area, there is need of government differing somewhat from that of a rural district. For instance, where buildings stand close together there is more danger from fire, and hence there must be greater protection against it; the various kinds of waste or refuse from a large population soon contaminate the soil and the natural watercourses, and pure water must be brought into the city; where there are so many people, every man does not know his neighbor and