



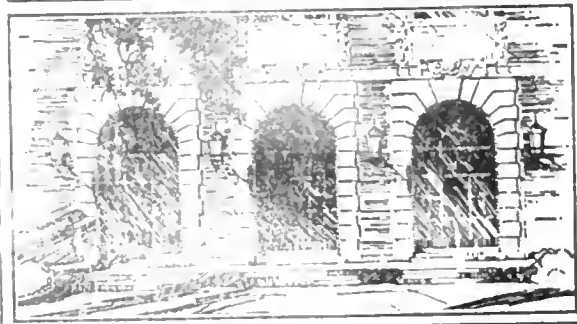
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ILLINOIS HISTORICAL SURVEY









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# INVENTORY OF THE COUNTY ARCHIVES OF ILLINOIS



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**SHELBY COUNTY**  
**[ SHELBYVILLE ]**









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INVENTORY OF THE COUNTY ARCHIVES  
OF ILLINOIS

Prepared by

The Illinois Historical Records Survey Project  
Division of Professional and Service Projects  
Work Projects Administration

No. 86. SHELBY COUNTY (SHELBYVILLE)

\* \* \* \* \*

Chicago, Illinois  
The Illinois Historical Records Survey Project  
January 1940

**The Historical Records Survey Program**

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**Royal S. Van de Woestyne, State Supervisor**

**Division of Professional and Service Projects**

**Florence Kerr, Assistant Commissioner**

**Alma B. Kerr, Chief Regional Supervisor**

**Mary Gillette Moon, State Director**

**WORK PROJECTS ADMINISTRATION**

**F. C. Harrington, Commissioner**

**George Field, Regional Director**

**Charles E. Miner, State Administrator**

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I. H. S.

## FOREWORD

The **Inventory of the County Archives of Illinois** is one of a number of bibliographies of historical material prepared throughout the United States by workers of The Historical Records Survey Program of the Work Projects Administration. The publication herewith presented, an inventory of the archives of Shelby County, is number 86 of the Illinois series.

The Historical Records Survey Program 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carrying out this objective, the project was organized to compile inventories of historical materials, particularly the unpublished government documents and records which are basic in the administration of local government, and which provide invaluable data for students of political,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 Program attempt to do more than give merely a list of records—they attempt further to sketch in the historical background of the county or other unit of government, and to describe precisely and in detail the organization and functions of the government agencies whose records they list. The county, town, and other local inventories for the entire country will, when completed, constitute an encyclopedia of local government as well as a bibliography of local archives.

The successful conclusion of the work of The Historical Records Survey Program, 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 Program was organized and has been directed by Luther H. Evans, and operates as a nation-wide series of locally sponsored projects in the Division of Professional and Service Projects, of which Florence Kerr, Assistant Commissioner, is in charge.

F. C. HARRINGTON,  
Commissioner.

2989  
I. H. S.



## PREFACE

The Historical Records Survey Program was initiated as a nationwide undertaking in January, 1936, as part of the Federal Writers' Project of the Works Progress Administration, now the Work Projects Administration. In Illinois the Survey became an independent unit in August, 1936, but continued to operate as a part of the nation-wide project under the technical supervision of Dr. Luther H. Evans, National Director, and under the administrative supervision of the Division of Professional and Service Projects. Alston G. Field and Howard E. Colgan were the first two state directors, the former serving until November 1, 1937, and the latter to May 16, 1939. On September 1, 1939, the Illinois State Library, of which Secretary of State Edward J. Hughes is State Librarian and Helene H. Rogers, Superintendent of State Library Divisions, became the sponsor of The Illinois Historical Records Survey Project. On January 15, 1940, this sponsorship was assumed by the University of Illinois.

In compiling this inventory of the archives of Shelby County, the Survey has sought to locate, describe, and classify all extant county records and to make them more easily accessible to county officials, the general public, and research workers. It is believed that this Inventory will be useful in the preservation of this valuable material, and as a guide to the archives wherein may be found so much important information in the fields of history, sociology, political science, and economics. While some historians have realized this for many years, the general public has never been made aware of the intrinsic worth of this material. In the official documents of Shelby County are found the materials of another chapter in the story of the coming into the Illinois wilderness of settlers who created a territory and the rudiments of a simple frontier government, bought and sold land, built roads, established schools, and later founded a state.

The Illinois Historical Records Survey Project has proved to be of considerable assistance to local and county governments. Records have been rearranged and made more accessible, material believed to be lost has been located, indexing projects have been fostered, and county officials have been encouraged and induced to provide new equipment for their offices and better storage space for the records.

In addition, the program of the Project has been planned to dovetail with the long-range plans of the State of Illinois for the care of state and local archives. For example, the first step, the removal of all state records to a new Archives Building, has been materially aided by the preparation of preliminary inventories by survey workers for the various state departments. Furthermore, the program of the State for the preservation of county records, including the making of microphotographic copies of all important historical documents, obviously presupposes inventories such as The Illinois Historical Records Survey Project is now making.

The inventories being compiled by The Historical Records Survey Program also make possible for the first time a scientific study of the question of record destruction. Under Illinois law no records may be destroyed without specific enabling legislation. This provision, together with the tremendous increase in the quantity of records in recent years, has made it impossible for either the state or the counties to take care of the documents adequately. Hence, a certain amount of record destruction has been inevitable. If, as seems probable, a study of these inventories should lead to the enactment of adequate and sensible legislation governing the disposition of public records, these compilations may prove to be the most important contribution of the Survey.

Preliminary work on the survey of records in Shelby County, the eighty-sixth on the alphabetically arranged list of the one hundred and two counties in Illinois, was begun under the supervision of Kenneth C. Blood on August 17, 1936, and finished as far as possible November 15,

1936. Inventory forms were received at the Chicago office February 14, 1937, followed by additional ones November 23, 1937. All inventory forms were sent to the district office in Springfield, December 1, 1938 for a complete recheck; these were returned to the state office November 21, 1939. Field workers during the inventory were Otto P. Dahman, Sidney M. Cool, William E. Klein, and V. Glen Stilgebauer. Transcription of county board records, upon which much of the material in the inventory is based, was done, November 18, 1938 to January 2, 1940, by William E. Klein and V. Glen Stilgebauer.

The Inventory was prepared for publication by the state editorial staff of The Illinois Historical Records Survey Project at Chicago, under the supervision of Herbert R. Rifkind. Preparation of Part B of the Inventory was under the direction of Martine O'Connor; Irving E. Barnett supervised the preparation of the legal essays; the historical sketch was written under the supervision of Kathleen Summitt; and the format was prepared and collated by Edward J. McDonough. In addition, too much credit cannot be given to the other members of the editorial, research, and typing staffs for their intelligent and diligent cooperation in the compilation of this Inventory.

All of the officers of Shelby County cooperated in every possible way with the workers, and grateful acknowledgment of their aid is hereby made. I also wish to express appreciation for the assistance rendered by the officials of the Illinois Work Projects Administration and the Illinois Writers' Project. For the cover design we are indebted to the Illinois Art Project.

The various units of the **Inventory of the County Archives of Illinois** will be available for distribution to governmental offices, libraries, schools, and historical societies in Illinois, and libraries and governmental agencies in other states. Requests for information concerning particular units of the Inventory should be addressed to the State Supervisor.

ROYAL S. VAN DE WOESTYNE,  
State Supervisor  
The Illinois Historical Records  
Survey Project.

January 22, 1940.



Hugh M. Rigney,  
Congressman, 19th District

John W. Fribley,  
Senator, 40th District

Ed Marvel,  
Representative, 40th District

Sam S. Lorton,  
Representative, 40th District

Henry D. Sparks,  
Representative, 40th District

### SHELBY COUNTY OFFICIALS

|  |                      |
|--|----------------------|
| Circuit Judge .....                    | Franklin R. Dove     |
| County Judge .....                     | Arthur J. Steidley   |
| County Clerk .....                     | Floyd Logue          |
| Circuit Clerk and Recorder .....       | A. E. Douthit        |
| Treasurer .....                        | J. Frank Stillwell   |
| Sheriff .....                          | Fred Howse           |
| Coroner .....                          | Charles G. Miner     |
| State's Attorney .....                 | Kenneth F. Kelly     |
| Superintendent of Schools .....        | J. Kenneth Roney     |
| Superintendent of Highways .....       | C. O. Brownlee       |
| Surveyor .....                         | Ora Harris           |
| Master in Chancery .....               | J. Morris Stice      |
| Superintendent of County Home .....    | Ben Kull             |
| Superintendent of Public Welfare ..... | O. O. Barker         |
| Veterinarian .....                     | Dr. W. R. Spesard    |
| Agricultural Adviser .....             | W. S. Batson         |
| Mine Inspector .....                   | Charles J. Smith     |
| Examiner of Blind .....                | Dr. Franklin P. Auld |

### BOARD OF SUPERVISORS OF SHELBY COUNTY

W. A. Baker, Chairman

Floyd Logue, Clerk

Keith Durst, Assistant Chairman

| Township     | Name of Supervisor             | Term Expires |
|--------------|--------------------------------|--------------|
| Ash Grove    | Ed Klump, Strasburg            | April, 1941  |
| Big Spring   | Ray Allen, Trowbridge          | April, 1943  |
| Clarksburg   | J. E. Gallagher, Mode          | April, 1943  |
| Cold Spring  | James F. Horsman, Tower Hill   | April, 1941  |
| Dry Point    | Fred L. Banning, Cowden        | April, 1941  |
| Flat Branch  | W. B. Craycroft, Assumption    | April, 1943  |
| Herrick      | W. A. Blackerby, Herrick       | April, 1941  |
| Holland      | Ralph Gallagher, Mode          | April, 1943  |
| Lakewood     | Earl Askins, Lakewood          | April, 1943  |
| Moweaqua     | E. Sanders, Moweaqua           | April, 1941  |
| Oconee       | William Kroenlein, Oconee      | April, 1943  |
| Okaw         | Thomas Keim, Findlay           | April, 1943  |
| Penn         | E. C. Pierce, Moweaqua         | April, 1943  |
| Pickaway     | Trace Gregory, Findlay         | April, 1943  |
| Prairie      | Harrison E. Fauste, Stewardson | April, 1941  |
| Richland     | R. R. Spannagel, Strasburg     | April, 1941  |
| Ridge        | C. C. Clausen, Westervelt      | April, 1941  |
| Rose         | Roy Kimmel, Shelbyville        | April, 1943  |
| Rural        | J. H. Weber, Tower Hill        | April, 1943  |
| Shelbyville  | W. A. Baker, Shelbyville       | April, 1941  |
| Shelbyville  | Keith Durst, Shelbyville       | April, 1943  |
| Sigel        | Otto Dappert, Effingham        | April, 1943  |
| Todd's Point | E. S. Combs, Findlay           | April, 1943  |
| Tower Hill   | C. E. Stretch, Tower Hill      | April, 1941  |
| Windsor      | Arthur Fling, Windsor          | April, 1941  |

## LIST OF STANDING COMMITTEES 1939-40

|                          |  |
|--------------------------|--|
| Fees and Salaries.....   | James F. Horsman, E. S. Combs, C. E. Stretch                                 |
| Judiciary.....           | R. R. Spannagel, John Weber, Earl Askins                                     |
| Poor.....                | Fred L. Banning, Thomas Keim, Roy Kimmel                                     |
| Miscellaneous.....       | J. E. Gallagher, C. C. Clausen, Otto Dappert                                 |
| County Home.....         | Ralph Gallagher, Ray Allen, Keith Durst                                      |
| Public Buildings.....    | W. B. Craycroft, J. E. Gallagher, Ed Klump, Otto<br>Dappert, Harrison Fauste |
| Finance.....             | J. A. Fling, E. C. Pierce, R. R. Spannagel, Ray<br>Allen, William Kroenlein  |
| Road and Bridge.....     | E. Sanders, W. A. Blackerby, Trace Gregory                                   |
| Stationery.....          | J. H. Weber, Ralph Gallagher, Otto Dappert                                   |
| Pauper Practice.....     | E. S. Combs, Fred L. Banning, C. E. Stretch                                  |
| Blind.....               | C. C. Clausen, James F. Horsman, William Kroen-<br>lein                      |
| Bovine Tuberculosis..... | Ed Klump, W. B. Craycroft, Earl Askins                                       |

# TABLE OF CONTENTS

## A. Shelby County and Its Records System

|  | Page   |
|--|--------|
| 1. Historical Sketch .....   | 3      |
| Introduction: location and physical description; population; origin of name; the French and British in Illinois; American occupation; the place of the Indian; the white pioneers. Civil and political development: the formation of the county; the building of the courthouse and jail; changes in the county's boundaries; changes in government; the political cast of the county. Economic development: early economic conditions; growth of commerce and industry; developments in agriculture; the county's finances. Social development: education; religious activities; the public press; Shelby County in the nation's wars; some prominent citizens. |        |
| 2. Governmental Organization and Records System.....   | 44     |
| Introduction. General administration. Finances: taxation; fiscal control. Administration of justice: courts; clerks of courts; ministerial officers; prosecutions; inquests; enforcement of law. Education. Recordation. Public works: roads and bridges; public buildings; drainage. Public services: public health; vital statistics; public assistance. Coordination of functions. Records system.  |        |
| Chart .....  | 61     |
| 3. Roster of County Officers .....   | 63     |
| 4. Housing, Care, and Accessibility of the Records.....  | 70     |
| Charts of county offices, showing percentage of records in depositories .....  |        |
|  | 74, 75 |
| Charts of depositories, showing location, contents, and condition .....  |        |
|  | 76-78  |
| Floor plans .....  |        |
|  | 79-81  |
| 5. Abbreviations, Symbols, and Explanatory Notes.....  | 82     |

## B. County Offices and Their Records

|   |    |
|---|----|
| I. County Board .....   | 87 |
| Proceedings of board. Disposition of accounts: bills and claims; registers of county orders; cancelled county orders; pension fund account and applications. Management of county properties: bond issues; insurance. Reports to board. Jury lists.   |    |
| II. County Clerk .....  | 95 |
| Taxation: lists of taxable properties, levies; collections, abatement; judgment, sale, redemption, forfeiture; maps. Vital statistics: births; deaths; stillbirths; marriages. Licenses and registers: registers of officers; professional licenses and registers; patents; estrays, marks and brands; dog licenses. Elections. Bonds of county officers. Oaths of county officers. Military records. Fees, receipts and expenditures. Miscellaneous files. |    |

TABLE OF CONTENTS

|   | Page |
|---|------|
| III. Recorder .....   | 112  |
| <p>Entry books. Instruments recorded: general; deeds; mortgages—real estate; mortgages—chattel; certificates of levy, sale, and redemption; other instruments. Maps and plats.</p>  |      |
| IV. County Court .....  | 120  |
| <p>Proceedings of court. Dockets: court dockets; justices' dockets. Fee books. Reports to court. Probation: adult and juvenile; mothers' pensions. Inheritance tax. Naturalization.</p>   |      |
| V. Probate Court .....  | 131  |
| <p>Proceedings of court: general proceedings; wills, bonds, letters; inventories and appraisements; widows' relinquishment and selection; petitions, decrees, reports of sale; reports, current and final accounts. Dockets. Fee books.</p>   |      |
| VI. Circuit Court .....   | 140  |
| <p>Proceedings of court: general; judgments; liens; probation and parole. Transcripts. Dockets. Fee books. Reports to court. Jury records. Naturalization. Receipts and expenditures.</p>   |      |
| VII. Sheriff .....  | 151  |
| <p>Process. Jail records. Receipts and expenditures.</p>  |      |
| VIII. Coroner .....   | 153  |
| IX. State's Attorney .....  | 154  |
| X. Supervisor of Assessments .....  | 156  |
| XI. Board of Review .....   | 158  |
| XII. Collector .....  | 160  |
| <p>Collection. Settlement, abatement.</p>   |      |
| XIII. Treasurer .....   | 162  |
| <p>General accounts: ledgers and journals; register of county orders. Special accounts: school; probate; inheritance tax; highway; dog license; pension, relief; court costs. Bond issues. Reports. Receipts, checks and bank statements.</p> |      |
| XIV. Superintendent of Schools .....  | 168  |
| <p>Accounts of school funds. Sale of school lands. School districts. Teachers' records. Pupil records. Reports. Registers of school officers. School treasurers' bonds. Maps and plats.</p>   |      |
| XV. Superintendent of Highways .....  | 172  |
| <p>Commissioners' records. Construction and maintenance records: plans and specifications; contracts; material and labor. Allotments and claims. Warrants. Reports. Surveys. Correspondence.</p>  |      |

TABLE OF CONTENTS

|   | Page |
|---|------|
| XVI. Surveyor .....                       | 177  |
| XVII. Veterinarian .....                  | 178  |
| XVIII. Department of Public Welfare ..... | 179  |
| XIX. County Home .....                    | 181  |
| XX. Tuberculosis Sanitarium Board .....   | 183  |
| XXI. Mine Inspector .....                 | 185  |
| XXII. Farm Bureau .....                   | 186  |
| Bibliography .....                        | 187  |
| Chronological Index .....                 | 201  |
| Subject Index .....                       | 205  |

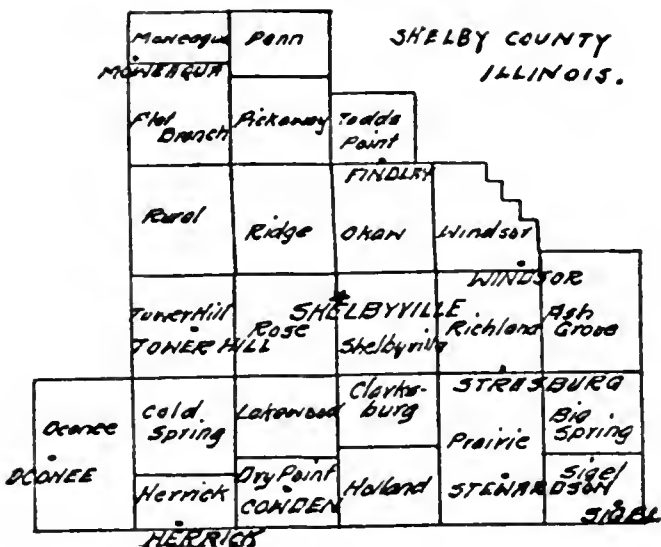


Inventory of the County Archives  
of Illinois



Shelby County

SHELBY COUNTY  
ILLINOIS.





# 1. HISTORICAL SKETCH

## INTRODUCTION

### Location and Physical Description

The land of Shelby County, in east central Illinois, is part of the great midwestern corn belt. The county lies between the thirty-ninth and fortieth degrees of latitude, and the third principal meridian forms a small portion of its western boundary. Its eastern boundary is formed by the county lines of Cumberland and Coles; on the northeast it is bounded by Moultrie County; on the north by Macon County; on the west by Christian and Montgomery; and on the south by Fayette and Effingham counties.

From 1778 to 1790 the territory comprising the present Shelby County was a part of the County of Illinois organized by the Virginia legislature following the conquest of the Northwest by George Rogers Clark. From 1790 to 1801 it was a part of Knox County, which at that time constituted the eastern half of Illinois and a large portion of Indiana: from 1801 to 1812, it was included in old St. Clair County; from 1812 to 1815, in Madison County; for one year, 1815 to 1816, it was a part of Edwards County; from 1816 to 1819, it belonged to Crawford County; from 1819 to 1821, it was included in Clark; and from 1821 to the time of its establishment as a separate county in 1827, it formed a part of Fayette County.<sup>1</sup>

Originally, Shelby County comprised a territory of 1,080 square miles, and the county formed an almost perfect square. In 1839, three and a half townships were taken from the northwestern part of the county and added to the present Christian County. Again in 1843, an irregular area of a little less than four townships was removed by legislative act from Shelby to form a part of Moultrie.<sup>2</sup> These reductions brought the county down from its original 30 congressional townships to 21 16/36 townships, or an area of 772 square miles.<sup>3</sup> Considering, however, that the average area of a county in Illinois is 549 square miles and that twenty-nine counties have an area of less than 400 square miles each, Shelby must be still reckoned as one of the largest in the state.<sup>4</sup> The carving process also gave the county its present irregular outline, which is most pronounced along the northeastern boundary where the entire line bordering Moultrie is a series of jogs and steps.

The Kaskaskia River, sometimes called the Okaw, is the principal stream and drains the greater part of the land. It runs north to south almost through the center of the county, entering between Windsor and Okaw townships and zigzagging in a southwesterly course through Windsor, Okaw, Shelbyville, and Rose townships, touching Holland on the east and entering Dry Point on section 3, and leaving it on section 15. Robinson's, Sand, Coon, Jordan, Richland, and Brush creeks are its tributaries. In the northwest there are Long Grove Branch and Flat Branch with their tributaries; the southwestern section is drained and watered by Beck's, Opossum, Stone, and Mitchell's creeks, while the southeast portion is drained by the Little Wabash River, Copperas, Rattlesnake, Green, and Wolf creeks and their branches. In parts of the county are found mineral springs and a number of small lakes. The land surface is generally undulating and somewhat higher than in the adjoining counties, providing the sources for the many streams. The hills fringing the Kaskaskia River are from fifty to seventy-five feet in height. The most

1. *Counties of Illinois, Their Origin and Evolution*, compiled by Edward J. Hughes, Secretary of State (Springfield: State of Illinois, 1934), p. 5-51. Hereinafter referred to as *Counties of Illinois*.

2. *Ibid.*, p. 58-60.

3. *Fifteenth Census of the United States, Population Bulletin, First Series, Illinois, Number and Distribution of Inhabitants* (Washington: Government Printing Office, 1930), p. 9. Hereinafter referred to as *Population Bulletin*.

4. H. K. Allen, *Bureau of Business Research, Bulletin No. 52* (Urbana: The University of Illinois, 1936), p. 8-12.

unusual topographical feature is found in Cold Spring Township. There the highest point of the county is located, known as Williamsburg Ridge, or the "Ridge." A town, Williamsburg, was started there but was abandoned when Shelbyville, the county seat, was selected as the better site. The Ridge is considered the northern termination of the Ozarks; from this and other hills flow cold springs containing health-giving minerals.

Originally there was more timber than prairie land in the county; now more than three-fourths of the land is prairie. The timber consists mainly of white and black oak, burr oak, shellbark hickory, sassafras, pine, elm, ash, buckeye, and maple. In most of the northern part the soil is a highly productive dark loam. In the south the soil is variable, being thin on the flat prairie and in the timber, but rich on the slopes.

Bear and a species of mountain lion used to inhabit the hill country, but have long since been exterminated. On the prairie land the elk and buffalo once roamed, but were long ago driven further west by the advance of settlers; wolf and fox are still found, as well as the raccoon, opossum, weasel, skunk, woodchuck, squirrel, and rabbit. Song and game birds abound both on the prairie and in the timber.

A fair amount of coal mining is done in the county. Good quality sandstone is available for building, as well as brick clay and limestone. The coal mines are located near Moweaqua, Shelbyville, and Trowbridge. The limestone deposits are found near Windsor and Shelbyville.

In 1901, something of a sensation was created when gold was discovered along the Kaskaskia, two miles north of Shelbyville, on the farm of Lawson Kellam. The Shelbyville Mining and Prospecting Company was organized, with all its stock held by local men. Assays showed an average value of over \$4 per ton in the 2,000,000 tons of ore available. In the end, the attempt at quick riches was abandoned, the metal content not being sufficient to pay for the costly operations.<sup>5</sup>

The fertility, excellent drainage, and rolling formation of Shelby County, all making for the large-scale use of farm machinery, predestined the county's economy to be chiefly agricultural. In 1935, 94.4 percent of the land area of the county consisted of its 3,768 farms.<sup>6</sup> Shelby lies in the general farming area of the state, its farm income being derived from corn, wheat, and other small grain; hay, clover, and alfalfa; and livestock and livestock products.<sup>7</sup> In recent years, soybean planting has become an important crop here as well as in the rest of the state.<sup>8</sup>

The county's transportation facilities are good, paved highways and railroads serving all parts of its area. The Illinois Central, the Nickel Plate, the Baltimore and Ohio, the Cleveland, Cincinnati, Chicago and St. Louis, the Chicago and Eastern Illinois, and the Wabash railroads crisscross the county. United States Highways 45 and 51, and State Highways 16, 32, and 128 connect it with other parts of the state. The total mileage of state and secondary roads in 1935 was 281.<sup>9</sup>

Shelby is divided into twenty-four political townships: Ash Grove, Big Spring, Clarksburg, Cold Spring, Dry Point, Flat Branch, Herrick, Holland, Lakewood, Moweaqua, Oconee, Okaw, Penn, Pickaway, Prairie, Richland, Ridge, Rose, Rural, Shelbyville, Sigel, Todd's Point, Tower Hill, and Windsor.<sup>10</sup>

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5. *Historical Sketch and Biographical Album of Shelby County, Illinois* (Shelbyville, Illinois: The Wilder Publishing Co., 1900), p. 171. Hereinafter referred to as *Sketch of Shelby County*.

6. *Information Pertaining to Farm, Home and Community* (Urbana: University of Illinois, 1936), p. 3. Hereinafter referred to as *Farm, Home and Community*.

7. *Ibid.*, p. 49.

8. *Ibid.*, p. 32.

9. *Ibid.*, p. 52.

10. *Population Bulletin*, p. 33.

## Population

The population in 1930 was 25,471, the greater part of which was native American of Anglo-Saxon or German origin; there were 23 Negroes and one Indian in the county at that time.<sup>11</sup> Shelbyville, the county seat, is the largest city with a population of 3,491; next in size are the village of Moweaqua with 1,478, and Windsor City with 927. The seven villages of the county besides Moweaqua, are Findlay, with a population of 682; Tower Hill, 642; Strasburg, 418; Stewardson, 629; Oconee, 231; Herrick, 474; and Cowden with 616. The one incorporated town is Sigel with 259 persons. The population density is 33 persons per square mile, a low figure when compared with 136.2 for the whole state.<sup>12</sup>

The rural farm population in 1930 was 14,477, manufacturing and mining employing a relatively small proportion of the population. In that year, coal mines employed 173 workers; in 1933, manufacturers used 162 wage earners.<sup>13</sup>

## Origin of Name

Both Shelby County and the county seat, Shelbyville, were named in honor of Isaac Shelby, who was somewhat of a national hero at the time the county was established. He took a distinguished part in the wars of the Revolution and 1812, and in the various Indian campaigns incident to the settlement of the Northwest Territory. When Kentucky was admitted into the Union in 1792, he was chosen its first governor, and was elected again in 1812. Besides his services as a brave and gallant soldier, for which he was honored by Congress and by the states of Virginia and Kentucky, he was famous for his prowess as a frontiersman.<sup>14</sup>

## The French and British in Illinois

Although the recorded history of white man's civilization in Illinois reaches as far back as the seventeenth century when, in 1634, the Frenchman, Jean Nicolet, visited the country, the region of the present Shelby County remained unvisited until the early part of the nineteenth century. The gallant, French explorer-missionaries who followed Nicolet established their missions along the more important waterways, the Wabash, the Illinois, and principally the Mississippi. After them came hunters, traders, and a few colonists who settled along the rivers; Cahokia in the present St. Clair County, and Kaskaskia in Randolph developed into the most important settlements of this early period.

The French king and his court were concerned mainly with the wealth to be derived from trade with the Indians and the white settlements at the southern extremity of the Mississippi, and with the prestige and temporal power resulting from the possession of a colonial empire. This weak and ill-defined policy, entirely inappropriate to the nature of the great valley capable of accommodating great numbers of colonists seeking new homes, resulted inevitably in the loss of the French possessions in Canada and the Illinois country to the British. By the capitulation of the French in 1760, following their defeat on the Plains of Abraham, and the Treaty of Paris in 1763, the entire French Northwest was handed over to the British, who took formal possession of the territory at old Fort Chartres, two years later.

Aside from a few place names, the word "prairie" describing the broad, open plains of Illinois, and a few other superficial reminders, the century of the romantic French period in Illinois is now hardly trace-

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11. *Fifteenth Census, 1930, Population* (Washington: Government Printing Office, 1931), III, 636,670. Hereinafter referred to as *Fifteenth Census*.

12. *Population Bulletin*, p. 8,9,33.

13. *Fifteenth Census*, p. 651, 670; *Biennial Census of Manufacturers* (Washington: Government Printing Office, 1933), p. 12. Hereinafter referred to as *Biennial Census*.

14. *Combined History of Shelby and Moultrie Counties* (Philadelphia: Brink, McDonough & Co., 1881), p. 53. Hereinafter referred to as *Shelby and Moultrie Counties*.

able. Neither their language, laws, nor customs have taken root or left a lasting impress on the present civilization of the state.

The authority of the British in Illinois, concentrated at only a few fortified points along the rivers, lasted but eighteen years, and as far as having any direct effect on the development of the region is concerned, was purely nominal. Although the colonial policy for their American possessions was better defined than the French, it was punctured with enough contradictions to cause a revolt by the American colonists, and with it the loss of the entire country below the Canadian line.

### **American Occupation**

In 1778, in the midst of the Revolutionary War, Colonel George Rogers Clark, with a handful of Virginia backwoodsmen, captured Kaskaskia for the state of Virginia, and with it the rest of the Illinois country. In the same year, the Virginia House of Burgesses created the County of Illinois, bringing the West for the first time under American rule. The county embraced all the territory northwest of the Ohio River to the Great Lakes region and west to the Mississippi.<sup>15</sup>

Virginia ceded the Illinois country to the national government in 1784, and three years later Congress formulated the famous Ordinance of 1787, by which it created the Northwest Territory embracing the present states of Ohio, Indiana, Illinois, Michigan, Wisconsin, and a portion of Minnesota. Later in the same year Congress appointed General Arthur St. Clair governor of the territory, and Winthrop Sargent, secretary.

### **The Place of the Indian**

While the crowned heads of France and Britain, through their statesmen, politicians, merchants, and soldiers, were disputing the ownership of the rich lands west of the Alleghenies, the Indians, who by right of occupation considered themselves owners of the land, were being used to further the interests of both sides. The French, through their consistent kindness and their ability to live side by side with their red neighbors without discord, made powerful allies among the western tribes, using them, to be sure, to bring in riches in fur, but at the same time protecting them against their traditional enemies. Particularly, the Illinois Nation and the Miamis, among the groups occupying the Illinois country, were leagued with the French. The British entered into negotiations with the powerful Five Nations, or Iroquois, of the eastern Canadian border country, as well as with some of the smaller western tribes such as the Sacs and Foxes and the Piankeshaws. They cemented their friendship with lavish gifts of guns, ammunition, blankets, and other articles coveted by the Indian—always including firewater—and by promises of good grounds for hunting to pay for the loss of land occupied by English settlers. A large part of the machinations of both the French and British in their century-long struggle over their American possessions was carried out by pitting tribe against tribe, and by inciting the dusky warriors to hostility not only against their own natural enemies, but also against the enemies of their white allies.

Between the intermittent tribal wars, the Indians continued their pursuits of hunting, fishing, and—among the agricultural groups—the raising of foodstuffs. Seemingly, for many years, their contact with white civilization had little effect upon their customs or character. The Indian is a traditionalist. He does not easily change the ways taught him by his grandfathers. The attempts of the French missionaries to Christianize the tribes were but indifferently successful against the persist-

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15. *Statutes at Large* (Virginia), ed., William Waller Hening (New York: R. W., and G. Barton, 1823), ix, 532. For a reprint of the Act, and the history of its passage, see *Cahokia Records 1778-1790*, ed. by Clarence W. Alvord in *Illinois Historical Collections*, II, Virginia Series 1. (Springfield: Illinois State Historical Library, 1907), p. 9.

ence of deep-rooted sanctions, taboos, and ritualistic practices as old as the race itself. Far more potent, unfortunately, in undermining the Indians' resistance to change, were the deteriorating forces of the white man's liquor which brought to the surface all the evil in the savage, and the white man's gifts which bred a fatal desire for easy living under which his native discipline and training degenerated. It was these two factors that contributed, more than the tribal wars, to the decimation of the tribes that once peopled the Northwest.<sup>16</sup>

After the withdrawal of the French from the Northwest, the British continued their manipulation of the tribes allied with them against the American colonists who were beginning to sift into the country. It was to their economic advantage to preserve a large unsettled territory for the maintenance and extension of the lucrative fur trade. The War of 1812, beyond the Alleghenies, was fought between the settlers and the Indians under the constant agitation of the British.

After the conclusion of the War of 1812 and the definite removal of the British influence from the American scene, the Indians were confronted with the clear issue of attempting to retain possession of their hunting and fishing grounds in the West in the face of steady incursions of white settlers. During the opening years of the nineteenth century, settlers were coming in ever greater numbers to the West, at first mostly from the southern states. There, the best lands had gradually been absorbed by owners of great plantations, and the small farmers were left the choice between exhausted, submarginal lands and the hardships and promise of western pioneering. In the Middle Atlantic and northern states also, the best land had been taken up. To the farmer whose meager living must be dug out of thin, stony soil—unless he wished to hire himself out as a laborer in one of the many factories which were springing up throughout the East—the broad acres of the West held rich promise. Not many, however, came from that section of the country until after the completion of the Erie Canal in 1825, which made a complete waterway connection between the East and West through the Great Lakes.

It was inevitable that friction should arise between the settlers and the Indians. Each group had concrete aims, opposed and injurious to the interest of the other: the Indians, to hold their ancestral lands—a condition indissolubly connected with survival; the whites, to gain possession of those lands which were just as indispensable to their preservation. Objectively judged, both antagonists were right in their claims, since their purposes—the minimum condition for the preservation of life and the unhampered pursuit of a measure of freedom and happiness—were identical. In disregard of new conditions, the Indians wished to retain great stretches of uncultivated land for hunting, and the rivers for fishing, just as their ancestors had done from time immemorial. In the face of the steady advance of a more aggressive civilization, such a program was impossible. The unequal struggle was bitter and cruel on both sides. The more effective diplomacy of the whites, their more clearly defined aims, their greater racial unity, and their better organization and military equipment, doomed the Indian cause from the beginning. By the time the first settlers were coming into the Shelby region, the Indians were no longer a threat in that part of the country, and settlement proceeded with no interference.

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16. One of the many notations by travelers of the decadence of the Indian under the impact of white civilization, is that of the geographer Thomas Hutchins in his *An Historical Narrative and Topographical Description of West Florida* (Philadelphia, 1784): "Three miles Northerly of Kaskaskia is a village of Illinois Indians (of the Kaskaskias tribe) containing about 210 persons and 60 warriors. They were formerly brave and warlike, but are degenerated into a drunken, and debauched tribe, and so indolent as scarcely to procure a sufficiency of skins and furs to barter for clothing," p. 108.

The Indians who frequented the Shelby region were the Kickapoos,<sup>17</sup> one of the few tribes that remained aloof from both sides in the struggle between the French and British. They were at one time a troublesome people, raiding white settlements without provocation or warning. Their habits were nomadic, and much of the territory to which they laid claim, including Shelby County, was used only for hunting grounds; no evidence of their permanent settlements has been discovered in this section. A year after the first white settlement was made there in 1818, the Kickapoos, by the treaty of Edwardsville, ceded to the United States government a large tract of land, a part of which is the present Shelby County. In return for its lands, the tribe was to receive an annuity and undisputed possession of lands to the north and west. Eventually they were removed to these lands with the assistance of government troops.<sup>18</sup>

### The White Pioneers

Charles Wakefield, Sr., and his wife and family, are considered the first permanent settlers in the present Shelby County, building a cabin in what is now Cold Spring Township in March, 1818, the year Illinois was admitted into the Union. Mr. Wakefield had a large family of three married sons, Simeon, John, and Enoch, and their children; a son-in-law, Ormsby Vanwinkle with his family; and an unmarried son, Charles Wakefield, Jr. The Wakefields were noted frontiersmen and hunters, thoroughly acquainted with the habits of the Indians by whom they were respected and treated with consideration. The site they chose for settlement had an abundance of pure water, good soil, and plenty of timber, and the nearby forests abounded with game.<sup>19</sup>

In the same year, Lemuel Hawkins, Arthur Crocker, and the widow Petties, and their families, all coming up from St. Clair County, settled near the Wakefields in the Cold Spring settlement. Thomas Pugh with his family, natives of North Carolina, settled near Cold Spring in 1819. Mr. Pugh was a celebrated hunter and was held in high regard by the Indians, with whom he traded extensively. Soon after he came into the county he acquired from another settler a log cabin for which he traded a cow and a calf.

Another early pioneer was Asa Ledbetter who came with his family from the southern part of the state in 1822. The first water mill in Shelby was built by him on the Okaw River above Shelbyville. A short time after it was built, the mill was washed away by the high water of 1828, and its owner lost his life by drowning. In 1833 the General Assembly approved an act for the relief of the widow and heirs of Asa Ledbetter, granting them the right to sell the millsite.<sup>20</sup>

Jonathan C. Corley, a blacksmith, came from Kentucky in 1823 and settled on Robinson's Creek. Another settler on Robinson's Creek, in 1824, was Levi Casey with his six children, who came from South Carolina. David Elliott and William Weeger with their families made settlements in the present Richland Township in 1825 and 1826. Barnett Bone, in whose house the first courts were held, came from Tennessee in 1825 and settled on the site of the present city of Shelbyville. Elias Miller, a Virginian, was one of the early pioneers; he engaged for some years in teaching school.

Among other pioneers were Samuel Weatherspoon, Bazil and William Daniel, B. Fancher, John Cochran, John Frazer, Robert Temple-

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17. For accounts of the customs and characteristics of this people, as well as of other tribes of the Illinois country, see Hiram W. Beckwith, "Illinois and Indiana Indians" in *Fergus Historical Series* No. 7 (Chicago: Fergus Printing Co., 1884), also W. D. Strong, *The Indians of the Chicago Region*, Anthropology Leaflet No. 24, Field Museum of Natural History (Chicago, 1926).

18. "Treaty with the Kickapoos" in *Indian Affairs, Laws and Treaties*, ed. by Charles J. Kappler (Washington: Government Printing Office), II, 129.

19. *Shelby and Moultrie Counties*, p. 41.

20. *Private Laws*, 1833, p. 118.

ton, Joseph Dixon, Robert Rankin, Daniel Green, John Bolin, and John Storm.<sup>21</sup>

Being backwoodsmen in their native states, the early pioneers naturally gravitated to the timbered regions. There were, however, practical reasons for avoiding the rich prairie lands. Before the prairies were cultivated they were covered with a thick growth of grass reaching a height of more than six feet. In the fall of the year when the grass dried out and became highly combustible, fires swept over the prairies and constituted a grave danger to the farmer's improvements and possessions. At times, the Indians deliberately set fire to the prairie grass in order to facilitate hunting. The prairies were infested by the dreaded Pontiac or blue-tailed flies, that were a menace to the farmers and even to the farm animals. These conditions and the difficulty of plowing the tough prairie soil with the primitive wooden or cast-iron implements then in use, made it a practical necessity for the pioneers to settle near groves. After the invention of the self-scouring steel plow in 1837, and the resulting cultivation of the prairies, the menace of the flies, malarial mosquitoes, and fires disappeared, and the prairies of Shelby County and the West came into their own.

To withstand and conquer these and many other difficulties required an energetic, aggressive, hardy, and bold nature, and this the American pioneer was not lacking. Most of the settlers had large families, a distinct economic asset in a country where labor was scarce and money for hiring workers was not plentiful. When confronted with a problem, such as raising a house, requiring more manual labor and specialized skill than his own family possessed, the settler resorted to the help of his neighbors. This expedient, incidentally, provided the opportunity for social intercourse which the demands of long, exhausting work days made difficult at most times.

The identity of forces which impelled the pioneers to look for new homes, the common hardships which they all had to face under the same conditions and on the same terms, provided for the normal development of a democratic social way of life, and consequently a democratic political outlook. The pompous politician and the unapproachable aristocrat were uncommon phenomena in the Middle West of those days. At the time Shelby County was organized, Ninian Edwards was Governor of Illinois. One of his opponents in the election of 1826 was Adolphus Frederick Hubbard, then Lieutenant Governor. Illustrative of the unpretentious character of ranking politicians of the time is one of his campaign speeches. "Fellow-citizens," said he, "I offer myself as a candidate before you for the office of governor. I do not pretend to be a man of extraordinary talents. But," he finished, "I do not think it will require a very extraordinary smart man to govern you; for to tell you the truth, fellow-citizens, I do not think you will be hard to govern, no how."<sup>22</sup>

In general, a high degree of learning was not one of the attainments of the pioneers. Some quaint examples of the literacy of the times are contained in the early records of marriages and parental consent to marry in Shelby County. One reads: "me and my old woman is both willing for Mr. \_\_\_\_\_ to have our daughter for we have nothing against the man this the 16 of may 1831 Daniel \_\_\_\_\_ and Sally \_\_\_\_\_." And another: "This is to certify that I give you leave and am willing that you should give or grant lissons to marry this frau under my hand this 10th of May, 1830. John Waggoner." G. Baker, J. P., while issuing licenses to marry, takes license with the English language in this wise: "State of Illinois, Shelby County, January the 17, A. d. one thousand, eight hundred and thirty two, I solemnized the rights of Matrimony between

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21. *Shelby and Moultrie Counties*, p. 41, 42.

22. Thomas Ford, *History of Illinois* (Chicago: S. C. Griggs & Co.; New York: Ivison & Phinney, 1854), p. 61.

Robot (Robert) Templeton and Feby Horn." And Shelton Allphin, J. P.; "I do hereby certify that the within names Thomas Duty and Sary Skeen was Marled on the 15 day of Oct 1829."<sup>23</sup>

## CIVIC AND POLITICAL DEVELOPMENT

### The Formation of The County

Prior to the session of the legislature in 1827, the inhabitants of Shelby sent a delegation to Vandalia to promote the enactment of a bill to create a separate county. The establishment of the county unit of government was a matter of considerable importance to the settlers for several reasons. One was the pioneer love for independence and self-government which could be exercised more broadly if the civil unit were smaller; another was the ever present political factor, the county being an important unit in the state for the organization of political parties. In every community there are individuals with a talent for leadership, and interest in public affairs, and a greater or lesser degree of personal ambition. Participation in the political life of the county is necessary for such individuals as a step toward wider success along the political road.

One factor which made the breaking up of a region into smaller units a matter of practical importance was the difficulty, in the pioneer days, of traveling to distant county seats. It was necessary to make the journey with oxen or horses over trails and primitive roads which in wet seasons became impassable. The inhabitants of the Shelby region had to travel to Vandalia, then the state capital, to transact official business. Shelby, in 1827 became the forty-sixth county to be organized in the state; in 1859, Ford, the one hundred and second, and last, county in Illinois was formed. Since that time the transportation difficulty has disappeared, and with it the most compelling influence toward the formation of the county unit. Serious students of government have been, in late years, advocating the combining of counties into larger areas on the score that the economic burden of maintaining a great number of civil offices is a heavy and serious drain on public revenue. This contention has been met by the reasoning that the more decentralized the government, the greater opportunity the citizens have of governing themselves.

From its inception, the county has been an important unit for the exercising of a number of governmental functions of the state, in addition to being an agency for the satisfying of purely local needs. The Constitution of 1818 provided for three county commissioners to be elected in each county, their powers and term of service to be designated by the legislature.<sup>24</sup> They were to hold four sessions each year on the first Monday in March, June, September, and December. The commissioners' courts were to have their own seal and appoint their own clerk. The last provision was changed by an act of February 7, 1837, providing that the office of clerk be elective.<sup>25</sup> They were authorized to control the revenues of the county, to issue licenses, to have control of roads, canals, and bridges, and were granted the power of punishment for contempt.<sup>26</sup> By subsequent acts the legislature expanded the original functions of the commissioners' courts until the court eventually became an important agency for the state in the discharge of many of its administrative functions; limited judicial powers were granted, such as administration of probate and other specialized judicial matters.<sup>27</sup> The principal duties of the court were concerned with the keeping of vital statistics, poor relief

23. In Marriage Record (File), see entry 57.

24. Constitution of 1818, Schedule, sec. 4.

25. L.1837, p. 49.

26. L.1819, p. 33, 175.

27. For a more detailed account of the powers of this court, see chapters on County Board and Probate Court.



(this activity has been of late largely taken over by the state and Federal governments), the maintenance of schools, the care of highways, the administration of tax machinery and election procedures, and the recording of land titles.

By the end of 1826 there were enough inhabitants in the Shelby region to justify the formation of a separate county. At its session on January 23, 1827, the legislature approved an act forming the county of Shelby from territory which had constituted a part of Fayette County. The act set the boundaries<sup>28</sup> and provided that the new county be called Shelby, and the county seat, Shelbyville. For the purpose of fixing a permanent seat of justice, the legislators appointed John Hopton, Easton Whitton, and William Lee D. Ewing as commissioners who were to meet on the first Monday of April next in the house of Barnett Bone and proceed from there to locate the county seat. A few years later, W. L. D. Ewing was elected to the legislature. He became speaker of the senate and, after the resignation of Zadok Casey in March, 1833, acting Lieutenant Governor. In November of the following year he assumed, for a few months, the governorship of the state, when Governor John Reynolds resigned to take his seat as Representative in Congress. For their work the commissioners were to be paid \$1.50 per day. The proprietor of the site chosen was required to give to the county a tract of not less than twenty acres of land, part of which was to be sold and the proceeds used for the erection of public buildings. The act decreed that until the erection of a courthouse, the courts should be held in the house of Barnett Bone, where the first election for a sheriff, coroner, and three county commissioners was to take place on the second Monday of April next. The county was attached to the second judicial circuit, over which Judge Theophilus W. Smith presided.<sup>29</sup>

The locating commissioners met at the time specified and proceeded to select a central location for the county seat. According to one historian of Shelby County, "They came into this region in an ox wagon, which contained not only themselves and their camping outfit, but a barrel of 'Old Rye' as well."<sup>30</sup> It was an old pioneering custom to seal all transactions, however small, with a few draughts of "ardent liquids." In their report submitted to the county commissioners, the locating commissioners wrote that they unanimously selected "the E. ½ of S. E. ¼, of Sec. 7, town 11 North, Range 4 East . . . A hickory stake, which the said commissioners drove down on said tract, standing between three Red Oaks—one at the distance of five paces in a northwest direction, one five paces in a northeast direction, and the other four paces in a southeast direction."<sup>31</sup> The site selected was owned by Robert K. McLaughlin, James M. Duncan, and James T. B. Stapp, who met the condition of the enabling act by donating to the county twenty acres of land.

In conformity with the provisions of the law establishing the county, a special election was held in the house of Barnett Bone on the second Monday of April, 1827, to select the first officers for the county. The election resulted in the choice of John Whitley, Levi Casey, and William Weeger as county commissioners, William Williamson, sheriff, and Isaac Martin, coroner.<sup>32</sup>

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28. "Beginning at the northwest corner of section nineteen, in township nine north, range one east, of the third principal meridian, thence north on said meridian line, thirty miles to the northwest corner of section nineteen, in township fourteen north; thence east thirty-six miles to the northeast corner of section twenty-four, township fourteen north, range six east; thence south thirty miles to the northeast corner of section thirteen; thence west thirty-six miles to the place of beginning." L.1827, p. 115.

29. *Ibid.*; Ford, *History of Illinois*, p. 65.

30. *Sketch of Shelby County*, p. 12.

31. *Ibid.*, p. 13.

32. *Sketch of Shelby County*, p. 13. State records show Isaac Martin commissioned as coroner August 9, 1830, and Moses Story commissioned as first coroner April 20, 1827 (see Roster of County Officers.)

The first meeting of the court was held on April 24, again in the house of Barnett Bone which was, at that time, the largest and best suited for gatherings in the county. During that session Joseph Oliver was appointed clerk of the county and circuit courts and county recorder, posting a bond of \$1,000; William Williamson, county surveyor—he later platted the county seat—and Asa Ledbetter was appointed county treasurer, posting a bond of \$2,000 with Shelton Allphin and Richard Thomason as sureties.<sup>33</sup> At the same session, the court ordered that a tax of one-half percent be levied on the following property: on slaves, indentured and registered Negroes, and mulatto servants; pleasure carriages; on distilleries and stock in trade; on all horses, mules, asses, and meat cattle three years old and upwards; on watches with their appendages, and all other personal property except household furniture.<sup>34</sup>

The following day the commissioners ordered the division of the county into two road districts, and appointed Thomas Pugh and William Parker as road supervisors with the power to summon all able-bodied men of legal age in their respective districts to contribute labor in the construction of roads.<sup>35</sup>

Road building was not only one of the first but one of the most important concerns of the inhabitants of a new county. It is to that instinct for intercommunication, and the understanding of the value of adequate transportation facilities, that much of the nation's great progress can be traced. As early as 1639, the Massachusetts General Court ordered each town to construct a highway to connect with the adjoining town. The first large-scale national undertaking—the largest up to the construction of the Panama Canal—was the building of the Cumberland road between Cumberland, Maryland, and Vandalia in Fayette County, Illinois. The road was started in 1811 and completed in 1852, the 834 miles costing the government \$6,821,000. Many of Shelby County's pioneers traveled over this highway. Beginning at Cumberland, it ran to Wheeling, (West) Virginia, Zanesville, Columbus, and Springfield, Ohio, Indianapolis and Terre Haute in Indiana, and thence to Vandalia.<sup>36</sup>

When James Duncan was governor, he urged the laying out of public highways while the state was still unsettled and straight roads could be constructed between the important settlements with little difficulty or expense. The legislature responded in 1834 by providing for forty-two state roads, and the following year forty more were added. In addition, the legislature gave authority to the county commissioners to "alter, change, and re-locate" roads located by state authority, except "the great western mail rout, or the Darwin and Charleston turnpike."<sup>37</sup> In 1839, the legislature approved acts ordering the construction of two state roads through Shelby County, one from Shelbyville to Decatur in Macon County, and the other from Shelbyville to Hillsboro in Montgomery County.<sup>38</sup> Two other early roads built from Shelbyville led to Terre Haute, Indiana, and to Springfield in Sangamon County.<sup>39</sup>

At its session on June 6, 1827, the commissioners' court named the members of a grand and petit jury who were to serve at the first term of circuit court of Shelby County, to be held in the house of Leonard Stephens.<sup>40</sup>

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33. *Shelby and Moultrie Counties*, p. 54.

34. *Ibid.*, p. 55.

35. *Ibid.*

36. Herold Underwood Faulkner, *Economic History of the United States* (New York: The MacMillan Company, 1928), p. 100, 103.

37. L.1839-40, p. 51, 52.

38. L.1839, p. 190, 275.

39. *Shelby and Moultrie Counties*, p. 56.

40. *Ibid.*, p. 55, 56.

In December, 1827, the court issued a license to Elias Miller to operate a ferry across the Kaskaskia near Shelbyville. He was required to pay a license fee of \$2.00 for a year and to post a bond of \$200.00. The ferry was a large, flat-bottomed boat with capacity for a wagon and horses, and a few head of cattle. The rates for ferriage established by the court were: for wagon and four horses 50 cents; for cart and oxen, 37½ cents; for man and horse, 12½ cents; for footman, 6¼ cents; for hogs and cattle per head, 3 cents.<sup>41</sup> In 1834, a bridge was constructed over the Kaskaskia near the site of the ferry.<sup>42</sup>

At the same term of court Elias Miller was also issued a license to keep a grocery store, "commonly called a tippling shop," in his house near Shelbyville. He entered into bond in the sum of \$200, and paid a license fee of \$5.00. The early taverns or grocery stores were in the nature of public houses, furnishing not only liquid refreshments, but food and accommodation for both the traveler and his beasts. Because of the public importance of this enterprise, the county authorities set rigid rates in the taverns. The rates established for Shelby County as given in the license to Elias Miller were: for keeping horse twenty-four hours, 37½ cents; for keeping horse one night, 25 cents; for dinner, breakfast, or supper, 25 cents; for lodging one night, 6¼ cents; for half pint of brandy, 25 cents; for half pint of rum, gin, or cordial, 25 cents; for half pint of whiskey, 12½ cents; for horse feed, 12½ cents.<sup>43</sup>

George H. Beeler was charged \$9.00 for a license to retail foreign merchandise in Shelbyville. John Maxwell paid \$5.00 for a permit to exhibit a show in Shelbyville for one week.

In addition to licenses, a steady, though less lucrative, source of revenue for the county, was the fines payable for misdemeanors. Between April, 1827, and March, 1833, forty-two fines were levied and collected, amounting to a total of \$170. For the most part these fines were imposed upon disturbers of the peace.<sup>44</sup>

### **The Building of the Courthouse and Jail**

One year after the first meeting of the commissioners' court in the house of Barnett Bone, a courthouse was completed for the county. At a regular meeting of the court on the third of September, 1827, it was decided to commence the erection of the necessary public buildings. William Hall, Sr., being the lowest bidder, was awarded the contract for building the courthouse at a cost of \$110. The specifications as set forth by the court were for a one-and-a-half-story structure of hewn logs, twenty by twenty-four feet, the first story, nine feet high, the second five; the upper story was reached by a stairway built on the outside of the building. The roof was of ordinary handmade shingles. There were two doors below and two windows of fifteen lights each, with shutters; the upper story was also lighted by two windows. The courthouse was built on the east half of lot five, in block one in Shelbyville, and was accepted by the court in April, 1828. The following year the size of the building was increased by knocking out a wall and adding a shed. The builder was J. W. Johnson who received \$39.25 for his work.<sup>45</sup> Precautions against loss of the building and records by fire were taken in 1862, when, at its January meeting, the board appropriated \$100 for the construction of a cistern in the courthouse yard, and the purchase of buckets; also a hook and ladder company was organized.<sup>46</sup>

This modest structure, a typical pioneer courthouse, was replaced in 1832 by a more commodious brick building. In 1879, the board of super-

41. Sketch of Shelby County, p. 50.

42. Ibid., p. 33.

43. Sketch of Shelby County, p. 49.

44. Ibid., p. 43.

45. Ibid., p. 16, 17.

46. Supervisors' Record, v. 1., p. 142.

visors ordered the construction of a courthouse to cost \$70,000.<sup>47</sup> The whole economic progress of the county in the half century between the first and third courthouses can be roughly gauged by the difference in the cost of the two buildings. The third courthouse was damaged by fire on November 17, 1894. Some of the county officials were obliged to function in rented quarters in Shelbyville until repairs were made.<sup>48</sup>

In the early part of 1829 the court ordered a jail built on lot eight, block one, in Shelbyville. The building was to be of hewn logs, eight inches thick, and was to measure thirteen and a half feet square, and sixteen feet high from foundation to roof. The wall of the lower part was built double with a space of ten inches between the inner and outer walls into which were put upright poles closely fitted together. Four windows, twelve by sixteen inches, grated with iron bars one inch in thickness and three inches apart, supplied light to the prisoners. J. W. Johnson was the contractor; the jail was completed and accepted in the spring of 1830. It served for ten years, when a larger jail, twenty-two by fourteen feet, also of logs, was built.<sup>49</sup>

In the early years, prisoners in Shelby County were required to pay for their food during their incarceration unless they could prove poverty. An affidavit to that effect is contained in a history of the county: "Be it remembered that on this day personally appeared William Wilson, in the jail of said county, before me, J. W. Johnson, an acting justice of the peace within and for the county and state aforesaid and made oath that he, the said Wilson, was not able to pay the necessary dyet and other things for his sustenance while in jail. Sworn and signed on September 23, 1830."<sup>50</sup>

### Changes in the County's Boundaries

Illinois in the thirties and forties was attracting great numbers of immigrants; transportation within the state being still difficult, the practical urged to form smaller civil divisions expressed itself in the creation of thirty-two new counties between the years 1837 and 1843.<sup>51</sup> These were either carved in whole from large existing counties, or made up of those portions of several counties that lay farthest from the respective seats of justice. Attempts were made on several occasions to subtract portions of Shelby County to complete the area of a new county. The first of these was in the winter of 1836-37, when, because of the inconvenience and loss of time attendant upon traveling to the distant county seats, the inhabitants of the far corners of Shelby County, together with citizens of Montgomery and Sangamon, petitioned the General Assembly for the establishment of a new county. Nothing, however, came of this action.<sup>52</sup> In 1838-39, residents of the same counties again petitioned for the creation of a new county to be called Dane, and the General Assembly passed an act to establish the counties of Menard, Logan, and Dane, approved February 15, 1839; Shelby, however, lost no territory by it.<sup>53</sup> But in an act approved February 26 of the same year, called "An Act to establish a state road from Mt. Sterling via LaGrange, Arenz's Mills, and Princeton to Springfield and for attaching part of Shelby to the county of Dane," took from Shelby and placed in Dane, townships eleven, twelve, and thirteen, and the south half of township fourteen in range one, east of the principal meridian.<sup>54</sup> Upon petition of

47. Supervisors' Record, v. G, p. 115.

48. For further account of courthouse in Shelby County, see chapter on Housing, Care, and Accessibility of the Records.

49. *Sketch of Shelby County*, p. 22.

50. *Ibid.*, p. 44.

51. *Counties of Illinois*, p. 58, 60.

52. William D. Barge, *The Genesis of Shelby County* (typed MSS. in Chicago Historical Society), p. 11.

53. L.1839, p. 104.

54. *Genesis of Shelby County*, p. 12; L.1839, p. 188.

a group of citizens of Shelby and Macon, an "Act to establish the county of Okaw" was approved February 24, 1841. The proposition, however, failed to meet the approval of the voters of the two counties.<sup>55</sup> Another effort of citizens of Shelby, Fayette, and Montgomery, in 1841, to create a new county out of parts of these counties, failed at the polls.<sup>56</sup>

It was not until two years later that Shelby for the last time lost territory to help in the making of a new county. Upon the motion of Peter Warren of Shelby County, and a petition of citizens of Shelby, Macon, and Coles, the senate passed "An Act for the formation of the county of Moultrie" which was approved February 16, 1843, giving to the new county practically the same territory that would have gone into the County of Okaw of 1841. From Shelby County was taken an irregular section in the northeast corner, about four square miles less than six townships, bringing the county down to its present area.<sup>57</sup>

## Changes in Government

After the defeat of the Indians in the Black Hawk War of 1832, which opened the northern part of the state to unhampered white settlement, immigration accelerated rapidly. It reached a high point in the boom years of 1836-1839 when the young state, in its unbounded optimism and confidence, launched a state-financed system of internal improvements which was as amazing in the boldness of its concept as in the scope of its failure. In the forties, when Missouri was admitted into the Union as a slave state, attracting the proslavery immigration from the south, and the Illinois courts took a definite stand against the extension of slavery here, this state became a still more desirable settling place for the home seekers from the northern states who were opposed to slavery.<sup>58</sup> In the late forties began the infiltration into Illinois of large numbers of educated and liberal Germans and Scandinavians who were escaping the economic and political repressions of the Old World.

One of the results of this influx of new population was a movement for the substitution of the outmoded Constitution of 1818 by a document more suitable to the times and the people. A new constitution was adopted in 1848, under which the state was governed until 1870. This constitution abolished the system of county commissioners' courts which was brought to Illinois from Virginia, where it had been adapted from English law. In its place was set up the county court, consisting of a county judge and two associate justices, which should exercise both judicial and administrative functions. As an alternative to county administration by this court, the constitution ordained that the General Assembly should provide by law for township organization which any

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55. *Genesis of Shelby County*, p. 12.

56. *Ibid.*, p. 13.

57. L.1843, p. 83; *Historical Encyclopedia of Illinois and History of Shelby County*, ed. Newton Bateman and Paul Selby and (Shelby) George D. Chaffee (Chicago: Munsell Publishing Company, 1910), II, 619. Hereinafter referred to as *History of Shelby County*.

58. Slavery was introduced into Illinois in 1720 by Philip Francis Renault, a French settler, who brought with him five hundred slaves from San Domingo. The Ordinance of 1787 (Art. VI) expressly prohibited slavery in Illinois Territory for the future; the prohibition did not affect the existing slaves belonging to the French. After the organization of the Indiana Territory of which Illinois was a part, the territorial legislature permitted a form of slavery known as indenture of servants. The indenture was for an agreed number of years, at the expiration of which the slaves were freed. The children of the slaves were to serve their owners until the males reached the age of thirty-five, and the females thirty-two years. In 1810 there were about 168 slaves in the Illinois Territory; in 1820, 917; in 1830, 746. John Reynolds, *My Own Times* (Chicago: Fergus Printing Co., 1879), p. 132, 133. The state constitution of 1818 prohibited the extension of slavery; the French, however, were still permitted to hold their slaves. Two decisions of the Illinois Supreme Court on slave cases, in 1844 and 1845, one arising in Randolph County, the other in St. Clair, set the rule of the Ordinance of 1787 (Art. VI) that prohibited the introduction of slavery into the Northwest Territory, above the articles of the Constitution of 1818 (Art. VI, sec. 2) which countenanced slavery in limited form. See *Borders vs. Borders*, 5 Ill. 341; *Jarrot vs. Jarrot*, 7 Ill. 1.

county might adopt at the expressed will of a majority of voters.<sup>59</sup> The law providing for township organization was passed and approved by the legislature on February 12, 1849.<sup>60</sup> Under this system, the administrative body consists of a county board of supervisors, one of whom is elected from each of the civil townships into which the county is divided. Ultimately the township form was adopted by all but seventeen counties in the state.

Among other provisions in the constitution was one prohibiting the formation of new counties with areas of less than four hundred square miles, and the changing of the time of holding elections from the first Monday in August to the Tuesday after the first Monday in November. The change was made at the demand of farmers for whom the interruption in the harvesting season in August was a serious inconvenience.

During the first ten years of the operation of the new constitution Shelby was governed under the county court system. The first court, elected in 1849, was composed of William Williamson, county judge, and Russell Fletcher and D. M. Robinson, associate justices. In 1853, John Casey replaced Robinson and in 1854 Joseph Leathers replaced Fletcher. In 1857 the court was composed of John R. Warren, Peter Fleming, and John Casey.<sup>61</sup>

Meanwhile, more and more counties in the state were adopting the less centralized, more democratic township system. This form of government, the most direct and practical expression of confidence in the ability of people to govern themselves, is considered a purely American development. It dates back to 1635 when the General Court of Massachusetts for the first time established the plan.<sup>62</sup> In recent years, students of government have found a number of weaknesses in the township form as compared to the board of commissioners form of county government. In his study of the merits of the two plans, Herbert K. Allen considered two phases of the governments—the costs and the services rendered. In this connection, while he makes no specific recommendations, he is inclined to favor the somewhat less expensive and more efficient centralized commission form.<sup>63</sup> A third and fundamental phase, not considered by the writer, is the intrinsic merit of the broader exercise of local self-government through a greater number of elected officers, afforded by the township form, as against the more restricted

In 1859, a decisive majority of the voters of Shelby County expressed themselves in favor of township government. At the December term in that year, the court appointed James Cutler, E. G. Shallenberger, and Benjamin F. Frazier commissioners to divide the county into townships as provided in the legislative acts of 1849, 1851, and 1857.<sup>64</sup> At the March, 1860, term of court the commissioners made their report, having divided the county into the following twenty townships: Shelbyville, Dry Point, Prairie, Big Spring, Windsor, Cold Spring, Oconee, Ash Grove, Tower Hill, Holland, Rose, Richland, Moweaqua, Flat Branch, Rural, Ridge, Okaw, Pickaway, Penn, and Todds Point.<sup>65</sup> In addition, the townships of

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59. Constitution of 1848, Art. VII, sec. 6.

60. L.1849, p. 190. In addition, many laws have since been passed by the legislature reenacting, amending, and recodifying the original township law of 1849. See L.1861, p. 216; L.1871-72, p. 756; R.S.1874, p. 1066; L.1877, p. 212; L.1885, p. 251; L.1889, p. 109; L.1895, p. 319; L.1903, p. 353; L.1909, p. 470; L.1917, p. 793; L.1921, p. 845; L.1929, p. 774; L.1931, p. 906; L.1933, p. 1115.

61. *Shelby and Moultrie Counties*, p. 64.

62. Mason H. Newell, "Township Government in Illinois" in *Transactions of the Illinois State Historical Society*, Publication No. 9 (Springfield: Phillips Bros., State Printers, 1904), p. 467-479.

63. H. K. Allen, "Relative Merits of Township and Non-Township Organization" in *Illinois Journal of Commerce*, January, 1935.

64. L.1849, p. 190; L.1851, p. 38; L.1857, p. 183; *Supervisors' Record*, v. E., p. 6; *Sketch of Shelby County*, p. 14.

65. *Shelby and Moultrie Counties*, p. 65.

Clarksburg, Herrick, Lakewood, and Sigel have been added, making a total of twenty-four political townships.<sup>66</sup>

The first meeting of the newly elected board of supervisors was called in the courthouse in Shelbyville on Friday, June 8, 1860. The board members attending that meeting were John R. Warren, William B. Travis, George T. Hutchinson, John Freeman, William I. Milton, John C. Selby, David Ewing, John Casey, William J. F. Howe, E. G. Shallenberger, Alfred Francisco, William Manning, Joseph M. Brown, Alexander Walker, and William B. Bennett.<sup>67</sup> John Casey of Pickaway Township was elected chairman of the board for the current year, and on motion of John Freeman a set of twenty rules under which the board of supervisors was to function was adopted. Members for the following committees were appointed by the chairman: committee on finance, on claims, equalization, roads and bridges, and on public buildings.<sup>68</sup>

Apparently there was some agitation in the county for the reestablishment of the county court, because at its September meeting in 1862, the board of supervisors ordered that a vote on the question of township organization be advertised and the question submitted to the voters at the November general election.<sup>69</sup> The victory was again for the township plan, which has continued to serve the county to the present time.

### The Political Cast of the County

From the beginning, the composition of the internal government of Shelby County has been largely Democratic. No other party was able to maintain a newspaper in the county until 1860, when *The Shelby Freeman*, a Republican organ, was established, followed in 1863 by *The Union*.<sup>70</sup> State senators elected by the political district of which Shelby is a part were all Democrats from 1832 to 1861, when the first Republican, Richard J. Oglesby, was elected. The first non-Democrat to be chosen as state representative was William F. Thornton, elected on the Whig ticket in 1838.<sup>71</sup> This early and rare departure from the habit of returning candidates from the traditional party is explained by the respect and popularity enjoyed by General Thornton who was an outstanding personality, not only in Shelby County, but in the state.

In presidential elections the county's vote was overwhelmingly Democratic in the early years, but changing political and economic conditions tapered down the Democratic majority until it was reversed on several occasions after the turn of the century. In 1828, Shelby gave Andrew Jackson 238 votes against 32 for John Quincy Adams. In 1832, Jackson received 324 votes to 27 for his opponent. In 1844 the percentage of the majority was a good deal less—the Democratic candidate receiving 683 votes against 315 for the Whig. In 1860, when the nation was shaken by the great issues of slavery and states' rights, the county polled 2,088 Democratic votes and 971 Republican. Four years later, on the eve of the final settlement of those great issues, the county gave Lincoln 1,168 votes, while the Democratic candidate received 2,297.<sup>72</sup>

Up to the time of the Civil War, politics in Shelby County, as generally within minor geographic and civil divisions, was accepted as a means to serve the local political interest of the particular section. As a

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66. *Blue Book of the State of Illinois, 1935-36*, ed., Edward J. Hughes, Secretary of State. Published by Authority of the State of Illinois, p. 890, 892, 894, 896.

67. *Supervisors' Record*, v. E, p. 1. James Brownlee of Cold Spring Township was not present at first meeting.

68. *Ibid.*, p. 2-5.

69. *Ibid.*, p. 218.

70. *History of Shelby County*, p. 684.

71. *Ibid.*, p. 690.

72. Theodore Calvin Pease, *Illinois Election Returns 1818-48* in *Illinois Historical Collections*, XVIII, Statistical Series, 1 (Springfield: State Historical Library, 1923), p. 59, 81, 151; *Tribune Almanac, The Politician's Register and the Whig Almanac* (New York: The New York Tribune, 1868), p. 56, 58.

rule, people voted for the party supported by their fathers in the section of the county from which they derived. The early settlers of Shelby County, being predominantly from the Democratic southern states, cast big majorities for the Democratic party leaders. The factors which brought about the war shifted politics from local to national issues and caused a considerable dislocation in customary party allegiances. A still greater change in the attitude toward politics and the political thinking of the citizenry occurred in the last three decades of the century. These were the years of heavy railroad building in Illinois, the phenomenal industrial development, and the sudden rise of a powerful financial and capitalist class whose interest and loyalties were felt to be at variance with the interests of the state and the people at large. The local politicians and the masses of voters in the background, instead of dealing exclusively with questions of government, were forced to take into consideration a formidable new force, economics. The high freight rates charged by the railroads, and what was considered the disproportionate influence of the railroad interests on the state legislatures, were factors which brought about the Granger movement and other farmers' organizations of semipolitical character. Some of the organizations in which alliances were made between the farmers and the laboring classes were formed on a purely economic class basis.<sup>73</sup> In many cases party allegiance was ignored and the people voted for candidates with economic convictions matching their own. During the Greenback agitation in the seventies, Shelby County gave a majority to Albert P. Forsythe, the Greenback candidate for representative from the fifteenth district.<sup>74</sup>

After the first decade of the twentieth century, the development of new factors began to affect the people of Shelby, as those elsewhere throughout the nation. The economic and political initiative was experiencing a gradual shift from states and localities to the political and economic (financial) centers of the nation. Through various governmental agencies devised by Congress to benefit the people, the national government came to exercise an ever greater influence on particular phases of life within the states. Boom and depression periods were less and less confined to given localities and to particular industries, but were becoming ever more inclusive and countrywide in scope.

These developments resulted in a changed attitude on the part of the citizens of Shelby County towards national politics, as is interestingly illustrated by the presidential vote of the county from 1920 to the last election of 1936—the years of the greatest economic fluctuation in the nation's history. Prior to 1920, the county's vote for president was Democratic in every instance but one, in 1904. In 1920, the county gave a slight majority to the Republican candidate, Warren G. Harding. It is significant that the nation was at the time in a period of postwar depression, as well as in a state of dissatisfaction over our participation in an exclusively foreign quarrel, the responsibility for which participation was laid upon the Democratic president, Woodrow Wilson.<sup>75</sup> In 1924, the country was in a fairly prosperous condition, and Shelby County again went Republican returning a cautious plurality of 340, or 5,605 votes for Calvin Coolidge against 5,265 for his Democratic opponent.<sup>76</sup> In 1928, when the nation was riding the crest of prosperity, the county gave the Republican candidate, Herbert Hoover, a plurality of over one hundred percent, 2,966 to 1,306—once more reflecting in political expression the economic condition of the people through the country.<sup>77</sup> Then

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73. Ernest L. Bogart and Charles Manfred Thompson, *The Industrial State*, Centennial History of Illinois, v. IV, chap. IV, p. 82 ff.; Ernest L. Bogart and John M. Mathews, *The Modern Commonwealth, 1893-1918*, Centennial History of Illinois, v. V (Chicago: A. C. McClurg and Co., 1920), chap. VIII, p. 162 ff.

74. *History of Shelby County*, p. 690.

75. *The Daily News Almanac and Yearbook, 1922* (Chicago: Issued by The Daily News, Inc., 1922), p. 241.

76. *Ibid.*, 1925, p. 714.

77. *Ibid.*, 1929, p. 621.



came the stock market crash of 1929 and the bank panics of 1930, 1931, and 1932, and the great depression of the thirties set in. In the presidential election of 1932, the county returned the second largest vote in its history—a total of 12,750, of which the Democratic candidate, Franklin D. Roosevelt, received an overwhelming majority of 8,093 votes.<sup>78</sup> In 1936, the popularity of Roosevelt and the confidence of his measures to combat the still raging depression, netted him a large majority in Shelby County, although the total vote was much smaller than in the preceding election, the Democratic vote being 5,801, to the Republican 1,663.<sup>79</sup> What has taken place in Shelby County in respect to this shift of the people's interest from local to state politics and from state to national, as well as in the economic basis of the changes, is but typical of the trend throughout the nation.

## ECONOMIC DEVELOPMENT

### Early Economic Conditions

The economy of Shelby County is now, as it was in the earliest years, overwhelmingly agricultural, although the environment and the material conditions of life of the children and grandchildren of the pioneers have undergone as startling a change as have the political and social conditions. Invention was, of course, one of the great factors in that change. Less than a hundred years ago the grandfathers and grandmothers of the present generation were still using the homemade mold-board plow, the reap-hook, and the flintlock gun with which they obtained much of their food; the shuck horse-collar and the ox-yoke; the hominy mortar, the goose quill pen, the three-legged skillet over the fireplace coals, and the deerskin coat and pants fashioned by the light of a homemade candle. Work was hard, but life was not without interest. F. M. Perryman, a native bard of Shelby County, writes of those days:

. . . And when it came to raising corn,  
We did not get much rest  
For the want of tools to work with,  
We had to to our best . . .

But, there was compensation:

. . . The boys could bake the 'Johnny Cake'  
And the girls knew how to mow;  
Oh! was we not a 'jolly set?'  
Just sixty years ago.<sup>80</sup>

In modern times, power-driven multiple plows, combines, and a variety of other labor-saving farm machines and electrical household appliances have not only made daily life much easier but have replaced a civilization as old as the Bible with one far more complex.

Another factor in the great change was the rapid settlement of the state from the late forties on. A majority of the newcomers were energetic, enterprising Yankees, together with northern Europeans whose initiative had impelled them to leave the intolerable political and economic conditions in their homelands and seek greater freedom and wider opportunity in the new world. With this surge of new population came new methods in farming, a development in transportation, commerce, industry, and education, and a fresher, more progressive social outlook. They spread the fame of the rich lands of Illinois far and wide. One

78. *The Daily News Almanac and Year book*, 1934, p. 250.

79. *Ibid.*, 1937, p. 796.

80. F. M. Perryman, *Pioneer Life in Illinois* (Pana, Illinois: Kerr's Printing House, 1907), p. 17-19.

Yankee rhymester urged his neighbors of his native state in the *Boston Post*, in words whose sound practical advice outweighs their poetic quality:

. . . Come, leave the fields of childhood,  
Worn out by long employ,  
And travel west and settle,  
In the state of Illinois.<sup>81</sup>

A glimpse of Illinois cities when the state was emerging from a frontier existence is given in one of its histories: ". . . every city had its hog nuisance or some equivalent. The streets, squares and parks seemed public hog pens." In 1853, ". . . swine were more numerous on the streets of Springfield than in the pens of the state fairgrounds. Urbana had a record of more hogs in the community than people and the porker had equal rights with the citizens upon the streets. Decatur's antihogite forces triumphed by a narrow margin in 1859. For a time cows ran at large on the streets of Chicago, after passing the night on the sidewalk."<sup>82</sup> At this date a patrol of hogs and cows on city streets would appear strange if not sensational.

As late as 1896, a resolution was introduced before the board of supervisors of Shelby to discontinue the telephone service which had been installed thirteen years previously, as a "useless and unnecessary expense to the county." The majority of the supervisors, however, were of the opinion that the telephone deserved another chance.<sup>83</sup>

In 1835, the county's population was 4,848. Shelbyville was populated by about fifty families, and the town possessed six stores of which three were groceries.<sup>84</sup> Up to the coming of the railroads the only businesses in the county were taverns or grocery stores, ferries, and mills to meet a purely internal need. For the farmers, the markets were at St. Louis and Terre Haute, whither the produce was hauled and the cattle and hogs driven.

In the fifties, the age of feverish railroad construction in the state began. In 1855, Shelby was crossed from east to west by the Terre Haute and Alton, now a part of the "Big Four" system, and by the Cleveland, Cincinnati, Chicago and St. Louis Railroad; the following year the county was provided a north and south outlet through the Illinois Central. The Baltimore and Ohio, originally the Springfield and Illinois Southern was built through the county about 1865, and the Wabash about 1869. In 1897, the Chicago and Eastern Illinois Railroad built a bridge across the Okaw in Shelbyville, considered for many years the largest railroad bridge in the state. It is a massive structure 106 feet high and 1,600 feet from end to end.<sup>85</sup>

The towns and villages of Windsor, Richland, and Prairie contributed about \$200,000 to the building of the Wabash Railroad, and Dry Point and Tower Hill contributed large sums to the Baltimore and Ohio. Shelbyville, Todd Point, and Okaw also voted large sums of money toward the construction of a road started in 1869-1870.<sup>86</sup> This road was never completed; in the financial panic of 1873, the proposition fell through and was abandoned. About \$30,000 of the money voted was diverted to the building of the Chicago and Eastern Illinois. In 1910, the

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81. Reprinted in the *Belleville Advocate*, February 8, 1849; quoted in Arthur Charles Cole, *The Era of the Civil War 1848-1870*, Centennial History of Illinois, v. III (Chicago: A. C. McClurg & Co., 1919), p. 14.

82. Cole, *The Era of the Civil War 1848-1870*, p. 4, 5.

83. Supervisors' Record, v. G, p. 416; v. J, p. 221.

84. John Mason Peck. *A Gazetteer of Illinois* (Philadelphia: Gregg & Elliott, 1837), p. 291, 317.

85. *Sketch of Shelby County*, p. 33; *History of Shelby County*, p. 789.

86. Supervisors' Record, v. E, p. 34-36; *History of Shelby County*, p. 789.

total railroad mileage in Shelby was 132, every part of the county being adequately served.<sup>87</sup>

The contribution of large sums to the railroads by counties, townships, and municipalities was frequently made the condition upon which the company agreed to put the road through a particular locality. This practice of subscribing public moneys to private enterprise was eventually felt to be a mistake. Many counties and towns impoverished themselves in their eagerness to get railroads and thus keep abreast of other sections of the state. By the time of the constitutional convention of 1869, the railroad had proved to be not an unmixed blessing. The inequalities in freight and passenger rates penalized some parts of the state at the expense of others, and the greatest benefit of the roads was felt, especially by the farmers, to accrue to the railroad companies themselves.<sup>88</sup>

The whole subject of railroad regulation was threshed out in the convention, with the result that in the new constitution the subscribing of funds by municipalities was expressly forbidden,<sup>89</sup> and the General Assembly was given the power to pass laws fixing reasonable rates, and correcting such abuses as discrimination and extortion in freight and passenger tariffs.<sup>90</sup>

### **Growth of Commerce and Industry**

With the railroads came a great development of commerce and industry in the state. In the competition between various cities in the state to promote manufacturing and thus share in the new prosperity, the part of Shelby County, on account of its geographic position, was not conspicuous. The greatest industrial development came about in those localities which were situated on navigable waterways and were closest to the inexhaustible eastern markets. Their development was already in progress in the steamboat era, prior to the coming of rail transportation. In the inland counties the chief industries were the milling of flour and grist. In 1860, there were thirty-eight manufacturing establishments in Shelby County, with a capital investment of \$89,800, and employing 127 workers whose combined wage for that year was \$42,552. The most important of these industries from the point of production value were the four flour mills with an annual value of products amounting to \$183,205. Some of the other manufactures were agricultural implements with a product value of \$3,400; boots and shoes, producing \$5,450; lumber, \$42,437; and wagons, carts, and other vehicles, producing \$6,900.<sup>91</sup> In 1867, Charles C. Scoville erected in Shelbyville what was at the time the largest flouring mill in the West, costing \$85,000. Some years later, however, it was found not to be a paying investment and the property was disposed of for \$35,000; the building was leased by the Northwest Hat Manufacturing Company.<sup>92</sup>

In 1880, there were 109 manufacturing establishments in the county with a product value of \$727,727. Employees numbered 279 and the total amount paid in wages in that year was \$71,882. Flour milling was still the most important industry with thirteen establishments, an investment of \$120,425, and an output valued at \$489,555. A new industry, slaughtering and meat packing, with one establishment, produced \$55,705.<sup>93</sup>

87. *History of Shelby County*, p. 789.

88. A. E. Paine, "The Granger Movement in Illinois" in *University of Illinois Bulletin*, v. II, No. 8 (Urbana: University Press, September, 1904), p. 16-19.

89. Constitution of 1870, Art. XII, "Municipal Subscriptions to Railroads and Private Corporations."

90. *Ibid.*, Art. XI, sec. 12, 15.

91. *Manufacturers of the United States in 1860, Compiled from the Original Returns of the Eighth Census* (Washington: Government Printing Office, 1865), p. 105.

92. *Sketch of Shelby County*, p. 172.

93. *Report of the Manufacturers of the United States at the Fourth Census, June 1, 1880* (Washington: Government Printing Office, 1883), p. 118, table IV.

The census report at the beginning of the new century shows a gain in the number of manufacturing establishments in the county, although the value of products was lower, because of a general lowering of price levels, affecting especially agricultural implements. In 1900, the number of establishments in Shelby was 175, with a capital investment of \$318,128, and with products valued at \$521,469. The total number of employees was 240, drawing \$76,203 in wages for that year.<sup>94</sup>

Statistics for 1929, the year of unprecedented nationwide prosperity, show an interesting development in the business life of the county—a development which, however, was not confined to Shelby County, but was general throughout the nation. Since the World War there had been an ever greater tendency in the country's institutions of finance, commerce, and industry toward consolidation in the hands of fewer, but greater corporate interests. On a reduced scale this tendency shows up clearly in figures for the county. From 175 manufacturing establishments in 1900, the number dropped to 15 in 1929, although the value of products for the latter year almost doubled the former, reaching the sum of \$1,237,366, the highest in the county's history. The number of wage-earners was 216, lower than the 1900 figures although their productivity, plus that of labor saving machinery—the extensive use of which without a corresponding reduction in the hours of labor has become a problem of formidable proportions—was about 100 percent higher as shown in the increased value of products. The total wage drawn for 1929 was \$164,995.<sup>95</sup>

After the financial crash of October, 1929, and the ensuing business depression, the number of wage earners in the county's manufactures dropped sharply. In 1933 it had fallen to 162, the number of enterprises to ten, and the value of products to \$633,897.<sup>96</sup> However, the present war in Europe and the general bettering of conditions throughout the country have had a revitalizing effect on the county's industries, although the great majority of its inhabitants depend for their living now, as have the past generations, on the deep, strong soil of central Illinois.

The principal industries in the county are located in Shelbyville. Among these are the Walgreen Condensery, supplying the great chain of Walgreen drug stores with malted milk, cream, "Chem," and skim milk powders; the Sta-Rite Hairpin Company, employing 225 workers, one of the world's largest manufacturers of wire hairpins; Co-Ed Frocks, employing 225 workers; Middle States Cheese Company, employing 60 people, and utilizing the dairy products of the county's farms; the Tallman Machinery Company; the Ann Arbor Hay Press Company; and the O'Kaw Valley Foundry Company. In addition to these, there are in Shelbyville 179 retail outlets for nationally advertised products, one wholesale tobacco concern, and one wholesale grocery.<sup>97</sup>

Coal had been discovered in many spots of the county early in its history, but commercial exploitation did not start until the sixties, when the railroads began using coal-burning locomotives. In addition, the development of manufacturing industries in the state increased the demand for cheap coal, and this led to the opening of mines in many places. In 1890, the B. F. Stretch mine, still in existence, was opened near Shelbyville, and the following year the Moweauqua Coal Mining and Manufacturing Company was organized and began operations.<sup>98</sup> Other mines were opened at Robinson's Creek, Fancher, Mode, and Tower Hill.

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94. *Twelfth Census of the United States, 1900, VIII, Manufacturers* (Washington: Government Printing Office, 1902), Part II, p. 170, 171.

95. *Fifteenth Census of the United States (1930), Manufacturers, 1929, v. III* (Washington: Government Printing Office, 1933), p. 140.

96. *Biennial Census of Manufacturers* (Washington: Government Printing Office, 1933), p. 12.

97. *Editor and Publisher, Market Guide for 1940* (New York: Editor and Publisher Co., November 25, 1939), p. 68.

98. *Sketch of Shelby County*, p. 170.

The coal is found at from forty to seventy-five feet below a sandstone surface, the veins averaging from one and one-half to three feet in thickness.

The peak of production was reached in 1932 when 53,657 tons were mined, of which 16,324 were used locally.<sup>99</sup> From that year on, the decline, in line with the general business depression, was steady. In 1933, 1936-37, and 1938 no coal shipments were made out of the county.<sup>100</sup> The total output of the fourteen operating mines in 1937, employing 119 workers, was 12,205 tons. The mines and their locations are: the Arch Tallman, Auld and Cruitt, B. F. Stretch, Homer Donelson, Ray Kingston, James Cruitt, Edward Ditzler, Clyde Westenhaver, and G. S. Root mines, all near Shelbyville; Ralph Gallagher and Clarence Sterner mines, near Mode; the Gordon Brothers mine at Beecher City, and the Smith Coal Company at Fancher.<sup>101</sup>

As early as 1907, prospecting for gas and oil was started near Findlay, but was soon abandoned.<sup>102</sup> Since those years, Illinois has progressed from an insignificant place among the oil producing states to fourth in the nation, producing in 1939, ninety-three million barrels.<sup>103</sup> Most of the oil has been discovered in the south central and southeastern counties among which is Shelby. During 1938 and 1939 much drilling for oil took place in the county. About fifty wells were put down in various parts of the county, but in the latter year, only one, a well near Stewardson, producing twenty-four barrels per day, was in operation.

### Developments in Agriculture

Within the century and a quarter since the first settlers began tilling the soil of the present Shelby County, a bewildering number and variety of changes have taken place in the living and working conditions of the county's farmers. One of the changes, with enormous economic and social effects, was caused by the introduction and broad use of labor-saving farm machinery and household appliances. Another, closely related and equally important, was the introduction of science in farming which began with the intelligent interest of a few individual farmers such as Morris Birkbeck,<sup>104</sup> and have been carried out on a broad scale by agricultural schools, farmers' organizations, and later by the University of Illinois. The office of the county agent or farm advisor, is at present a factor of great importance to the agricultural element in the county. Scientific information on such matters as crop rotation, soil treatment, stock and poultry breeding, and marketing, unattainable by the pioneers, is now made available to the farmers for the mere trouble of asking.

From the earliest years corn has been the most important crop in Shelby County. Produced at first for home consumption, it was marketed in large quantities when transportation facilities made cheap handling possible. During the fifties, it became evident to the farmers that the production of hogs and cattle was more profitable than the direct selling of grain, and much of the corn hitherto sent out of the county was used for feeding purposes. Twenty years later, when the Chicago stockyards

99. History of Shelby County, p. 621.

100. Department of Mines and Minerals, Coal Report, Illinois, 1938 (Springfield: State of Illinois, 1938), p. 64, 269.

101. Coal Report, Illinois, 1937, p. 206, 207.

102. Sketch of Shelby County, p. 172.

103. "Illinois Climbs to Fourth Place in Oil Output" in Chicago Sunday Tribune, December 31, 1939.

104. Morris Birkbeck, a cultured and liberal Englishman, came to the United States in 1817 and settled in Edwards County in 1817-18, where he entered for himself and the colonists who were to follow him, 26,400 acres of public lands. He wrote and published among other works, "Notes on a Journey in America" and "Letters from Illinois" which exercised a wide-spread influence both here and abroad in directing settlers to the western prairies. He helped organize and became the first president of the first agricultural society in Illinois, which under his direction gave great impetus to the raising of cattle and to scientific tilling of the soil.

put the slaughtering business on a mass production basis, the raising of animals for meat received further stimulation. Since the invention of refrigerator cars, dairying has replaced the feeding of cattle for slaughter to some extent, and the introduction of power-driven machinery has resulted in a reduction of the number of draft animals on the county's farms. These trends are illustrated by comparative statistics for the years 1859, 1880, and 1899, and for the ten-year period 1924-1933. Horses, mules, and asses for the years 1859, 1880, and 1899 numbered respectively: 851, 15,477, and 20,924; meat cattle for the same years respectively: 13,907, 24,103, and 24,265; hogs, 26,927, 49,579, and 57,942. In the number of sheep there was no important change, since wool growing was never extensively practiced in Illinois.<sup>105</sup>

Animal averages for the years 1924-1933 are: horses and mules (no asses are listed), 16,014; sheep, 16,611; hogs, 63,604; and milk cows, 13,349.<sup>106</sup> For the same years, the average acreage under the various crops is: corn, 127,251 acres; winter wheat, 8,931; spring wheat, 229; barley, 482; oats, 50,170; tame hay, 62,030; sweet clover, 9,000; and alfalfa 1,542 acres. Much of the wheat acreage was lost to the planting of soybeans, which has become an increasingly important crop in the state and county since the recent discoveries of many industrial and chemical uses for that product. In 1922, there were only 3,500 acres in the county under soybeans; in 1934, 45,800 acres.<sup>107</sup> The percentage of income derived from the lands of Shelby County farmers is: crops, 27.4 percent; livestock, 33.2; livestock products, 24.9, and forest products, 0.3 percent. Of this income the producer and his family used 14.2 percent for their own needs.<sup>108</sup>

Fluctuations in prices of farm products and the steady rise in price of manufactured goods used by farmers, have had serious effects on the well-being of the agriculturist. During periods of high prices of farm commodities, his heightened optimism, plus high-pressure salesmanship, frequently caused him to overload himself with farm implements and other expensive manufactured articles. It seemed a simple matter to pay for them by mortgaging the farm. Too often a sudden drop in the price of products took place, and the farm was lost to its owner. Many times the farmer continued on the land, paying rent to the person or corporation who had foreclosed the mortgage. He became a tenant farmer. A trend toward the tenant system in Illinois appeared as early as 1848 with the disappearance of the public domain and the exorbitant prices demanded by land speculators for the farm lands which they held in great quantities. (This new development in a state then emerging from its frontier estate, was noted with a degree of concern by John Wentworth of Chicago, publisher of the **Daily Democrat** in 1848. Taking the position that a true republican form of government is impossible under the tenant system, he writes: "This system tends to separate classes in society; to the annihilation of the love of country; and to the weakening of the spirit of independence."<sup>109</sup> The situation which alarmed Wentworth has not been overcome with the passing of years. As late as 1930, tenant farmers were operating 56.5 percent of the county's farm lands, owners, 41.8 percent, while 1.7 percent was operated by managers for absentee owners. Of the owner-operated farms, 41.6 percent were under mortgage, the average mortgage debt per farm being \$4,250, carrying an average rate of interest in 1929 of 5.8 percent. Unfortunate as this circumstance is, however, Shelby County fares better in respect to farm tenancy and

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105. *Sketch of Shelby County*, p. 52.

106. *Farm, Home and Community*, p. 43-47.

107. *Ibid.*, p. 20, 22, 24, 26, 28, 30, 34, 36, 38.

108. *Ibid.*, p. 49. (Figures are for the year 1929).

109. Editorial, "Land Reform" in *Daily Democrat* (Chicago), January 22, 1848. The article continues: "We are a Republic. If we desire to continue so, let us pass the public lands into the hands of the People; let us give to those who are unable to buy without money and without price that which the fact of birth entitles them to." Other articles expounding this point of view appeared March 28, 29, and 31, 1848.

high mortgages than many other counties in the Illinois corn belt; in one neighboring county, the percentage of tenant-operated farms in 1930 was 67.7,<sup>110</sup> and in another 71.3, the latter having an average mortgage debt on its owner-operated farms of \$9 506.<sup>111</sup> The average tax on land per acre and on buildings in Shelby for the same year was \$1.13. In 1930, there were 2,884 automobiles on the county's farms; 290 motor trucks, and 852 farm tractors. The average value of the farms was \$9,922, for land and buildings; the value per acre of land only, \$61.87.<sup>112</sup>

With the disappearance of the frontier in Illinois at the midcentury, and the simultaneous increase in concentration of wealth, began the transition from that famous traditional Americanism, known as rugged individualism, and symbolized by the hardy, self-reliant, pioneer frontiersmen, to a steadily developing centralization of effort, marked by cooperative measures to combat the new problems.

This historic development among Illinois farmers expressed itself in the organization of county agricultural societies which attempted to meet the new problems, and otherwise exercised effective influence on farming practices, agricultural economics, and state politics. On January 5, 1853, the Illinois State Agricultural Society was organized at Springfield, and the legislature appropriated an annual sum of \$50 to each active county society.<sup>113</sup> The first Illinois Grange was organized in April, 1868. In 1872, there were 77 local Granges active in the state; in 1873, 761, and in 1874, 704 new organizations were formed.<sup>114</sup> These were the years of keenest struggle between the farmers and the corporations for control of railroad rates.

In 1856-1857, annual county fairs were started in Shelbyville with exhibits of farm animals and produce. An organization of farmers in the county, the Farmers' Mutual Benefit Association, owned and operated a flouring mill which was one of the most important in that section of the county.<sup>115</sup>

By the beginning of the new century, however, the problems of the nation's farmers were responding less readily to the locally applied remedies that had been effective earlier. In the early decades, the national government, acceding to a general realization that the prosperity of the farmers is an indispensable condition of the well-being of the whole country, and responding to pressure from the farming element, began to take an increasingly active interest in the condition of the farmers. Federal laws were passed designed for their benefit. The tariff, originally a measure to protect infant industries, was extended to include protection of the interests of the farmers. The part the national government has played in the farming situation has been especially large in the ten critical years since 1929, when Washington, with the resources of the whole nation behind it, took measures of unprecedented scope in attempting to solve such vexing problems as those of the landless farmers, resettlement of occupants of exhausted lands, and the control of prices and crops.

Because of the effectiveness of the measures taken by the government and because of the persistency of the depression in industry, recent figures for Shelby County, as well as for the state, show a definite back-to-the-farm trend. Thus, in 1930 there were 3,462 farms in the county; in 1935, 3,768. The figures for the state were 214,497 in 1930, and 231,312 in 1935. The size of farms, however, shrunk somewhat, the average for the county being 125 acres in the former year and 124 acres in

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110. *Farm, Home and Community*, p. 75.

111. *Ibid.*

112. *Ibid.*, p. 51, 52.

113. Cole, *The Era of the Civil War, 1848-1870*, p. 78.

114. *The Industrial State 1870-1893*, p. 84.

115. *History of Shelby County*, p. 790; *Sketch of Shelby County*, p. 173.

the latter. In the state, the average dropped from 143 acres to 137 for the respective years. The percent of land in farms in the 494,080 acres in the county was 94.4, the highest in its history.<sup>116</sup> Recent estimates on soil erosion show that the county's land is in better condition than the average for the state. Destructively eroded land in Shelby constitutes but 5.2 percent of the whole, while the percentage for the state is 8.7.<sup>117</sup>

### The County's Finances

The internal financial condition of Shelby County reflecting the evolution in the county's economy and in national policy, has undergone changes from its original simplicity as extreme as have the other phases. The first bank in the county, a private institution, was opened in Shelbyville in 1859 by General W. F. Thornton. About the same time, Joshua L. Dexter engaged in the same business, and later, J. J. and W. L. Haydon did a private banking business in the rear of their store in Shelbyville. Up to those years and during the Civil War the state, and at times the whole nation, had been going through recurring currency crises and perennial shortages of hard money. The market valuation of the paper money in use seldom paralleled its nominal value. A publication called the *Detector*, with a nationwide circulation, gave the names of all the banks in the United States, the names of the officers of the banks, amount of capitalization and the current value of the currency issued by the banks. This paper was watched closely as it reported the fluctuation in value of the issues of various banks from zero to par; most issues were quoted at from 10 cents to 50 cents on the dollar.<sup>118</sup> Even the currency issued by the national government was not always highly regarded, and the patriotism of the citizens was at times called into play to help over a crisis. At the December, 1862 session of the board of supervisors of Shelby County, Supervisor William B. Travis introduced a motion, carried by the board, that ". . . due to the distracted condition of our country and the extreme scarcity and high premium for coin, the county, town, and district school revenue should be received in United States Legal Tender or Treasury Notes."<sup>119</sup>

The Civil War caused the first big change in the county's finances. New taxes were imposed, and property valuation as well as the rate of taxation made sudden advances. Prior to the war the government's revenue was derived principally from tariffs on imported goods. To pay the debts incurred by the war and the large amounts needed for pensions, Congress passed the tax laws such as the stamp tax on legal documents, Federal license taxes, revenue stamps on drugs, medicines, liquors, and beer, as well as an income tax. The revenue from Shelby County from these sources amounted to upward of a hundred thousand dollars a year.<sup>120</sup> Besides these new taxes, the county's internal debt made necessary by the war resulted in much higher rates of taxation. At the beginning of the war, the treasurer's report showed the county's finances in good condition. For the six months ending May, 1862, the receipts were \$26,605.73 and the disbursements \$11,805.07, leaving a favorable balance of \$14,800.66.<sup>121</sup> After five years of feverish war finances, the expenditures, as shown in the report for the six months ending June, 1867, had mounted to \$68,708.49, while the receipts were \$61,460.11.<sup>122</sup> State, county and township taxes collected for that year were: state tax, \$23,822.91; state school tax, \$8,342.09; county tax, \$17,909.13; war tax, \$17,909.03. Township taxes for administration, schools, roads, and bridges amounted to \$35,993.29. The total for all units

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116. *Farm, Home and Community*, p. 3.

117. *Ibid.*, p. 14, 15.

118. *History of Shelby County*, p. 787.

119. *Supervisors' Record*, v. E, p. 237.

120. *History of Shelby County*, p. 795.

121. *Supervisors' Record*, v. E, p. 183.

122. *Ibid.*, v. F (1867-73), p. 31.



came to \$103,976.45; delinquent taxes amounted to \$2,492.49.<sup>123</sup>

In addition to these revenues the county realized \$4,698.17 from the sale of swamp lands which were disposed of between 1862 and 1867, when E. G. Shallenberger, the drainage commissioner, made his report to the board.<sup>124</sup> The public swamp lands and lands liable to overflow were donated by Congress in 1850 to the states in which they lay; Illinois granted them to the counties in which were located, with the right to dispose of them, the proceeds to be used for the construction of levees and drainage, for roads, bridges, or for education, as the county authorities might decide.<sup>125</sup>

In 1868, the towns of Shelbyville and Windsor took out an injunction against the collector and the board of supervisors. ". . . in protest of tax of 1867 made by increasing the valuation of property 40% from the valuation of the assessor also the taxes upon said real estate in said towns made by increasing valuation of real estate 17% over and above the valuation made by assessor by order of the State Board of Equalization."<sup>126</sup> The tax rate that year was 50 cents on \$100 for county purposes, and a like amount to meet payments on the principal and interest on the war bonds.<sup>127</sup> Shelbyville paid a total of \$13,639.81 in taxes for 1867, and Windsor, \$3,779.65.<sup>128</sup>

In the years that followed, the tax rate was raised and lowered in accordance with the county's internal needs and the general economic conditions prevailing. In 1871, it was 75 cents on \$100; in 1874, 25 cents for county purposes and 5 cents in support of the poor farm; in 1882, 33½ cents, with a special courthouse tax of 25 cents.<sup>129</sup> In 1884, the county came to an agreement with the banking house of W. F. Thornton and Sons by which the bank agreed to cash county orders and jury certificates at eight percent interest whenever the county was in need of cash. In the depression of 1893, the bank failed, holding claims against the county for \$18,847.12.<sup>130</sup>

The last years of the century showed the county's finances in a progressively better condition. For the year 1896, the county's revenue above expenses was \$6,300; in 1897, the favorable balance was \$4,336.94; for 1899, the revenue above expense was \$9,667.49.<sup>131</sup> At the January 12, 1900 session of the board, a committee was appointed, consisting of supervisors Wallace, Klauser, and Snyder, to ascertain the financial condition of the county. On June 12, the committee reported that the county was in debt, as of February 20, 1900, to the amount of \$46,499.04. This was not an alarming amount in view of the income.

The first mention in the records of the establishment of a budgetary system for the county was made in 1908. For that year, the budget was fixed at \$65,000; for 1909, \$75,000; for 1912, \$58,000; for 1913, 1914, and 1915, the amounts asked were \$59,600, \$58,450, and \$75,575, respectively.<sup>132</sup>

The World War brought about a series of nationwide depression and prosperity periods which affected every civil unit in the country. The following table for the year 1935, giving an abstract of locally assessed

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123. Supervisors' Record, v. F. (1867-73), p. 129, 130.

124. *Ibid.*, p. 70.

125. L.1852, p. 178-86; L.1859, p. 201, 202.

126. Supervisors' Record, v. F (1867-73), p. 101.

127. *Ibid.*, p. 68.

128. *Ibid.*, p. 129.

129. Supervisors' Record, v. F (1867-73), p. 405; v. F (1873-78), p. 171; v. G, p. 370.

130. *Ibid.*, v. G, p. 504; v. I, p. 340, 344, 346.

131. *Ibid.*, v. K, p. 142, 160-162.

132. *Ibid.*, v. M, p. 156, 300; v. O, p. 73, 169, 275, 399.

real estate, personal, and railroad property in Shelby County, reflects in figures the new forces in the nation's economy:

| <b>PERSONAL PROPERTY</b>                  | <b>Number</b>          | <b>Assessed<br/>Valuation</b> |
|---|------------------------|-------------------------------|
| Passenger automobiles                     | 3,952                  | \$197,606                     |
| Trucks and busses                         | 510                    | 31,331                        |
| Cattle                                    | 28,395                 | 457,549                       |
| Horses and mules                          | 9,994                  | 283,107                       |
| Sheep and goats                           | 12,369                 | 25,086                        |
| Swine                                     | 20,152                 | 92,383                        |
| Household furniture                       |                        | 268,559                       |
| Office and store furniture                |                        | 23,387                        |
| Personal effects                          |                        | 10,212                        |
| Machinery and equipment                   |                        | 262,488                       |
| Merchandise, goods in process             |                        | 182,277                       |
| Money, cash and bank deposits             |                        | 92,519                        |
| Net credits                               |                        | 17,550                        |
| Taxable stocks and bonds                  |                        | 23,885                        |
| Mortgages and notes                       |                        | 66,110                        |
| All other personalty                      |                        | 201,207                       |
| Capital stock (domestic)                  |                        | 111,864                       |
| Shares of bank stock                      |                        | 33,147                        |
| Net receipts—fire insurance               |                        | 12,645                        |
| Total personal property .....             |                        | \$2,392,912                   |
| <b>REAL ESTATE</b>                        | <b>Number of Acres</b> | <b>Assessed<br/>Valuation</b> |
| Unimproved lands                          | 61,293                 | \$ 432,195                    |
| Improved lands                            | 432,643                | 10,850,666                    |
| Improvements                              |                        | 1,601,855                     |
| Coal rights                               |                        | 19,670                        |
| Total lands .....                         |                        | \$12,904,386                  |
| Unimproved lots                           |                        | 95,905                        |
| Improved lots                             |                        | 647,916                       |
| Improvements                              |                        | 1,862,469                     |
| Total lots                                |                        | 2,606,290                     |
| Total real estate .....                   |                        | \$15,510,676                  |
| <b>Railroad Property Locally Assessed</b> |                        |                               |
| Land (Class D)                            |                        | \$ 2,990                      |
| Lots (Class D)                            |                        | 780                           |
| Personal property (Class C)               |                        | 725                           |
| Total railroad property                   |                        | \$ 4,495                      |
| Total property locally assessed .....     |                        | <sup>133</sup> \$17,908,083   |

The total railroad assessment by the state tax commission for the same year amounted to \$3,112,620 (this figure includes real and personal property and rolling stock), making a grand total of state and local assessments of real and personal property for Shelby County of \$21,020,703.<sup>134</sup>

In recent years, historic developments have taken place whose import affects the political, economic, and social structure of every com-

133. *Seventeenth and Eighteenth Annual Report of the Illinois Tax Commission Assessment Years 1935 and 1936* (Printed by Authority of the State of Illinois), p. 115. Hereinafter referred to as *Tax Commission Report, 1935-36*.

134. *Tax Commission Report, 1935-36*, p. 280.

munity in the country, although they are too near at hand as yet to be seen in historical perspective. One trend particularly noticeable in its effect on local governmental units is the greatly increased role played by the Federal government in the day-by-day life of the people—a role made necessary by the severity of the prolonged economic depression with which the small civil subdivisions were unable to cope.

## SOCIAL DEVELOPMENT

### Education

The present complex civilization of Shelby County had its roots in the struggles of the pioneers to gain for themselves and their children, first the necessities of existence, and second, a measure of the cultural amenities that make for fuller and less difficult living. No phase of the background against which the present scene may be viewed is more important than the development of education, of religious activities, of the public press, and of the community responsibility for its less fortunate members, as expressed through provision for public assistance.

Education in pioneer Illinois, as in any frontier community, was a primitive affair. Among the Southern folk who were the earliest settlers in most of the southern counties, book knowledge was not held in high regard. The three R's were considered all that it was necessary for anyone to know, and they were frequently taught to the children by some member of the household—father or mother, or perhaps a maiden aunt—after the day's work was done, or in rainy spells. As the settlements grew thicker, professional teachers began to appear. By the time Illinois was admitted to the Union in 1818, the schoolmaster was a fairly familiar figure. He set up a subscription school in the cabin of some centrally located settler, or in a meeting house, or, after a few years, in a log building erected for the purpose by some of the progressive inhabitants of the district. His curriculum was still largely composed of reading, writing, and arithmetic, with perhaps a smattering of geography and grammar. In rare instances he introduced the brightest of his older pupils to the rudiments of Latin and Euclid. Far more often, he conducted beside the day school, a singing school, which usually met at night, and in which not only the children, but the whole neighborhood, participated. For each day pupil he charged from \$3.00 to \$7.00 a term, depending upon the length of the term and the variety of subjects taught; more often than not, he received his pay in provisions or in articles which he, in turn, could barter or sell for cash. No examination for qualifications was required of these teachers, and there was no supervision of their school keeping.

Early education in Illinois was haphazard only in the development of an effective system. The necessity for educating the young had been recognized and definite governmental provision made for fostering it when Congress passed the act of May 20, 1785, providing that one section of each congressional township in the public lands of the newly acquired territory northwest of the Ohio be reserved for the use of schools.<sup>135</sup> The Ordinance of 1787, which set up the government of the Northwest Territory, confirmed the intent of that act in the declaration that, "Religion, Morality, and Knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall be forever encouraged."<sup>136</sup> To that end the enabling act under which Illinois came into the Union set aside section 16 of every congressional township for the benefit of schools;<sup>137</sup> later laws provided for a commissioner in each county, who should administer the sales of

135. *Journal American Congress*, IV, 520, 521.

136. Ordinance of 1787, Art. 3.

137. 3 U.S.S.L. 428.

the school lands, and the funds derived therefrom.<sup>138</sup> Shelby County's first school commissioner was Joseph Oliver, appointed by the county commissioners' court in 1831.<sup>139</sup>

By this time several regular schools had been established in the county. As early as 1821 a log schoolhouse with a good puncheon floor had been built in Cold Spring Township, not far from the spring itself. The schoolmaster was Moses Story, an able and vigorous man who taught the youth of Shelby County for more than thirty years, in this and other schools. In 1832, a little cabin of hickory logs, with greased paper windows, was built in Richland township to house the pupils of William Robinson. The first schoolhouse to serve the northwestern part of the county was built on section 12 in Flat Branch Township; David Simon and J. D. Rodman were two of the early teachers, and to their school came pupils from the surrounding townships in which schools had not yet been organized. In several of the townships empty cabins served as schoolhouses. John Price, of Ash Grove Township, opened a school in such a cabin on his own place, and a little later, A. C. Frazer gave the use of a similar one to Younger Green, a one-armed man, who afterward taught in the township's first schoolhouse, a log building that was used for several years without a floor. Big Spring's first school was likewise held in a vacant house. The schoolhouses known as "Old Hickory" in Tower Hill Township, and "Old Elm" in Rural, saw long years of service.<sup>140</sup>

The old log courthouse served Shelbyville as a school for many years. Joseph Oliver, the town's postmaster, who was later appointed school commissioner for the county, opened school there in 1827. John Perryman taught there in 1831, and he was followed by Addison Smith and Charles Woodward, well-known schoolmasters in their day.<sup>142</sup>

Of these old schoolhouses and the life that went on within them, F. M. Perryman of Shelbyville, himself a descendant of one of the early teachers has written:

The school house was of elm logs—  
The bark was all left on;  
I never saw no other kind  
Till I was nearly grown,  
The children got some learning,  
But, of course, it was rather slow;—  
My! how the teacher "licked" the "kids"  
Just Sixty years ago.<sup>143</sup>

Most of these schools had begun as subscription schools. By 1850, funds from voluntary taxation and from the sale of school lands supplemented the contributions to a sufficient extent that more schools could be supported, teachers with better qualifications could be hired, and broader curricula offered. But it was not until the free-school act of 1855 was put into operation that anything resembling the modern system of easily accessible schools with supervision of the teaching, was attained. This law provided for the support of schools by public tax money, and for their supervision by a state superintendent of public instruction; teachers were required to present certificates of their qualifications and to keep records of attendance and promotion.<sup>144</sup>

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138. For a more complete discussion of the functions of the school commissioner and the county superintendent of schools who succeeded him, see chapter on Superintendent of Schools.

139. *History of Shelby County*, p. 757.

140. *Shelby and Moultrie Counties*, p. 92, 93.

142. *Ibid.*

143. *Pioneer Life in Illinois*, p. 17.

144. *L.1855*, p. 51ff.

This act stirred up a storm of protest among the hardheaded folk—particularly in the counties to the south, popularly known as Egypt, who felt that education was not only useless, but that it actually unfitted boys and girls for participating in the stern work of providing a living. Shelby County did not share in the views of her more southerly neighbors. If there were individuals who thought free schools a nonsensical imposition upon the taxpaying public, their protests have gone into oblivion with them. As far as available records show, Shelby County not only concurred heartily in the state's action for the betterment of schools, but worked to that end on her own initiative.

A report of the school commissioner to the county board on December 3, 1863, eight years after the free-school law had been in operation, gives evidence of the current attitude toward the encouragement of education:

“To the honorable Board of Supervisors of Shelby County, Illinois, now sitting.

It is with infinite pleasure, that I am able to say that, notwithstanding the unfortunate and perplexing state of the country, the fearful war in which we are engaged, the number of first class teachers which have been called into the same, and the great, the injurious excitement which is a consequence of such a crisis, yet the condition of the schools in your county, will compare well with any former period. It should cheer us all, to see with what alacrity the people, enter into the labor of erecting and repairing School Houses, and other duties incident to the education of the young, and if it be true as said by the Hon. J. P. Brooks, Superintendent, that the want of a general diffusion of knowledge among the Masses, is the cause of the present rebellion, how ardently should all patriots, and christians seek to establish good schools in the county.

It may be said, that with few exceptions politics, and sectarianism, have been avoided in the schools of your county, and it is recommended that your Hon. Board pass a resolution (having the same published) requesting board of directors to follow the example of the Board of Education of Chicago, banishing these subjects entirely from the school room. It is confidently believed, that such an expression coming from the highest authority of our county, would have a happy influence with school officers.

Patriotism, Morality and the eternal truths of the bible may be taught by a discriminating teacher, but politics, the peculiar doctrine of parties and sects should never be.

S. F. King, School Comm.”<sup>145</sup>

The schools discussed thus far have all been “common” or elementary schools. High schools were unknown in Illinois until a later date. The enabling act of 1818 had provided for the reservation of certain additional sections of land to be used in the interests of “Seminaries of higher learning,”<sup>146</sup> but these institutions were slow in developing, and they were not designed to be a part of the free school system. The cause of secondary education was promoted chiefly by the church organizations, who also controlled most of the colleges in the country in the early part of the nineteenth century.

Colleges came to Illinois early in the history of the state. Illinois College, established by the “Yale Group” at Jacksonville, in 1829, and Illinois Woman's College, started by the Methodists in the same place a few years later; McKendree College at Lebanon in St. Clair County, or-

145. Supervisors' Record, v. E, p. 303.

146. 3 U.S.S.L. 428.

iginated by an independent group in 1828, and turned over to the Methodist Church; Rock Springs Seminary, a Baptist school begun by John Mason Peck in 1827 and later merged with Shurtleff College at Alton; Knox College, chartered by the Presbyterians in Galesburg in 1838; Jubilee College near Peoria, founded by Bishop Chase of the Episcopal Church in 1840, and Augustana, a Swedish Lutheran college first opened in Chicago, but moved to Rock Island, in 1860, were among the early institutions of higher learning. Most of them were originally intended as training schools for young ministers, and at first only incidentally supplied courses in secular subjects. The first teachers were men trained in theology and the classical subjects in the colleges of the East, and the curricula were necessarily restricted.

The establishment of the colleges solved only a part of the educational problem. There was still lacking the intermediate step between them and the common school. This gap was bridged by the organization of "academies," which offered courses preparatory to college work. Some were attached to and housed with a college, some, in outlying places, were designed to feed into particular colleges, while others were independent of any other educational institution. Like the college, the academy was largely an activity of the churches. The need for education in the great untutored West appealed to the generous imaginations of the church folks in the East, and they contributed thousands of missionary dollars to supplement the local contributions to the cause. Hundreds of these little academies sprang up throughout the West, each manned by one or two teachers with meager libraries and scanty pay, but good training and boundless enthusiasm. There were dozens of them in Illinois, of longer or shorter existence, many of whose names and sites have been lost to memory.<sup>147</sup>

Not all the academies were planted by the church. In some of the progressive towns groups of influential citizens organized a school, raised money by subscriptions to meet its expenses, and elected a board of trustees to administer its affairs. Of such a nature was the Shelby Male and Female Academy which opened in Shelbyville in the fall term of 1854. Agitation for the school had begun as early as 1840, but the plans did not mature until thirteen years later. By 1853, an organization was perfected and funds secured; the sponsorship of the institution was undertaken by the Illinois Conference of the Methodist Church, with the provision, however, that "no profession of religious faith shall be required of those who may become students, nor shall any sectarian doctrine of religion be taught therein."<sup>148</sup> In the autumn of that year the foundation of the seminary building was laid. The building was not completed in time for the opening of school the next fall, so the first classes were held in the old Methodist church. Charles Jerome was the principal and R. M. Bell his assistant.

Instruction was given, according to the first annual catalogue, in "common" and "higher" English, mathematics, natural science, mental and moral science, ancient languages, and music. The tuition for the twenty-week term varied according to the course: for the preparatory branches, \$4.50; for the "academical," \$5.50; scientific, \$8.00; classical, \$10.00, and "music on the Piano, including use of Instruments," \$15.00. The pupils boarded out in Shelbyville homes, paying \$2.00 or \$2.25 a week, "fuel and light furnished without extra cost."

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147. For a good account of the rise of the academy, see *Centennial History of McKendree College*, ed. Joseph Guandolo (Lebanon, Illinois: McKendree College, 1928), p. 91-93; also Carrie Prudence Kofoid, "The Influence of Puritanism in Early Illinois" in *Transactions of the Illinois State Historical Society* (Springfield, 1905), publication No. 10, p. 261-339. Hereinafter referred to as *Puritan Influence*. In the two years, 1845 and 1855, alone, 21 academies and seminaries were chartered by the General Assembly, and these are but a part of the number in operation. L.1845, L.1855; consult index for pages.

148. *Shelby Seminary Memorial, 1854-1869*, ed. Jasper Lewis Douthit (Shelbyville, Illinois: Office of Our Best Words, 1886), p. 4, 5.

After 1854, when the preparatory department was stopped, the school became known as the Shelby Seminary. Four years later was introduced an innovation that was a radical one for the day. A "Young Ladies' Department" was added, under the supervision of a preceptress. Oddly enough, this lady was also to be head of the mathematics department.

The seminary served the youth of Shelby County for fifteen years; more than a thousand students availed themselves of its instruction.<sup>149</sup> In 1869, by special act of legislature a system of graded public schools, which included a high school, was set up in Shelbyville.<sup>150</sup> With the establishment of the free public high school, the old academy had served its purpose; the school was discontinued and the ground and buildings were turned over to the city board of education.

In order to stimulate interchange of ideas among teachers and promote better methods of teaching, the state legislature, in 1869 enacted a law requiring teachers' institutes to be held annually in each county.<sup>151</sup> The best educators obtainable conducted the institutes, and every teacher was expected to attend. On June 3, 1868, the board of supervisors ordered "That a committee be appointed to cooperate with the County Superintendent of Schools in order to establish in said county a Teachers Institute in conformity with the law."<sup>152</sup>

Under the stimulation of the increased emphasis placed on education by the Constitution of 1870 and put into concrete form in the laws of the next few General Assemblies, schools prospered for the next two decades, in point of enrollment, in expansion of courses, and in increased educational facilities.

The following table of figures from 1870 to 1938, brings out some interesting comparisons:

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149. *Shelby Seminary Memorial, 1854-1869*, p. 8, 22, 35, 65.

150. *Private Laws, 1869*, p. 422.

151. *L.1869*, p. 394.

152. *Supervisors' Record, v. F (1867-73)*, p. 118.

SCHOOL STATISTICS

|   | 1870 <sup>153</sup> | 1880 <sup>154</sup> | 1890 <sup>155</sup> | 1900 <sup>156</sup> | 1915 <sup>157</sup> | 1938 <sup>158</sup> |
|---|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|
| No. Schools   | 112                 | 150                 | 162                 | 170                 | 189                 | 173                 |
| No. High Schools  | 1                   | 1                   | 1                   | 1                   | 7                   | 6                   |
| Population of County                                      | 25,476              | 29,476              | 31,191              | 32,126              | 31,693              | 25,471              |
| No. Pupils  | 7,703               | 7,828               | 8,768               | 8,375               | 7,000               | 5,631               |
| No. High School Pupils                                    | Not reported        | 47                  | 40                  | 106                 | 429                 | 1,308               |
| No. of Persons of School Age                              | 9,533               | 10,933              | 11,314              | 10,509              | 9,920               | 6,402               |
| Percent of Persons of School Age in School <sup>159</sup> | 80.8                | 71.6                | 77.5                | 79.7                | 70.5                | 87.9                |
| No. Teachers  | 173                 | 230                 | 260                 | 235                 | 219                 | 218                 |
| No. High School Teachers                                  | Not reported        | 2                   | 1                   | 5                   | 22                  | 47                  |
| Value School Property                                     | \$130,938           | \$120,000           | \$145,279           | \$200,000           | \$408,545           | \$1,377,397         |
| Am't. of Taxes Levied for Year                            | \$9,719             | \$22,225            | \$66,782            | \$81,931            | \$149,637           | \$377,088           |

The number of schoolhouses has increased since 1870 by 61; in spite of a decrease in population since 1900 there has been no diminution in the number of schools. The table shows only the actual number of schools in use, and does not take into consideration the replacement of antiquated buildings by more modern structures. The school population reached its peak in 1890, and the general population in 1900. In 1880, when the county had approximately 30,000 people, there were 828 more pupils in school than in 1915, when the population was in excess of 31,000. In 1938, when the population figures are almost identical with those of 1870 (discounting the variation that may have occurred between the taking of the 1930 census and the school figures of 1938), 2,072 fewer pupils attended school than in the earlier year. But the heaviest drop in the general population after 1900 was in the age group between 6 and 21 years—the school age. Thus the percentage of persons of school

153. Eighth Biennial Report Superintendent of Public Instruction, 1869-1870, Newton Bateman, Superintendent (Springfield, 1871), p. 295, 323, 327, 331, 347.

154. Fourteenth Biennial Report, Superintendent of Public Instruction, 1880-1882, James P. Slade, Superintendent (Springfield, 1883), p. 366, 454. Of the 150 schoolhouses, 6 were log, 135 were frame, and 9 were brick. Shelby and Moultrie Counties, p. 92.

155. Eighteenth Biennial Report Superintendent of Public Instruction, 1888-1890, Richard Edwards, Superintendent (Springfield, 1891), p. 126, 129, 135, 163.

156. Twenty-fourth Biennial Report, Superintendent of Public Instruction, 1900-1902, Alfred Balyiss, Superintendent (Springfield; Phillips Bros., 1902), p. 253, 263.

157. Thirty-first Biennial Report Superintendent of Public Instruction, 1914-1916, Francis G. Blalr, Superintendent (Springfield, 1917), p. 19, 21, 43, 51, 53.

158. Forty-second Biennial Report Superintendent of Public Instruction, 1937-38, John A. Wieland, Superintendent (Springfield, 1938), p. 9, 13, 35, 39, 42, 114, 236.

159. Computed from figures in United States Census Reports for years given, and in Biennial Reports of Superintendent of Schools for the same years.



age actually in school rose from 71.6 in 1880 to 77.5 in 1890, the year of heaviest school enrollment, and to 87.9 in 1938, the year of lowest enrollment. The relatively high percentage of 80.8 in 1870 might be attributed to the wide publicity given the encouragement of education following the constitutional convention of 1869. The low figure of 70.5 percent in 1915 is possibly the result of the stimulation of industry caused by the outbreak of war in Europe which tended to draw youth from school into jobs. The greatest variation—and one of the most encouraging—will be noticed in the high school figures. Notwithstanding the general downward trend after 1900, only one high school was lost in the county, and the enrollment increased from 106 pupils to 429 in 1915, and to 1,308 in 1938. Likewise, although the total number of teachers has decreased since 1890, the number of high school teachers increased to 5 in 1900, to 22 in 1915, and to more than twice that number in 1938. A glance at the increase in value of school property and of the annual tax levy will indicate some measure of expanded facilities, and the increased cost per pupil. Among the facilities now provided that were virtually unknown in the days of the log schoolhouse are equipment for laboratories and vocational courses, and school libraries, of which there are 176 in the county, with a total of 35,942 volumes.<sup>160</sup>

Of the 1,215 persons of school age not enrolled in schools within the county, some, of course, are attending college. During the ten years between 1927 and 1937, Shelby County sent an average of 50 students a year to the University of Illinois.<sup>161</sup> Many others are enrolled in private colleges within the state or elsewhere. Since the economic depression of the thirties has so sharply limited the possibilities of jobs for young people just out of school, as well as for their elders, a number of programs have been instituted under Federal or state authority, in cooperation with the schools, to provide constructive leisure-time activities, both in the way of recreation and of further study for those who are unable either to secure work or to go to college.<sup>162</sup> Good as such programs are, they still fall short of meeting the need. A discussion of all the factors involved in the problem of youth without work and without the means to continue education is outside the scope of this sketch, but the problem remains a challenge not only to the school authorities of each individual county and town, but to all the thinking people of the community.

Even so brief an analysis of the statistics is sufficient to indicate the sound condition of Shelby County schools, and the forward-looking attitude of the citizens behind the educational program. A reflection of this condition is seen in the low percentage of illiteracy—1.1 percent in 1930,<sup>163</sup> the lowest figure for any county in the central Illinois section.

### Religious Activities

From the earliest years the urge for religious instruction and expression was present among the pioneers of Illinois, but the opportunity for it was frequently lacking. Settlements were scattered, preachers were few, and among the settlers many were not equipped to initiate private services in a neighborhood, although this practice was by no means unknown. Many of the settlers' cabins did not even contain a Bible until John Mason Peck, coming to St. Clair County in 1821, began his journeys of distribution through the southern part of the state for the American Bible Society. In the boisterous territorial days, particularly in the lower part of the state where the Puritan influence from New England was late in gaining headway, the observance of Sunday

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160. Statistical Report Superintendent of Public Instruction, 1937 (Springfield, 1937). p. 176.

161. *Farm, Home and Community*, p. 61.

162. Such programs are not limited to persons in this category, but are designed to benefit them most because their need is greatest.

163. *Farm, Home and Community*, p. 59.

was far more frequently marked by games, horse-racing, shooting contests, gambling, and neighborhood prank-playing, than by religious services.

But the itinerant preacher came early upon the scene—such men as Jesse Walker, Peter Cartwright, and Peck—and wherever he appeared he commanded an eager group of listeners. Gradually congregations came to be organized under the authority of one denomination or another. The Methodists and Baptists were the first to organize in the state. Meetings were held at first in private homes or in vacant rooms in the villages; almost every county has an early record of permission being given by the board to use the courthouse for meetings.<sup>164</sup> Later, meeting houses were built, often at a crossroads where people from several settlements could congregate easily.

The church became the center of social life in almost every pioneer community. It provided a common bond among the members, as well as the occasion for frequent gatherings, which were as much social as religious in character. In the country districts, especially if the preacher came occasionally, church going was an all-day affair. Three services were held, morning, afternoon, and evening. Between preachings, the people spread out the provisions they had brought, and ate a meal together.

An interesting phase of religious development was the camp meeting. A pleasant spot along a wooded stream would be selected, a tent erected, and a rude altar of logs or poles set up. Usually several preachers and often a few zealous laymen, participated in the services, which lasted from several days to two or three weeks. Whole families drove to the spot in wagons and set up camp for the duration of the meeting, or for as much of the time as they could spare from their work. Often members of a family "spelled off" each other in going home to take care of the minimum of necessary chores. The meetings were lively with singing and shouting, vigorous preaching, and spectacular conversions. They were almost continuous through the day and night, and provided considerable emotional release for a people inured to the stern routines of pioneer existence.

The early preachers may have been, and many of them were, untutored and sometimes bigoted men, but their sincerity, their implicit belief in the principles they expounded, and their influence on the lives of the people among whom they worked, cannot be questioned. The church was the most powerful factor for the encouragement of moral stability and of law and order in the civilization of the frontier communities. The work of the church in promoting education has already been noted.

The earliest known preaching in Shelby County was done by the Reverend Joseph Foulkes, a "local preacher" in the Methodist Church. Foulkes came from Kentucky to Cold Spring about 1820, and began preaching on the Shoal Creek circuit of the church, of which Shelby then formed a part. In 1825, Sally Turner, a Methodist woman, also from Kentucky, settled on Robinson's Creek a few miles west of Shelbyville, and immediately opened her home for "class meetings."<sup>165</sup> Shortly after,

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164. On March 3, 1862, Benjamin Hall and the Reverend R. R. Coon were granted permission to hold meetings of the Baptists in the courthouse "when such meetings will not conflict with the public business." Supervisors' Record, v. E, p. 231. On August 6, 1864, similar permission was given to the Reverend Mr. Cook for meetings of the German Reformed Church. *Ibid.*, p. 323.

165. One of the legends of Shelby County is concerned with Sally Turner's "jerks." The convulsive motions of the head and body under stress of religious emotion—or the repression of emotion—known as the "jerks," were a common manifestation in early camp meetings and other services. Those who expressed themselves in shouting, singing, or weeping were less subject to jerking than those who refrained. The story is that Mrs. Turner refused to be a "shouting Methodist," and held out with such strength of determination that she got the "jerks." The phenomenon made her famous in the neighborhood, and skeptics sometimes came to church in order to witness it. Not until she, too, shouted, could Sally break the "jerks." *Shelby and Moultrie Counties*, p. 123.

Foulkes organized a church around this nucleus. In 1829 the Shelby circuit was formed from the northern part of Shoal Creek, and the next year a church was organized in Shelbyville, meeting in a building purchased by the group, which became the first church building in the county. It was through the agency of the Methodist Church that the Shelby Male and Female Academy was established in 1854. The denomination gradually spread out over the county, organizing churches in the principal towns. The most recent statistics show that there are now five active churches besides the one at Shelbyville; two at Stewardson, and one each at Cowden, Moweaqua, and Windsor. The total membership is 2,740.<sup>166</sup>

The Free Methodists, a group resembling the Methodist Episcopal Church in doctrine, but independent of government under a bishop, organized a church in Cowden in 1881, with the Reverend R. W. Sanderson as pastor. Never large in numbers, the group had two other churches in the county, one at Tower Hill, the other at Shelbyville.<sup>167</sup>

To serve the Negro population of Shelbyville, an African Methodist Episcopal Church was organized there in 1875 by the Reverend A. S. Williams. Meetings were held in the courthouse or in private homes, until sufficient funds—considerable of which were donated by white residents of the town—were secured to erect a church.<sup>168</sup>

A few years after the coming of Foulkes, a Baptist missionary, Bushrod W. Henry, began preaching and organizing congregations which met from house to house, in schoolhouses, and in the courthouse in Shelbyville, until church edifices could be erected. He formed a church in Shelbyville about 1831; after a few years he and his church withdrew from the Baptist denomination because of some doctrinal dispute, and united with the Disciples of Christ. This church, sometimes called the Christian, or Campbellite Christian Church, for its founder Alexander Campbell, had attracted a large membership among the pioneers of Indiana and Illinois. Its growth in Shelby County was typical of many communities. The first church organized directly under the auspices of the denomination was that of Ash Grove, just east of Shelbyville, by Elder John (Jackson) Storms in 1832. Under the leadership of Storms, Henry, and a third preacher, Elder Tobias Grider, Christian churches were formed rapidly over the county. During the time when the county was most heavily populated, there were eighteen congregations within its limits. There is now a total membership of 2,439, distributed among ten churches. Two of the churches are at Windsor, and one each at Shelbyville, Cowden, Findlay, Herrick, Moweaqua, Stewardson, Tower Hill, and Westervelt.<sup>169</sup>

After the withdrawal of Bushrod Henry and his group from the Baptist Church, the activity of that denomination in Shelby County was quiescent for more than a quarter of a century. It was not until the early sixties that a second Baptist Church was organized at Shelbyville with the Reverend William Stillwell, from Kentucky, as minister. One of the most active members was Mrs. Ann Thornton, the wife of General Thornton. Following the Shelbyville church, several others were established in the county. The work of the Baptist denomination in central Illinois was seriously hampered for a number of years during the

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166. The sources for this account are: James Leaton, *History of Methodism in Illinois from 1793 to 1832* (Cincinnati: Malden & Stowe, 1883), p. 122-124; *Sketch of Shelby County*, p. 191; *History of Shelby County*, p. 750; *Journal and Year Book of the 116th Session of the Illinois Annual Conference of the Methodist Episcopal Church* (Decatur, Ill.; Huston-Patterson, 1939), p. 860-63.

167. *Sketch of Shelby County*, p. 200; *History of Shelby County*, p. 751.

168. *Sketch of Shelby County*, p. 190.

169. This account is drawn from the following sources: *Shelby and Moultrie Counties*, p. 127-29; *Sketch of Shelby County*, p. 183-87; *History of Shelby County*, p. 743-49; Nathaniel S. Haynes, *History of the Disciples of Christ in Illinois, 1819-1914* (Cincinnati: Standard Publishing Co., 1915), p. 387, 391; *Yearbook, 1938, Disciples of Christ* (Indianapolis: Year Book Publishing Committee, 1938), p. 361.

middle part of the century by the activities of one Daniel Parker, a fiery preacher from Georgia, and one time member of the Illinois State Senate. Parker had a curious theory which came to be known as the "two-seed" doctrine, that the people of the earth were divided by God into two distinct groups, one destined to be saved, the other to be eternally lost. Since nothing could affect the fate of the lost ones, preaching to them was not only useless, but wrong; missionary activity was therefore contrary to the will of God. He was apparently oblivious to the fact that most of the very churches in which he exhorted were supported, in part at least, by "home missionary societies" in the east. Wherever Parker appeared, divisions occurred in the church over his doctrine, one group becoming known as the "two-seed" church, the other as the "missionary" church.

Other minor groups of Baptists appeared in the county, such as the Separate Baptists, who organized a Shelby Association in 1845, the United Baptists, the Primitive, and the Old School Baptists, who came in later. In the day of strict denominational lines and fierce clashes over doctrinal points, these minor sects were able to maintain separate churches. With the passing of years, they were assimilated into the larger bodies.

There are now in the county two churches belonging to the Northern Baptist Convention, one at Shelbyville, and one at Moweaqua, with a combined membership of 1,258. Five churches in the Southern Convention, at Tower Hill, Findlay, Herrick, Windsor, and Robinson, have a total of 564 members.<sup>170</sup>

The Presbyterian Church came into the county in 1839, when the Reverend John McDonald organized a congregation at Walnut Grove. This church eventually died out, as did the Shelbyville Presbyterian Church (Old School) which was formed in 1843, largely through the efforts of Elder David Ewing. The latter church was revived a number of years later at Prairie Bird, a settlement not far from the county seat. Again Ewing was the moving spirit in the group, now organized under New School auspices, which later moved into Shelbyville and built a church. The Cumberland Presbyterians maintained a church for a time at Sand Creek, but it eventually passed out of existence. The total membership of the Presbyterian Church in Shelby in 1939 was 193, distributed among four churches, at Shelbyville, Moweaqua, Tower Hill, and Windsor.<sup>171</sup>

The Evangelical Lutherans and the German Reformed Lutheran Church combined to form a congregation in Shelbyville during the forties; they later separated, each group maintaining a church. A small Swedish Lutheran church of the Augustana Synod also flourished for a time near Neoga. Five Lutheran churches, all under the Missouri Synod, with a combined membership of 930, now function in the county. They are located at Shelbyville, Moweaqua, Sigel, Strasburg, and Stewardson.<sup>172</sup>

The Unitarian Church in Shelbyville was organized by Jasper L. Douthit, a native of Shelby County, who was educated at the old Shelby Male and Female Seminary and later taught there. He studied also at Meadville Theological Seminary in Pennsylvania, and was ordained to

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170. The sources for this account are: *Shelby and Moultrie Counties*, p. 132-34; *Sketch of Shelby County*, p. 202, 203; *History of Shelby County*, p. 757; Edward P. Brand, *Illinois Baptists, a History* (Bloomington: Pantograph Printing Co., 1930), p. 68, 140; *The Frontier State*, p. 27-29; *Southern Baptist Handbook, 1938* (Nashville), p. 53, 54; *Annual of the Southern Baptist Convention, 1939* (Nashville), p. 488, 490; *Illinois Baptist Annual, 1938*, Illinois Baptist State Convention . . . 94th Sessions, p. 124.

171. A. T. Norton, *History of the Presbyterian Church in the State of Illinois* (St. Louis: W. S. Bryan, 1879), p. 330, 409, 410; *Minutes of the Synod of Illinois of the Presbyterian Church in the U. S. A., 1939* (Galesburg: Waggoner Printing Co.), p. 183.

172. *History of Shelby County*, p. 752, 753; *Statistical Year Book of the Evangelical Lutheran Synod of Missouri, Ohio, and Other States for 1938* (St. Louis: Concordia Publishing House, 1939), p. 41-44.

the ministry in the Unitarian Church. His first preaching was done in private homes, in schoolhouses, in groves, and in the courthouse. The themes he constantly developed were, in his own words, "Unity, Liberty, Charity, and Progress in Civil Government and in Religion." The liberalizing influence of his doctrines affected all the church bodies in the Shelbyville neighborhood. His own first organized church held services in the old log church east of Shelbyville, used by Joseph Foulkes in the early days. By 1876 the Unitarians were able to build a church in Shelbyville; it is still maintained, and has a membership of more than one hundred.<sup>173</sup>

The Congregationalists, coming into the county about 1847, have two churches, with a membership of 115.<sup>174</sup> The Episcopal Church, active in Shelbyville since 1864, has a preaching station there and one at Robinson.<sup>175</sup> A Universalist church existed for a time in Shelbyville, but its membership has been absorbed into other churches, chiefly the Unitarian.<sup>176</sup>

It is obvious from the foregoing account of religious activities that the people who fashioned the type of community that Shelby County was to be, were of middle-class, Protestant American stock. Except for the French communities along the Mississippi, where mission posts had been established as early as 1699, and in some fashion maintained through the years, the Roman Catholic Church had small hold in early Illinois. Not until the first great influx of immigration from Europe in the thirties and forties brought in hundreds of Catholic families, did the church spread out into the state. It met bitter opposition in those early days. Rome, rum, and slavery were classed together as giants of evil threatening the country. Mark Hopkins wrote in the *Home Missionary* for November, 1845, "Rome and despotism are pouring in materials of which mobs are made."<sup>177</sup>

This bitterness, however, seems not to have characterized the Protestants of Shelby County. For when Father Anthony Vogt set out in 1862 to build a church in Shelbyville to serve the Catholic families to whom he had been ministering in private homes for several years, the Protestants of the community contributed as generously as did their Catholic brethren.<sup>178</sup> This church served the Catholic population for the rural districts and the villages in the Shelbyville neighborhood. Two other churches, one mission, and two parochial schools now function in the county.<sup>179</sup>

### The Public Press

The luxury of newspapers was little known to the early settlers except when an old copy was brought by a traveler from the East, or on the still rarer occasions when an eastern paper was subscribed for by a recent settler. But as soon as the first hardships and dangers of pioneering were passed and the settlers began to enjoy a more relaxed existence, news-

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173. Information furnished by Mrs. Emily Douthit in *Shelby and Moultrie Counties*, p. 136, 137; *Unitarian Year Book, 1939* (Boston: American Unitarian Association, 1939) p. 46, 167.

174. *Year Book of the Congregational and Christian Churches, 1938 Statistics* (New York: General Council, 1939), p. 109.

175. *The Living Church Annual, 1939* (New York and Milwaukee: Morehouse, Gorham Co.), p. 238, 257.

176. *Shelby and Moultrie Counties*, p. 142; interview with Donald K. Evans, Pastor, St. Paul's Universalist Church, Chicago.

177. Quoted in *Puritan Influence*, p. 325.

178. *Diocese of Springfield in Illinois, Diamond Jubilee History*, ed. Joseph J. Thompson (Springfield: Hartman Printing Company), p. 326-28; *Shelby and Moultrie Counties*, p. 132.

179. *The Official Catholic Directory for the Year of Our Lord 1935* (New York: P. J. Kenedy & Sons, 1935), p. 535.

papers began to appear wherever the publisher could obtain a few dozen paying subscribers. In most cases the publisher, editor, writer, printer, and mechanic, were one and the same person. A practical printer traveling west, usually from Boston, New York, or Philadelphia, then the centers of culture, selected a likely location, bought himself a simple hand press and set himself up in the art and business of journalism. He was generally a man of culture, ideals, and talent who brought out interesting and important sheets commanding wide attention and respect. Foreign news in those days, months late when printed, was considered of small importance by the editors and readers. It consisted for the most part of descriptions of coronations, weddings, and other doings of the numerous crowned heads of Europe, and news of an occasional war. Most of the content of the papers concerned the great state and national issues which began with the Civil War; in the seventies the rapid industrial development in Illinois and the West, together with politics, was the absorbing reading matter in the press. Until the advent of industry which stabilized the income of the papers through advertisements, there was a high rate of casualties among them. Often, the paper existed for only a few issues and then disappeared, the proprietor packing up his tools and optimism and traveling elsewhere.

The parade of journalistic ventures in Shelby County began in July, 1842, when W. W. Bishop brought out the **Okaw** of Shelbyville. The paper continued irregularly until 1845, when it ceased publication. About the same time and from the same office Joseph C. Duncan issued a monthly, the **Prairie Flower**, which existed for only a few months.<sup>180</sup>

Between the years 1846 and 1848 James Shoaff, a well-known printer and journalist, issued a paper in Shelbyville. From the last date until 1852, the county was, for a short time in its history, without a paper. On July 31, 1852, D. M. Cantrill and W. A. Cochran issued the first number of the **Shelbyville Banner**, an ably edited and neatly printed paper. Ownership changed successively to William A. Harrison, Theopolis Short, P. L. Shutt, and John W. Johnson. Under Johnson, the name was changed to the **Okaw Patriot** and the policy from political independence to the support of the Douglas wing of the Democratic party. In 1860, Anthony Thornton acquired the paper. A year previous, Shutt commenced publication of the **Banner** which, after eight editions, he consolidated with the **Patriot**; he himself remained with the paper as its manager while Thornton was the editor.

In 1863, a number of leading Democrats of Shelby County purchased the paper and placed H. H. Collidge as editor and W. A. Thrower as manager. On September 20 of that year, the paper was issued under the name of the **Shelby County Leader** which is its present title, although between the years 1865 and 1868 it was known as the **Central Illinois Times**.<sup>181</sup>

Eli Chittendon, a practical printer, issued in August, 1860, the **Shelby Freeman**, a Republican organ. It lasted less than a year, ceasing publication in 1861. After this the Republicans of Shelby County were without a local paper until 1863, when John W. Johnson started the **Shelby County Union**. Later the name was changed to the **Shelbyville Union** and then to the **Daily Union**, its present name.<sup>182</sup>

Other papers published at various times in the county, most of which are non-existent at this writing, were the **Shelby Freeman**, **The Windsor Herald**, the **Illustrated Baptist**, the **Windsor Sentinel**, the **Dollar Sentinel**, and the **Windsor Gazette**, the last of these is still being published. There were also the **Stewardson Enterprise**, the **Greenback**

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180. *Shelby and Moultrie Counties*, p. 83.

181. *Ibid.*

182. *Ibid.*, p. 85.

**Herald, Our Apiary, and the True Democrat**, which is now published as the **Tower Hill Times**.<sup>183</sup>

The present newspapers in the county are the **Shelbyville Democrat** and the **Shelby County Leader**, weeklies with a Democratic party policy, and the **Daily Union**, an evening paper with an independent policy, all three published in Shelbyville. Elsewhere in the county are the **Windsor Gazette**, a weekly independent; the **Strasburg Herald**, and the **Stewardson Clipper**, weekly nonpartisan papers; the **Moweaqua News**, a weekly independent; the **Tower Hill Times** and the **Herrick Bulletin**, both weeklies and politically independent; the **Cowden Reflector**, a weekly Republican sheet; the **Findlay Enterprise**, a weekly nonpartisan, and the **Sigel Review**.<sup>184</sup>

### **Shelby County in the Nation's Wars**

In spite of personal and political attachments of a good many inhabitants of Shelby County, when the Civil War broke out, its citizens responded adequately in behalf of the Union cause, in common with the rest of Illinois which played a heroic part in that epic tragedy. With the first call of the president for volunteers a company of Shelby County men offered their services, although, because of an oversupply of volunteers on the first call, they were not immediately mustered into service. The Reverend Jasper L. Douthit, Mr. Harnbeck, and Mr. Chaffee were among those who undertook, as the war progressed, the dangerous task of helping to enroll and make lists of eligibles for service. These men met with the hostility of members of a secret society known as the "Knights of the Golden Circle" or "Sons of Liberty" with sympathies for the southern cause. The band, a statewide organization, was well armed and drilled, and caused a number of disturbances in the county. This organization was combated by another called the "Union League" having for its object the moral and practical support of the soldiers and their families.

When the first draft was ordered, the board of supervisors took steps to raise \$150,000 for the payment of bounties to the soldiers. At the February 1865 term, another \$150,000 was appropriated for the same purpose.<sup>185</sup> Altogether, the county sent 1,724 of its men for service in the Union Army.<sup>186</sup>

Some thirty years previous to the Civil War, when there were only a few pioneers in the young county, a serious Indian disturbance broke out in the northwestern part of the state, the Black Hawk War. The men of Shelby responded to Governor Reynolds' request for volunteers by organizing two companies under the command of Captains Daniel Price and Peter Warren. Captain Warren afterward became colonel and brigadier general of militia.<sup>187</sup>

In the Mexican War of 1846-47, one full company and part of another was raised in Shelby County, serving under Captain James Freeman. Company "B" participated in the capture of Vera Cruz and the battle of Cerro Gordo.<sup>188</sup>

Although there was no urgent call for large numbers of soldiers during the brief Spanish-American War, two patriotic citizens of Shelby County, Captain William H. Turney and Dr. F. P. Auld, at present a practicing physician in Shelbyville, and at that time a medical student, organized a group of about thirty men to prepare for war service. They erected a camp at Riverdale Farm near Shelbyville, the home of Dr.

183. *Shelby and Moultrie Counties*, p. 83-86; information furnished by the *Shelbyville Democrat*.

184. *Directory of Newspapers and Periodicals* (Philadelphia: N. W. Ayer and Son, 1939), p. 220, 225, 229, 239, 247, 249, 250, 253.

185. *Supervisors' Record*, v. E, p. 390.

186. *History of Shelby County*, p. 691, 711-13.

187. *Sketch of Shelby County*, p. 156.

188. *Ibid.*, p. 157.

Auld, and went into voluntary training under the name of the "Turney Tigers." To meet the expenses of the camp, donations were secured from friends and from Shelbyville merchants. After many futile attempts to enlist, they were finally accepted and placed in company "E", Fourth Illinois Volunteer Infantry. The company saw active service, and three Shelby volunteers were killed in action.<sup>189</sup>

In the World War, which is distinguished not only as being the bloodiest armed struggle in the world's history, but as the costliest in the loss of wealth, Shelby County, as always in time of crisis, answered fully to the nation's needs. During that period, 1,325 men from the county were active in the various branches of the service; in addition to those wounded, sixty died either in action or from other causes. The county also furnished eleven physicians and surgeons, three doctors of dentistry, three veterinary surgeons, nine nurses, six Y. M. C. A. secretaries and assistants, and three war camp community workers.

Shelby County responded generously to the country's need for the large sums of money needed to carry on the war. A total of \$4,166,300 of Liberty Loan Bonds was purchased by the citizens of the county. Donations by citizens to various organizations such as the Red Cross, the Salvation Army, and the Y. M. C. A., during the war period amounted to \$129,636.<sup>190</sup>

### Some Prominent Citizens

Among the men and women of Shelby who have attained prominence are General William F. Thornton, who came to the county in 1833 and lived in Shelbyville until his death. In 1834, he was elected a member of the legislature where he gained fame as an orator. Two years later he was appointed by Governor Duncan as one of the three commissioners to supervise the construction of the Illinois and Michigan Canal, and later deputized to go to London to sell the canal bonds. After his return he became a successful banker in Shelbyville and was known as the money king of central Illinois.<sup>191</sup>

Judge Anthony Thornton, a nephew of the General, served as delegate for the Shelby County district in the state constitutional conventions of 1847 and 1862. He was a member of the state legislature, representative in Congress, and finally a judge of the state Supreme Court. On several occasions he debated with Abraham Lincoln. In 1898, the board of supervisors appropriated \$150 for the purchase of a portrait of the judge, which still hangs in the courthouse.<sup>192</sup>

Samuel W. Moulton served three terms as representative in the state legislature, and an equal number of terms in Congress. While a member of the legislature he was appointed chairman of the committee on education. He framed and introduced the bill for the establishment of free schools in the state which became a law in 1855. Mr. Moulton was a member of the first state board of education, and served as its president from 1859 to 1876.<sup>193</sup> A law partner of Mr. Moulton's in 1863 was George D. Chaffee, a prominent lawyer of Shelby County. Subsequently, he became a member of the General Assembly and of the state senate in the Forty-fourth and Forty-fifth General Assemblies. He was the author of a history of Shelby County, frequent references to which have been made in this sketch.

The Reverend Jasper L. Douthit, son of an early settler, became a widely known preacher and missionary. He was one of those stout-

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189. Interview with Dr. F. P. Auld; *Sketch of Shelby County*, p. 164, 165; *History of Shelby County*, p. 691.

190. *Shelby County War Veterans, Shelby County Illinois in the World War, 1817-1918*, Pamphlet (Shelbyville, 1919).

191. *Shelby and Moultrie Counties*, p. 44.

192. *Supervisors' Record*, v. J, p. 351, 384; *History of Shelby County*, p. 689.

193. *History of Shelby County*, p. 689; *Shelby and Moultrie Counties*, p. 159.



hearted believers produced by the frontier, whose faith translated itself in an understanding and love for his fellow beings, however crude and unlettered they might have been. The warmth and energy issuing from these preachers illumined the hard and bleak existence of the pioneers in their self-chosen task of subduing a wilderness for the sake of winning a measure of security and independence.<sup>194</sup>

Other personages born in Shelby County, some of whom are contemporary, are Robert Marshall Root and Charles Heinz, well-known painters; Francis Marion Perryman, author of **Pioneer Life of Illinois**, and Augusta Colton Gerst, a pianist of international repute.

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194. History of Shelby County, p. 775.

## 2. GOVERNMENTAL ORGANIZATION AND RECORDS SYSTEM

### INTRODUCTION

The county in Illinois is a corporate body<sup>1</sup> and an administrative unit of the state; its governmental organization is at all times largely an expression of this dual nature.

The growth of the county as a body politic is reflected, in each of the state's three constitutional periods, in a progressive expansion of the powers which may by law be exercised by the county board, and in the creation of new, and the extension of existing, county offices. The latter phase of growth in Shelby County and in others similarly organized at present, has also been affected by the adoption of township organization, which for the first time constituted the civil towns as an additional level of government.

An analogous development appears in the state's invasion of new fields of government and the extension of the county's role as its agent. Originally, the county performed but a single important function for the state, that of collecting its share of the taxes levied within the county. Since then, however, education, public health, registration of vital statistics, public assistance, and many similar if less important matters have entered the province of state control or supervision. To effect this control, new governmental units, subcounty districts of various types, have come into existence or have been converted to new purposes; the county because of its intermediate position, has become more important as a medium of that control.

Thus the complete operation of county government in Illinois brings into play a number of partly distinct authorities. Their relationships, at any time, are complex. The changing governmental organization of Shelby County, therefore, is easiest traced from the viewpoint of the major functions of county government.

### GENERAL ADMINISTRATION

General administrative jurisdiction over county business has always been vested in the county board. Under the first constitution, for all counties, the county commissioners' court acted as the county board.<sup>2</sup> It was expressly declared to have no original or appellate jurisdiction in civil or criminal actions, but had all power necessary to the exercise of its jurisdiction in cases concerning the public affairs of the county collectively.<sup>3</sup> The commissioners were constitutional officers,<sup>4</sup> and elected;<sup>5</sup> the court existed solely by statutory provision.<sup>6</sup> Attached to it in a ministerial capacity was the independent statutory office of clerk of the county commissioners' court,<sup>7</sup> at first filled at the appointment of the court,<sup>8</sup> later by election.<sup>9</sup>

Under the second constitution, the newly created county court succeeded to the position of the county commissioners' court.<sup>10</sup> As an ad-

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1. R.L.1827, p. 107; R.S.1845, p. 130; R.S.1874, p. 306.

2. Constitution of 1818, Schedule, sec. 4; L.1819, p. 175, 176.

3. L.1819, p. 176.

4. Constitution of 1818, Schedule, sec. 4.

5. L.1819, p. 99; L.1821, p. 80; R.L.1837, p. 103, 104.

6. L.1819, p. 175.

7. Ibid.

8. Ibid.

9. R.L.1837, p. 49; L.1845, p. 28.

10. Constitution of 1848, Art. V, sec. 19; L.1849, p. 65.

ministrative body,<sup>11</sup> it was composed of the county judge, an elected, constitutional officer,<sup>12</sup> and two justices of the peace, elected at large.<sup>13</sup> Another new office, that of clerk of the county court, was created to provide it with a ministerial officer; the clerk also was elected.<sup>14</sup>

The Constitution of 1848 also made provision, for the first time, for an optional form of county government.<sup>15</sup> The subsequent enabling acts<sup>16</sup> provided that whenever the voters of a county might so determine, that county should adopt township organization; one of the principal results of such a change was to alter the form of the county board.<sup>17</sup> Shelby County so elected in 1859, and in 1860 the county court was succeeded by a board of supervisors, composed of members elected, one in each of the several townships.<sup>18</sup> The clerk of the county court was required by law to act as the ministerial officer of the new county board.<sup>19</sup> In 1872, however, that clerk was replaced by a new officer, the county clerk, whose office had been created and made elective, by the third constitution,<sup>20</sup> and who was required by law to act as ministerial officer for the county board.<sup>21</sup> Another significant change in the form of the county board has been the addition to its membership of assistant supervisors, elected from the various towns on the basis of population;<sup>22</sup> the assistant supervisors have no powers or duties as town officers, but are members of the county board and as such enjoy the same powers and rights as other members.<sup>23</sup>

The Constitution of 1870 also provided a new form of county board in counties not under township organization. This board was to be composed of three officers, styled commissioners, who would transact all county business as provided by law.<sup>24</sup> Subsequent legislation granted to the board of county commissioners all powers and duties formerly exercised by the county court when acting in its administrative capacity.<sup>25</sup> These laws were ineffective in Shelby since this county has retained township organization since its institution in 1860.

Concurrent with the changing organization of the county board is an expansion of its functions without, however, considerable extension beyond the original jurisdiction conferred upon the county commissioners' court. The authority of that body extended to the imposition and regulation of taxes,<sup>26</sup> a limited but increasing management of county property,<sup>27</sup> and a growing fiscal control, stringent in regard to tax collections,<sup>28</sup> sporadic in its check on the expenditures of other county

11. The county court was also a court of law. For its jurisdiction as such, see Administration of Justice, Courts, p. 49.

12. Constitution of 1848, Art. V, sec. 17.

13. Ibid., sec. 19; L.1849, p. 65, 66.

14. Constitution of 1848, Art. V, sec. 19; L.1849, p. 63.

15. Ibid., Art. VII, sec. 6.

16. The original enabling act of 1849 (L.1849, p 190-224) was repealed two years later by a more comprehensive but essentially similar law (L.1851, p. 35-78).

17. Other effects of the change, within the sphere of county government proper, appear with regard to the taxation procedure. See Finances, p. 46-48.

18. Constitution of 1848, Art. VII, sec. 6; L.1851, p. 38, 50-52; Constitution of 1870, Art. X, sec. 5.

19. L.1849, p. 203; L.1851, p. 52.

20. Constitution of 1870, Art. X, sec. 8.

21. R.S.1874, p. 322.

22. Ibid., p. 1080; L.1925, p. 605; L.1929, p. 774; L.1931, p. 905-10; L.1933, p. 1115, 1116.

23. R.S.1874, p. 1080.

24. Constitution of 1870, Art. X, sec. 6.

25. L.1873-74, p. 79.

26. L.1819, p. 175.

27. Ibid., p. 237, 238; L.1842-43, p. 128.

28. L.1819, p. 238, 318; L.1823, p. 208; R.L.1827, p. 373, 375; R.L.1829, p. 121; L.1842-43, p. 112; L.1845, p. 11, 12.

offices.<sup>29</sup> The court additionally had power to appoint judges of election,<sup>30</sup> select juries,<sup>31</sup> and, with limitations, to provide for the construction and maintenance of roads and bridges.<sup>32</sup> Poor relief<sup>33</sup> and a tentative supervision of education<sup>34</sup> also fell within its general administrative jurisdiction.

The effect of subsequent legislation, in the main, has only been to broaden that jurisdiction. The county board has been given full power to purchase, contract for, dispose of and make regulations concerning all real and personal property of the county.<sup>35</sup> It is now required also to audit all claims against the county and the accounts of such officers as were not provided for by law.<sup>36</sup> Otherwise, the changes in form of the county board in Shelby County have not materially affected the general administrative jurisdiction of that body.<sup>37</sup>

## FINANCES

In Illinois counties, there has always been a close relationship between the taxation processes and fiscal control. This circumstance, as well as frequent evidence of the county board's ultimate control in such matters, appears in a resume of the legal status and duties of the officers involved.

### Taxation

The assessment function in taxation was delegated by the first General Assembly to the county treasurer, a statutory officer appointed by the county commissioners' court.<sup>38</sup> The administrative body, within statutory limits, fixed the amount of the levy, while the value of many categories of real and personal property was fixed by law; however, a limited discretion was left to the assessing officer.<sup>39</sup> In 1825 assessments were made by the county assessor, also an appointee of the county commissioners' court.<sup>40</sup> This duty reverted to the county treasurer in 1827<sup>41</sup> and continued to be vested in that office until 1839, when the General Assembly provided for the appointment by the county commissioners' court of district assessors, not to exceed one in every justice's district.<sup>42</sup> The earlier system was reestablished in 1844, with the treasurer, however, now having the status of ex-officio county assessor.<sup>43</sup> Since 1860, the date of the institution of township organization in Shelby County, the assessment function has been performed on the lower governmental level by town assessors, elected one in each township.<sup>44</sup> Today, the principal duties of the assessing officers, taken together, are to bring up to

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29. R.L.1827, p. 366; L.1831, p. 175.

30. L.1819, p. 90.

31. Ibid., p. 255; L.1823, p. 182.

32. Either by calling on the able-bodied men of the county for labor, or by raising bond issues by subscription (L.1819, p. 333, 334, 336, 337, 343; L.1821, p. 167; L.1825, p. 130-33).

33. L.1819, p. 127; L.1839, p. 138, 139.

34. R.S.1845, p. 500, 501.

35. L.1849, p. 202; L.1851, p. 50, 51; L.1861, p. 235, 236; R.S.1874, p. 306, 307; L.1911, p. 245, 246; L.1923, p. 304, 305; L.1937, p. 453, 454.

36. L.1849, p. 202; L.1851, p. 51; R.S.1874, p. 307; L.1923, p. 299.

37. Cf. this running summary with R.S.1874, p. 306, 307, and R.S.1937, p. 910-12.

38. L.1819, p. 315.

39. Ibid., p. 313, 319; L.1825, p. 173; L.1839, p. 4-6; L.1840, p. 4; L.1845, p. 6

40. L.1825, p. 173.

41. R.L.1827, p. 330.

42. L.1839, p. 4.

43. L.1843, p. 231.

44. L.1849, p. 192; L.1851, p. 38; L.1871-72, p. 20-24.

date each year the periodic assessment of real property, to take current lists of, and appraise personal property and special categories of other property.<sup>45</sup> The treasurer now has the status of ex-officio supervisor of assessments.<sup>46</sup>

Before the creation of a board of review the functions which today fall within its scope were performed, in substance, by various officers. In the first constitutional period, it was left to interested individuals or parties to report property omitted from assessment; the county commissioners' court could hear appeals from assessments, but there was no provision for their equalization by districts.<sup>47</sup> During the second constitutional period, appeals, in Shelby County, were made to the county court.<sup>48</sup> After the institution of township organization in 1860, town boards were empowered to review the assessments within their own jurisdiction, and the county board was required to meet annually to assess omitted property, review assessments upon complaint, and equalize valuations between towns.<sup>49</sup> In 1898 this authority of the county board was transferred to the newly created board of review, composed of the chairman of the county board as ex-officio chairman, the county clerk as ex-officio clerk, and an additional member appointed by the county judge.<sup>50</sup> In 1923 the county clerk was replaced by another member appointed by the county judge,<sup>51</sup> the board of review now appoints its own clerk.<sup>52</sup>

The collection function was originally performed in all counties by the sheriff, an elected constitutional officer.<sup>53</sup> Its nature has changed little since that time. Essentially, the collecting officer collects taxes according to information originating outside his jurisdiction, pays over such sums to authorities designated by statute to receive them, and reports on payments of taxes and delinquencies.<sup>54</sup> In 1839, by a development analogous to that which occurred with regard to assessments, the county board extended its control to appoint a regular county collector.<sup>55</sup> Soon after, the law reverted to the earlier situation, with the sheriff acting as ex-officio collector.<sup>56</sup> This situation continued until Shelby County adopted township organization when town collectors were elected, one in each township,<sup>57</sup> and the county treasurer became ex-officio county collector.<sup>58</sup> The town officers paid over their collections directly to the county officer, and supplied the basic information for the latter's summary report of collections in the county.<sup>59</sup> In 1917 the town office of collector was abolished in counties the size of Shelby, and the county collector became ex-officio town collector, assuming all duties previously assigned to the latter officer.<sup>60</sup>

Coordination of the taxation processes has always been effected by

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45. L.1853, p. 16, 17; L.1871-72, p. 11, 14, 15, 19, 23; L.1873, p. 51; L.1879, p. 241-45; L.1881, p. 133, 134; L.1885, p. 234; L.1895, p. 300,301; L.1905, p. 360; L.1915, p. 568; L.1923, p. 495, 500; L.1931-32, First Sp. Sess., p. 69.

46. L.1898, p. 36-44.

47. L.1819, p. 316; R.L.1827, p. 330; L.1839, p. 7; L.1845, p. 8.

48. L.1849, p. 65.

49. L.1851, p. 56, 57; L.1871-72, p. 21, 22, 24, 25.

50. L.1898, p. 46.

51. L.1923, p. 496; L.1932, First Sp. Sess., p. 71, 72.

52. L.1923, p. 496, 497.

53. Constitution of 1818, Art. III, sec. 11; L.1819, p. 316.

54. L.1818, p. 316-18; L.1821, p. 182, 183; R. L.1827, p. 332, 333; R.L.1829, p. 121-23; L.1831, p. 125; R.L.1837, p. 581, 582; L.1839, p. 7-12; L.1843, p. 234; L.1845, p. 11; L.1847, p. 81; L.1871-72, p. 55, 57, 58.

55. L.1838-39, p. 7.

56. L.1843, p. 234.

57. L.1849, p. 192; L.1851, p. 38.

58. L.1853, p. 67.

59. L.1871-72, p. 41, 56, 57.

60. L.1917, p. 793.

the county clerk or his predecessors. The assessment books are made out by the clerk, and returned to him by the assessor; similarly, the collector reports on collections on delinquent property; finally, the treasurer's receipts to the collector for taxes paid come into his possession, and the centralization of records concerning the basic taxation procedure is completed.<sup>61</sup>

### Fiscal Control

The fiduciary function in county finances is performed by the county treasurer alone. The duties of the office have remained substantially the same since its creation, namely: to receive, principally from the collectors of taxes, the revenue of the county; to have custody of its funds; and to disburse funds only on specific authorization by law, or in accordance with the order of the county board.<sup>62</sup> Thorough this last requirement, and that of the treasurer to report periodically to the board on the transactions of his office, in addition to his regular settlement with it, the lines of financial authority once more lead to the county board.<sup>63</sup>

## ADMINISTRATION OF JUSTICE

### Courts

Justice, in Illinois counties, has been administered by a constantly increasing number of bodies. The Constitution of 1818 vested the judicial powers of the state in a Supreme Court and such inferior courts as the General Assembly should ordain and establish; required the Supreme Court justices to hold circuit courts in the several counties; and provided for the appointment, in such manner and with such powers and duties as the General Assembly should direct, of a competent number of justices of the peace in each county.<sup>64</sup>

Federal statutes already allowed circuit courts, in all states, jurisdiction over the naturalization of aliens;<sup>65</sup> the first state legislature additionally conferred jurisdiction over all causes at common law and chancery and over all cases of treason, felony, and other crimes and misdemeanors.<sup>66</sup> The legislature further required that two terms of a circuit court be held in each county annually by one of the Supreme Court justices,<sup>67</sup> but in 1824 provision was made for the holding of circuit courts by separate circuit court judges, to be appointed, as were the Supreme Court justices, by both branches of the General Assembly, and to hold office during good behavior.<sup>68</sup> In 1827 the General Assembly repealed the 1824 law, and again provided for circuit courts to be held by Supreme Court justices.<sup>69</sup> At the next session of the legislature, when a new circuit was established, provision was made for the appointment of a circuit judge to act therein.<sup>70</sup> At that time, therefore, the circuit courts were held by Supreme Court justices in four judicial circuits and

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61. L.1819, p. 317; R.L.1827, p. 373; R.L.1837, p. 582; L.1839, p. 8-12; L.1840, p. 3; L.1845, p. 9, 11; L.1853, p. 71, 111; L.1871-72, p. 32, 34, 35, 46, 56-58; L.1873-74, p. 51; L.1911, p. 485; L.1917, p. 654; L.1919, p. 765; L.1931, p. 747.

62. L.1819, p. 315, 316; R.S.1845, p. 138; L.1861, p. 239; R.S.1874, p. 323, 324.

63. L.1819, p. 318; R.L.1837, p. 582, 583; L.1845, p. 33; R.S.1845, p. 138, 139; L.1861, p. 239, 240; R. S.1874, p. 323, 324.

64. Constitution of 1818, Art. IV, sec. 1, 4, 8.

65. 2 U.S.S.L. 153-55.

66. L.1819, p. 380.

67. Ibid, p. 378.

68. L.1824, p. 41. The Constitution of 1818, which had required that Supreme Court justices be appointed by the General Assembly, further provided that they should not, after the first session of the legislature subsequent to January 1, 1824, hold circuit courts unless required to do so by law. (Art. IV, sec. 4).

69. R.L.1827, p. 118, 119.

70. R.L.1829, p. 38.

by a circuit judge in the fifth.<sup>71</sup> A change was made again in 1835, when power to hold circuit courts was taken away from the Supreme Court justices and provision was made for the appointment of five circuit judges, in addition to the one already authorized, to hold circuit courts.<sup>72</sup> The six judicial circuits existing at that time were supplemented during the next few years by creation of new circuits,<sup>73</sup> so that they numbered nine in 1841 when the office of circuit judge was again abolished and the Supreme Court justices, also increased to nine, were required to hold circuit courts.<sup>74</sup>

The authority of justices of the peace was limited by law to jurisdiction in specified civil cases and in misdemeanors, with appeals allowed from their judgments to the circuit court.<sup>75</sup> The power of appointment, the legislature at first reserved to itself;<sup>76</sup> in 1827, however, justices of the peace were required to be elected, two in each of such districts as should be determined within statutory limits by the county commissioners' court.<sup>77</sup>

Jurisdiction over probate matters was at the outset delegated to the county commissioners' court.<sup>78</sup> By act of the next General Assembly, it was transferred to the court of probate,<sup>79</sup> consisting in each county of one judge appointed by the General Assembly.<sup>80</sup> As a result of the substitution in 1837 of probate justices of the peace for the judges of probate,<sup>81</sup> jurisdiction over probate matters for the first time was placed in the hands of elected officers.<sup>82</sup>

The County court was the creation of the second constitution,<sup>83</sup> which also made circuit judges elected officers.<sup>84</sup> With regard to the new court, it was further provided by law that it should be held in each county by a single elected officer, the county judge.<sup>85</sup> Its authority was extended to jurisdiction in all probate matters, and to such jurisdiction in civil and criminal cases as might be conferred by the General Assembly.<sup>86</sup> In pursuance of this latter provision, the county court was first given the same civil and criminal jurisdiction as justices of the peace;<sup>87</sup> at the same session of the General Assembly, however, it was declared that county judges when exercising this jurisdiction, acted only in the capacity of justices of the peace.<sup>88</sup> Until the next constitutional period, the county court, as such, was given jurisdiction only in a limited number of special actions;<sup>89</sup> it was however, considered entitled to equal jurisdiction with the circuit court over naturalization.<sup>90</sup> In this same

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71. R.L.1829, p. 42, 48.

72. L.1835, p. 150.

73. L.1837, p. 113; L.1838-39, p. 155.

74. L.1841, p. 173.

75. L.1819, p. 185, 192, 195.

76. *Ibid.*, p. 22.

77. R.L.1827, p. 255, 256. Since 1821, however, the county commissioners' court had been required to establish such districts, which also constituted general election precincts (L.1821, p. 74). For changes in the statutory limitations of this power of the court, see R.L.1827, p. 255, and R.L.1829, p. 93.

78. L.1819, p. 223-33.

79. L.1821, p. 121.

80. *Ibid.*, p. 119. The Constitution of 1818 (Art. IV, sec. 4) had also designated this manner of election for judges of all inferior courts.

81. L.1837, p. 176, 177.

82. The Constitution of 1818 (Art. IV, sec. 8) had reserved to the General Assembly the right to prescribe the manner of appointment of justices of the peace.

83. Constitution of 1848, Art. V. sec. 1, 16.

84. *Ibid.*, sec. 7, 15.

85. *Ibid.*, sec. 17.

86. *Ibid.*, sec. 18.

87. L.1849, p. 65.

88. *Ibid.*, Second Sess., p. 15.

89. L.1849, p. 65, 66; L.1853, p. 103; L.1861, p. 171, 172.

90. 2 U.S.S.L. 155.

period, provision was made for increasing, on the basis of population, the number of justices of the peace to be elected in each district. In Shelby County, and others similarly organized, one additional justice of the peace is now elected for every one thousand inhabitants exceeding two thousand inhabitants in each town.<sup>91</sup>

Provision was first made by the Constitution of 1870 for the establishment by the General Assembly of an independent probate court in each county having a population of more than fifty thousand inhabitants.<sup>92</sup> As first established by statute, the new courts were to be formed in counties of one hundred thousand or more inhabitants.<sup>93</sup> This population requirement was lowered to seventy thousand in 1881.<sup>94</sup> The population of Shelby County not having reached this figure, jurisdiction over probate matters has continued to be vested in the county court in accordance with constitutional provision to that effect.<sup>95</sup> The county court, early in this period, was given concurrent jurisdiction with the circuit court in appeals from justices of the peace;<sup>96</sup> its original jurisdiction was extended to be equal with that of the circuit court in all that class of cases cognizable by justices of the peace<sup>97</sup> and involving in controversy sums not exceeding \$500.<sup>98</sup> In 1906, however, it lost its naturalization jurisdiction since it failed to meet the additional requirement of Federal legislation that it possess jurisdiction at law without limitation upon amounts in controversy.<sup>99</sup> The present constitution, also, for the first time, directed the manner in which the General Assembly should establish judicial circuits, requiring that circuits be formed of contiguous counties and that they should not exceed in number one circuit for every one hundred thousand of population of the state.<sup>100</sup> At present there are eighteen circuits in Illinois, and Shelby County is attached to the fourth circuit.<sup>101</sup>

### Clerks of Courts

The clerk of the circuit court under the Constitution of 1818, was to be appointed by a majority of the justices of that court.<sup>102</sup> Since 1849, however, by provisions of the constitutions of 1848 and 1870, the office has been filled by election.<sup>103</sup> The office of clerk of the county court, which was an independent elective office under the second constitution,<sup>104</sup> is now filled in an ex-officio capacity by the county clerk<sup>105</sup> who is also required by constitutional provision to be elected.<sup>106</sup> The county commissioners' court, which for a brief period held jurisdiction over probate matters, had its own clerk who was at that time appointed by the court.<sup>107</sup> Probate judges and justices of the peace who subsequently

91. L.1854, p. 30. No more than five justices, however, may be elected from any town or election precinct.

92. Constitution of 1870, Art. VI, sec. 20.

93. L.1877, p. 79, 80.

94. L.1881, p. 72. In 1933, the act of 1877 was further amended to make the establishment of an independent probate court mandatory in counties having a population of eighty-five thousand or more, and optional in counties having a population of between seventy thousand and eighty-five thousand (L.1933, p. 458).

95. Constitution of 1870, Art. VI, sec. 18; L.1877, p. 80; L.1881, p. 72.

96. R.S.1874, p. 340; L.1877, p. 77; L.1895, p. 212, 223.

97. The jurisdiction of justices has also been progressively increased during this period. See L.1871-72, p. 524; L.1895, p. 189, 190; L.1917, p. 562, 563; L.1929, p. 541, 542.

98. L.1871-72, p. 325.

99. 34 U.S.S.L. 596.

100. Constitution of 1870, Art. VI, sec. 13.

101. L.1933, p. 436.

102. Constitution of 1818, Art. IV, sec. 6.

103. Constitution of 1848, Art. V, sec. 21, 29; Constitution of 1870, Art. X, sec. 8.

104. Constitution of 1848, Art. V, sec. 19.

105. R.S.1874, p. 260.

106. Constitution of 1870, Art. X, sec. 8.

107. L.1819, p. 175.



held probate jurisdiction, were required to act as their own clerks.<sup>108</sup> With the transfer of probate jurisdiction to the county court, the clerk of the county court was required to keep, separately, records of probate proceedings and business.<sup>109</sup> In Shelby County where the county court still retains probate jurisdiction, the county clerk serves it in these matters in his capacity as ex-officio clerk of the county court.<sup>110</sup> Justices of the peace have always been required to keep their records in person.<sup>111</sup>

### Ministerial Officers

The principal ministerial officer of all courts of record in Illinois counties is the sheriff. The first constitution provided that the sheriff should be elected.<sup>112</sup> Later, in 1827, statutory provisions was made for the appointment of deputies by the principal officer;<sup>113</sup> since 1870, the number of deputies that the sheriff may appoint is determined by rule of the circuit court.<sup>114</sup> The ministerial duties of the sheriff have undergone little change in more than one hundred years. Essentially he is to attend, in person or by deputy, all courts of record in the county, obeying the orders and directions of the court, and to serve, execute, and return all writs, warrants, process, orders, and decrees legally directed to him.<sup>115</sup>

The coroner was originally given equal power with the sheriff as a ministerial officer of the courts.<sup>116</sup> He was also required to serve all process in any suit in which the sheriff was an interested party<sup>117</sup> and to perform all the duties of the sheriff when that office was vacant.<sup>118</sup> The last two functions are still incumbent upon the coroner.<sup>119</sup>

Justices of the peace are served similarly in a ministerial capacity by constables. Not until 1870 was the office of constable given constitutional recognition,<sup>120</sup> at its creation by the first General Assembly, the county commissioners' court was empowered to appoint one or more constables in each township.<sup>121</sup> In 1827 it was provided that two constables should be elected in each justice of the peace district.<sup>122</sup> Since that date, subsequent legislation has grouped justices of the peace and constables in all provisions regarding their election.<sup>123</sup> Constables, like sheriffs and coroners, have always been required to serve and execute all process legally directed to them;<sup>124</sup> process issuing from a justice of the peace court, however, may be directed only to some constable of the same county.<sup>125</sup>

108. L.1821, p. 119, 120; L.1837, p. 177, 178.

109. L.1849, p. 66.

110. R.S.1874, p. 260.

111. L.1819, p. 185-97 (no specific record-keeping requirement listed among general duties of justices), 326 (establishing fees to be paid justices for keeping records); R.L.1827, p. 260 (becomes definite provision for justices to keep own records); L.1895, p. 221, 222.

112. Constitution of 1818, Art. III, sec. 11.

113. R.L.1827, p. 373.

114. Constitution of 1870, Art. X, sec. 9.

115. L.1819, p. 111; R.S.1874, p. 990, 991.

116. L.1819, p. 111.

117. L.1821, p. 20-33.

118. R.L.1827, p. 372, 373.

119. R.S.1874, p. 282. Despite the absence from the present law of statutory provision for the coroner to serve process originally directed to him (R.S.1874, p. 281, 282), the courts have held that he may so do, an emergency being presumed to exist without need for the process to recite reason for its issuance to the coroner (20 Ill. 185; 57 Ill. 268).

120. Constitution of 1870, Art. VI, sec. 21.

121. L.1819, p. 162.

122. R.L.1827, p. 258.

123. See *Courts*, p. 48, 49.

124. L.1819, p. 162, 163; R.S.1874, p. 400.

125. L.1819, p. 186; R.S.1845, p. 317; L.1871-72, p. 525; L.1895, p. 191, 193; L.1937, p. 900. Similarly, process issuing from courts of record is required to be directed to the sheriff or, under certain conditions noted (footnotes 116, 117 and 118), to the coroner (R.S.1845, p. 413; L.1871-72, p. 338; L.1907, p. 444, 445; L.1933, p. 786; L.1937, p. 989).

## Prosecutions

The duty of the present state's attorney to prosecute and defend all actions, civil or criminal, involving the county, the people, or officers of the state or county,<sup>126</sup> was incumbent originally upon the circuit attorney.<sup>127</sup> In 1827 this officer was replaced by the state's attorney.<sup>128</sup> Also in effect from an early date is the officer's other major duty, apart from the enforcement of law,<sup>129</sup> of giving opinions on any questions of law relating to criminal or other matters in which the people of the county may be concerned.<sup>130</sup>

The office of circuit attorney and early state's attorney, which existed solely by statutory provision,<sup>131</sup> were appointive by the Governor until 1835,<sup>132</sup> and thereafter by the General Assembly.<sup>133</sup> The second constitution provided for an elected state's attorney,<sup>134</sup> since each judicial circuit was an elective district for this purpose, the territorial jurisdiction of the new officer remained the same as that of the former officer.<sup>135</sup> Not until the adoption of the present constitution was provision made for the election of a separate state's attorney in each county.<sup>136</sup>

## Inquests

The holding of inquests, one of the duties of the coroner in Illinois counties, is also a part of the administration of justice. The office of coroner was created by the first constitution and required to be filled by election;<sup>137</sup> the statutory provisions concerning the inquest function have not changed substantially since their enactment by the second General Assembly.<sup>138</sup> The coroner, when informed of the body of any person being found dead, supposedly by violence, casualty, or undue means, is required to summon a jury to inquire how, in what manner, and by whom or what, death was caused; testimony of witnesses is taken; witnesses whose evidence implicates any person as the unlawful slayer of the deceased are bound over to the circuit court; the verdict of the jury is returned to the clerk of that court.<sup>139</sup>

The verdict of the coroner's jury, however, is not generally admissible in evidence;<sup>140</sup> additionally, it is not held to be prima facie proof of matters stated therein with regard to the cause and manner of death;<sup>141</sup> its essential nature, therefore, is that of a finding of facts upon the basis of which the coroner may be led to discharge his collateral duty to apprehend and commit to jail any person implicated by the inquest as the unlawful slayer of the deceased.<sup>142</sup> To this extent, the

126. R.S.1874, p. 173, 174.

127. L.1819, p. 204; L.1825, p. 178, 179.

128. R.L.1827, p. 79, 80.

129. See *Enforcement of Law*, p. 53.

130. R.S.1845, p. 76; R.S.1874, p. 174.

131. L.1819, p. 204-6.

132. *Ibid.*, p. 204.

133. L.1835, p. 44.

134. Constitution of 1848, Art. V, sec. 21. The new title, however, had already come into occasional use in the interim (R.L.1827, p. 79, 80; L.1835, p. 44; L.1847, p. 18, 19).

135. Constitution of 1848, Art. V, sec. 28.

136. Constitution of 1870, Art. VI, sec. 22.

137. Constitution of 1818, Art. III, sec. 11.

138. Cf. L.1821, p. 22-24, R.S.1845, p. 517, 518; R.S.1874, p. 282-84; R.S.1937, p. 780-82.

139. L.1821, p. 24, 25; R.S.1845, p. 518; R.S.1874, p. 284; L.1879, p. 82; L.1907, p. 213; L.1919, p. 403, 404; L.1931, p. 388, 389.

140. 46 N.W. 872. It is, however, held to be proper practice to offer, in cross-examining witnesses sought to be impeached, excerpts from transcripts of testimony taken at the inquest (189 Ill. App. 556; 211 Ill. App. 474).

141. 201 Ill. App. 287.

142. L.1821, p. 25; R.S.1845, p. 518; R.S.1874, p. 283, 284.

coroner's inquest duties overlap his function as an officer for the enforcement of law.

## Enforcement of Law

Sheriffs, coroners, and constables have always been charged equally with keeping the peace and apprehending all offenders against the law.<sup>143</sup> The state's attorney's powers as an officer for the enforcement of law originally derive by implication from another duty;<sup>144</sup> the gathering of evidence and the apprehension of offenders is necessarily involved in commencing and prosecuting actions in which the people of the state or county are concerned.<sup>145</sup> In relatively recent years, however, the state's attorney has been given more specific statutory powers to enforce laws and to investigate violations and secure necessary evidence thereof.<sup>146</sup> But at any time the effective spheres of authority of law enforcement officers have been determined less by statutory provisions than by local conditions and individual circumstances.

## EDUCATION

The act of Congress providing for the creation and admission of the State of Illinois to the Union set aside section sixteen of every township for the use of schools.<sup>147</sup> The first state legislation on the subject was concerned only with the establishment of school districts and the sale or leasing of school land to provide necessary funds, for which purposes three trustees of school lands were appointed in each township by the county commissioners' court.<sup>148</sup>

In 1825, however, with a common school system in operation, provision was made for its educational as well as financial administration. Three elected officers, known as township school trustees, were charged in each township with superintending schools, examining and employing teachers, leasing all land belonging to the district, and reporting annually to the county commissioners' court; this report, however, was limited to such matters as were concerned in the financial administration of the schools.<sup>149</sup> In 1827 the county commissioners' court was again empowered to appoint trustees of school lands, but despite the use of the earlier, more limited title, these officers were charged with all the duties of the former township school trustees.<sup>150</sup> The creation of office of county school commissioner in 1829 brought a new element into the complex situation. The commissioner was at first given limited duties with regard to the sale of school lands and the management of school funds;<sup>151</sup> his subsequent gains in this respect at the expense of the township trustees foreshadowed the demarcation of spheres of authority that was made in 1847.<sup>152</sup> In the interim, the school commissioner, who had first been appointed by the county commissioners' court,<sup>153</sup> became an elected officer;<sup>154</sup> in such townships as elected to incorporate for the purpose of organizing and supporting schools, township trustees also became elected officers and were then denominated trustees of schools.<sup>155</sup>

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143. L.1819, p. 111, 162, 163; R.S.1845, p. 515; R.S.1874, p. 400.

144. See *Prosecutions*, p. 51, 52.

145. L.1819, p. 204; R.S.1845, p. 76.

146. L.1885, p. 3; L.1907, p. 268; L.1913, p. 395; L.1915, p. 368; L.1927, p. 33.

147. 3 U.S.S.L. 428.

148. L.1819, p. 107, 108.

149. L.1825, p. 121, 122.

150. R.L.1827, p. 366-70.

151. R.L.1829, p. 150-54.

152. Cf. L.1831, p. 176; L.1841, p. 275-79.

153. R.L.1829, p. 150.

154. L.1841, p. 261, 262.

155. *Ibid.*, p. 273, 274. In unincorporated townships, trustees continued to be appointed by the county commissioners' court (*Ibid.*, p. 259, 260).

The situation created by the legislation of 1847 in certain respects has not since been substantially altered. In all counties, township trustees became, and are still, elected officers, styled township school trustees.<sup>156</sup> The relative authority of the officer of the county<sup>157</sup> and of officers of the township with regard to financial administration was fixed essentially as at present.<sup>158</sup> Moreover, township trustees lost practically all their former duties with regard to matters purely educational as a result of a devolpment that occurred in 1845.

It was at that time that the county first entered into the actual administration of education with the creation of the office of superintendent of schools.<sup>159</sup> Filled at first by the school commissioner in an ex-officio capacity,<sup>160</sup> it quickly absorbed most of the functions of township trustees with regard to the advancement of education;<sup>161</sup> later, the office came to be filled by election<sup>162</sup> and completely absorbed that of school commissioner.<sup>163</sup> In the new field of county administration of education, the superintendent's duties remained constant through his change in legal status, requiring him to visit all the townships in his county and inquire into the condition and manner of conducting their schools, to examine persons proposing to teach school, to grant certificates to persons qualified to teach in schools, and to report to the county board on all his acts relating to the management of school funds and lands.<sup>164</sup> Subsequent legislation has enlarged the scope of this phase of the superintendent's functions, but it is in his role as an agent of state supervision that he has been charged with numerous duties of a new character.<sup>165</sup>

The authority of the state with regard to education, first manifested in 1845, has, like that of the county, been extended beyond its original bounds. Originally the county superintendent was required only to communicate to the State Superintendent of Common Schools<sup>166</sup> information concerning the schools in his county.<sup>167</sup> Today, as a consequence of the state's increasing intervention in matters of public health and safety, the county superintendent is required to inspect, with regard to specifications, plans submitted to him for the heating, ventilation, lighting, etc., of public school rooms and buildings; to visit and notice such public school buildings which appear to be unsafe, insanitary, or otherwise unfit for occupancy; and to request the Department of Public Health,<sup>168</sup> the state fire marshal, or the state architect to inspect such buildings and issue reports upon which condemnation proceedings can be based.<sup>169</sup>

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156. L.1847, p. 126; L.1909, p. 350.

157. The subsequent substitution of an independent elected superintendent of schools for the school commissioner who had additionally been ex-officio superintendent (see footnotes 151, 152, p. 53), was only a change in the legal status of the officer of the county and had no further import.

158. L.1847, p. 123, 124, 128, 129; L.1909, p. 351-54; L.1927, p. 794, 795.

159. R.S.1845, p. 498.

160. Ibid.

161. R.S.1845, p. 497-503. Cf. L.1825, p. 121, 122; R.L.1827, p. 366-70; L.1831, p. 173; L.1841, p. 270, 275, 276, 279. The only duty of this category that was left to township trustees in the laws of 1847 concerned the examination of prospective teachers and the issuance of certificates where merited (L.1847, p. 130).

162. L.1865, p. 112.

163. Ibid., p. 112, 113.

164. R.S.1845, p. 498-501. Cf. L.1847, p. 121-25; L.1857, p. 261-65, 278, 279, 296, 297; L.1861, p. 190, 191; L.1865, p. 114, 119-21.

165. L.1909, p. 347-50; L.1915, p. 636-38.

166. The Secretary of State in ex-officio capacity (L.1845, p. 52). In 1854 the office became independent, filled by election, and known as that of Superintendent of Public Instruction (L.1854, p. 13), which is its present status (L.1909, p. 343).

167. L.1845, p. 54.

168. Prior to 1917, the rights, powers, and duties of this department were vested in the State Board of Health, abolished in that year (L.1917, p. 4, 17, 27, 28).

169. L.1915, p. 637-40.

## RECORDATION

For the function of making legal record of written instruments, the first General Assembly established the office of recorder.<sup>170</sup> Originally appointed by the Governor,<sup>171</sup> the recorder was required to be elected after 1835.<sup>172</sup> The second constitution made the clerk of the circuit court<sup>173</sup> ex-officio recorder in all counties;<sup>174</sup> the present constitution continued the earlier provision in counties of under sixty thousand population and provided for the election of a recorder in counties of that population or more.<sup>175</sup> As Shelby County never met the population requirement, the clerk of the circuit court has continued to fulfill the duties of recorder.

The basic duty of the recorder, to record at length and in the order of their receipt all instruments in writing, has remained essentially unchanged; legislation has been directed toward the extension of categories of instruments entitled to be recorded.<sup>176</sup> Conveyances of title to land, a major category of such records, frequently involve another county officer, the surveyor. Established by the second General Assembly, the office of surveyor was at first filled by appointment by that body,<sup>177</sup> later by election.<sup>178</sup> In 1936 the surveyor again became an appointed officer, with the power of appointment delegated to the county board,<sup>179</sup> His duty to perform all surveys he may be called on to make within his county has undergone only minor change, but its importance has declined; the acts of any surveyor, properly acknowledged and certified, have equal standing before the law with those of the county surveyor; no maps or plats have any legal effect unless recorded by the recorder.<sup>180</sup>

## PUBLIC WORKS

### Roads and Bridges

Public roads and bridges were first under the superintendence of the county commissioners' court which was authorized to locate new roads and alter or vacate existing roads.<sup>181</sup> The act providing for such superintendence empowered the commissioners to appoint freeholders in each township to act as supervisors, each appointment to be for a one-year period. New roads were to be opened by the county commissioners' court upon petition of residents of the county and a favorable report from the road viewers and surveyor. A few years later the county commissioners were authorized to divide the county into road districts and to appoint annually one supervisor to serve in each district.<sup>182</sup> With a change in the county administrative body under the second constitution, the county court was granted supervision and control over public roads,<sup>183</sup> but the care and superintendence of roads and bridges in counties electing the township form of government were granted to the

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170. L.1819, p. 18-20.

171. Ibid., p. 19.

172. L.1835, p. 166.

173. An elected officer; see *Clerks of Courts*, p. 50.

174. Constitution of 1848, Art. V, sec. 19; L.1849, p. 64.

175. Constitution of 1870, Art. X, sec. 8; R.S.1874, p. 833.

176. L.1819, p. 18-20; R.L.1829, p. 117, 118; R.L.1833, p. 511; R.S.1845, p. 305, 431, 432, 606; L.1851, p. 80; L.1859, p. 124; L.1869, p. 2; R.S.1874, p. 833, 834; L.1921, p. 756, 757; L.1925, p. 520-22.

177. L.1821, p. 62.

178. L.1835, p. 166.

179. L.1933, p. 1104. Provision effective in 1936.

180. R.L.1829, p. 173; R.L.1833, p. 511; L.1845, p. 201; L.1869, p. 241, 242; R.S.1874, p. 1050, 1051; L.1901, p. 307, 308; L.1915, p. 575.

181. L.1819, p. 333.

182. L.1825, p. 130.

183. L.1849, p. 65; L.1851, p. 179.

commissioners of highways, elected annually in each town.<sup>184</sup> The commissioners divided the town into road districts, and overseers of highways in each district were to repair the roads and carry out orders of the commissioners. In counties not electing the township form, the system of road districts was continued.<sup>185</sup> The supervision, control and maintenance of roads, highways and bridges in Shelby County were vested in the county court and the road district supervisors from 1849 to 1860, when township organization was instituted in this county.<sup>186</sup> In 1913 the State Highway Department was established, and provision was made for the appointment by the county board of a county superintendent of highways.<sup>187</sup> The entire system was centralized by subjecting the county superintendent to the rules and regulations of the state highway commissioner and by requiring candidates for county superintendent to be approved by the state commissioner before appointment by the county board. The term of office of the county superintendent was set at six years, and his salary was to be fixed by the county board. A board of highway commissioners was set up in each township to superintend matters relating to roads and bridges. Although the county superintendent was to act on behalf of the county in regard to roads and bridges, and although he was subject to removal by the county board, he was regarded as a deputy of the state highway engineer, subject to his directions. This indicates the intention of the legislature to unify the entire state system of roads and bridges. In 1917 the Department of Public Works and Buildings assumed the rights, powers, and duties vested in the State Highway Department,<sup>188</sup> but the county organization has remained essentially the same since 1913.

### Public Buildings

The county is given the power to hold, own, and convey real estate for county purposes.<sup>189</sup> This power is exercised by the county board which is charged with the care and custody of all the real and personal property owned by the county. Throughout the period of statehood it has been provided that a courthouse and jail be erected in each county,<sup>190</sup> and that the sheriff of each county be charged with custody of such buildings.<sup>191</sup> The county is further empowered to erect buildings for a county hospital, workhouse, tuberculosis sanitarium, and other county needs.<sup>192</sup>

The county superintendent of schools is charged with the inspection of plans and specifications for public school rooms and buildings, and the approval of only those which comply with the specifications prepared by the State Superintendent of Public Instruction.<sup>193</sup> He is also to request the Department of Public Health,<sup>194</sup> the state fire marshal, or the state architect to inspect public school buildings which appear to be unsafe, insanitary, or unfit for occupancy. Upon receipt of an unfavorable report from these officials, the county superintendent is to condemn the building and notify the board of directors or board of education, and the board of school trustees.

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184. L.1849, p. 212.

185. L.1857, p. 111-13; L.1849, p. 65, 212, 213; L.1851, p. 64, 179.

186. Shelby County adopted township organization in 1859, but the change was not effective until 1860.

187. L.1913, p. 521-25, 537-46.

188. L.1913, p. 524, 525, 538, 542-44; L.1917, p. 24; L.1921, p. 780-86; L.1933, p. 961.

189. R.S.1874, p. 306.

190. L.1819, p. 237, 238; R.S.1845, p. 135; R.S.1874, p. 307, 308.

191. R.L.1827, p. 246, 247, 372; R.S.1874, p. 990.

192. R.S.1874, p. 307; L.1909, p. 163; L.1911, p. 246.

193. L.1915, p. 637-40.

194. Created in 1917 to supplant the State Board of Health abolished in that year (L.1917, p. 4, 17, 27).

## Drainage

In 1850 an act of Congress provided for the granting of swamp and overflowed lands to various states.<sup>195</sup> The land so granted to Illinois was turned over to the counties in 1852 to be reclaimed by drainage and used for county purposes.<sup>196</sup> Such lands were to be under the care and superintendence of the county court which was to appoint a "Drainage Commissioner" to conduct the sales of such lands. The county surveyor was to prepare plats of the swamp lands and return such plats to the clerk of the county court, whereupon the court fixed the valuation upon each tract. The purchasers of these tracts were given a certificate by the drainage commissioner, and a deed was later executed by the county court. The court was to sell only enough swamp lands to insure reclamation of all such land, any balance to be granted to the several townships to be used for educational purposes. At the discretion of the county, such balance could also be used for the construction of roads or bridges, or for other public works.

In 1865 the commissioners of highways in each town became ex-officio boards of drainage commissioners.<sup>197</sup> Where a proposed drain ran through more than one town the commissioners of all the towns affected made up the board of drainage commissioners.<sup>198</sup> In 1879 drainage construction by special assessment was handled by the drainage commissioners, a body corporate and politic composed of commissioners of highways.<sup>199</sup>

Provision was first made for the organization of drainage districts for agricultural, sanitary, and mining purposes in 1879. Petitions were to be filed with the county clerk and hearings on the same were to be had before the county court. When the court found in favor of the petitioners, it appointed three disinterested persons as commissioners to lay out and construct the work. Petitions for the construction of drains to cost less than \$5,000 were to be presented to justices of the peace, if the petitioners so elected, and commissioners of highways were to perform the duties of drainage commissioners in such cases.<sup>200</sup> In 1885 this law was amended to include drains costing less than \$2,000 and provided for the appointment of three residents as commissioners.<sup>201</sup>

No drainage districts have been organized in Shelby County to date.

## PUBLIC SERVICES

### Public Health

The State Department of Public Health, created in 1917,<sup>202</sup> is charged with general supervision of the health and lives of the people of the state. In conformance with this legislative order it is empowered to supervise, aid, direct, and assist local health authorities or agencies in the administration of the health laws. Public health districts may be organized along subcounty lines with a board of health in each. The names of such districts are to be filed with the county clerk to complete their organization. Annually, each board of health certifies to the county clerk the rate of a public health tax to be levied in each district, the clerk being responsible for setting out the proper taxes upon the warrant books and transmitting them to the collector as provided for in regard to other taxes.<sup>203</sup>

195. 9 U.S.S.L. 519.

196. L.1852, p. 178.

197. L.1865, p. 50.

198. L.1867, p. 91, 92.

199. L.1879, p. 142.

200. Ibid., p. 120.

201. L.1885, p. 130, 131.

202. L.1917, p. 4.

203. Ibid., p. 27, 28, 763, 765, 767, 768.

Control of the state health department over lodging houses, boarding houses, taverns, inns, and hotels is effected through the county clerk, the proprietors of such establishments being required to file with the clerk an annual statement containing details as to sleeping accommodations for guests.<sup>204</sup> The clerk is also required to report annually to the state health department the names and addresses of township officials.<sup>205</sup>

Mosquito abatement districts are organized upon petition to the county judge of the county in which such territory lies, such petitions being filed with the county clerk. If, after hearing, the county judge determines that the organization of a district is necessary, the question is submitted to the residents of the territory at a special election. The judges of election make return to the county judge, and the results are entered upon the records of the county court. A majority of the votes favoring it, a mosquito abatement district is thereupon organized.<sup>206</sup>

County officials also enter into the state's control of public swimming pools. When a representative of the State Department of Public Health finds conditions that warrant the closing of such a pool, the owner of the pool and the sheriff and state's attorney of the county are notified to that effect, it being the duty of these officers to enforce such notice.<sup>207</sup>

### Vital Statistics

The State Department of Public Health has charge of the registration of births, stillbirths, and deaths throughout the state.<sup>208</sup> To effect proper control of this matter the state is divided into vital statistics registration districts which, in Shelby County, are identical with the townships. The township clerk acts as the local registrar in these districts and receives certificates of births and deaths occurring in the district. Burial permits are issued by the registrar and are later returned to him for filing.

The local registrar is required to deposit monthly with the county clerk a complete set of records of births, stillbirths, and deaths registered during the month, and the clerk is charged with binding and indexing, or recording, and safekeeping of such records. The original certificates are sent monthly by the local registrars to the state health department which certifies annually to the county clerk the number of births, stillbirths, and deaths registered in the county.

The county board is to appropriate money for the payment of the local registrars' fees. Such amounts are charged against the county, and the county clerk is required to issue warrants on the county treasurer for the amount of the fees payable to the registrars.

The county also enters into the enforcement phase of this matter. The state health department reports cases of violations of any provisions of the act relating to registration to the state's attorney who is to initiate and follow up court proceedings against violators.

### Public Assistance

Public assistance is administered through the services of the county department of public welfare, the county home, the blind examiner, the probation officers, the county clerk, and the county board.

The county department of public welfare is headed by a superintendent appointed by the county board after approval by the State Department of Public Welfare.<sup>209</sup> He assists the state department in the

204. L.1901, p. 305.

205. L.1923, p. 480.

206. L.1927, p. 694.

207. L.1931, p. 735, 736.

208. L.1915, p. 660-70.

209. L.1937, p. 451, 452.



operation of welfare plans and policies within the county and has charge of the administration of old age assistance.<sup>210</sup> In this latter regard the county department acts merely as the agent of the state department, investigating applicants and reporting results.

The county home is an establishment for the maintenance and care of indigents. Its management and finances are provided by the county board.<sup>211</sup> Blind assistance is administered in the county through appropriations by the county board together with state funds. An examiner of the blind, appointed by the county board, examines all applicants referred to him by the county clerk.<sup>212</sup> The county court has jurisdiction in the administration of the mothers' pension fund. A probation officer, an appointee of the court for this purpose, investigates and visits cases of indigent mothers who are entitled to benefit.<sup>213</sup>

## COORDINATION OF FUNCTIONS

From the foregoing discussion of functions of the county government it is apparent that the county plays a dual role, that of a body politic and that of an agent of the state. In its first capacity the county, through its officials, is capable of suing and being sued, purchasing, holding, and selling property, making contracts, and raising revenue for its proper operation. As a state agent it fits into a state-wide program on various matters of public concern, acting under the supervision and control of the state and coordinating the activities of subcounty agencies and officials.

Coordination of county activities is effected chiefly through the county clerk. An illustration of this is the part this official plays in the election procedure. He notifies the judges and clerks of elections of their appointment, supplies them with blanks and poll books, receives copies of registers of voters, issues notices of election, receives and preserves returns, canvasses votes with the assistance of two justices of the peace and retains the abstracts, transmits copies of election returns and abstracts of votes to the Secretary of State, and issues certificates of election.

## RECORDS SYSTEM

County records in the State of Illinois have suffered from the lack of an adequate program of legislation designed to secure uniformity in recordation and to insure the proper care of those documents which have permanent value. However, from the inception of statehood, some effort has been made to coordinate the records systems of the several counties and to preserve their archives.

In attempting to establish state-wide uniformity among counties, the General Assembly has at times provided detailed descriptions of required records and in many instances has supplied the very forms to be used. Laws relating to the duties and powers of county officers usually contained some such provisions. Thus, in 1819, the recorder of the county was ordered to supply "parchment or good large books, of royal or other large paper, well bound and covered" wherein to record all deeds and conveyances brought to him for that purpose. He was also to keep a fair book in which to enter every deed or writing to be recorded, noting the date, the parties, and the place where the lands were situated, such entries to be made according to priority of time.<sup>214</sup> In

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210. L.1935-36, First Sp. Sess., p. 54-61, 72; L.1937, p. 265-70, 452.

211. L.1935, p. 1057.

212. L.1903, p. 138; L.1915, p. 256, 257; L.1935, p. 264, 265.

213. L.1913, p. 127-30; L.1915, p. 243-45; L.1921, p. 162-64; L.1935, p. 256-59.

214. L.1819, p. 18, 20.

1833 he was required to keep an alphabetical index to each book,<sup>215</sup> and by 1874 the General Assembly had prescribed a complete list of books to be kept in the office of the recorder, with a description of the contents of each, which list has been continued, substantially unchanged, to the present.<sup>216</sup>

In like manner, legislation was enacted prescribing records to be kept by the county clerk and his predecessors, acting in their several capacities,<sup>217</sup> the clerk of the circuit court,<sup>218</sup> the judge,<sup>219</sup> and justice<sup>220</sup> of the probate court, the coroner,<sup>221</sup> the county superintendent of schools,<sup>222</sup> the county surveyor,<sup>223</sup> and the county treasurer.<sup>224</sup>

Description of records and forms to be used are frequently found in legislation pertaining to the holding of elections,<sup>225</sup> assessments and the collection of revenue,<sup>226</sup> the organization and maintenance of common schools,<sup>227</sup> the registration of marriages,<sup>228</sup> and the recording of vital statistics.<sup>229</sup>

While there has been enacted much legislation prescribing the kind of records to be kept, only a few laws deal with the safeguarding and preservation of county archives. In 1819 the General Assembly directed the clerks of the circuit and county commissioners' courts to provide "a safe press or presses with locks and keys for the safe-keeping of the archives of their offices . . ."<sup>230</sup> In 1843 the county commissioners' courts were authorized, and required whenever the finances of the county would justify the expenditure, to erect a fireproof recorder's office at the county seat, or if the commissioners were of the opinion that any unappropriated room in their courthouse could be made fireproof, to make it so and house the office and records of the recorder there. At the discretion of the county commissioners' court, the provisions of this act might be deemed to apply to the offices of the clerks of the circuit and county commissioners' courts.<sup>231</sup> Similar in content but slightly different in wording is a later enactment in which the county commissioners' courts were authorized to "erect, build, and provide permanent fireproof rooms, houses or vaults, for the purpose of placing therein and preserving from injury, damage, loss, or destruction by fire, the records and documents of their respective counties."<sup>232</sup> The preservation of county archives has been greatly aided by an act to provide for the copying of old, worn-out, records,<sup>233</sup> and by a law authorizing

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215. R.L.1833, p. 511.

216. R.S.1874, p. 834.

217. L.1849, p. 66, 203; L.1859, p. 92, 94; L.1865, p. 93; R.S.1874, p. 261-65, 332; L.1933, p. 293-95.

218. R.L.1833, p. 152; R.S.1845, p. 147; L.1847, p. 70; L.1849, p. 9; L.1865, p. 93; R.S.1874, p. 262, 263; L.1933, p. 293, 294.

219. R.L.1829, p. 231.

220. R.S.1845, p. 427, 428.

221. R.L.1833, p. 574; L.1869, p. 104, 105; R.S.1874, p. 283.

222. L.1849, p. 155, 156; L.1865, p. 120; L.1909, p. 346, 348, 349.

223. R.L.1829, p. 173; R.S.1845, p. 524.

224. R.S.1845, p. 138; R.S.1874, p. 323,324.

225. L.1819, p. 92, 94; R.L.1827, p. 291, 292; R.L.1828, p. 59, 60; L.1845, p. 41, 42; L.1849, p. 73, 74; L.1865, p. 54, 55; L.1871-72, p. 386-89, 391; L.1885, p. 143, 148, 173, 176; L.1937, p. 522-29, 531-48.

226. R.L.1827, p. 329-33; L.1838-39, p. 4, 5, 7, 8, 12, 13, 17; L.1845, p. 6-9, 12, 14, 15; L.1849, p. 37, 38, 124-26; L.1851, p. 53, 55, 56; L.1853, p. 17, 24, 50, 55, 77, 78, 111, 112; L.1871-72, p. 19, 23, 32, 48, 49, 54.

227. L.1825, p. 127; R.L.1833, p. 563; L.1841, p. 263, 270-72; L.1845, p. 53, 54, 65-68; L.1847, p. 121-23, 142-44; R. S.1874, p. 950, 957, 958, 964.

228. L.1819, p. 27; R.L.1827, p. 288, 289; R.S.1874, p. 694, 695.

229. L.1842-43, p. 210-12; L.1877, p. 209; L.1901, p. 301-4; L.1903, p. 315-18; L.1915, p. 666, 667.

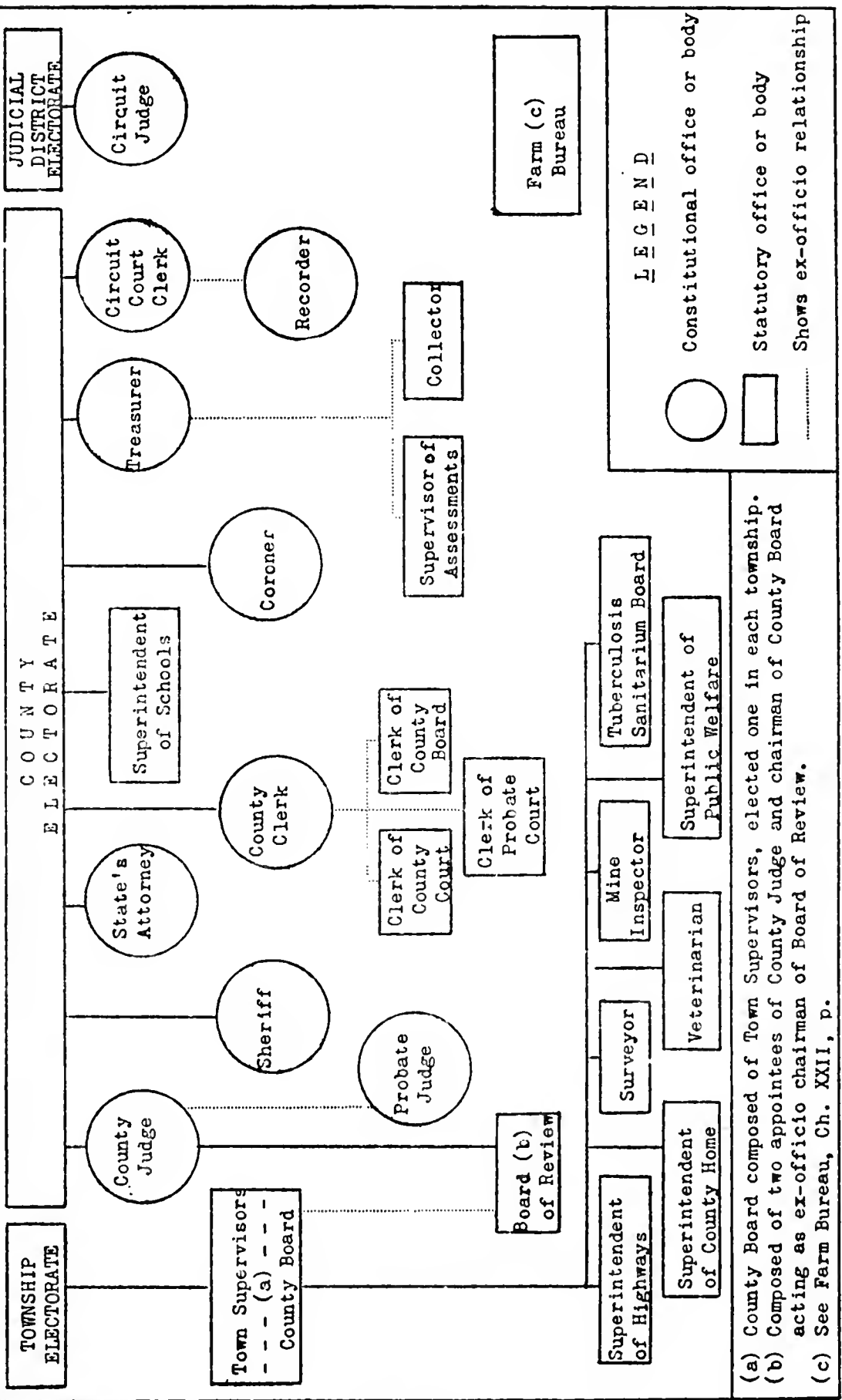
230. L.1819, p. 332.

231. L.1842-43, p. 210.

232. L.1845, p. 46.

233. L.1871-72, p. 648, 649.

GOVERNMENTAL ORGANIZATION OF SHELBY COUNTY, 1940



(a) County Board composed of Town Supervisors, elected one in each township.  
 (b) Composed of two appointees of County Judge and chairman of County Board acting as ex-officio chairman of Board of Review.  
 (c) See Farm Bureau, Ch. XXII, p.

the transfer of county records having historic value to the Illinois State Historical Library or to the State University Library at Urbana.<sup>234</sup> Provision is made in this act for the substitution of accurate copies of these documents if such action be deemed necessary. In 1907 the act was amended to include among the institutions to which old records might be sent, any historical society incorporated and located within a particular county.<sup>235</sup> Laws have also been enacted which provide for the restoration of certain classes of records destroyed by fire or other means.<sup>236</sup> In 1935 the General Assembly appropriated money for the construction of a fireproof building at Springfield for the purpose of storing therein the archives and records of the state.<sup>237</sup> The erection of this structure, the State Archives Building, has helped to make possible the inauguration of an intelligent, farsighted program for the preservation of papers and documents of historic value.

There are still serious omissions in legislation pertaining to recordation. For instance, Illinois has no law prescribing the kinds of inks to be used in keeping records. And, although laws have been enacted authorizing the provision of fireproof accommodations for county documents, they are permissive rather than mandatory in character.<sup>238</sup> Legislation enabling the destruction of worthless archives apparently is nonexistent with the exception of laws relating to certain election papers.<sup>239</sup> The enactment of legislation which would remedy these defects in the laws and continue the trend toward state-wide uniformity among counties would result in an intelligent, economical records system for the State of Illinois.

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234. L.1897, p. 205.

235. L.1907, p. 375.

236. L.1871-72, p. 649, 650, 652.

237. L.1935, p. 138; L.1939, p. 693.

238. L.1842-43, p. 210; L.1845, p. 46.

239. L.1861, p. 269; L.1871-72, p. 389; L.1885, p. 146, 193; L.1891, p. 118, 119; L.1917, p. 438, 443.

### 3. ROSTER OF COUNTY OFFICERS\*

(Date after name of officers refers to date of commission, unless otherwise stated)

#### COUNTY COMMISSIONERS' COURT\*\*

(The first county administrative body from 1827 to 1849, which consisted of three elected commissioners)

|   |  |
|---|--|
| No state records, 1827-29 <sup>1</sup>                    | John Houchens (to fill vacancy),<br>August 5, 1844 |
| Edward Reid, Levi Casey,<br>Benjamin Walden, August, 1830 | T. W. Short,<br>August 5, 1845                     |
| No state records, 1832-38 <sup>2</sup>                    | George Parks,<br>August 3, 1846 (long term)        |
| T. W. Short,<br>August 3, 1840                            | Daniel Dawdy,<br>August 3, 1846 (short term)       |
| No state records, 1841, 1842 <sup>3</sup>                 | James Brownlee,<br>August 2, 1847 (long term)      |
| G. Parks,<br>August 7, 1843 <sup>4</sup>                  | John Morrison,<br>August 2, 1847 (short term)      |
| B. W. Henry,<br>August 5, 1844                            |  |

#### COUNTY COURT

(From 1849 until institution of township form of government in 1860, county business was administered by county judge and two associate justices acting as county board)

\* This list was compiled from the following sources, with exceptions as noted:

- A. Secretary of State. Index Department, Election Returns. Returns from County Clerk to Secretary of State. 1809-47, 78 volumes (1-78), third tier, bay 1. 1848—, 53 file drawers (2-54), third tier, bay 2, State Archives Building, Springfield.
- B. Secretary of State. Executive Department. Certificates of Qualification. 1819—, 22 file drawers (1-22), fourth tier, bay 5, State Archives Building, Springfield.
- C. (1) Secretary of State. Executive Department Official Records. List of Commissions Issued to County Officers. 1809-1918, 5 volumes, fourth tier, bay 6. State Archives Building, Springfield.  
(2) Secretary of State. Executive Department Official Records. List of Commissions Issued to County Officers. 1869—, 4 volumes, room 208, second floor, Secretary of State's Office, Executive Department, State Capitol Building, Springfield.

Secondary sources were consulted for gaps in state records as county board records, 1827-59, are missing.

\*\* All dates shown after commissioners' names indicate the year elected. From 1828 to 1838, commissioners were elected biennially; by a law passed in 1837, the first three commissioners elected in 1838 drew lots marked one, two, and three years to determine length of term. Thereafter, until 1849, one commissioner was to be regularly elected each year to serve a three-year term. For length of term of other county board officers, see essay County Board, page ; for length of term of all other officers, see individual office essays.

1. The first meeting of the county commissioners' court was held April 27, 1827, at the home of Barnett Bone, the commissioners being John Whitley, Levi Casey, and William Weeger. *Shelby and Moultrie Counties*, p. 54, 55. Levi Casey, Jesse Rhodes, and James Jordan shown as commissioners in 1828; Levi Casey, Jesse Rhodes, and Edward Reed shown as commissioners in 1829. *History of Shelby County*, p. 687.

2. In August, 1832, Bushrod W. Henry, George Parks, and John Brally are shown as commissioners; in December of that year, James Goodwin is shown in place of John Brally. Following are shown as commissioners in the years indicated: 1834, Aaron McKenzie, Lemuel Dazey, and Barnett Bone; 1826, John Storm, James Freeman, and Daniel Price; in 1837. T. J. Kellam is shown in place of James Freeman; 1838, John Strom, Daniel Dawdy, John Douthit. *History of Shelby County*, p. 687.

3. In 1841, John Douthit, T. W. Short, and Gideon Edwards are shown as commissioners; in 1842, Rolls Calvert is shown in place of John Douthit. *Ibid.*

4. In 1843, R. Calvert, G. Parks, and E. Hooper are shown as commissioners.

William Williamson, county judge,  
November 14, 1849,  
David N. Robinson, Russell Fletcher,  
associate justices,  
November 6, 1849 (elected)  
William Williamson, county judge,  
November 16, 1853,  
Russel Fletcher, associate justice,  
November 19, 1853,  
John Casey, associate justice,  
November 23, 1853

Joshua Guilford, associate justice,  
November 7, 1854 (elected),  
Joseph Leathers, associate justice,  
December 1, 1854  
Peter Fleming, county judge,  
John Casev. John R. Warner,  
associate justices,  
November 12, 1857

### COUNTY BOARD OF SUPERVISORS

The several township supervisors, one elected from each township, together with any additional and assistant supervisors elected upon proportional representation, make up the membership of the county board of supervisors. Because these supervisors, severally, are township officials, and only as a group constitute the county board, they are not commissioned by the state as county officers, and no data concerning them, from which a list could be compiled, are kept by the state. For the same reason, county records, too, are inadequate for the compilation of a complete and accurate list of supervisors. Therefore, due to these and other limitations, only those members mentioned in county records in connection with the first recorded meeting of the board of supervisors are included in this roster.

The county court, during the December term, 1859, appointed James Cutler, E. G. Shallenberger, and Benjamin F. Frazer commissioners to divide the county into townships, as provided for by law, indicating that township organization had been approved by the electorate in the November election. The members of the first board of supervisors, elected April 3, 1860, held their initial meeting in the courthouse at Shelbyville, June 8, 1860. Those present, and township each represented, were as follows:

| Supervisor           | Township    | Supervisor          | Township    |
|----------------------|-------------|---------------------|-------------|
| John R. Warren       | Tower Hill  | William J. F. Howe  | Holland     |
| William B. Travis    | Rural       | E. G. Shallenberger | Shelbyville |
| George T. Hutchinson | Flat Branch | Alfred Francisco    | Okaw        |
| John Freeman         | Moweaqua    | William Manning     | Prairie     |
| William I. Milton    | Dry Point   | Joseph M. Brown     | Richland    |
| John C. Selby        | Rose        | Alexander Walker    | Windsor     |
| David Ewing          | Ridge       | William B. Bennet   | Ash Grove   |
| John Casey           | Pickaway    |                     |             |

Alexander Walker was elected chairman pro tem.<sup>5</sup>

### COUNTY JUDGES

William Williamson,  
November 14, 1849,  
November 16, 1853

Peter Fleming,  
November 12, 1857,  
November 29, 1861,  
November 22, 1865,  
November 19, 1869

Jehiel Rose,  
November 25, 1873

William W. Hess (vice Rose, deceased),

March 7, 1876,  
December 1, 1877,  
December 1, 1882

Truman E. Arnes,  
December 6, 1886,  
November 26, 1890,  
November 23, 1894

William H. Ragan (vice Arnes, resigned),  
July 29, 1897,  
November 25, 1898

5. Supervisors' Board, v. E, p. 1. See Historical Sketch, p. 17, for additional facts on first meeting of board of supervisors.

|  |  |
|--|--|
| Thomas H. Righter,<br>November 30, 1900,<br>November 4, 1902 (elected)                 | A. J. Steidley,<br>November 18, 1914,<br>November 21, 1918                         |
| Calvin Green,<br>November 14, 1906   | William C. Kelley,<br>November 14, 1922,<br>November 13, 1926,<br>November 7, 1930 |
| J. K. P. Grider (vice Green, de-<br>ceased),<br>January 26, 1909,<br>November 25, 1910 | Arthur J. Steidley,<br>November, 19, 1934  |

## JUDGES OF PROBATE AND PROBATE JUSTICES OF THE PEACE

(In 1837 the judge of probate was succeeded by the probate justice who was, in 1849, succeeded by the county judge as ex-officio judge of the probate court)

|  |   |
|--|---|
| Levi Casey,<br>March 31, 1827,<br>July 4, 1827 | Edward Every,<br>August 20, 1839,<br>August 15, 1843              |
| Joseph Oliver,<br>January 23, 1829             | John C. Hume,<br>April 28, 1847                                   |
| William Nichols,<br>September 11, 1837         | David Evey,<br>August 10, 1847<br>Edward Every,<br>March 24, 1849 |

## COUNTY CLERKS

(Clerks of the county commissioners' court, county court, and county board of supervisors)

|  |   |
|--|---|
| No state records, 1827-42 <sup>6</sup>   | Israel R. Small,<br>November 23, 1894   |
| Burrel Roberts,<br>August 7, 1843 (elected),<br>August 2, 1847,<br>November 19, 1849,<br>November 23, 1853,<br>November 12, 1857,<br>November 25, 1861,<br>November 22, 1865 | Albert Allen,<br>November 26, 1898,<br>November 22, 1902<br>Jacob T. Zimmer,<br>November 14, 1906,<br>November 22, 1910 |
| J. William Loyd,<br>November 9, 1869,<br>November 19, 1873   | Ed. R. Allen,<br>November 18, 1914,<br>November 21, 1918  |
| James E. Frazer,<br>December 1, 1877,<br>December 1, 1882  | E. A. Johnston,<br>November 14, 1922,<br>November 13, 1926  |
| Alfred F. Allen,<br>December 6, 1886,<br>December 1, 1890  | Andrew E. Douthit,<br>November 18, 1930<br>Floyd Logue,<br>November 27, 1934  |

## RECORDERS

(In 1849 the circuit clerk became ex-officio recorder)

|  |   |
|--|---|
| Joseph Oliver,<br>February 14, 1827,<br>August 31, 1835, | August 20, 1839,<br>August 14, 1843<br>Jas. A. Hilsabeck,<br>August 7, 1847 |
|--|---|

6. Joseph Oliver shown as clerk from 1827 until the election of his successor in 1843. Shelby and Moultrie Counties, p. 64.

## CIRCUIT COURT CLERKS

(Prior to 1848, circuit clerks appointed by circuit judges)

|  |   |
|--|---|
| <p>William Royse,<br/>September 4, 1848 (elected)</p> <p>Isaac V. Lee,<br/>November 4, 1851 (elected)<br/>November 23, 1852,<br/>November 14, 1856,<br/>November 17, 1860</p> <p>William A. Cochran,<br/>November 18, 1864,<br/>November 20, 1868,<br/>November 30, 1872,<br/>December 1, 1876</p> <p>Thomas J. Graybill,<br/>December 1, 1880,<br/>November 30, 1884</p> <p>Thomas H. Graham,<br/>December 3, 1888,<br/>November 21, 1892,<br/>December 7, 1896</p> | <p>William E. McCormick,<br/>November 30, 1900,<br/>July 29, 1905</p> <p>E. E. Herron,<br/>November 17, 1908,<br/>November 5, 1912 (elected)</p> <p>Samuel B. Jackson,<br/>November 25, 1916</p> <p>W. W. Griffith,<br/>November 17, 1920</p> <p>E. E. Herron,<br/>November 19, 1924</p> <p>W. W. Griffith,<br/>November 19, 1928</p> <p>E. E. Herron,<br/>November 26, 1932</p> <p>A. E. Douthit,<br/>December 8, 1936</p> |
|--|---|

## SHERIFFS

(Ex-officio collectors to 1839 and 1844 to 1860)

|  |   |
|--|---|
| <p>William Williamson,<br/>April 20, 1827,<br/>September 2, 1828,<br/>August 9, 1830</p> <p>Jacob L. Fleming,<br/>August 10, 1832,<br/>August 18, 1834</p> <p>Peter Fleming,<br/>August 9, 1836,<br/>September 25, 1838,<br/>August 18, 1840,<br/>August 11, 1842,<br/>August 27, 1844,<br/>August 28, 1846,<br/>September 7, 1848</p> <p>Benjamin F. Frazier,<br/>November 20, 1850</p> <p>Andrew E. Douthit,<br/>November 23, 1852</p> <p>Benjamin F. Frazier,<br/>November 13, 1854</p> <p>Jacob Cutler (vice Frazier, resigned)<br/>November 26, 1855</p> <p>Samuel Herod,<br/>November 12, 1856</p> <p>Jacob Cutler,<br/>November 8, 1858</p> <p>James Shaw,<br/>November 17, 1860</p> <p>William A. Trower (vice Shaw, re-<br/>signed),<br/>November 25, 1861</p> <p>Marcus C. Richardson,<br/>November 14, 1862</p> <p>Freeman B. Thompson,<br/>November 18, 1864</p> | <p>John C. Huffer,<br/>November 15, 1866</p> <p>John R. Moore,<br/>November 17, 1868</p> <p>Marshall Howard,<br/>November 22, 1870,<br/>November 30, 1872,<br/>November 23, 1874</p> <p>Jedediah H. Silver,<br/>November 24, 1876,<br/>December 2, 1878</p> <p>Lafayette Higginbottiam,<br/>December 1, 1880</p> <p>E. T. Faubey,<br/>December 1, 1882</p> <p>William H. Shaw,<br/>December 6, 1886</p> <p>Daniel L. Colbert,<br/>November 26, 1890</p> <p>Hercules C. Courtright,<br/>November 23, 1894</p> <p>Thomas Miner,<br/>November 25, 1898</p> <p>Chris M. Courtright,<br/>November 22, 1902</p> <p>J. Phil Heinz,<br/>November 14, 1906</p> <p>Frank D. Crook,<br/>November 22, 1910</p> <p>Sidney R. Briggs,<br/>November 18, 1914</p> <p>William T. Briggs,<br/>November 21, 1918</p> <p>Harry Riley,<br/>November 18, 1922</p> |
|--|---|



|   |  |
|---|--|
| H. C. Hart,<br>November 22, 1926  | Arthur D. Herten,<br>November 18, 1930 |
| William T. Briggs (vice Hart, de-<br>ceased),<br>May 31, 1927 (appointed) | R. O. Watson,<br>November 27, 1934     |
| November 14, 1928   | Fred Howse <sup>7</sup>                |

### CORONERS

|  |  |
|--|--|
| Moses Story,<br>April 20, 1827   | James A. Hubbard,<br>November 17, 1868   |
| Jonathan C. Crowley,<br>November 17, 1828                              | William Sampson,<br>November 22, 1870,<br>November 30, 1872,<br>November 23, 1874,<br>November 24, 1876,<br>December 2, 1878,<br>December 1, 1880,<br>December 1, 1882,<br>December 1, 1884,<br>December 3, 1888 |
| Isaac Martin,<br>August 9, 1830  | Thomas A. Hagan,<br>November 21, 1892  |
| Jeremiah Daniel,<br>August 10, 1832,<br>August —, 1834 (elected)       | Ren L. Garis,<br>November 23, 1894,<br>November 7, 1896 (elected)  |
| James Davis,<br>August 9, 1836   | James H. Horn,<br>November 30, 1900  |
| Parnell Hamilton,<br>August 23, 1838                                   | William L. Headen,<br>November 28, 1904  |
| Jeremiah T. Dunn,<br>August 15, 1840                                   | G. C. Miller (vice Headen, deceased)<br>June 13, 1908 (appointed)  |
| David L. Wright,<br>August 15, 1842                                    | Jacob E. Kensil,<br>November 17, 1908  |
| James Hamilton,<br>October 25, 1843,<br>August 14, 1844                | Perry A. Abercrombie (vice Kensil,<br>deceased),<br>January 7, 1912  |
| James P. Bivens,<br>September 11, 1845                                 | James A. Montgomery,<br>November 21, 1912,<br>November 25, 1916  |
| David Harris,<br>January 7, 1846                                       | Roy W. Johnson,<br>November 17, 1920   |
| Albert Doyle,<br>August 28, 1846,<br>August 23, 1848                   | S. A. Whiles (vice Johnson, resign-<br>ed),<br>September 14, 1923 (appointed)  |
| Jonathan C. Corley,<br>November 20, 1850                               | Lafe Tallman,<br>November 19, 1924   |
| William A. Clements,<br>November 23, 1852                              | Wirt Lovins,<br>November 16, 1928  |
| Wm. A. Trower,<br>November 13, 1854                                    | Charles G. Miner,<br>November 23, 1932,<br>November 20, 1936   |
| Samuel F. King,<br>November 12, 1856                                   |  |
| Alexander T. Hays,<br>November 8, 1858                                 |  |
| W. T. Griffith,<br>November 6, 1860 (elected)                          |  |
| Richard B. Miller,<br>November 14, 1862,<br>November 8, 1864 (elected) |  |
| Benjamin T. Keiningham,<br>November 15, 1866                           |  |

### STATE'S ATTORNEYS

(Appointed by the General Assembly to 1849;  
elected by circuit district electorate to 1872)

|   |  |
|---|--|
| Lloyd B. Stephenson,<br>November 18, 1872,<br>November 24, 1876 | William C. Kelly,<br>November 23, 1880,<br>November 30, 1884 |
|---|--|

<sup>7</sup> Official List of State and County Officers of Illinois July 1, 1939, compiled by Edward J. Hughes, Secretary of State, p. 46. Hereafter cited as Official List of State and County Officers July 1, 1939.

|                     |                    |                   |                    |
|---------------------|--------------------|-------------------|--------------------|
| Wm. B. Townsend,    | December 3, 1888   | W. E. Lowe,       | November 21, 1914  |
| William O. Wallace, | November 21, 1892, | Aubrey L. Yantis, | November 25, 1916  |
|                     | December 7, 1896   | Robert I. Pugh,   | November 17, 1920, |
| James K. P. Grider, | November 30, 1900  |                   | November 19, 1924  |
| W. W. Hartsell,     | November 28, 1904  | Eugene Bland,     | November 19, 1928  |
| Fred E. Latch,      | November 17, 1908  | Kenneth F. Kelly, | November 23, 1932, |
|                     |                    |                   | November 20, 1936  |

## TREASURERS

(Also acted as assessors to 1839, and 1844 to 1860; supervisors of assessments, 1898 to date; and collectors, 1860 to date)

|                     |                      |                      |                   |
|---------------------|----------------------|----------------------|-------------------|
| No state records,   | 1827-42 <sup>8</sup> | Wallace E. Walker,   | December 6, 1886  |
| James Cutler,       |                      | Ambrose M. Craddich, | November 26, 1890 |
| August              | 7, 1843 (elected),   |                      |                   |
| August              | 2, 1847 "            | Wallace E. Walker,   | November 23, 1894 |
| November            | 6, 1849 "            | Jacob F. Ulmer,      | November 25, 1898 |
| John J. Page,       |                      | Benjamin W. Kerr,    | November 22, 1902 |
| November            | 4, 1851 (elected)    | Henry Weber,         | November 14, 1906 |
| James Cutler,       |                      | William Klauser,     | November 22, 1910 |
| November            | 8, 1853 (elected),   | Samuel L. Tilley,    | November 18, 1914 |
| November            | 6, 1855 "            | Ed. R. Knecht,       | November 21, 1918 |
| Benjamin F. Frazer, |                      | C. E. Walker,        | November 22, 1922 |
| November            | 12, 1857,            | M. R. Storm,         | December 1, 1926  |
| November            | 28, 1859             | C. E. Walker,        | November 29, 1930 |
| George W. Keller,   |                      | Sam L. Tilley,       | November 27, 1934 |
| November            | 5, 1861 (elected),   |                      |                   |
| November            | 18, 1863,            |                      |                   |
| November            | 7, 1865 (elected),   |                      |                   |
| November            | 5, 1867 "            |                      |                   |
| November            | 2, 1869 "            |                      |                   |
| March               | 4, 1872              |                      |                   |
| Wm. C. Miller,      |                      |                      |                   |
| November            | 22, 1873,            |                      |                   |
| November            | 15, 1875             |                      |                   |
| Archibald Shelton,  |                      |                      |                   |
| December            | 1, 1877,             |                      |                   |
| December            | 1, 1879,             |                      |                   |
| December            | 1, 1882              |                      |                   |

## SUPERINTENDENTS OF SCHOOLS

(School commissioners to 1865)

|                   |                      |                             |   |
|-------------------|----------------------|-----------------------------|---|
| No state records, | 1829-42 <sup>9</sup> | November 6, 1849            | " |
| Edward Every,     |                      | November 4, 1851            | " |
| August            | 7, 1843 (elected),   | Samuel W. Moulton,          |   |
| August            | 4, 1845 "            | November 28, 1853,          |   |
| August            | 2, 1849 "            | November 6, 1855 (elected), |   |

8. Asa Ledbetter was appointed treasurer at the first meeting of the county commissioners' court, April 27, 1827. *Shelby and Moultrie Counties*, p. 54, 55. The following are shown as treasurers in the years indicated: 1827-29, Shelton Allphin; 1828-32, P. Rhodes; 1832-34, Jno. Hambleton; 1834-36, William Haden; 1836-38, John J. Page; 1838, Thomas Headen, John J. Page; 1839-43, Burrel Roberts. *History of Shelby County*, p. 689.

9. Joseph Oliver shown as school commissioner from 1831 until 1841 when he was succeeded by Edward Every. *History of Shelby County*, p. 757.

November 12, 1857,  
 November 28, 1859,  
 November 5, 1861 (elected)  
 Samuel F. King,  
 November 18, 1863  
 Anthony T. Hall,  
 November 7, 1865 (elected),  
 November 2, 1869 "  
 Enoch A. McGrew (vice Hall, de-  
 ceased),  
 January 23, 1873  
 John Stapleton,  
 November 26, 1873  
 Homer S. Mouser,  
 December 1, 1877  
 William Marshutz,  
 December 1, 1882  
 Milton Barbee,  
 December 6, 1886,  
 November 26, 1890

James A. Montgomery,  
 November 23, 1894,  
 November 25, 1898  
 Charles M. Fleming,  
 November 22, 1902,  
 November 14, 1906  
 Lee W. Frazer,  
 November 22, 1910,  
 November 18, 1914  
 Charles B. Guin,  
 November 21, 1918  
 Otto O. Barker,  
 November 22, 1922  
 W. Frank White,  
 July 28, 1927,  
 September 3, 1931,  
 November 27, 1934  
 J. Kenneth Roney<sup>10</sup>

### SURVEYORS

(Beginning September, 1936, surveyor  
 appointed by county board of supervisors)

|  |  |
|--|--|
| William Williamson,<br>February 14, 1827,<br>August 31, 1835,<br>August 20, 1839   | John P. Brisben (vice Connover,<br>deceased),<br>November 5, 1878 (elected),<br>November 1, 1879,<br>December 1, 1882,<br>November 4, 1884 (elected) |
| Edwin G. Shallenberger,<br>August 15, 1841,<br>August 12, 1843,<br>August 7, 1847,<br>December 3, 1849,<br>November 13, 1851,<br>November 28, 1853 | G. W. Dickinson,<br>December 3, 1888,<br>November 8, 1892 (elected),<br>November 7, 1896 "<br>December 14, 1900                                      |
| Elias Smith,<br>November 13, 1855,<br>November 12, 1857,<br>November 28, 1859  | Charles E. Chester,<br>November 28, 1904   |
| James Brownlee,<br>December 14, 1861,<br>November 18, 1863,<br>November 22, 1865   | Sylvester Clawson,<br>November 3, 1908 (elected)<br>Ora Harris,<br>November 5, 1912 (elected),<br>November 7, 1916 "                                 |
| Renker Roessler,<br>December 2, 1867,<br>November 2, 1869 (elected)  | Roy Johnson,<br>November 2, 1920 (elected)<br>Ora W. Harris,<br>November 4, 1924 (elected),<br>November 6, 1928 "<br>November 8, 1932 "              |
| Elias Smith,<br>November 18, 1871  |  |
| S. Connover,<br>November 15, 1875  |  |

<sup>10</sup>. Shown as superintendent of schools in Official List of State and County Officers July 1, 1939, p. 46.

Shelby

#### 4. HOUSING, CARE, AND ACCESSIBILITY OF THE RECORDS

From the organization of Shelby County in the spring of 1827, three buildings have been erected to house the offices of the county and its records; and the cost of these courthouses, including repairs, in the period of more than a hundred years, has been less than \$100,000. The third courthouse—finished in 1881 at a cost slightly under \$73,000—still stands as a monument to the thrift of the people of the county and the good management and care of its officials.

Early meetings of the county commissioners' court, the county administrative body in the beginning, were held at the house of Barnett Bone.<sup>1</sup> The first courthouse, erected in Shelbyville in the initial year of the county's existence by William Hall, Sr., at a cost of \$110, was a story-and-a-half log house, 20 feet wide, 24 feet deep, and 14 feet from the ground to the eaves. The roof was of shingles, the floors of planks. The upper story could be reached by an exterior stairway. In 1829, considerable improvements were added to the courthouse; the building itself was weatherboarded, and the interior arrangements improved for the benefit of the judge, lawyers, and jurymen. These alterations were done by J. W. Johnston at a cost of \$39.25.<sup>2</sup>

The second courthouse was erected in the center of the public square in 1832 at an original cost of \$1,094. It was a two-story, brick building, 40 feet square and 23 feet high to the roofline. In 1837 a cupola was added. The entire lower floor of the building served as a courtroom, the upper floor being reserved for county offices. A double stairway on the south side led to the second story.<sup>3</sup> The county board met usually in the county clerk's office.<sup>4</sup>

This courthouse served the county for more than forty years but, in the last decade of this time, it was judged to be inadequate for county purposes; however, the county board hesitated to place the burden of erecting a new courthouse on the taxpayers without thorough proof that a new one was absolutely necessary. An insight into their deliberate and conservative policy can be gained from a search of county board records. On September 10, 1860, the finance committee reported the courthouse to be in a bad state of repair;<sup>5</sup> yet three months later the committee thought it to be "sufficient to answer present purposes."<sup>6</sup> Nothing was done until in 1862, when \$948.25 was expended for necessary repairs.<sup>7</sup> And that was all the concession the county board was willing to make for many years, for though an appropriation not to exceed \$5,000 to build a fireproof vault was voted by the board on January 23, 1865,<sup>8</sup> it was repealed September 12, of the same year.<sup>9</sup>

By 1871, according to the report of the committee on public buildings, January 4, the courthouse was "too small for the demands of county business, unfit to hold the court in, and in case of fire would be destroyed in an hour and all valuable records burned, incurring the loss of many thousands of dollars."<sup>10</sup> The committee further recommended to submit the proposition of building a new courthouse to the

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1. *Shelby and Moultrie Counties*, p. 54, 55. See also Historical Sketch, p. 11. for the story of the selection of the county seat.

2. *Ibid.*, p. 57.

3. *Ibid.*, p. 57, 58.

4. *Supervisors' Record*, v. E, p. 1, 42, 520; v. F (1867-73), p. 1; v. F (1873-78), p. 1, 372.

5. *Ibid.*, v. E, p. 25.

6. *Supervisors' Record*, v. E, p. 87.

7. *Ibid.*, p. 163, 201, 221, 231.

8. *Ibid.*, p. 375.

9. *Ibid.*, p. 432.

10. *Ibid.*, v. F (1867-73), p. 355.

electorate.<sup>11</sup> On June 6, 1871, the board ordered that the question of building a new courthouse be submitted to the people at the next general election in the form of a proposal to approve the levy of a tax to build a new courthouse, the cost not to exceed \$100,000.<sup>12</sup> County board records show no further action until October 2, 1872, when the question of levying a special courthouse tax was ordered submitted to the legal voters on November 5, 1872.<sup>13</sup>

Succeeding events indicate that this election was held and that the vote was favorable, but county board records do not show the results. The matter did not end with the vote, however, for now arose a question over the site for the courthouse, several of them being proposed.<sup>14</sup> After protracted exchanges of views, the county board, on December 4, 1874, accepted a piece of property known as the "Old Seminary Grounds" as a suitable site, and requested the occupants to move on or before January 1, 1875.<sup>15</sup> To complicate matters, however, a motion was carried at a meeting of the board, January 7, 1876, to decide by ballot on a choice of the "Old Seminary Grounds" as the site, or on an alternative site proposed by Thomas M. Thornton, which included the public square.<sup>16</sup>

Procrastination of this sort must have finally affected the nerves of some of the citizens for, on July 12, D. W. Marks and D. W. Jacoby, the president and secretary of the Shelbyville Grade School Board of Education demanded at an open meeting of the county board the return of the "Old Seminary Grounds" property since the county failed to build the courthouse as it had promised. The county board thereupon hastened to appease the board of education with a promise to build the courthouse there "as soon as it will be able to agree on the details."<sup>17</sup> There were more delays but at last, two years later, July 11, 1878, the climax was reached in the courthouse controversy when the committee on public buildings reported to the board "that the old seminary property occupied by the county clerk, county court, and treasurer was in very poor condition and the records exposed to loss by fire and theft; and the courthouse is rickety and dangerous, needing very much immediate repairs."<sup>18</sup> Faced with such a situation, the board, on September 13, 1878, rented from W. L. Haydon the "entire second floor and all the rooms fronting on the public square in the building known as Haydon Building situated on south side of the public square."<sup>19</sup> The term of the lease drawn up was for two years, October 1, 1878 to October 1, 1880, with a rental of \$200 per year.<sup>20</sup> County officials occupying the seminary property were ordered to remove their offices into Haydon's Block on or before October 1, 1878.<sup>21</sup>

Thus the board was forced to act and on September 11, 1879, appropriated \$70,000 for the erection of the courthouse and appointed a building committee consisting of Wm. M. Wright, Harmon Kelley, Nelson Neil, W. A. Carlisle, and Skelton Birkett, to handle the details.<sup>22</sup> The next day, a location was chosen on Main Street, north of the old courthouse, and plans and specifications, drawn by J. C. Cochran of Chicago, were accepted and \$300 paid to him on account.<sup>23</sup> When it was later found out that the cost would greatly exceed the sum appropriated, the board

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11. Supervisors' Record, v. F (1867-73), p. 355.

12. *Ibid.*, p. 380.

13. *Ibid.*, p. 511.

14. *Ibid.*, v. F (1873-78), p. 48, 169.

15. *Ibid.*, p. 215. County offices must have been moved into the property soon after January 1, 1875, and they were reported to be occupying the building as late as July 11, 1878.

16. *Ibid.*, p. 342.

17. Supervisors' Record, v. F (1873-78), p. 372.

18. *Ibid.*, v. G, p. 10.

19. *Ibid.*, p. 38.

20. *Ibid.*

21. *Ibid.*, p. 39.

22. *Ibid.*, p. 115.

23. *Ibid.*, p. 123, 130.

summarily cancelled the Cochran contract and on January 8, 1880, accepted the plans and specifications drawn by another architect, O. H. Placey, of Chicago.<sup>24</sup> The contract to build the courthouse was awarded March 9, 1880, to Thomas and Hugh Caldwell of Ottawa, Illinois.<sup>25</sup> Twenty-one months later the building was finished and accepted by the board December 8, 1881, and county officials were ordered to move their offices and records into the new building.<sup>26</sup> At the same time, the board ordered that the old courthouse be sold on December 17, 1881, to the highest bidder, the county reserving for itself the furniture and articles of historic value.<sup>27</sup>

The cost of the new courthouse was \$72,987.24, which cost was covered by special courthouse tax levies as follows: 25 cents on every \$100 of assessed valuation of property for the year 1879; 25 cents for the year 1880; 16½ cents for the year 1881; 25 cents for the year 1882; and 33½ cents for the year 1883.<sup>28</sup> It was a thoroughly satisfactory method of financing the construction, and Arch Shelton, county collector, was able to report, January 14, 1885, to the board that all courthouse indebtedness having been paid in full, there remained a balance of \$2,774.76 in the courthouse fund.<sup>29</sup>

Few changes were made in the courthouse during ensuing years. A small fire broke out in the county clerk's office, November 17, 1894, destroying mostly probate court papers, which had been recorded, as reported by the investigating committee, January 23, 1895.<sup>30</sup> The cost of repairs necessitated by fire damage was \$1,042.<sup>31</sup>

In 1896 the courthouse was wired for electricity at a cost of \$700. Other repairs amounting to \$579.80 were made in 1901, and in 1903 hot water heat was installed at a cost of \$1,672.40.<sup>32</sup> Lightning struck the courthouse, July 8, 1904, causing damage amounting to \$63.78 to the flagpole.<sup>33</sup> In 1907, the building was completely redecorated and painted inside and out at a cost of \$2,804.<sup>34</sup>

As it stands today, the courthouse is a rectangular-shaped building, classic in proportion and in design, two stories high with a basement. It is 76 feet wide, 105 feet deep, and 58 feet high from ground to cornice. Built of brick and trimmed with stone, it is distinguished by a spire-like tower rising from the center to a height of 50 feet above the roof. At each corner, small cupolas 16 feet square at their base, rise 16 feet above the cornice line. The tower and cupolas are constructed of brick and iron with roofs of slate, crowned with an iron railing of artistic design. There are north and south entrances to the courthouse, the southern being the principal one. Through the center of the first floor, a long corridor, 12 feet wide, runs north and south, from which are accessible the circuit clerk's office, the circuit clerk's file room, the sheriff's office waiting room, the sheriff's office, the board of review room, the treasurer's file room, the treasurer's office and vault, the county clerk's file room, the county clerk's office, the county judge's reception room, and the county judge's private office. Stairways near the main entrance, and in the west half, lead to the second floor and basement.

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24. Supervisors' Record, v. G, p. 153. J. C. Cochran brought suit against the county for breach of contract and on September 15, 1882, collected a judgment for \$1,470 from the county (*ibid.*, p. 190, 375).

25. *Ibid.*, p. 161.

26. *Ibid.*, p. 292, 293.

27. *Ibid.*, p. 293.

28. *Ibid.*, p. 115, 207, 268, 370, 426.

29. *Ibid.*, v. H, p. 27.

30. *Ibid.*, v. I, p. 449.

31. *Ibid.*, p. 440.

32. *Ibid.*, v. J, p. 373; v. K, p. 340; v. L, p. 45.

33. *Ibid.*, v. L, p. 215.

34. *Ibid.*, p. 487.

On the second floor are located the office of the superintendent of schools, the old age assistance office, the court reporter's office, the courtroom, the court library, the jury room containing also men's and women's restrooms, the state's attorney's reception room and his private office.

The basement contains two offices rented to a mutual fire insurance company, an office rented to an abstracting firm, the probation office, the basement file room, the civic recreation office, the janitor's storeroom, the surveyor's office, a men's restroom, a vacant room, a women's restroom, the office of the superintendent of highways, and a suite of two rooms used as a county relief office. A coal and furnace room have been built against the northeast wall of the courthouse, and a storeroom has been added on the northwest corner. (For detailed floor plans of courthouse, see pages 79-81.)

Besides the offices and depositories listed as being in the courthouse, the following officials keep records: the coroner, in his home, 119 Broadway, Shelbyville; veterinarian, in his home, 2809 North Second Street, Shelbyville; tuberculosis nurse, in her office in the Sparks Building, 1911 South Morgan Street, Shelbyville; and the superintendent of the county farm, on Rural Route 2, Shelbyville. The county mine inspector keeps no records for the county; his residence is at Moweaqua, 26 miles northwest from Shelbyville. The Farm Bureau is located at 1818 East Main Street, in the proximity of the courthouse.

More than fifty percent of all county records are stored in the basement file room of the courthouse, which serves as a depository for the older records. (For allocation of records in the depositories, according to offices, as well as percentages of records stored therein, see charts on pages 74, 75; for detailed information on the individual depositories, with a description of facilities for the housing of records, see charts on pages 76-78).

Some probate court papers were destroyed in the fire of 1894 but, because these had been recorded, no appreciable loss was suffered. The loss of all county board records from 1827 to 1859, has been an unsolved mystery, their absence having been also noted by Theodore Calvin Pease, when he made his survey of Shelby County records in 1912 and 1914.<sup>35</sup>

Provisions for careful housing and maintenance of records, with a view toward their best preservation, have been carried out in practically every instance. Binding and repair of record volumes are under direct supervision of the county board. Indexing and filing of records follow those systems generally adopted and employed by other counties in Illinois.

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35. County Archives of the State of Illinois in Collections of the Illinois State Historical Library, v. XII, Biographical Series, v. III (Springfield, 1915), p. 611.

**CHART OF COUNTY OFFICES SHOWING PERCENTAGE OF RECORDS IN DEPOSITORIES**

| Office           | Volumes   | Files                | Other     | Depository and Percent of Records*   |
|------------------|-----------|----------------------|-----------|--|
| County Board     | 60        | 295 f. b.<br>9 f. d. | 4 bdl.    | Co. clk.'s off. 30; co. clk.'s file rm. 46½; file rm. bsmt. 22½; treas.'s off.; treas.'s vlt. 1-                     |
| County Clerk     | 3572      | 711 f. b.<br>3 f. d. | 9 bdl.    | Co. clk.'s off. 1½; treas.'s file rm. 17½; treas.'s vlt.; co. clk.'s file rm. 3½; file rm. bsmt. 77½                 |
| Recorder         | 625       | 7 f. b.              | - - - - - | Cir. clk.'s file rm. 86; file rm. bsmt. 12; cir. clk.'s off. 2   |
| County Court     | 76        | 4 f. b.<br>2 f. d.   | - - - - - | Co. clk.'s off. 51; co. clk.'s file rm. 35; file rm., bsmt. 12; co. judge's reception rm. 1½-; off. of prob. officer |
| Probate Court    | 291       | 1 f. d.              | - - - - - | Co. clk.'s off. 66; co. clk.'s file rm. 30; file rm, bsmt. 3½; co. judge's reception rm. ½                           |
| Circuit Court    | 300       | 668 f. b.<br>4 f. d. | - - - - - | Cir. clk.'s file rm. 87½; file rm. bsmt. 12; cir. clk.'s off.; coroner's off. ½                                      |
| Sheriff          | 45        | 35 f. b.             | - - - - - | Sheriff's off. 16; file rm. bsmt. 84   |
| Coroner          | - - - - - | 3 f. b.              | - - - - - | Coroner's off. 100   |
| State's Attorney | - - - - - | - - - - -            | - - - - - | State's attorney keeps no records; his reports to circuit court are in circuit court clerk's file room               |
| Assessor         | - - - - - | 65 f. b.             | 70 bdl.   | Co. clk.'s file rm. 65; file rm. bsmt. 35  |
| Board of Review  | 7         | - - - - -            | - - - - - | Co. clk.'s file rm. 29; treas.'s file rm. 71   |

\*Minus sign after percentage figure shown indicates a deficiency of less than one half of one percent; for fractional listing of records, depositories only are listed.



**CHART OF COUNTY OFFICES SHOWING PERCENTAGE OF RECORDS IN DEPOSITORIES**

| <b>Office</b>                    | <b>Volumes</b> | <b>Files</b>         | <b>Other</b>                | <b>Depository and Percent of Records*</b>                         |
|----------------------------------|----------------|----------------------|-----------------------------|---|
| Collector                        | 85             | - - - - -            | - - - - -                   | File rm. bsmt. 56½%; treas.'s vlt. 33;<br>co. clk.'s file rm. 10½ |
| Treasurer                        | 275            | 12 f. b.             | 10 bdl.<br>148 pigeon holes | Treas.'s vlt. 95; treas.'s off. 5                                 |
| Supt. of Schools                 | 16             | 4 f. b.<br>3 f. d.   | 206 pigeon holes<br>1 map   | Off. of supt. of schools 100                                      |
| Supt. of Highways                | 52             | 18 f. b.<br>10 f. d. | 15 pigeon holes             | Off. of supt. of highways 100                                     |
| Surveyor                         | 1              | - - - - -            | 100 maps                    | Off. of surveyor 20; cir. clk.'s file rm. 80                      |
| Veterinarian                     | 1              | 1 f. d.              | - - - - -                   | Off. of veterinarian 100  |
| Dept. of Pub. Welfare            | - - - - -      | 2 f. b.<br>19 f. d.  | - - - - -                   | Old. age assistance office 100                                    |
| Board of Tuberculosis Sanitarium | - - - - -      | 1 f. b.<br>3 f. d.   | - - - - -                   | Off. of tuberculosis nurse 100                                    |
| County Home                      | 5              | - - - - -            | - - - - -                   | Off. of supt. of county home 100                                  |
| Mine Inspector                   | - - - - -      | - - - - -            | - - - - -                   | Keeps no records for the county                                   |
| Farm Bureau                      | - - - - -      | - - - - -            | - - - - -                   | Reports sent to State and Federal<br>Departments of Agriculture   |

\*Minus sign after percentage figure shown indicates a deficiency of less than one half of one percent; for fractional listing of records, depositories only are listed.

**CHART OF DEPOSITORIES, SHOWING LOCATION, CONTENTS, AND CONDITION**  
 Shelby County Courthouse, Main and Washington Streets, Shelbyville  
 (Two stories and basement; brick, stone, concrete, and wood construction  
 —1880-1881; 462,840 cubic feet)

| Depository                | Floor Location | Dimensions | Floors   | Walls & Ceiling | Light & Ventilation     | Accommodations                   | Shelving |       | Records |                      |                           | Housing Accessibility |  |
|---------------------------|----------------|------------|----------|-----------------|-------------------------|----------------------------------|----------|-------|---------|----------------------|---------------------------|-----------------------|--|
|                           |                |            |          |                 |                         |                                  | Type     | Feet  | Vols.   | Quantity             | Other                     |                       |  |
|                           |                |            |          |                 |                         |                                  |          |       |         | Files                |                           |                       |  |
| Co. clk.'s office         | 1st E.         | 12x12x27   | tile     | plaster         | electric<br>3 win-dows  | 1 counter                        | steel    | 27    | 303     | 40 f. b.<br>1 f. d.  | 3 bdl.                    | good                  |  |
| Co. clk.'s file room      | 1st E.         | 12x16x22   | tile     | plaster         | electric<br>2 win-dows  | 2 desks<br>1 table<br>chairs     | steel    | 24    | 232     | 503 f. b.<br>3 f. d. | 70 bdl.                   | some dust             |  |
| Cir. clk.'s office        | 1st SW.        | 12x24x26   | concrete | plaster         | electric<br>5 win-dows  | 2 desks<br>1 counter<br>4 chairs | steel    | 24    | 12      | - - - -              | - - - -                   | good                  |  |
| Cir. clk.'s file room     | 1st W.         | 12x21x27   | concrete | plaster         | electric<br>3 win-dows  | 3 desks<br>3 chairs              | steel    | 60    | 794     | 675 f. b.<br>4 f. d. | - - - -                   | crowded               |  |
| Co. judge's reception rm. | 1st E.         | 12x14x22   | tile     | plaster         | electric<br>1 win-dow   | 1 desk<br>2 chairs               | - - -    | - - - | 3       | - - - -              | - - - -                   | good                  |  |
| Treas.'s office           | 1st W.         | 12x27x23   | concrete | plaster         | electric<br>2 win-dows  | 2 desks<br>1 counter<br>4 chairs | - - -    | - - - | - - -   | 1 f. d.              | 140 pigeon holes          | good                  |  |
| Treas.'s file room        | 1st W.         | 12x15x29   | concrete | plaster         | electric<br>4 win-dows  | 1 desk<br>4 chairs               | steel    | 20    | 649     | - - - -              | - - - -                   | good                  |  |
| Treas.'s vault            | 1st NW.        | 12x9x9     | tile     | steel           | electric<br>no win-dows | 1 desk<br>no chairs              | wood     | 40    | 304     | 12 f. b.<br>8 f. d.  | 11 bld.<br>8 pigeon holes | good                  |  |
| Sheriff's office          | 1st E.         | 12x9x21    | tile     | plaster         | electric<br>1 win-dow   | 1 desk<br>4 chairs               | steel    | 4     | 8       | - - - -              | - - - -                   | good                  |  |

**CHART OF DEPOSITORIES, SHOWING LOCATION, CONTENTS, AND CONDITION**  
Shelby County Courthouse (cont.)

| Depository               | Floor Location | Dimensions | Floors | Walls & Ceiling | Light & Ventilation    | Accommodations                  | Shelving |       | Records |                      |                           | Housing Accessibility                 |
|--------------------------|----------------|------------|--------|-----------------|------------------------|---------------------------------|----------|-------|---------|----------------------|---------------------------|---------------------------------------|
|                          |                |            |        |                 |                        |                                 | Type     | Feet  | Vols.   | Files                | Other                     |                                       |
| Old age assist. off.     | 2nd. E.        | 12x22x27   | tile   | plaster         | electric<br>3 win-dows | 3 desks<br>4 tables<br>7 chairs | - - -    | - - - | - - -   | 2 f. b.<br>19 f. d.  | - - - -                   | good                                  |
| Off. of supt. of schools | 2nd. NE.       | 12x24x23   | tile   | plaster         | electric<br>5 win-dows | 3 desks<br>6 chairs             | steel    | 72    | 16      | 4 f. b.<br>3 f. d.   | 206 pigeon holes<br>1 map | good                                  |
| File room                | Bsmt. E.       | 10x13x27   | tile   | brick plaster   | electric<br>1 win-dow  | none                            | wood     | 48    | 3030    | 587 f. b.            | 9 bdl.                    | some dust; space and equipment needed |
| Off. of supt. of hways.  | Bsmt. E.       | 10x21x26   | tile   | plaster         | electric<br>2 win-dows | 5 desks<br>8 chairs             | - - -    | - - - | 52      | 18 f. b.<br>10 f. d. | 16 pigeon holes           | good                                  |
| Off. of prob. officer    | Bsmt. W.       | 10x8x23    | tile   | plaster         | electric<br>2 win-dows | 2 desks<br>3 chairs<br>1 bench  | - - -    | - - - | - - -   | 2 f. d.              | - - - -                   | good                                  |
| Off. of surveyor         | Bsmt. NE.      | 10x12x28   | tile   | plaster         | electric<br>4 win-dows | 1 desk<br>2 chairs              | - - -    | - - - | - - -   | - - - -              | 100 maps                  | good                                  |

Coroner's Residence, 1919 Broadway, Shelbyville  
(Two stories; wood construction—1900; 23,520 cubic feet)

|                  |     |          |      |         |                        |                    |       |       |   |         |         |      |
|------------------|-----|----------|------|---------|------------------------|--------------------|-------|-------|---|---------|---------|------|
| Coroner's office | 1st | 12x16x16 | wood | plaster | electric<br>2 win-dows | 1 desk<br>4 chairs | - - - | - - - | 2 | 3 f. b. | - - - - | good |
|------------------|-----|----------|------|---------|------------------------|--------------------|-------|-------|---|---------|---------|------|

**CHART OF DEPOSITORIES, SHOWING LOCATION, CONTENTS, AND CONDITION**

Veterinary's residence, 2809 North Second Street, Shelbyville  
(Two stories; wood construction—1890; 21,600 cubic feet)

| Depository             | Floor Location | Dimensions | Floors | Walls & Ceiling | Light & Ventilation   | Accommodations     | Shelving |       | Records  |         |       | Housing Accessibility |
|------------------------|----------------|------------|--------|-----------------|-----------------------|--------------------|----------|-------|----------|---------|-------|-----------------------|
|                        |                |            |        |                 |                       |                    | Type     | Feet  | Quantity |         | Other |                       |
|                        |                |            |        |                 |                       |                    |          |       | Vols.    | Files   |       |                       |
| Office of veterinarian | 1st            | 10x14x14   | wood   | plaster         | electric<br>2 windows | 1 desk<br>6 chairs | - - -    | - - - | 1        | 1 f. b. | - - - | good                  |

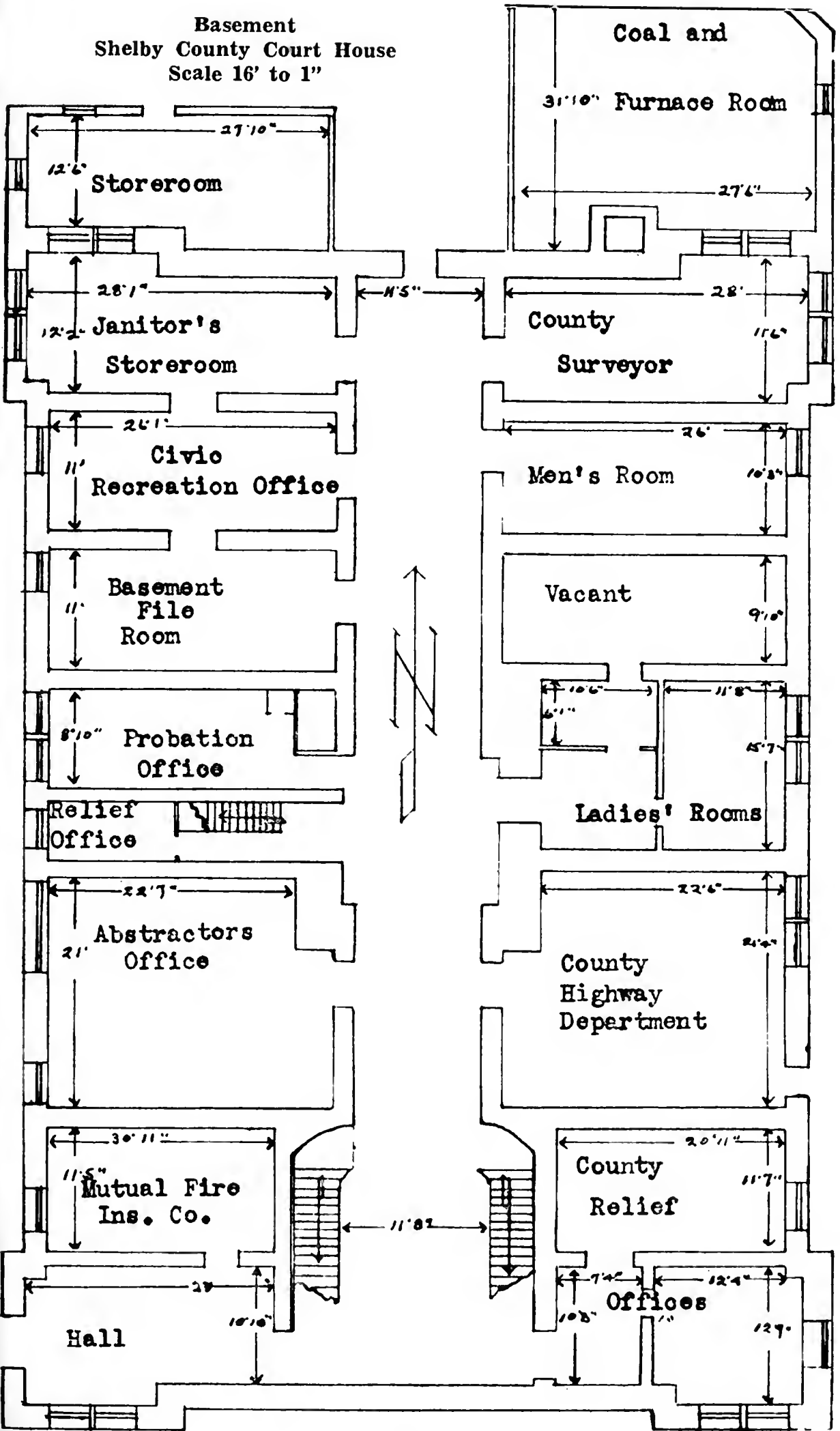
Sparks Building, 1911 South Morgan Street, Shelbyville  
(Three stories; brick and wood construction—1918; 96,00 cubic feet)

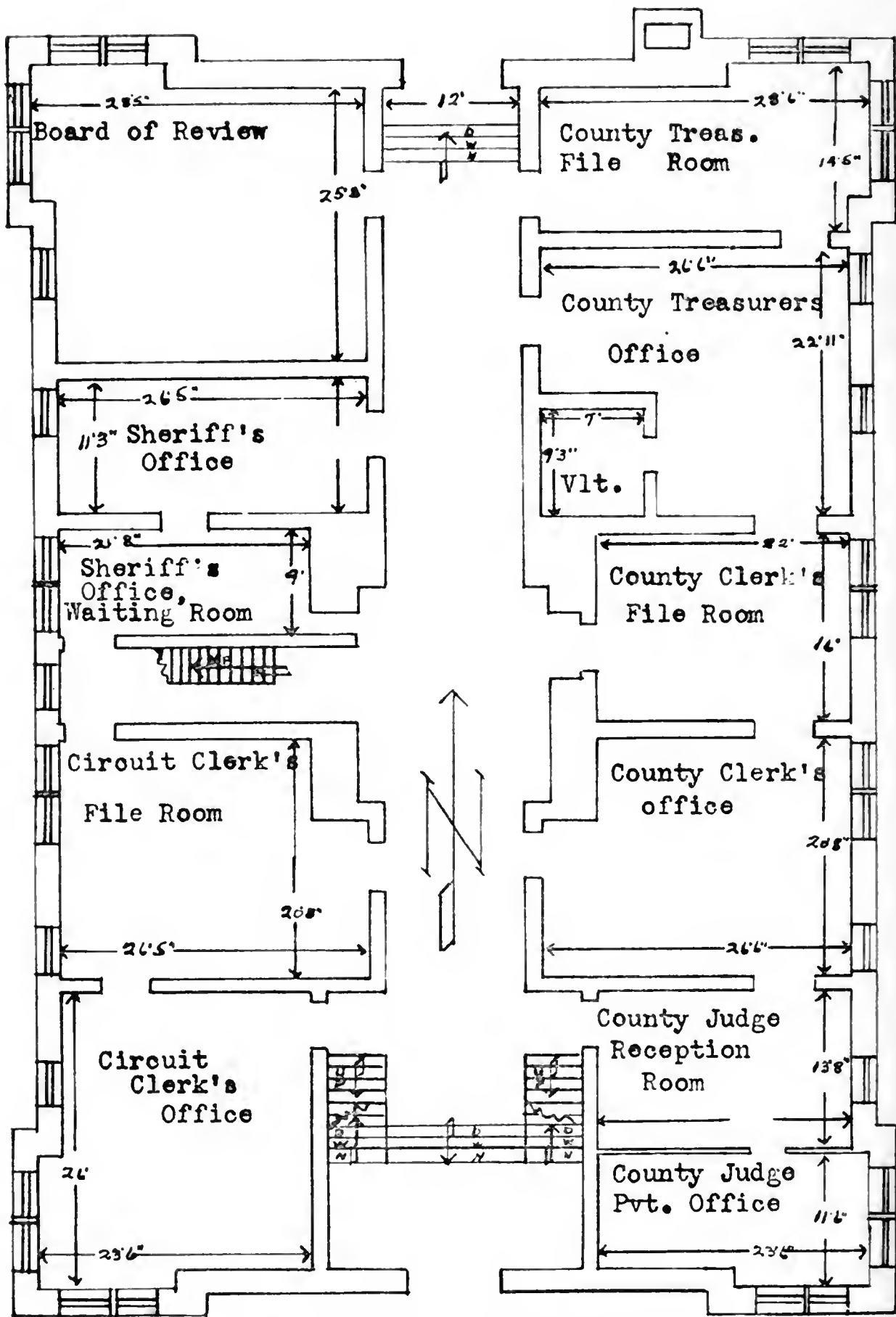
|                     |     |          |      |         |                      |                     |       |       |       |                    |       |      |
|---------------------|-----|----------|------|---------|----------------------|---------------------|-------|-------|-------|--------------------|-------|------|
| Office of TB. nurse | 1st | 12x12x15 | wood | plaster | electric<br>1 window | 2 desks<br>3 chairs | - - - | - - - | - - - | 1 f. b.<br>3 f. d. | - - - | good |
|---------------------|-----|----------|------|---------|----------------------|---------------------|-------|-------|-------|--------------------|-------|------|

County Farm, Rural Route Two, Shelbyville  
(Two stories; brick construction—1893; 36,000 cubic feet)

|                          |     |          |      |         |           |                               |       |       |   |       |       |      |
|--------------------------|-----|----------|------|---------|-----------|-------------------------------|-------|-------|---|-------|-------|------|
| Office of superintendent | 1st | 11x15x22 | wood | plaster | 2 windows | 1 table<br>1 desk<br>4 chairs | - - - | - - - | 5 | - - - | - - - | good |
|--------------------------|-----|----------|------|---------|-----------|-------------------------------|-------|-------|---|-------|-------|------|

**Basement**  
**Shelby County Court House**  
**Scale 16' to 1"**



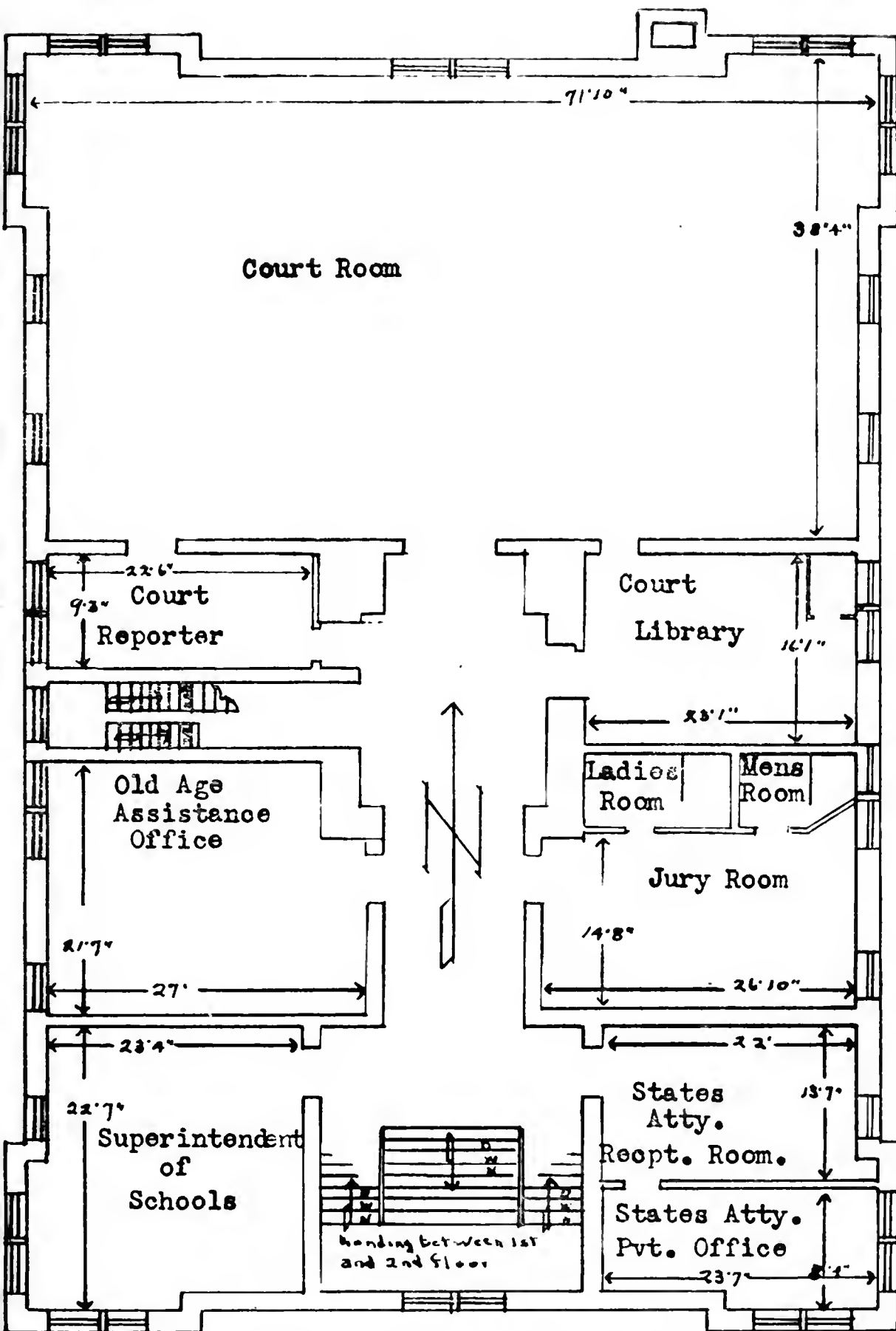


Floor Plan

First Floor

Shelby County Court house

Scale 16' to 1"



Floor Plan Second Floor Shelby County Court House

Scale 16' to 1"

## 5. ABBREVIATIONS, SYMBOLS, AND EXPLANATORY NOTES

|           |                                    |
|-----------|------------------------------------|
| alph.     | alphabetical (ly)                  |
| app.      | appendix                           |
| arr.      | arranged, arrangement              |
| Art.      | Article                            |
| assr.     | assessor                           |
| atty.     | attorney                           |
| aud.      | auditor                            |
| bd.       | board                              |
| bdl.      | bundle (s)                         |
| bldg.     | building                           |
| bsmt.     | basement                           |
| cf.       | confer (compare)                   |
| ch.       | chapter (s)                        |
| chron.    | chronological (ly)                 |
| cir.      | circuit                            |
| clk.      | clerk                              |
| co.       | county                             |
| coll.     | collector                          |
| cont.     | continued                          |
| cor.      | coroner                            |
| ct.       | court                              |
| dept.     | department                         |
| ed.       | edited, edition                    |
| f.b.      | file box(es)                       |
| f.d.      | file drawer (s)                    |
| f., ff.   | and following page(s)              |
| fl.       | floor                              |
| fm.       | form                               |
| ft.       | feet                               |
| hdgs.     | headings                           |
| hdw.      | handwritten                        |
| hwys.     | highways                           |
| ibid.     | ibidem (in the same place)         |
| i.e.      | id est (that is)                   |
| Ill.      | Illinois Reports (Supreme Court)   |
| Ill. App. | Illinois Appellate Court (Reports) |
| Ill. S.A. | Illinois Statutes Annotated        |
| in.       | inch(es)                           |
| L.        | Laws (of Illinois)                 |
| loc. cit. | loco citato (in the place cited)   |
| mi.       | mile(s)                            |
| n.        | footnote(s)                        |
| no. (s)   | number(s)                          |
| N.W.      | Northwestern Reporter              |
| off.      | office                             |
| op. cit.  | opere citato (in the work cited)   |
| p.        | page(s)                            |
| pr.       | printed                            |
| pro.      | probate                            |
| rec.      | recorder                           |
| R.L.      | Revised Laws (of Illinois)         |



|          |                                 |
|----------|---------------------------------|
| rm.      | room                            |
| R.S.     | Revised Statutes (of Illinois)  |
| sch.     | school(s)                       |
| sec.     | section(s)                      |
| sep.     | separate                        |
| Sess.    | Session                         |
| sh.      | sheriff                         |
| Sp.      | Special                         |
| strm.    | storeroom                       |
| supt.    | superintendent                  |
| surv.    | surveyor                        |
| treas.   | treasurer                       |
| twp. (s) | township(s)                     |
| U.S.R.S. | United States Revised Statutes  |
| U.S.S.L. | United States Statutes at Large |
| v.       | volume(s)                       |
| vet.     | veterinarian                    |
| vice     | in place of                     |
| vlt.     | vault                           |
| --       | current                         |

1. Despite inaccuracies in spelling and punctuation, titles of records are shown in the inventory proper exactly as on volumes and file boxes. The current or most recent title is used as the title of the entry.

2. Explanatory additions to inadequate titles and corrections of erroneous titles are enclosed in parentheses and have initial capitals.

3. In the absence of titles, supplied titles are capitalized and enclosed in parentheses.

4. In the title set-up, letters or numbers in parentheses indicate the exact labeling on volumes or file boxes. If the volumes or file boxes are unlabeled, no labeling is indicated.

5. Title line cross references are used to complete series for records kept separately for a period of time, and in other records for different periods of time as in entry 1, '1827-59 in (County Clerk's General Files), entry 84." They are also used in all artificial entries—records which must be shown separately under their own proper office or section heading even though they are kept in files or records appearing elsewhere in the inventory, as in entry 23, "1827-59 in (County Clerk's General Files), entry 84; 1860 - -, in (Supervisors' Files), entry 1." 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 84, "Also contains (Supervisors' Files), 1827-59, entry 1." Dates shown in the description of the master entry are only for the part or parts of the record contained therein, and are shown only when they vary from those of the master entry.

6. Separate third paragraph cross references from entry to entry, and "see also" references under subject headings, are used to show prior, subsequent, or related records which are not part of the same series.

7. Where no explanation of the beginning or for the discontinuance of a record is given, and where no cross reference appears, the information explaining such beginning or discontinuance could not be ascertained.

8. Unless the index is self-contained, an entry for the index immediately follows its record entry. Cross references are given for exceptions to this rule.

9. Records may be assumed to be in good condition unless otherwise indicated.

10. On maps and plat records, the names of author, engraver, and publisher, and information on scale have been omitted only when these data were not ascertainable.

11. Unless otherwise specified, all records are located in the county courthouse.

# Inventory of the County Archives of Illinois



Shelby County Offices and their Records



## I. COUNTY BOARD

In Illinois, the county board is that body which exercises the corporate or politic power of the county.<sup>1</sup> In Shelby County since 1827<sup>2</sup> three bodies have successively acted as a county board; the county commissioners' court, the county court, and the board of supervisors.

The Constitution of 1818 provided that there should be elected in each county, for the purpose of transacting all county business, three commissioners whose term of service, powers, and duties should be regulated and defined by law.<sup>3</sup> The first General Assembly denominated the commissioners a court of record, styled the county commissioners' court.<sup>4</sup> Four annual sessions were required to be held for six days each, unless the business should be completed sooner; additionally, any one of the commissioners had power, upon giving five days notice to the remaining commissioners and the clerk of the court, to call a special court which had the same authority as at a regular session.<sup>5</sup> The first commissioners were elected for an irregular term,<sup>6</sup> subsequently, it was provided that they should be elected at each biennial general election;<sup>7</sup> and in 1837, the term was lengthened to three years and staggered, with one new commissioner elected annually.<sup>8</sup> Thereafter, the commissioner who was longest in office was to be recognized as the presiding officer of the court.<sup>9</sup> Compensation, originally set at the sum of \$2.50 for each day's attendance in holding court,<sup>10</sup> later was reduced to \$1.50.<sup>11</sup> In 1821 provision was made for the removal of commissioners for malfeasance or nonfeasance of duties, with proceedings as in criminal cases;<sup>12</sup> when the first criminal code was enacted in 1827, the penalty was modified to a fine of not more than \$200, with removal from office only upon recommendation of the jury.<sup>13</sup> Vacancies resulting from any cause were filled by special election upon order of the clerk of the court to the district judges of election.<sup>14</sup>

In 1848, when Illinois adopted a new constitution, the county commissioners' court was discontinued. In its place, the constitution provided for an administrative body to be composed of an elected officer, the county judge, and such number of justices of the peace as should be required by law.<sup>15</sup> In the following legislative session, the General Assembly provided for the election of two justices of the peace to sit with the county judge to transact county business.<sup>16</sup> Their term of office, like that of the county judge, was set at four years.<sup>17</sup> This body, styled the county court, was required to hold four sessions annually and when so sitting, had all power, jurisdiction, and authority formerly

1. R.L.1827, p. 107; R.S.1845, p. 130; R.S.1874, p. 306.

2. Shelby County was created in 1827 (R.L.1827, p. 115).

3. Constitution of 1818, Schedule, sec. 4.

4. L.1819, p. 175.

5. Ibid., p. 175, 176.

6. Ibid., p. 100. The commissioners were to continue in office from the election held on the fourth Monday in April, 1819, until the first Wednesday in August, 1820, and until their successors were elected and qualified. Not until 1821 was provision made for the election of such successors (L.1821, p. 80). In Shelby County, the first commissioners were elected in 1827.

7. L.1821, p. 80.

8. R.L.1837, p. 103, 104. In 1838, to initiate the new procedure, three commissioners were elected; by lot, they held office respectively for one, two, and three years.

9. Ibid., p. 104.

10. L.1819, p. 176.

11. R.L.1827, p. 205.

12. L.1821, p. 20. Conviction further carried disqualification from holding office for one year.

13. R.L.1827, p. 145.

14. R.L.1837, p. 104. No election was required to be held if the term of the commissioner vacating office would have expired within six months from the date of vacancy.

15. Constitution of 1848, Art. V, sec. 16, 17, 19.

16. L.1849, p. 65, 66.

17. Constitution of 1848, Art. V, sec. 17; L.1849, p. 62, 65, 66.

conferred upon the county commissioners' court.<sup>18</sup> The compensation of the county judge was originally set at \$2.50 for every day of holding court.<sup>19</sup> In 1855 the amount was increased to \$3.00.<sup>20</sup>

The new constitution also directed the General Assembly to provide, by general law, for a township organization under which any county might organize whenever a majority of the voters in the county should so determine.<sup>21</sup> By provision of the subsequent enabling acts,<sup>22</sup> a board of supervisors, whose members were to be elected one in each township annually,<sup>23</sup> was created to transact all county business in counties adopting township organization.<sup>24</sup> The board of supervisors was to meet for one regular session a year with the provision that special meetings might be held when convenient.<sup>25</sup> The board members were compensated at the rate of \$1.50 a day,<sup>26</sup> and a fine was provided in the sum of \$250.00, for refusal to perform, or neglect of, duties.<sup>27</sup>

Shelby County was governed by the county court from 1849 to 1860, when township organization was instituted.<sup>28</sup> In 1870 Illinois adopted a new constitution, which continued the provision for township organization in counties so electing,<sup>29</sup> and provided for a different form of county board to supplant the county court as an administrative body. This board was to consist of three officers, styled county commissioners, and by subsequent legislation, was given all powers, jurisdiction, and authority formerly vested in the county court when acting in its administrative capacity.<sup>30</sup> As Shelby retained township organization from its adoption in 1860 to the present, the county has never been affected by these laws.

Since 1874 population has been recognized as a factor in local representation on the board of supervisors. In that year, each town or city besides its regular supervisor, became entitled to one assistant supervisor if it had four thousand or more inhabitants, two if sixty-five hundred, and one more for every additional twenty-five hundred.<sup>31</sup> In 1931, these population requirements were made to affect only those counties having less than one hundred thousand inhabitants.<sup>32</sup> The differentiating figure was reduced in 1933 to ninety thousand.<sup>33</sup> Shelby, with its population of 25,471 according to the 1930 U. S. Census was not affected by the latter change.<sup>34</sup> The assistant supervisors, whose terms run concurrently with those of the regular supervisors,<sup>35</sup> have no power or duties as town officers, but are members of the county board and enjoy the same powers and rights as other members.<sup>36</sup>

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18. L.1849, p. 65.

19. *Ibid.*, p. 63.

20. L.1855, p. 181.

21. Constitution of 1848, Art. VII, sec. 6.

22. L.1849, p. 190-224; L.1851, p. 35-78. The later law repealed and was a complete substitute for the earlier, but so far as their effect on the sphere of county government is concerned, there was almost no difference between the two.

23. L.1849, p. 192; L.1851, p. 38.

24. L.1849, p. 202-4; L.1851, p. 50-52.

25. L.1849, p. 202; L.1851, p. 51. In 1861 it was provided that special meetings could be called upon request of one third of the members of the board (L.1861, p. 236). Since 1899 the board has been required to hold two regular meetings (L.1899, p. 363).

26. L.1849, p. 203; L.1851, p. 52. In 1861 compensation was increased to \$2.00 a day (L.1861, p. 238).

27. L.1849, p. 203, 204. This fine was reduced in 1851 to \$200 (L.1851, p. 52). Subsequent legislation reduced it still further and added the more frequent penalty for misfeasance, disqualification for office (R.S.1874, p. 1080).

28. Shelby County adopted township organization in 1859, but the change was not effective until 1860.

29. Constitution of 1870, Art. X, sec. 5.

30. *Ibid.*, sec. 6; L.1873-74, p. 79, 80.

31. R.S.1874, p. 1075.

32. L.1931, p. 908.

33. L.1933, p. 1116.

34. Population Bulletin, p. 9.

35. L.1933, p. 1115.

36. R.S.1874, p. 1078, 1080; L.1925, p. 605; L.1929, p. 774; L.1931, p. 905, 907; L.1933, p. 1115.

At present its board of supervisors has twenty-five members. The term of office of supervisors, lengthened in 1889 to two years,<sup>37</sup> was further extended in 1929 to four years.<sup>38</sup> Compensation was increased from \$1.50 to \$5.00 a day in 1919,<sup>39</sup> lowered to \$4.00 in 1933<sup>40</sup> and raised again to \$5.00 in 1937,<sup>41</sup> with an allowance of five cents per mile for necessary travel.

The functions of the Illinois county board, in contrast to its legal status, have undergone little change since the beginning of statehood, the developments being merely one of accretion and increasing complexity of duties within a well-defined and nearly static sphere of authority and jurisdiction. The law establishing the court of county commissioners conferred upon it jurisdiction in all matters concerning county revenue.<sup>42</sup> Of this basic provision, nearly all other statutory powers of the court can be considered extensions; some, enunciated in the same law, already show such a legislative viewpoint. The court was given power to regulate and impose the county tax, and to grant such licenses as might also bring in a revenue; additionally, it was given authority over all public roads, canals, turnpike roads, and toll bridges.<sup>43</sup> Other legislation by the first General Assembly gave the court power to buy and sell lots whereon to erect county buildings and to contract for their construction;<sup>44</sup> later, in the case of the courthouse at least, the court was declared to have the care and custody of the property and the right to make certain disposition of it.<sup>45</sup> Care of the indigent was also made a function of the court; it was required to make appropriations, to be levied and collected in the same manner as other county revenue, for their support. As an extension of this fiscal function, it was required to appoint an overseer of the poor in every township and establish a county poorhouse if necessary.<sup>46</sup> Fiscal control over school lands was exercised at first solely through the court's power of appointment of the trustees of school lands;<sup>47</sup> after the creation of the office of county school commissioner,<sup>48</sup> firmer control was effected through the medium of reports which the commissioner was required to submit to the court.<sup>49</sup> By the terms of another early provision, a significant precursor of many similar ones to be found in more recent years, the court also had authority to examine the full accounts of the commissioner.<sup>50</sup> Other aspects of government which, if farther removed from the fiscal core, come early into this jurisdictional sphere, are elections and juries. With regard to the former, the court was authorized to establish election precincts,<sup>51</sup> appoint judges of election,<sup>52</sup> and allow compensation to election officials for services and stationery.<sup>53</sup> Its duty with regard to juries was relatively simple; it was required to select two panels each of petit and grand jurors. The former were required to be enrolled on the list of taxable inhabitants; the latter, only to be freeholders or householders.<sup>54</sup>

The substitution of the county court for the county commissioners' court produced no important changes in the sphere of government;

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37. L.1889, p. 109; L.1917, p. 793; L.1925, p. 605.

38. L.1929, p. 774, 775; L.1931, p. 906.

39. L.1849, p. 203; L.1857, p. 186; L.1871-72, p. 444; L.1919, p. 569.

40. L.1933, p. 615.

41. L.1937, p. 601.

42. L.1819, p. 175.

43. Ibid.

44. Ibid., p. 237, 238.

45. L.1843, p. 128.

46. L.1819, p. 127; L.1839, p. 138, 139.

47. R.L.1827, p. 366.

48. R. L.1829, p. 150.

49. L.1831, p. 175; R.S.1845, p. 500, 501.

50. L.1831, p. 175.

51. L.1821, p. 74. There was in this law and in many of those following, a limit to the number of precincts which could be established. See L.1825, p. 168; R.L.1827, p. 256; R.L.1829, p. 54; L.1835, p. 141. Prior to 1821, each township was declared by statute to constitute an election district (L.1819, p. 90).

52. L.1819, p. 90.

53. Ibid., p. 99.

54. Ibid., p. 255; L.1823, p. 182.

neither the second constitution nor the enabling legislation made any original pronouncements with regard to the powers or duties of the former.<sup>55</sup>

The revised law on township organization, in the main, only made more inclusive and definite the powers of the board.<sup>56</sup> The board was given authority to purchase and hold any land within the county for the use of its inhabitants; it was also given authority to make such contracts, and to purchase and hold such personal property as might be necessary to the exercise of its powers; moreover, it could make such orders for the disposition, regulation, or use of the corporate property as might seem to be to the interest of the inhabitants.<sup>57</sup> Explicit also, was the authority to audit all claims against the county, and the accounts of such officers as were not otherwise provided for by law.<sup>58</sup> The board was also given power to appropriate funds for the construction of roads and bridges in any part of the county whenever a majority of the whole board might deem it proper and expedient.<sup>59</sup>

From the enabling legislation of the present constitutional period is drawn the following brief statement of the principal functions of the county board:

1. The purchase, sale and custody of the real and personal property of the county.
2. The examination and settlement of accounts against the county.
3. The issuance of orders on the county treasury in pursuance of its fiscal administration.
4. The examination of accounts concerning the receipts and expenditures of county officers.<sup>60</sup>
5. The supervision of elections;<sup>61</sup> the selection of juries;<sup>62</sup> the construction and maintenance of roads and bridges;<sup>63</sup> the care of the indigent, infirm, and disabled.<sup>64</sup>
6. The appropriation of funds necessary to the effecting of its functions;<sup>65</sup> the raising of such sums through taxation; and in general, the management of county funds and county business.<sup>66</sup>

At all times the county board has had a clerk who has served it in a ministerial capacity. The law creating the county commissioners' court provided that it should have such an officer, and gave it the power to appoint him.<sup>67</sup> This appointive power was rescinded in 1837 by an act which made the office elective.<sup>68</sup>

When the county court supplanted the county commissioners' court, the office of clerk of the latter body ceased to exist. A new office was created by statute, that of clerk of the county court.<sup>69</sup> When the court sat for the transaction of county business, its clerk was in effect a clerk of a county board; legal recognition of this distinction was given in the provision that the clerk should keep his records of the court's admin-

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55. Constitution of 1848, Art. V, sec. 19; L.1849, p. 65.

56. The Act of February 17, 1851, previously cited (L.1851, p. 35-78).

57. *Ibid.*, p. 50.

58. *Ibid.*, p. 51.

59. *Ibid.*

60. R.S.1874, p. 306, 307.

61. *Ibid.*, p. 456, 463.

62. *Ibid.*, p. 630.

63. *Ibid.*, p. 310.

64. *Ibid.*, p. 757, 758.

65. *Ibid.*, p. 307.

66. *Ibid.*, p. 306, 307.

67. L.1819, p. 175.

68. R.L.1837, p. 49.

69. L.1849, p. 63.



istrative actions separate from those of its judicial actions. For this purpose two sets of books were to be kept.<sup>70</sup>

In 1870 the new constitution established the office of county clerk;<sup>71</sup> subsequently, the General Assembly provided that the county clerk should act as clerk of the county board<sup>72</sup> as well as clerk of the county court.<sup>73</sup> From that time to the present, the county board has been served in a ministerial capacity by this officer.

The major record kept by the clerk for the county board is the minutes of its proceedings. This heterogeneous record includes orders to issue warrants on the county treasury; the board's consideration of the action on reports of committees of its members on roads and bridges, indigent and infirm relief, schools, taxation, etc.; and its orders in regard to juries, licenses, and other matters within its jurisdiction.<sup>74</sup>

The clerk also keeps separately, a register of orders issued on the county treasury and lists of jury venire; files and preserves all bills of accounts acted on by the board; and has custody of reports required to be made to the board by the county treasurer, various school bodies, and a number of county officers.<sup>75</sup> An obligation to preserve a multiplicity of other records is clearly set forth in the general provision requiring the clerk to have the care and custody of all papers appertaining to, as well as filed in, his office.<sup>76</sup>

## PROCEEDINGS OF BOARD

### 1. (Supervisors' Files), 1860 - -. 293 f.b. 1827-59 in (County Clerk's General Files), entry 84.

County board papers including bills and claims; reports of school trustees and committees; audited reports of county clerk; resolutions; petitions; financial statements; school maps; county budget plans; minutes of meetings; bonds of contractors and tavern keepers; lists of county orders, witness fees, school lands, petit and grand jurors for circuit court, and delinquent road taxes; also lists of tax levies, 1869-1900, 1902 - -. Also contains (Highway and Motor Fuel Tax Claims), 1932-35, entry 4; (Reports of County Officers), entry 23; (Lists of Town Officers), 1860-66, 1876-1914, entry 61; (Files of Official Bonds), 1881-99, entry 74; and (Oaths of County Officers), 1882 - -, entry 79. Arr. by date of document. No index. Hdw.; hdw. under pr. hdgs. 5 x 4 x 12—10 x 4 x 15. 144 f.b., 1860-93, file rm., bsmt.; 133 f.b., 1894-1935, co. clk.'s file rm., 1st fl.; 16 f.b., 1936 - -, co. clk.'s off., 1st fl.

### 2. Supervisors' Record, 1860 - -. 16 v. (E, F, F-M, O-T).

Record of supervisors' proceedings, showing date of session, names of chairman and members of board, communications, committees' reports, resolutions on petitions, county officers' reports, actions on claims, register of school bonds prior to 1929, and other transactions of county business by supervisors. Also contains Register of County and Township Officers and Notaries Public, 1860-71, entry 62; Official Bond Record, 1860-77, entry 75; Justices' and Constables' Bond Record, 1860-82, entry 76; Assessors' Bond Record, 1860-99, entry 77; and Supervisors' Bonds (Record of), 1860-1913, entry 78. Arr. by date of meetings. 1860-73, 1926-32, indexed alph. by title of subject; 1874-1925, 1933 - -, no index. Hdw. 600 p. 18 x 13 x 3. Co. clk.'s file rm., 1st fl.

70. L.1249, p. 66.

71. Constitution of 1870, Art. X, sec. 8.

72. R.S.1874, p. 322.

73. Ibid., p. 260.

74. L.1819, p. 6, 28, 77, 127, 334, 335, 352; R.L.1829, p. 151-53; L.1831, p. 89, 90; L.1835, p. 131, 132, 136; L.1839, p. 71, 72; R.S.1845, p. 237, 342, 403, 437; L.1849, p. 66; L.1861, p. 234-37; R.S.1874, p. 322.

75. R.L.1827, p. 366; L.1845, p. 169; R.S.1845, p. 136; L.1861, p. 237.

76. R.S.1874, p. 322.

3. **Journal (Record of School Lands Sold)**, 1832-50. 1 v.  
Record of sale of school lands, showing date and amount of sale, legal description of property, name of purchaser, date and amount of note, rate of interest, and hand-drawn sketch of lands. Arr. by date of sale. No index. Hdw. 600 p. 17 x 11 x 3. Co. clk.'s file rm., 1st fl.

## DISPOSITION OF ACCOUNTS

**Bills and Claims** (See also entries 2, 309-312)

4. **(Highway and Motor Fuel Tax Claims)**, 1936 - -. 3 bdl. 1932-35 in (Supervisors' Files), entry 1.  
Claims against highway and motor fuel tax funds, showing date, amount, number, and purpose of claim, name of claimant, and date of filing. Arr. by date of filing. No index. Hdw. on pr. fm. 8 x 9½ x 6. Co. clk.'s off., 1st fl.

5. **County Motor Fuel Tax Allotment Record (Claims)**, 1935 - -. 1 v.  
Record of motor fuel tax allotment claims, showing date, amount, and explanation of claim, receipt numbers, amounts of receipts and disbursements, and balance available. Arr. by receipt no. No index. Hdw. under pr. hdgs. 100 p. 10 x 13 x 1. Co. clk.'s file rm., 1st fl.

**Registers of County Orders** (See also entries 1, 228, 255, 262, 267-269, 313)

6. **Jury Certificates (Register of)**, 1859 - -. 2 v. (1 not numbered, 1).  
Missing: 1877-94. Title varies: Jurors' Register, 1 v. not numbered, 1859-76.  
Register of jurors' warrants, showing name of juror, date, number, and amount of warrant, number of days of service, mileage, and date of cancellation. Arr. by date of warrant. No index. Hdw. under pr. hdgs. 150 p. 17 x 14½ x 1. 1 v. not numbered, 1859-76, file rm., bsmt.; v. 1, 1895 - -, co. clk.'s off., 1st fl.

7. **Register of County Orders Issued**, 1895 - -. 6 v. (1 not numbered, 2-6).  
Register of county orders, showing date, number, amount, and purpose of order, name of recipient, and date of cancellation. Also contains County Highway Warrants Cancelled (Register of). 1895-1934, entry 10. Arr. by order no. No index. Hdw. under pr. hdgs. 500 p. 16 x 11 x 2. 1 v. not numbered, 1895-99, v. 3-5, 1904-32, co. clk.'s file rm., 1st fl.; v. 2, 1900-1903, v. 6, 1933- -, co. clk.'s off., 1st fl.

8. **Record of Mothers' Pensions (Register of Warrants)**, 1915 - -. 2 v. (1, 2).  
Register of mothers' pension warrants, showing name of mother, date, number, and amount of warrant, names and ages of children, and date of cancellation. Arr. by date of warrant. Indexed alph. by name of mother. Hdw. under pr. hdgs. 300 p. 18 x 13 x 1½. Co. clk.'s off., 1st fl.

9. **County Highway Warrant Register**, 1935 - -. 1 v.  
Register of warrants issued against county highway and motor fuel tax funds, showing date, amount, purpose, and number of warrant, name of recipient, claim number, date of cancellation, and total amount of warrants issued. Arr. by warrant no. No index. Hdw. under pr. hdgs. 100 p. 14½ x 13 x 1. Co. clk.'s file rm., 1st fl.

10. **County Highway Warrants Cancelled (Register of)**, 1935 - -. 1 v.  
1895-1934 in Register of County Orders Issued, entry 7.  
Register of county highway warrants, showing date, number, and amount of warrant, name of payee, and date of cancellation. Arr. by warrant no. No index. Hdw. 100 p. 11½ x 12 x 1. Co. clk.'s off., 1st fl.

## Cancelled County Orders

**11. Jurors' Certificates, 1907 - -. 3 v.**  
Stub record of jurors' warrants, showing date, number, and amount of warrant, name of juror, date of court term, mileage, and number of days of service. Arr. by warrant no. No index. Hdw. on pr. fm. 250 p. 17 x 13½ x 1. Co. clk.'s off., 1st fl.

**12. Birth and Death Warrant Stubs, 1915 - -. 9 v.**  
Stub record of birth and death warrants, showing date, number, and amount of warrant, and name of recipient. Arr. by warrant no. No index. Hdw. on pr. fm. 75 p. 2½ x 3½ x ½. Co. clk.'s off., 1st fl.

**13. Mothers' Pension Fund Certificates (Stub Record), 1918 - -. 9 v.**  
Stub record of mothers' pension warrants, showing name of mother, date, number, and amount of warrant, and date of cancellation. Arr. by warrant no. No index. Hdw. on pr. fm. 200 p. 17 x 13½ x 1. 8 v., 1918-30, 1933 - -, co. clk.'s off., 1st fl.; 1 v., 1931, 1932, co. clk.'s file rm., 1st fl.

**14. (Cancelled County Orders), 1930 - -. 8 f.d.**  
Cancelled county orders showing date, number, amount, and purpose of order, name of recipient, signatures of county clerk and treasurer, and date of cancellation. Arr. by order no. No index. Hdw. on pr. fm. 15½ x 16 x 39. Treas.'s vlt., 1st fl.

**15. (Cancelled Highway Warrants), 1932 - -. 1 f.d.**  
Cancelled county highway warrants showing date, number, amount, and purpose of warrant, name of recipient, signatures of treasurer and county clerk, and dates of cancellation and filing. Arr. by warrant no. No index. Hdw. on pr. fm. 15½ x 16 x 39. Treas.'s off., 1st fl.

**16. (Sparrow Certificates), 1895-1904. 2 f.b.**  
Bounty certificates for destruction of English sparrows, showing name of claimant, number of sparrows killed, date and amount of payment, and signature of county clerk. Arr. by date of payment. No index. Hdw. on pr. fm. 10 x 4 x 15. Co. clk.'s file rm., 1st fl.

**Pension Fund Account and Applications** (See also entries 148, 149, 253, 268-270)

**17. Register of Applications for Blind Benefits, 1915 - -. 1 v. (1).**  
Register of blind pensioners and applications, showing name and address of pensioner, date, number, and amount of warrant, date of examination, date and number of application, and remarks. This is a combination of two records formerly kept separately, Register of Blind Pensioners, entry 19, and Register of Application of Blind Person for Relief, entry 20. Arr. by date of application. No index. Hdw. under pr. hdgs. 300 p. 18 x 13 x 2. Co. clk.'s off., 1st fl.

**18. Examiner's Register of Application for Blind Benefit, 1915 - -. 1 v. (1). Last entry 1933.**  
Examiner's register of blind applicants, showing name and address of applicant, and date and results of examination. Arr. alph. by name of applicant. No index. Hdw. under pr. hdgs. 80 p. 9½ x 12½ x 1. Co. clk.'s off., 1st fl.

**19. Register of Blind Pensions, 1904-8. 1 v. 1909-14, payment of blind pensions discontinued; 1915 - - in Register of Applications for Blind Benefits, entry 17.**  
Register of blind pensioners, showing name and address of pensioner, application number, and date, number, and amount of warrant. Arr. by date of application. No index. Hdw. under pr. hdgs. 204 p. 11½ x 14 x 1. File rm., bsmt.

20. **Register of Application of Blind Person for Relief, 1903-6.** 1 v. 1907-14 record not kept; 1915 - - in Register of Applications For Blind Benefits, entry 17.

Register of applications of blind persons for relief, showing name and address of blind person, date of examination, and disposition of application. Arr. by date of application. No index. Hdw. under pr. hdgs. 80 p. 18 x 11 x 1. File rm., bsmt.

## MANAGEMENT OF COUNTY PROPERTIES

(See also entries 1, 2, 272, 334)

### Bond Issues

21. **Register of School Bonds, 1929 - -.** 1 v. (1).

Register of school bonds, including register of bonds for local improvements and roads, showing date, number, amount, and purpose of bond, by whom issued, amount and rate of interest, and dates of registration and maturity. Arr. by date of issue. No index. Hdw. 242 p. 16½ x 11½ x 1½. Co. clk.'s off., 1st fl.

### Insurance

22. **(Insurance Policies), 1935 - -.** 1 bdl.

Insurance policies on county property, showing name and address of insurance company, description of property insured, rate and amount of policy, and date of expiration. No obvious arr. No index. Hdw. on pr. fm. 18 x 3½ x 7. Treas.'s vlt., 1st fl.

## REPORTS TO BOARD

(See also entries 2, 274, 292, 314)

23. **(Reports of County Officers), 1827 - -.** 1827-59 in (County Clerk's General Files), entry 84; 1860 - - in (Supervisors' Files), entry 1.

Reports of county officers including school commissioner, county clerk, sheriff, circuit clerk, treasurer, recorder, master in chancery, and county highway commissioner, showing date of report, itemized list of receipts and expenditures, balance of funds available, certified statement and signature of official, and date of filing.

24. **County Treasurer's Monthly Report on Condition of Highway Fund, 1935 - -.** 1 v.

Monthly report of county treasurer on condition of highway fund, showing date, previous balance available, total amount of deposits, amount of cancelled warrants, outstanding warrants, claims in transit and unpaid obligations, actual balance in fund, and amount of fund surplus or deficit. Arr. by date of report. No index. Hdw. on pr. fm. 25 p. 9 x 12 x 1. Co. clk.'s file rm., 1st fl.

25. **Report of School Superintendent, 1895-1907.** 1 v. (1).

Copies of reports of county superintendent of schools to the county board on expenditures of his office, showing date of report, name of superintendent, and date, amount, and purpose of expenditure. Arr. by date of report. No index. Hdw. on pr. fm. 184 p. 16 x 11 x 1½. Co. clk.'s file rm., 1st fl.

## JURY LISTS

(See also entry 1)

26. **Jury List, 1894 - -.** 2 v. (1, 1 not numbered).

Register of jurors, showing name and address of juror, dates of selection and drawing, and title and term of court. Arr. by date of court term. No index. Hdw. under pr. hdgs. 300 p. 17 x 11 x 1½. Co. clk.'s file rm., 1st fl.

## II. COUNTY CLERK

Forerunner of the present county clerk was the clerk of the county commissioners' court. This court was the administrative body in Shelby County from 1827, the date of organization of the county, to 1849.<sup>1</sup> The Constitution of 1848 and laws of 1849 created a new judicial branch of county government presided over by the county judge and entitled the "county court," and provided for the quadrennial election of a "clerk of the county court."<sup>2</sup> In addition to his duties as clerk of the judicial court, the incumbent was also to act as clerk of the administrative branch of government which consisted of the county judge and two justices of the peace.<sup>3</sup> In 1859 Shelby County adopted the township form of government necessitating the election of a board of supervisors to supplant the county court as the county administrative body.<sup>4</sup> Accordingly, the clerk of the county court became ex-officio clerk of the board of supervisors.<sup>5</sup>

The above-mentioned clerks all performed the duties of county clerk as well as those of clerks of a judicial or administrative body. In fact, legislation frequently referred to these incumbents as "county clerks" when defining duties relating to county business as distinct from duties as clerks of judicial or administrative bodies. The Constitution of 1870 specifically provided for a county clerk<sup>6</sup> who has continued to act to the present in this capacity, and also as clerk of the county board<sup>7</sup> and clerk of the county court.<sup>8</sup> The revised statutes of 1874 adopted the use of a distinction of titles for each of his ex-officio capacities, applying the title "county clerk" only when referring to his duties as such.<sup>9</sup> It is the performance of these duties that gives rise to the records dealt with in this section.

The clerk was an appointee of the county commissioners' court in Shelby County from 1827 to 1837.<sup>10</sup> In the latter year the office became elective with a four-year term;<sup>11</sup> a two-year term became effective in 1847.<sup>12</sup> A bond of \$1,000 was set.<sup>13</sup> The clerk of the county court served for a four-year term and was bonded in the sum of \$3,000.<sup>14</sup> The Constitution of 1870 and the revised statutes of 1874, establishing the office of county clerk, provided for his election for a quadrennial term, and that the amount of his bond be set by the county board.<sup>15</sup> The bond is entered upon the records of his office, and deposited with the clerk of the circuit court. He is required to take oath, and is commissioned by the Governor.<sup>16</sup> The county seal is kept by the clerk and is used by him when required.

In general, the county clerk's performance of his functions results in records relating to the following: taxation, vital statistics, licenses, and bonds. Various officials and agencies having authority over these matters report to, or deposit records with, the county clerk who in this manner acts as a coordinating factor in the execution of local and state affairs. In regard to other of these matters, the clerk is required to

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1. Constitution of 1818, Schedule, sec. 4; L.1819, p. 175.
  2. Constitution of 1848, Art. V, sec. 16, 18, 19; L.1849, p. 62, 63.
  3. L.1849, p. 65, 66.
  4. Constitution of 1848, Art. VII, sec. 6; L.1851, p. 38, 45, 50.
  5. L.1851, p. 52; L.1861, p. 237.
  6. Constitution of 1870, Art. VI, sec. 18 and Art X, sec. 8.
  7. R.S.1874, p. 322.
  8. Ibid., p. 260.
  9. Ibid., p. 260, 322.
  10. L.1819, p. 175.
  11. R.L.1837, p. 49.
  12. L.1845, p. 28. Effective in 1847.
  13. L.1819, p. 176, 177; R.L.1833, p. 143; R.S.1845, p. 131.
  14. L.1849, p. 63, 64.
  15. Constitution of 1870, Art. X, sec. 8; R.S.1874, p. 321.
  16. R.S.1874, p. 321.

perform duties on his own behalf and retain the records resulting from such performance.

Illustrations of both of these procedures may be found by examining the various duties and records relating to taxation. It is the duty of the county clerk to procure all books and blanks used in the assessment and collection of taxes, and to list in such books the lands and lots subject to taxation.<sup>17</sup> These books are then turned over to the supervisor of assessments who has the township assessors enter the valuations against each piece of property listed. The supervisor completes revisions and corrections upon complaint of property owners and returns the books in duplicate to the county clerk.<sup>18</sup> Personal property assessments are handled in essentially the same manner. The board of review then makes adjustments on complaints and equalizes assessments between districts, certifying corrections and revisions to the county clerk.<sup>19</sup> The county clerk then reports the entire assessment list to the State Tax Commission for equalization, the equalized list then being used by the county clerk in ascertaining tax rates and extending taxes.<sup>20</sup>

The State Tax Commission also certifies to the county clerk the assessments on the capital stock of corporations and railroad and telegraph companies, it being the duty of the clerk to extend these taxes and retain the books after use by the collector.<sup>21</sup>

The books are next turned over to the county collector who, after collection, returns lists of collections, together with lists of uncollected real and personal property taxes.<sup>22</sup> The county clerk attends all tax sales, prepares a list of all sales and issues duplicate reports thereof, records affidavits of purchases of property for taxes, and keeps a record known as the "tax judgment, sale, redemption, and forfeiture record."<sup>23</sup>

An extensive group of vital statistics records is kept by the county clerk, including records relating to births and deaths, marriages, physicians, and midwives. The first legislation in regard to the keeping of vital statistics was included in the act for the establishment of medical societies.<sup>24</sup> One section of this act made it the duty of every physician to keep a record of births, deaths, and diseases occurring within the vicinity of his practice, and to transmit such record to his medical society, whereupon the record was to be published in the newspapers. In 1842 it was provided that a parent could appear before the clerk of the county commissioners' court and make affidavit as to the birth of a child, and the eldest next of kin of a deceased person could similarly appear and make affidavit as to death.<sup>25</sup> It is probable that the tenor of the above-mentioned laws explains the fact that no birth or death records exist in Shelby County prior to 1877, the first law, 1819, requiring no public record to be kept, and the 1842 law providing that affidavits "may" be made. The act of 1877 creating the State Board of Health required that all births and deaths in the county be reported to the county clerk by the attending physicians or accoucheurs.<sup>26</sup> Teeth were

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17. L.1867, p. 106; L.1871-72, p. 19, 20, 32; L.1903, p. 297. During the period of the first constitution such books and lists were prepared by the auditor of public accounts and turned over to the clerk of the county commissioners' court (L.1825, p. 173; R.L.1827, p. 329; L.1839, p. 3, 4; L.1847, p. 79).

18. The first assessment officer was the county treasurer (R.L.1827, p. 323-36). In 1839 this function was performed by the district assessors, who received from the county clerk copies of the auditor's transcripts (L.1839, p. 3, 4). The treasurer resumed these duties in 1844 (L.1843, p. 231), retaining them until the institution of township organization in 1860 resulted in township assessors acting in each township (L.1851, p. 38). The treasurer now acts as ex-officio supervisor of assessments (L.1898, p. 36-44).

19. L.1898, p. 36-44.

20. L.1919, p. 723.

21. L.1871-72, p. 11, 13, 16; L.1937, p. 1011, 1012.

22. L.1849, p. 124, 125; L.1871-72, p. 55; L.1931, p. 759.

23. L.1839, p. 3; L.1871-72, p. 40; L.1879, p. 250.

24. L.1819, p. 233.

25. L.1842-43, p. 210-12.

26. L.1877, p. 209.

put into this and subsequent laws by providing penalties for noncompliance. In 1901 death certificates issued by physicians, midwives, or coroners were to be presented to town clerks who issued burial permits and forwarded the certificates to the county clerk.<sup>27</sup> In 1903 certificates of death were to be turned over to the State Board of Health, which board, in turn, delivered to the county clerk all certificates so received.<sup>28</sup> In 1915 it was provided that for the registration of all births, stillbirths, and deaths outside any city, village, or incorporated town, the township clerks should deposit a complete set of such records with the county clerk who was charged with the binding and indexing, or recording, and safekeeping of such records.<sup>29</sup> From the earliest date, the legislation in regard to these matters provided that the clerk retain the abstracts and certificates, keep a record of births and deaths, maintain alphabetical indexes, and issue certified copies of certificates upon request. The clerk has also been required to prepare a register of all physicians and accoucheurs in the county.<sup>30</sup>

Since the organization of Shelby County in 1827, the county clerk, or clerk of the county commissioners' court, has been required to file marriage certificates and certificates of parents' consent to the marriage of minors.<sup>31</sup> The clerk was also required to keep a separate register of marriages in addition to his file of certificates.<sup>32</sup> Before 1877 persons desiring to marry were required to secure licenses from the county clerk only when they had not previously published such intention, but in that year the securing of a license was made mandatory.<sup>33</sup> Although a record of applications for marriage licenses has been kept by the clerk in this county since 1827, an act of 1937 appears to be the first legislation requiring the maintenance of such record.<sup>34</sup> The same act provides that persons desiring to marry shall present to the county clerk a certificate setting forth that such persons are free from venereal diseases, such certificates to be filed with the application for license to marry.<sup>35</sup> Indexes to marriage records have been kept in Shelby County since its organization in 1827.

The county clerk is charged with a number of duties relating to elections, such as preparing and issuing blank ballots,<sup>36</sup> poll books,<sup>37</sup> and certificates of election,<sup>38</sup> and keeping a record of registers of elections,<sup>39</sup> petitions,<sup>40</sup> marked ballots,<sup>41</sup> tally sheets,<sup>42</sup> and election returns which are transmitted to him by the judges of election.<sup>43</sup> Abstracts of returns were formerly prepared by the clerk, but these are now originated by the election commissioners or judges of election and deposited with the clerk. Returned ballots are destroyed by the clerk six months after election, provided no contest in which the ballots are needed is in progress.<sup>44</sup> In 1889, when returns of elections for school trustees were made to the county clerk, he was charged with furnishing to the county superintendent of schools a list of all such trustees.<sup>45</sup> Now the clerk does not enter into the procedure, the school trustees canvassing the returns

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27. L.1901, p. 302, 303.

28. L.1903, p. 314-18.

29. L.1915, p. 660.

30. L.1877, p. 209.

31. L.1819, p. 27; R.S.1845, p. 354; R.S.1874, p. 694.

32. R.L.1827, p. 289.

33. L.1877, p. 130.

34. L.1937, p. 909.

35. *Ibid.*, p. 910.

36. L.1891, p. 113; L.1911, p. 311.

37. L.1871-72, p. 386.

38. L.1819, p. 96; L.1821, p. 79; L.1823, p. 64; L.1885, p. 176.

39. L.1865, p. 59; L.1871-72, p. 386.

40. L.1911, p. 310, 311; L.1929, p. 422.

41. L.1891, p. 118.

42. L.1885, p. 143.

43. L.1819, p. 86; L.1821, p. 77; L.1823, p. 64; L.1871-72, p. 389.

44. L.1917, p. 444.

45. L.1889, p. 271, 322.

and certifying directly to the superintendent of schools.<sup>46</sup>

The bonds of a number of officials are required to be transmitted to the clerk for filing and entering in a book maintained for that purpose.<sup>47</sup> Justices' of the peace and constables' oaths, bonds, and securities are approved by the clerk and entered in a separate book in accordance with statutory requirement. This book shows the date on which each justice of the peace and constable was sworn into office and the date of commission by the Governor. Resignations from these offices are made to the county clerk who enters such fact in the justices' and constables' record.<sup>48</sup>

The clerk is also charged with issuing licenses to taverns,<sup>49</sup> ferries,<sup>50</sup> etc., and keeping records of the same. Other records kept are: those relating to estrays;<sup>51</sup> registers of professionals, including physicians,<sup>52</sup> midwives,<sup>53</sup> dentists,<sup>54</sup> chiropodists,<sup>55</sup> and veterinarians;<sup>56</sup> list of county officers; list of town officers which is furnished annually by the town clerk;<sup>57</sup> record of notaries public;<sup>58</sup> and book of state civil service rules.<sup>59</sup> Referring to his list of town officers, the county clerk reports annually to the State Department of Public Health the names and addresses of the supervisor, assessor, and clerk of each township, and the dates of the expiration of their terms of office.<sup>60</sup>

Included in the provision that the county clerk be charged with the care and custody of all records, books, and papers appertaining to, and filed or deposited in, his office<sup>61</sup> are those duties as clerk of the county board, wherein he is required to record the proceedings of the board and to file all their books, records, and accounts.<sup>62</sup> Also included are his record-keeping duties as ex-officio clerk of the county court, with its resulting duties in relation to probate matters.<sup>63</sup> The clerk is also required to keep jury lists<sup>64</sup> and a book in which he enters details as to orders upon the treasurer. He is further required to maintain alphabetical indexes of all records and papers in his office, and to supply copies of these records or papers to any person upon request and payment of the required fee.<sup>65</sup>

## TAXATION

(See also entries 1, 84, [viii, ix, xii, xiii, xvi, xvii, xxii], 93, 239-247, 251, 259, 276, 286)

### Lists of Taxable Properties, Levies

#### 27. Land Book, Shelby County, 1833-91. 2 v. (A, B).

Entry book of original land grants as submitted by state auditor to county clerk for assessment purposes, showing name of owner, legal description and location of land, and date of filing. Arr. by date of filing. No index. Hdw. 200 p. 12 x 10 x 1. Co. clk.'s off., 1st fl.

46. L.1909, p. 352.

47. R.S.1845, p. 396, 397; L.1861, p. 237, 238; R.S.1874, p. 325; L.1895, p. 188.

48. L.1895, p. 188.

49. L.1819, p. 77-79; L.1933-34, Second Sp. Sess., p. 64-66.

50. R.L.1827, p. 221; R.S.1874, p. 530.

51. L.1819, p. 206, 207; R.S.1874, p. 483.

52. L.1877, p. 209; L.1899, p. 275; L.1923, p. 441, 442.

53. Ibid.

54. L.1881, p. 79; L.1899, p. 273; L.1909, p. 279; L.1933, p. 711.

55. L.1899, p. 280; L.1935, p. 995.

56. L.1917, p. 591.

57. L.1861, p. 226; R.S.1874, p. 1077.

58. L.1871-72, p. 575; R.S.1874, p. 721; L.1876, p. 88.

59. L.1905, p. 115.

60. L.1923, p. 480.

61. R.S.1874, p. 322.

62. L.1861, p. 238; R.S.1874, p. 322.

63. R.S.1874, p. 260.

64. Ibid., p. 630.

65. R.S.1874, p. 321.



28. (Docket of) **Rates of Taxes** (and Amounts Wanted), 1900-1917, 1937 - -. 2 v. (A, 1). Title varies: Docket of Amounts Wanted, v. A, 1900-1917. 1860-99, 1918-36 in (Collector's Books), entry 36.

Docket of rates and amounts wanted, showing name of township, number of school district, assessed and equalized value of land, lots, personal property, and railroad, telegraph, and telephone property, date, rate, and total valuation and tax. Arr. alph. by name of twp. No index. Hdw. under pr. hdgs. 300 p. 16 x 12 x 1½. V. A, 1900-1917, co. clk.'s file rm., 1st fl.; v. 1, 1937 - -, co. clk.'s off., 1st fl.

29. (Assessor's Books), 1860 - -. 1755 v.  
(Ash Grove Township, Real Estate and Personal Property, 1862-79, 1884-93. 18 v. Missing: 1860, 1861, 1863-66, 1870, 1871, 1874, 1876, 1877, 1888-93. Real Estate, 1880-83, 1899 - -. 19 v. Personal Property, 1880-83, 1899 - -. 44 v.

Big Spring Township, Real Estate and Personal Property, 1875-19, 1884-98. 15 v. Real Estate, 1880-83, 1899 - -. 18 v. Missing: 1880-83. Personal Property, 1880-83, 1899 - -. 42 v. Missing: 1881, 1899.

Clarksburg Township, Real Estate, 1919 - -. 7 v. Personal Property, 1919 - -. 20 v.

Cold Spring Township, Real Estate and Personal Property, 1860-79, 1884-98. 20 v. Missing: 1863-74, 1891-93. Real Estate, 1880-83, 1899 - -. 19 v. Personal Property, 1880-83, 1899 - -. 43 v. Missing: 1881.

Dry Point Township, Real Estate and Personal Property, 1872-79, 1884-98. 14 v. Missing: 1873-75, 1887, 1890-93, 1895. Real Estate, 1880-83, 1899 - -. 19 v. Personal Property, 1880-83, 1899 - -. 43 v. Missing: 1881.

Flat Branch Township, Real Estate and Personal Property, 1860-79, 1884-98. 14 v. Missing: 1862-78, 1890-93. Real Estate, 1880-83, 1899 - -. 19 v. Personal Property, 1880-83, 1899 - -. 42 v. Missing: 1880, 1881.

Herrick Township, Real Estate and Personal Property, 1894-98. 5 v. Real Estate, 1899 - -. 18 v. Personal Property, 1899 - -. 39 v. Missing: 1931.

Holland Township, Real Estate and Personal Property, 1875-79, 1884-98. 16 v. Missing: 1860-74, 1890-93. Real Estate, 1880-93, 1899 - -. 19 v. Personal Property, 1880-83, 1899 - -. 43 v. Missing: 1883.

Lakewood Township, Real Estate, 1911 - -. 11 v. Personal Property, 1911 - -. 28 v.

Moweaqua Township, Real Estate and Personal Property, 1870-79, 1884-98. 14 v. Missing: 1860-69, 1871-75, 1877, 1884, 1890-93. Real Estate, 1880-83, 1899 - -. 19 v. Personal Property, 1880-83, 1899 - -. 44 v.

Oconee Township, Real Estate and Personal Property, 1863-79, 1884-98. 17 v. Missing: 1860-62, 1864, 1867-73, 1876-78, 1890-93. Real Estate, 1880-83, 1899 - -. 20 v. Personal Property, 1880-83, 1899 - -. 42 v. Missing: 1880, 1907.

Okaw Township, Real Estate and Personal Property, 1870-79, 1884-98. 18 v. Missing: 1860-69, 1871, 1873, 1890-94. Real Estate, 1880-83, 1899 - -. 19 v. Personal Property, 1880-83, 1899 - -. 43 v. Missing: 1881.

Penn Township, Real Estate and Personal Property, 1869-79, 1884-98. 16 v. Missing: 1866-68, 1870-74, 1884, 1890, 1891, 1893,

1898. Real Estate, 1880-83, 1899 - -. 19 v. Personal Property, 1880-83, 1899 - -. 43 v. Missing: 1881.

Pickaway Township, Real Estate and Personal Property, 1860-79, 1884-98. 28 v. Missing: 1862, 1871, 1873, 1890-93. Real Estate, 1880-83, 1899 - -. 19 v. Personal Property, 1880-83, 1899 - -. 44 v.

Prairie Township, Real Estate and Personal Property, 1875-79, 1884-98. 13 v. Missing: 1860-74, 1877, 1890-93, 1895. Real Estate, 1880-83, 1899 - -. 19 v. Personal Property, 1880-83, 1899 - -. 43 v. Missing: 1880.

Richland Township, Real Estate and Personal Property, 1877-79, 1884-98. 11 v. Missing: 1860-76, 1878, 1879, 1890-94. Real Estate, 1880-83, 1899 - -. 18 v. Missing: 1880-83. Personal Property, 1880-83, 1899 - -. 42 v. Missing: 1880-82.

Ridge Township, Real Estate and Personal Property, 1861-78, 1884-98. 13 v. Missing: 1860, 1863-72, 1874-77, 1879, 1885, 1890-94. Real Estate, 1880-83, 1899 - -. 18 v. Missing: 1880-83. Personal Property, 1880-83, 1899 - -. 41 v. Missing: 1880-82.

Rose Township, Real Estate and Personal Property, 1875-73, 1884-98. 17 v. Missing: 1860-74, 1879, 1885, 1891. Real Estate, 1880-83, 1899 - -. 19 v. Personal Property, 1880-83, 1899 - -. 42 v. Missing: 1882, 1883.

Rural Township, Real Estate and Personal Property, 1877-79, 1884-98. 10 v. Missing: 1878, 1879, 1884, 1887, 1890-93. Real Estate, 1880-83, 1899 - -. 19 v. Personal Property, 1880-83, 1899 - -. 41 v. Missing: 1881-83.

Shelbyville Township, Real Estate and Personal Property, 1861-79, 1884-98. 27 v. Missing: 1862, 1863, 1885, 1890-94. Real Estate, 1880-83, 1899 - -. 33 v. Missing: 1880-83. Personal Property, 1880-83, 1899 - -. 42 v. Missing: 1880-82.

Sigel Township, Real Estate and Personal Property, 1884-98. 8 v. Missing: 1885, 1887, 1890-94. Real Estate, 1880-83, 1899 - -. 18 v. Missing: 1883. Personal Property, 1880-83, 1899 - -. 40 v. Missing: 1880-83.

Todd Point Township, Real Estate and Personal Property, 1875-79, 1884-98. 9 v. Missing: 1874, 1876, 1885, 1886, 1889-93, 1895, 1897, 1898. Real Estate, 1880-83, 1899 - -. 19 v. Personal Property, 1880-83, 1899 - -. 44 v.

Tower Hill Township, Real Estate and Personal Property, 1860-79, 1884-98. 13 v. Missing: 1862, 1863, 1865-76, 1887, 1890-94, 1897, 1898. Real Estate, 1880-83, 1899 - -. 19 v. Personal Property, 1880-83, 1899 - -. 43 v. Missing: 1882.

Windsor Township, Real Estate and Personal Property, 1860-79, 1884-98. 11 v. Missing: 1861-76, 1886, 1888, 1890-93, 1896, 1897. Real Estate, 1880-83, 1899 - -. 19 v. Personal Property, 1880-83, 1899 - -. 44 v.). 1841-59 in (Assessor's and Collector's Books), entry 30.

Assessor's list of taxable real and personal property, including railroad assessments, 1860-72, and telephone and telegraph assessments, 1884-1906, 1938 - -, howing name of owner, description and location of property, assessed and equalized values, tax spread, and total tax. Also contains Abstract of Assessment, 1860-1914, entry 33. Personal property, arr. alph. by name of owner; real estate, arr. by sec., twp., and range. No index. Hdw. under pr. hdgs. 100-200 p. 17 x 14½ x ½—17 x 15 x 1½. 327 v., 1860-79, 1884-98, Real Estate and Personal Property; 374 v., 1880-83, 1899-1926, Real Estate; 910 v., 1880-83, 1899-1935, Personal Property, file rm., bsmt.; 72 v., 1927 - -, Real Estate; 72 v., 1936 - -, Personal Property, treas.'s file rm., 1st fl.

**30. (Assessor's and Collector's Books), 1841-59. 19 v. Missing: 1842, 1843.**

Assessor's and collector's lists of taxable property for all townships, showing name of owner, description and location of property, assessed and equalized values, tax spread, total tax, and date and amount of payment. (Assessor's Books), entry 29, and (Collector's Books), entry 36, including Abatement Record, entry 246, subsequently kept separately. Arr. by sec., twp., and range. No index. Hdw. under pr. hdgs. 400 p. 16 x 11 x 2½. File rm., bsmt.

**31. Railroad Tax Book. 1872 - -. 12 v. Missing: 1874-79, 1881-89.**

Assessor's and collector's lists of taxable railroad property, showing name of railroad company, legal description of real property, number of acres of right of way, miles of track, rolling stock, value as listed by railroad company, equalized value as fixed by county and state boards, tax spread, amount of back tax, and total tax. Arr. alph. by name of twp. No index. Hdw. on pr. fm. 150 p. 17 x 15 x 2. 8 v., 1872-1915, file rm., bsmt.; 2 v., 1916-32, co. clk's file rm., 1st fl.; 1 v., 1933-37, treas.'s vlt., 1st fl.; 1 v., 1938 - -, co. clk.'s off., 1st fl.

For prior assessor's and collector's lists of taxable railroad property, see entries 29, 36.

**32. Telegraph and Telephone Tax Books, 1907-37. 3 v.**

Assessor's and collector's lists of taxable telephone and telegraph company properties, showing name of company, assessed and equalized values, description of property, tax spread, total tax, and date of assessment. Arr. by date of assessment. No index. Hdw. under pr. hdgs. 300 p. 17 x 11 x 2. Co. clk.'s file rm., 1st fl.

For prior and subsequent lists of telegraph and telephone property, see entry 29.

**33. Abstract of Assessment, 1915 - -. 3 v. (2 not numbered, 3). 1860-1914 in (Assessor's Books), entry 29.**

Abstract of assessments of personal property and real estate as listed in assessor's books, showing name of township, kind of assessment, assessed valuation, amount of levy, tax spread, grand total of assessment, book and page of assessor's books, and date of assessment. Arr. by date of assessment. No index. Hdw. under pr. hdgs. 260 p. 17 x 14 x 1½. Co. clk.'s file rm., 1st fl.

**34. Special Tax Assessments (Rolls), 1920 - -. 2 f.b., 1 f.d. 1833-1919 in Tax Certificates and Schedules, entry 239.**

Special assessment rolls and tax levies showing date, purpose of tax, name of property owner, amount of individual assessments, and total assessment. Arr. alph. by title of special assessment. No index. Hdw. on pr. fm. F.b., 10 x 4 x 15; f. d., 12 x 6 x 24. 2 f. b. 1920-29, co. clk.'s file rm., 1st fl.; 1 f. d., 1930 - -, co. clk.'s off., 1st fl.

**35. Summary of Agricultural Statistics, 1878-79. 1 v. 1880 - - kept by United States Department of Agriculture.**

Abstract of agricultural statistics, used for taxation purpose, showing name of township, number of acres planted in grain crops, number of bushels and market value of grain produced, number of head and kind of livestock, kind and value of poultry, amounts of grain, poultry, livestock, and dairy products sold, summary, and grand total for entire county. Arr. alph. by name of twp. No index. Hdw. under pr. hdgs. 50 p. 15½ x 17 x ½. File rm., bsmt.

**Collections, Abatement**

**36. (Collector's Books), 1860 - -. 1515 v.**

(Ash Grove Township, 1860 - -. 71 v. Missing: 1885-92.  
Big Spring Township, 1860 - -. 70 v. Missing: 1885-93.  
Clarksburg Township, 1919 - -. 20 v.

Cold Spring Township, 1860 --. 71 v. Missing: 1885-92.  
 Dry Point Township, 1860 --. 70 v. Missing: 1885-93.  
 Flat Branch Township, 1860 --. 70 v. Missing: 1885-93.  
 Herrick Township, 1894 --. 45 v.  
 Holland Township, 1860 --. 71 v. Missing: 1885-91, 1909.  
 Lakewood Township, 1911 --. 28 v.  
 Moweaqua Township, 1860 --. 70 v. Missing: 1885-93.  
 Oconee Township, 1860 --. 69 v. Missing: 1856, 1885-93.  
 Okaw Township, 1860 --. 71 v. Missing: 1885-92.  
 Penn Township, 1867 --. 61 v. Missing: 1866, 1885-93, 1907.  
 Pickaway Township, 1860 --. 67 v. Missing: 1863, 1885-92, 1907, 1910, 1912.  
 Prairie Township, 1860 --. 69 v. Missing: 1860, 1885-93.  
 Richland Township, 1860 --. 70 v. Missing: 1885-93.  
 Ridge Township, 1860 --. 70 v. Missing: 1885-93.  
 Rose Township, 1860 --. 71 v. Missing: 1885-92.  
 Rural Township, 1860 --. 70 v. Missing: 1885-93.  
 Shelbyville Township, 1860 --. 69 v. Missing: 1860, 1885-92, 1904.  
 Sigel Township, 1883 --. 46 v. Missing: 1885-93, 1907, 1914.  
 Todd Point Township, 1874 --. 56 v. Missing: 1885-93.  
 Tower Hill Township, 1860 --. 70 v. Missing: 1885-93.  
 Windsor Township, 1860 --. 70 v. Missing: 1885-92, 1899).  
 1841-59 in (Assessor's and Collector's Books), entry 30.

Lists of taxable real and personal property, including railroad taxes, showing name of owner, description, location, and valuation of property, tax spread, amounts of payment and delinquency, and date of payment. Also contains (Docket of) Rates of Taxes (and Amounts Wanted), 1860-99, 1918-36, entry 28, and Abatement Record, 1860-1907, entry 246. Personal Property arr. alph. by name of owner; real estate arr. by sec., twp., and range. No index. Hdw. under pr. hdgs. 100 p. 16 x 15 x 1. 1015 v., 1860-1917, file rm., bsmt.; 500 v., 1918 --, treas.'s file rm., 1st fl.

**37. Delinquent Tax Lists, 1862-1917. 99 v.**

Lists of tax delinquent real estate, showing legal description of property, name and address of owner, assessed valuation, amounts of delinquent taxes, costs, and interest, date of delinquency, and remarks. Arr. by date of delinquency. No index. Hdw. under pr. hdgs. 50 p. 15 x 12 x 1/2. File rm., bsmt.

**38. Delinquent and Railroad Taxes, 1860-66. 2 v. (A, B).**

Lists of delinquent real estate and railroad taxes, showing names of owner or railroad, amount of delinquent taxes in each township, tax distribution, abatements, totals of various taxes, costs and penalties, and number of township. Arr. by sec., twp., and range. Indexed alph. by name of owner or railroad. Hdw. on pr. fm. 400 p. 16 x 12 x 2. File rm., bsmt.

**39. (Tax Refunding Book), 1873. 4 v.**

Lists of real estate on which illegally assessed taxes have been refunded by the state as per correction by state board of equalization, showing dates of tax and refund, location and description of property, and amounts of taxes collected and refunded. Arr. by sec., twp., and range. No index. Hdw. under pr. hdgs. 200 p. 16 x 11 x 1. File rm., bsmt.

**Judgment, Sale,  
Redemption, Forfeiture**

**40. Tax Judgement, Sale, Redemption, and Forfeiture Record, 1881 --. 35 v.**

Lists of tax delinquent real property on which tax judgment, sale, redemption, or forfeiture proceedings have been instituted, showing names of owner and purchaser or redeemer, legal description and value

of property, amounts of delinquent taxes, costs, penalties, and judgment, sale or redemption, dates of delinquency, judgment and sale, redemption or forfeiture, and certification of county clerk; also includes lists of real estate abatements. Tax Judgment Record, entry 41, and Tax Sale and Redemption Record, entry 42, formerly kept separately. Arr. by sec., twp., and range. No index. Hdw. under pr. hdgs. 400 p. 17 x 11 x 3. 9 v., 1881-89, file rm., bsmt.; 26 v., 1890 - -, co. clk.'s off., 1st fl.

**41. Tax Judgment Record, 1863-80.** 5 v. (A-E). 1881 - - in Tax Judgment, Sale, Redemption, and Forfeiture Record, entry 40. Lists of tax delinquent real estate upon which judgment for sale has been entered, showing name and address of owner, legal description and value of property, tax spread, amounts of taxes, costs, and payments, and dates of delinquency and judgments. Arr. alph. by name of owner. No index. Hdw. under pr. hdgs. 300 p. 16 x 10 x 1½. V. A, B, 1863-76; D, E, 1879-80, file rm., bsmt.; v. C, 1877-78, co. clk.'s file rm., 1st fl.

**42. Tax Sale Redemption Record, 1847-80.** 8 v. (3 not lettered, A-E). Title varies: Record of Land Sold for Taxes, 3 v. not lettered, 1847-62. 1881 - - in Tax Judgment, Sale, Redemption, and Forfeiture Record, entry 40. Lists of tax delinquent real estate sold on order of judgment for sale or redeemed from sale, showing names of owner and purchaser or redeemer, legal description of property, number of acres offered and sold, amounts of delinquent taxes, costs, and sale or redemption, and dates of judgment and sale or redemption; also includes real estate abatement lists. 1847-62, hdw.; 1863-80, hdw. under pr. hdgs. 120-275 pp. 14 x 12 x ½—16 x 12 x 1½. File rm., bsmt.

**43. Tax Deed Affidavits, 1860 - -.** 6 f.b. Missing: 1877-93, 1905-14. Title varies: Affidavits for Tax Deeds, 1 f.b., 1850-76. 1831-59 in (County Clerk's General Files), entry 84. Affidavits for tax deeds, showing name of purchaser, consideration, legal description of property, oath of compliance with legal requirements, signatures of owner and county clerk, and date of affidavit. Arr. by date of affidavit. No index. Hdw. on pr. fm. 10 x 4 x 15. 1 f.b., 1850-76, file rm., bsmt.; 5 f.b., 1894-1904, 1915 - -, co. clk.'s off., 1st fl.

**44. Tax Deed Affidavit, 1893 - -.** 4 v. (1-4). Copies of affidavits for tax deeds, showing date and place of sale, name of purchaser, legal description of property, amounts of tax assessments, interests, and costs, signatures of treasurer and county clerk, and dates of affidavit and filing. Arr. by date of filing. Indexed alph. by name of purchaser. Hdw. on pr. fm. 300 p. 17 x 11 x 2. Co. clk.'s off., 1st fl.

## Maps

**45. School Plat Record, 1856 - -.** 4 v. (3 not numbered, 3). Record of school plats used for taxation purposes, showing name of township, section and school district numbers, locations of schools, new and old boundaries of school district, and date of filing. Arr. by date of filing. Indexed alph. by name of twp. Hdw.; hand-drawn. 1 in. to 1 mi. 120 - 160 p. 8 x 12 x 1—17 x 14 x 1½. 1 v. not numbered, 1856-76; file rm., bsmt.; 1 v. not numbered, 1877-1900, co. clk.'s file rm., 1st fl.; 1 v. not numbered, v. 3, 1901 - -, co. clk.'s off., 1st fl.

## VITAL STATISTICS

**Births** (See also entries 12, 83, 84 [v])

**46. Birth Reports, 1936 - -.** 4 v. 1878-1935 in (Birth, Death, and Stillbirth Certificates), entry 47. Birth certificates showing certificate number, date and place of birth, names of child, parents, physician or midwife, and registrar, personal

and statistical particulars, signatures of physician and county clerk, and date of filing. Arr. alph. by surname of child. No index. Hdw. on pr. fm. 600 p. 7 x 9½ x 3½. Co. clk.'s file rm., 1st fl.

**47. (Birth, Death, and Stillbirth Certificates), 1878-1935. 50 f.b.**  
Original certificates of births, showing date and number of certificate, date and place of birth, names of child, parents, and physician or midwife, personal and statistical particulars, signatures of physician or midwife, registrar, and county clerk, and date of filing; death certificates showing place, cause, and date of death, registration and primary district numbers, personal and statistical particulars, names of deceased, informant, undertaker, and physician, medical certificate of death, and signature of county clerk; stillbirth certificates showing names of parents and child, date, place, and cause of stillbirth, physician's certificate of death, undertaker's certificate of burial, date and place of burial, and signature of county clerk. Birth Reports, entry 46, and Death Reports, entry 50, subsequently kept separately in loose-leaf form. No obvious arr. No index. Hdw. on pr. fm. 5 x 4 x 12 - 10 x 4 x 15. 16 f.b., 1878-87, file rm., bsmt.; 34 f.b., 1888-1935, co. clk.'s file rm., 1st fl.

**48. Birth Report Record, 1877-1935. 14 v. (1-14). Title varies:**  
Register of Births, v. 1-3, 1877-1903; Birth Record, v. 4, 5, 1904-7.  
Copies of birth certificates, showing certificate number, place and date of birth, sex, color, and name of child, names of parents, physician or midwife, and county clerk, number of children born to mother, and date of filing. Arr. by date of birth. For index, 1877-1903, see entry 49; 1904-35, indexed alph. by surname of child. Hdw. on pr. fm. 500 p. 18 x 12 x 3. Co. clk.'s file rm., 1st fl.

**49. Index to Birth Records, 1877-1903. 1 v.**  
Index to Birth Report Record, entry 48, showing christian and surname of child, and book and page of record. Arr. alph. by surname of child. Hdw. under pr. hdgs. 300 p. 18 x 12 x 2. Co. clk.'s file rm., 1st fl.

**Deaths** (See also entries  
12, 83, 84 [vi])

**50. Death Reports, 1936 - -. 4 v. 1878-1935 in (Birth, Death, and Stillbirth Certificates), entry 47.**  
Death and stillbirth certificates showing place, cause, and date of death, registration and primary district numbers, personal and statistical particulars, names of deceased, informant, undertaker, and physician, medical certificate of death, and signature of county clerk. Arr. alph. by surname of deceased. No index. Hdw. on pr. fm. 400 p. 9 x 10½ x 2½. Co. clk.'s file rm., 1st fl.

**51. Register of Deaths (Record), 1877-1935. 10 v. (1-10). Title varies: Death Record, v. 3-5, 1902-16.**  
Copies of death certificates, showing names of deceased, parents, physician, and undertaker; cause, date, and place of death; medical certificate of death, and date of filing. Also contains Stillbirths Report Record, 1877-1915, entry 55. Arr. by date of filing. For index, 1877-1902, see entry 52; 1903-35, indexed alph. by surname of deceased. Hdw. on pr. fm. 500 p. 8 x 12 x 3½. Co. clk.'s file rm., 1st fl.

**52. Index to Deaths, 1877-1902. 1 v.**  
Index to Register of Deaths (Record), entry 51, showing name of deceased, and book and page of record. Arr. alph. by name of deceased. Hdw. under pr. hdgs. 200 p. 18 x 12 x 2. Co. clk.'s file rm., 1st fl.

**53. Record of Burial Certificates of Soldiers, Sailors and Marines, 1915 - -. 1 v. (1). Last entry 1935.**  
Copies of burial certificates of veterans, showing names of veteran and undertaker, date of burial certificate, length of military service, name

and number of regiment, and date and place of burial. Arr. by date of certificate. Indexed alph. by name of veteran. Hdw. on pr. fm. 300 p. 18 x 12 x 2. Co. clk.'s file rm., 1st fl.

**54. Shelby County Veterans Grave Register, 1936 - - . 1 v.**  
Register of burial places of veterans, showing name and rank of veteran, name of company, dates of enlistment, discharge, and death, name and address of undertaker, grave and lot numbers, name and location of cemetery, and name and address of next of kin. Arr. alph. by name of veteran. Indexed by sec., twp., and range nos. Typed under pr. hdgs. 100 p. 14 x 18 x 1. Co. clk.'s file rm., 1st fl.

**Stillbirths** (See also entries  
12, 47, 83, 84[xi]).

**55. Stillbirths Report Record, 1916-35. 1 v. 1877-1915 in Register of Deaths (Record), entry 51.**  
Copies of stillbirth certificates, showing names of parents and child; date, place, and cause of stillbirth; physician's certification of death; date, place, and undertaker's certification of burial; signature of county clerk, and date of filing. Arr. by date of filing. Indexed alph. by name of parents. Hdw. on pr. fm. 300 p. 18 x 13 x 2. Co. clk.'s file rm., 1st fl.

**Marriages** (See also entry  
84 [i])

**56. Index to Marriage Records, 1878-1907, 1936 - - . 3 v. (A, B, I not lettered).**  
Index to Marriage Record, entry 57, and Marriage License Record, entry 59, showing names of bride and groom and book and page of record. Arr. alph. by names of male and female. Hdw. under pr. hdgs. 500 p. 18 x 12 x 3. Co. clk.'s file rm., 1st fl.

**57. Marriage Record, 1829 - - . 79 f.b., 4 v. (8-11).**  
Original marriage licenses showing names of bride, groom, and official performing ceremony, personal and statistical particulars, date and number of license, and dates of ceremony and return. Also contains Applications for Marriage Licenses, 1936 - - , entry 58. Arr. by date of license. 1829-1935, no index; for index, 1936 - - , see entry 56. 1829-48, hdw.; 1849 - - , hdw. on pr. fm. F.b. 5 x 4 x 10 - 10 x 4 x 15. V. 350 p. 9½ x 11 x 3. 60 f.b., 1829-48, file rm., bsmt.; 19 f.b., 1849-1935, co. clk.'s off., 1st fl.; v. 8 - 11, 1936 - - , co. clk.'s file rm., 1st fl.

**58. Application for Marriage Licenses, 1910-35. 19 v. (1-19). 1827-1909 in Marriage License Record, entry 59; 1936 - - in Marriage Record, entry 57.**  
Applications for marriage licenses, showing names, addresses, and ages of applicants, date and number of application, and signature of county clerk. Arr. by application no. Indexed alph. by name of applicant. Hdw. on pr. fm. 150 p. 17 x 10 x 1½. V. 1-14, 1910-28, file rm., bsmt.; v. 15-19, 1929-35, co. clk.'s file rm., 1st fl.

**59. Marriage License Record, 1827-1935. 12 v. (1, C-E, 1-3, 1827-1907; 1 not labeled, 1874-76; 4-7, 1908-35). Title varies: Miscellaneous and Marriage Records, v. 1, 1827-54; Register of Marriages, v. C, 1854-70, v. E, 1875-78.**  
Copies of marriage certificates, showing names of bride, groom, parents, and witnesses, and person performing ceremony, personal and statistical particulars, and dates of license, ceremony, return of license, and registration. Also contains Applications for Marriage Licenses, 1827-1909, entry 58. Arr. by date of return. 1827-77, 1908-35, indexed alph. by names of male and female; for index, 1878-1907, see entry 56. Hdw. on pr. fm. 600 p. 18 x 12 x 3½. Co. clk.'s file rm., 1st fl.

**60. (Certificates of Health for Marriage License), 1937 - - . 1 f.b.**  
Medical certificates of health presented to procure marriage license, including report of State Department of Public Health on results of blood test, showing signature of examining physician, names of bride and groom, date and results of examination, and date of filing. Arr. by date of filing. No index. Hdw. on pr. fm. 10 x 4 x 13. Co. clk.'s file rm., 1st fl.

## LICENSES AND REGISTERS

### Registers of Officers

**61. (Lists of Town Officers), 1860 - - . 1860-66, 1876-1914 in (Supervisors' Files), entry 1; 1867-75, 1915 - - in (County Clerk's General Files), entry 84.**

Lists of town officers elected, showing date, names of township, village, or town, title of office, name and address of official, and signature of town clerk. Hdw. on pr. fm.

**62. Register of County and Township Officers and Notaries Public, 1872 - - . 4 v. (1-4). Title varies: Register of County and Precinct Officers, v. 1-3, 1872-1934. 1860-71 in Supervisors' Record, entry 2.**

Register of all county and township officers, including county and circuit clerks, sheriff, state's attorney, coroner, county superintendent of schools, justice of peace, constables, police magistrates, assessors, county treasurer, county judge, county superintendent of highways, deputy sheriffs, supervisors, and notaries public, showing name and address of officer, name of office, dates of term of office, and date and amount of bond. 1872-1934, arr. by date of filing bond; 1935 - - , arr. alph. by name of officer. 1872-1934, indexed alph. by name of officer; 1935 - - , no index. Hdw. under pr. hdgs. 300 - 400 p. 18 x 13 x 2 - 18 x 13 x 3½. Co. clk.'s file rm., 1st fl.

### Professional Licenses and Registers

**63. Record Physicians, Veterinary Surgeons, 1877 - - . 2 v. (1, 1877-1917; 2, 1901 - - ). Last entry 1930. Title varies: Record of Physicians' Certificates, v. 1, 1877-1917.**

Copies of physicians' certificates issued by state board of health, including veterinarians' certificates, 1901 - - , showing names of practitioner and college from which graduated, dates of graduation and certificate, and names of president, secretary, and members. Arr. by date of certificate. V. 1, 1877-1917, indexed alph. by name of practitioner; v. 2, 1901 - - , no index. Hdw. on pr. fm. 315 p. 18 x 12 x 2. V. 1, 1877-1917, co. clk.'s file rm., 1st fl.; v. 2, 1901 - - , co. clk.'s off., 1st fl.

**64. Record Physicians, Dentists, Veterinary Surgeons, 1917 - - . 2 v. (1 not numbered, 1877-1914; 2, 1902 - - ). Title varies: Register of Physicians and Accouchers, 1 v. 1877-1914.**

Register of physicians, veterinary surgeons, and osteopaths and including chiropractors and chiropodists, 1902 - - , and midwives 1877-1914, showing date of registration, name, age, and nativity of practitioner, school of practice, number of years of practice, certification, and names of members of state board of health, and dates of diploma and filing. Also contains Record of Certificates of Registered Nurses (Register), 1919 - - , entry 66; Dental Register, 1902 - - , entry 67; and Optometry Register, 1902-15, 1918 - - , entry 68. Arr. by date of filing. Indexed alph. by name of practitioner. 1877-1914, hdw. under pr. hdgs.; 1902 - - , hdw. 310 p. 18 x 12 x 2. Co. clk.'s file rm., 1st fl.

**65. Record Architects' Licenses, 1911 - - . 1 v. (1). Last entry 1915.**  
Copies of architects' licenses, showing name and birthplace of architect,



date and number of license, and date of filing. Arr. by date of filing. Indexed alph. by name of architect. Hdw. pr. fm. 300 p. 16 x 12 x 1½. Co. clk.'s file rm., 1st fl.

- 66. Record of Certificates of Registered Nurses (Register), 1910-18.**  
1 v. 1919 - - in Record Physicians, Dentists, Veterinary Surgeons, entry 64.

Register of nurses' certificates, showing name and address of nurse, date and number of certificate, certification and names of board of examiners, and dates of graduation, registration, and filing. Arr. by date of filing. Indexed alph. by name of nurse. Hdw. under pr. hdgs. 200 p. 13 x 12 x 1½. Co. clk.'s cff., 1st fl.

- 67. Dental Register, 1881-1901.** 1 v. 1902 - - in Record Physicians, Dentists, Veterinary Surgeons, entry 64.

Register of dental certificates, showing date of registration, date, number, and kind of license, name, address, age, and nativity of dentist, certification and names of members of state board of health, school of practice, number of years of practice, and date of filing. Arr. alph. by name of dentist. No index. Hdw. under pr. hdgs. 150 p. 18 x 11½ x 1. Co. clk.'s file rm., 1st fl.

- 68. Optometry Register, 1916.** 1 v. 1902-15, 1917 - - in Record Physicians, Dentists, Veterinary Surgeons, entry 64.

Register of optometrists' licenses, showing date, number, and class of certificate, name and address of optometrist, and dates of registration and filing. Arr. alph. by name of optometrist. No index. Hdw. under pr. hdgs. 300 p. 18 x 13 x 2. Co. clk.'s file rm., 1st fl.

## Patents

- 69. Patent Record, 1866-73.** 1 v. Patents now registered only in United States Patent Office, Washington, D. C.

Patent record showing name and address of patentee, oath of originality and ownership, description of invention, copy of patent certificate, names of Secretary of Interior, Commissioner of Patents, and county clerk, and date of filing. Arr. by date of filing. No index. Hdw. on pr. fm. 260 p. 18 x 12 x 1. File rm., bsmt.

**Estrays, Marks and Brands (See also entry 84 (xv))**

- 70. (Rigster of Estrays, Marks and Brands), 1854-59.** 1 v.

Register of estrays showing date and place of finding stray animal, kind, description, and appraised value of animal, name of person finding stray, costs, and signature of justice of peace; includes register of marks and brands, recorded by stock owners. Arr. by date of registration. No index. Hdw. 100 p. 14 x 8 x ½. File rm., bsmt.

**Dog Licenses (See also entries 266, 267)**

- 71. Record of Dog Licenses and Tags, 1913 - -. 2 v.**

Register of dog license taxes collected and tags issued, showing names of township, assessor, county clerk, and dog owner, number of tags received and returned by assessor, date of issue, tag numbers, total number of tags used, and return date of tags. Arr. alph. by name of twp. No index. Hdw. under pr. hdgs. 150 p. 14 x 9 x 1. Co. clk.'s file rm., 1st fl.

## ELECTIONS

(See also entry 84[xiv])

### 72. (Election Records), 1863 - -. 9 bdl. Missing: 1907-31.

Election papers including poll books, tally sheets, abstract of votes, and registration books, showing precinct and district numbers, name and address of voter, officers elected, number of votes cast, and number of votes each candidate received. No obvious arr. No index. Hdw. under pr. hdgs. and hdw. on pr. fm. 8 x 10 x 14. File rm., bsmt.

### 73. (Abstract of Votes), 1900. 2 f.b.

Final summary of votes cast at primary and general elections, showing names of office, candidate, and town or village, number of precinct, number of votes received by each candidate, total number of votes cast, and dates of election and filing. Arr. by sec., twp., and range. No index. Hdw. under pr. hdgs. 20 x 5 x 26. Co. clk.'s file rm., 1st fl.

## BONDS OF COUNTY OFFICERS

(See also entries 84[ii, iii], 111, 116, 296)

### 74. (Files of Official Bonds), 1900 - -. 3 f.b. 1827-80 in (County Clerk's General Files), entry 84; 1881-99 in (Supervisors' Files), entry 1.

Bonds of county officials including county clerk, circuit clerk, treasurer, sheriff, state's attorney, county judge, superintendent of schools, superintendent of highways, master in chancery, and coroner, showing date, amount, and obligations of bond, name and address of officer, name of office, signatures of sureties, county clerk, and officer, acknowledgment, and dates of filing and recording. Arr. by date of filing. No index. Hdw. and typed on pr. fm. 10 x 4 x 15. Co. clk.'s file rm., 1st fl.

### 75. Official Bond Record, 1878 - -. 2 v. (A, B). 1860-77 in Supervisors' Record, entry 2.

Copies of all county officers' bonds, including those of county and circuit clerks, county treasurer, sheriff, state's attorney, county judge, superintendent of schools, surveyor, superintendent of highways, master in chancery, and coroner, showing date, amount, and obligations of bond, names of sureties, officer, and office, and dates of filing and expiration. Arr. alph. by name of office. Indexed alph. by name of officer. Hdw. on pr. fm. 400 p. 17 x 11 x 3. Co. clk.'s off., 1st fl.

### 76. Justices' and Constables' Bond Record, 1883 - -. 3 v. (A-C). 1860-82 in Supervisors' Record, entry 2.

Copies of justices' of the peace and constables' bonds, showing names of principal, sureties, and office, date, amount, and obligations of bond, and dates of filing and expiration. Arr. by date of filing. Indexed alph. by name of official. Hdw. on pr. fm. 300 p. 17 x 11 x 2. Co. clk.'s file rm., 1st fl.

### 77. Assessors' Bond Record, 1899 - -. 2 v. (1, 2). 1860-99 in Supervisors' Record, entry 2.

Copies of assessors' bonds, showing date, amount, and obligation of bond, name and address of assessor, names of sureties and supervisor, acknowledgment, and dates of filing, approval, and expiration. Arr. by date of bond. Indexed alph. by name of assessor. Hdw. on pr. fm. 300 p. 17 x 11 x 1½. Co. clk.'s file rm., 1st fl.

### 78. Supervisors' Bonds (Record of), 1914 - -. 1 v. (1). 1860-1913 in Supervisors' Record, entry 2.

Copies of supervisors' bonds, showing date, amount, and obligations of bond, names of supervisor and sureties, acknowledgment, and dates of filing and expiration. Arr. by date of filing. Indexed alph. by name of supervisor. Hdw. on pr. fm. 460 p. 17 x 11 x 2. Co. clk.'s off., 1st fl.

## OATHS OF COUNTY OFFICERS

- 79. (Oaths of County Officers), 1828 - - .** Missing: 1860-70. 1828-81 in (County Clerk's General Files), entry 84; 1882 - - in (Supervisors' Files), entry 1.

Oaths of county officers, showing date and oath of office, names of official and office, and signature of county clerk. Hdw.

## MILITARY RECORDS

(See also entries 53, 54, 85[xx, xxi, xxiii], 114, 323)

- 80. Soldiers' Discharge Record, 1862-65.** 1 v.

Copies of discharge certificates of Civil War veterans, showing name, age, birthplace, service record, and rank of veteran, date and place of birth, name of company, date and place of enlistment and discharge, name of certification officer, and date of filing. Arr. by date of filing. Indexed alph. by name of veteran. Hdw. on pr. fm. 400 p. 16 x 12 x 2. File rm., bsmt.

- 81. Company Clothing, 1864.** 1 v.

List of clothing issued to enlisted men of 143rd Regiment of Illinois Volunteers during the Civil War, showing name, rank, and signature of soldier, date of enlistment, date and value of clothing issued, and signature of witnesses. Arr. by date of issuance of clothing. No index. Hdw. under pr. hdgs. 200 p. 16 x 10½ x 1½. File rm., bsmt.

## FEEES, RECEIPTS AND EXPENDITURES

- 82. Receipts and Expenditures—County Clerk, 1888 - - .** 7 v.

Lists of receipts and expenditures of county clerk, showing date, amount, and purpose of receipt or expenditure, name of recipient or payer, total amount of receipts and expenditures, and balance available. Arr. by date of transaction. No index. Hdw. under pr. hdgs. 300 p. 18 x 15 x 1½. 6 v., 1888-1930, file rm., bsmt.; 1 v. 1931 - -, co. clk.'s file rm., 1st fl.

- 83. Account Record, Births and Deaths, 1902-17.** 1 v.

County clerk in account with local registrars of births and deaths, showing name and address of registrar, number of births and deaths reported, and date, amount, and number of order for payment. Arr. by date of payment. Indexed alph. by name of registrar. Hdw. under pr. hdgs. 500 p. 12½ x 18 x 2½. Co. clk.'s off., 1st fl.

## MISCELLANEOUS FILES

- 84. (County Clerk's General Files), 1827 - - .** 15 shelf spaces (1827-1907); 570 f.b. (263 not numbered, 1860 - - ; 1-117, 1-157, 1890 - - ; 1-28, 1922 - -).

County clerk's file of miscellaneous papers, containing:

- i. Affidavits of proof of age of applicants for marriage licenses, 1841-59, showing name, age, residence, and date and place of birth of applicant, signature of parent or guardian, and acknowledgment of county clerk.
- ii. Bonds of town collectors, 1861-1927, showing date, amount, and terms of bond, name of collector, signatures of sureties, and date of filing.
- iii. Bonds of justices of the peace, 1872 - -, showing date, amount, and terms of bond, name of justice of the peace, signatures of sureties, and date of filing.

- iv. Certificates of authority for foreign insurance companies to transact business in state, 1870-73, showing date, number, and terms of certificate, name and home address of company, name and address of local agent, amount of security deposited with state auditor, signature of auditor, and date of filing.
- v. Certificates of births, 1889, showing date and number of certificate, date and place of birth, names of child, parents, physician or midwife, and registrar, personal and statistical particulars of child and parents, signatures of physician and county clerk, and date of filing.
- vi. Certificates of deaths, 1888, 1889, showing date, place, and cause of death, registration and primary district numbers, names of deceased, informant, physician, and undertaker, personal and statistical particulars of deceased, physicians' certification, date and place of burial, and signature of county clerk.
- vii. Certificates of naturalization, including petitions, 1860-67, showing names of petitioner, witnesses, and clerk, nativity of petitioner, and dates of arrival in the United States, declaration, oath, petition, final certificate, and acknowledgment.
- viii. Certificates of purchase of land at tax sale, 1859-91, showing name of purchaser, date and amount of purchase, legal description of property, signature of county clerk, and date of filing.
- ix. Certificates of redemption of land from tax sales, 1862-64, showing date and number of certificate, names of purchaser and redeemer, amount of redemption payment, legal description of property, amount and years of delinquency, and signature of county collector.
- x. Certificates of sale of swamp lands, 1850-71, showing date and number of certificate, name of purchaser, amount of payment, legal description of property, signature of swamp land sale commissioner, and date of filing.
- xi. Certificates of stillbirths, 1888, showing date, place, and cause of stillbirths, registration and primary district number, names of parents, informant, physician, and undertaker, personal and statistical particulars of parents, physician's certificate of death, and signature of county clerk.
- xii. Certificates of tax levy for special drainage district, 1899, showing date, amount, and purpose of levy, location of drainage improvement, and date of filing.
- xiii. Certificates of tax levy for school districts, 1860-77, showing name and number of school district, names of directors and township, tax rate, amount wanted, and date of levy.
- xiv. Election records, 1827-1901, including lists of poll tax payers, poll books, tally sheets, abstracts of votes, and registration books.
- xv. Estray notices, 1830 - -, showing description of stray animal, date and place of finding, name of finder, and disposition of estray.
- xvi. Lists of assessment errors, 1852, showing name of owner, legal description, acreage, location, and valuation of property, tax spread, and amount of reduction or increase of assessment.
- xvii. Lists of forfeited real estate, 1832-59, showing name of owner, legal description of property, amounts of delinquent taxes, costs, and penalties, and dates of delinquency and forfeiture.

- xviii. Lists of land transfers, 1829-59, showing date of transfer, legal description of property, names of grantor and grantee, and date of filing.
- xix. Map of township school districts, 1882, showing names of townships, names, numbers, boundaries, and locations of school districts, and date of filing.
- xx. Roll of men subject to draft in Civil War, 1862; 1863, showing name and number of township, name and address of draftee, signature of assessor, and date of filing.
- xxi. Roll of men drafted for Mexican War services, 1846, 1847, showing name and rank of soldier, names of commander and company, dates of enrollment and discharge, location of camp at which stationed, and signature of commander.
- xxii. Tax deeds, 1827-59, showing date of deed, names of grantor and grantee, legal description of property, consideration, and date of filing.
- xxiii. Warrants for military bounty lands, 1853-58, showing date and number of land patent, name and rank of soldier, name of company and war, location and legal description of land, name of President of the United States, signature of land office recorder, and date of filing.

Also contains (Supervisors' Files), 1827-59, entry 1; (Reports of County Officers), 1827-59, entry 23; Tax Deed Affidavits, 1831-59, entry 43; (Lists of Town Officers), 1867-75, 1915 --, entry 61; (Files of Official Bonds), 1827-80, entry 74; Oaths of County Officers), 1828-81, entry 79; (County Court Files), 1872 --, entry 122; (Probate Files), 1831 --, entry 155; Coroner's Inquests, 1842-83, entry 238; (Assessor's Miscellaneous Schedules), 1853 --, entry 240; and (Petitions for Sale of School Lands), entry 285. No obvious arr. No index. Hdw.; typed; hdw. on pr. fm.; and hdw. under pr. hdgs. Shelf spaces 24 x 6 x 24; f.b. 5 x 4 x 12-10 x 4 x 15. 15 shelf spaces, 1827-1907, 268 f.b., not numbered, 1860 --, file rm., bsmt.; f.b. 1-117, 1-157, 1-28, 1894 --, co. clk.'s file rm., 1st fl.

### III. RECORDER

The recorder of Shelby County was originally appointed by the Governor with the advice and consent of the senate.<sup>1</sup> In 1827, the year in which Shelby County was organized, the amount of his bond was \$500.<sup>2</sup> The office became elective in 1935, for a four-year term, and a bond was to be approved by the county commissioners' court.<sup>3</sup> A two-year term became effective in 1847.<sup>4</sup> With the adoption of the second constitution the office of recorder was abolished, the duties of that office being delegated to the circuit court clerk in an ex-officio capacity.<sup>5</sup> The present constitution reestablished the office of recorder in counties having a population of sixty thousand or more but continued the provision of the prior constitution for other counties.<sup>6</sup> As the population of Shelby County never reached the minimum set by the constitution,<sup>7</sup> the circuit court clerk in this county has retained his ex-officio duties as recorder. The amount of the recorder's bond was set at \$5,000 in 1872, and the county judge was to give approval.<sup>8</sup> This amount was raised in 1874 to \$10,000 for counties having the population of Shelby. A copy of the bond is entered upon the records of the county court.<sup>9</sup>

Assistants and deputies are appointed by the recorder in a number as determined by rule of the circuit court and as entered upon the court record.<sup>10</sup> The compensation of the assistants and deputies is set by the county board.<sup>11</sup> Written oaths of deputies are filed with the Secretary of State.<sup>12</sup>

In accordance with the duty of the recorder to record at length all written instruments, the following records are required to be kept:

1. An entry book in which data relating to date and order of receipt of instruments to be recorded or filed, and the names of parties and location of property, with a brief description of the premises, are entered. Each of such instruments is numbered by the recorder with the corresponding number of the entry. The entry book serves as a table of contents, with descriptive memoranda, for all instruments recorded at length or filed in the recorder's office.
2. Well-bound books for recording at length any instruments in writing entitled to be recorded, in the order of time of its reception. Separate books are allowed to be kept for the recording of different classes of instruments and two distinct series of document numbers may be used in recording documents received for recordation. One series preceded by the letter "B" is for the recordation of bills of sales of personal property, chattel mortgages, releases, extensions, and assignments thereof. The other series of document numbers is for all other instruments received for recordation.

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1. L.1819, p. 19.

2. R.L.1829, p. 117.

3. L.1835, p. 166.

4. L.1845, p. 28. Effective in 1847.

5. Constitution of 1848, Art. V, sec. 19; L.1849, p. 64.

6. Constitution of 1870, Art. X, sec. 8; R.S.1874, p. 833.

7. Fifteenth Census of the United States; 1930, shows population of Shelby County. 31,693 in 1910, 29,601 in 1920 and 25,471 in 1930. Population Bulletin, p. 9.

8. L.1871-72, p. 645.

9. R.S.1874, p. 833.

10. Constitution of 1870, Art. X, sec. 9; R.S.1874, p. 833.

11. Constitution of 1870, Art. X, sec. 9.

12. R.S.1874, p. 833.

3. Grantor and grantee indexes. In the grantor index are listed the names of the grantors in alphabetical order and the names of the grantees. The grantee index shows the names of the grantees in alphabetical order and the names of the grantors. Each index also shows the date of the instrument, time of receipt, kind of instrument, consideration, book and page of recordation, or the number under which it is filed, and a brief description of the premises.
4. Indexes to each book of record in which are entered in alphabetical order, the names of each grantor and grantee and page on which the instrument is recorded. This series indexes instruments such as powers of attorney, chattel mortgages, and those recorded by corporations.
5. An index to recorded maps and plats, based on location of property, sometimes arranged by section, township, and range.
6. An abstract book, in effect indexing records by showing for each tract every conveyance or incumbrance recorded, its execution and filing date, and the book and page of its recordation. Series optional with county board.
7. A separate book to record certificates of honorable discharge from military, aviation, and naval service.<sup>13</sup>

The recorder, in recording at length any instrument in writing, is permitted to make a handwritten or typewritten transcription, a photographic or photostatic reproduction, or use a combination of these methods.<sup>14</sup> In addition to the instruments received for recordation, the recorder is required, upon receipt, to file any mortgage, trust deed, or conveyance of personal property having the effect of a mortgage or lien upon such property which is endorsed with the words, "This instrument to be filed, but not recorded." The recorder marks such instruments "filed" and enters the time of their receipt and files them in his office.<sup>15</sup>

## ENTRY BOOKS

### 85. Entry Book, 1861 - -. 26 v. (A-Z).

Entry book of recorded instruments, showing type, date, and number of instrument, names of grantor and grantee, consideration, legal description of property, book and page of record, amount of fees, and dates of filing and recordation. Arr. by instrument no. No index. Hdw. under pr. hdgs. 600 p. 18 x 13 x 3½. Cir. clk.'s file rm., 1st fl.

## INSTRUMENTS RECORDED

### General

### 86. General Index, Grantor—Grantee, 1827 - -. 52 v. (1-26 grantor; 1-26 grantee).

Index to Miscellaneous Record, entry 88; Warranty Deed Record, entry 89; Quitclaim Deed Record, entry 90; Deed Record (Administrators and Executors'), entry 91; Master's Deed Record, entry 92; Deed Record

13. L.1819, p. 18, 20, 21; R.L.1829, p. 116, 117; L.1847, p. 69; L.1853 p. 254; L.1867, p. 148; L.1869, p. 2; L.1871-72, p. 645, 646; L.1873 p. 144; R.S.1874, p. 834-46; L.1917, p. 652; L.1925, p. 521; L.1933-34, Third Sp. Sess., p. 214.

14. L.1933-34, Third Sp. Sess., p. 214.

15. L.1925, p. 521; L.1929, p. 592-94.

(Tax), entry 93; Guardians' Deed and Release Record, entry 94; Road Deeds, entry 95; Assignee's Deed Record, entry 96; Record of Deeds of Trust, entry 97; Release and Bond for Deed Record, entry 98; Release Records, entry 102; and Miscellaneous Record (Oil and Gas Leases), entry 115, showing names of grantor and grantee, date and kind of instrument, description of property, book and page of record, and date of filing. Arr. alph. by names of grantor and grantee. Hdw. under pr. hdgs. 600 p. 18 x 13 x 3. Cir. clk.'s file rm., 1st fl.

**87. (Uncalled for Documents), 1888 - -. 3 f.b.**  
Instruments left for recording and not called for, including, quitclaim, warranty, and masters' deeds; releases; mortgages; and articles of incorporation. Arr. alph. by name of principal. No index. Hdw. on pr. fm. 10 x 5 x 15. Cir. clk.'s file rm., 1st fl.

**88. Miscellaneous Record, 1827 - -. 90 v. (1-278 not consecutive).**  
Intermittent title variation: Deed Record.  
Recordation of miscellaneous documents filed with the recorder including:

- i. Affidavits, of proof of heirship, ownership of property, death, kinship, identity, and marital status, showing names of principal and affiant, statement of facts, acknowledgement, and dates of filing and recordation.
- ii. Agreements, to share royalties, and to share property, showing names of partners, intentions and requirements of agreement, document number, and dates of filing and recordation.
- iii. Articles of incorporation showing names of corporations, officers of corporation, and Secretary of State, date, purpose, and amount of incorporation, number and par value of shares, acknowledgment, and dates of filing and recordation.
- iv. Assignments of judgment, showing names of defendant, assignee, and assignor, amount, and book and page of recordation of judgment, document number, acknowledgment, and dates of filing and recordation.
- v. Bills of sale, showing names of owner and purchaser, itemized lists and value of property, declaration of ownership, consideration, and dates of sale, filing, and recordation.
- vi. Certificates of land patents and grants, showing names of grantor and grantee, legal description of land, consideration, purpose of grant, acknowledgment, and dates of patent for grant, filing and recordation.
- vii. Conditional sales contracts, showing names of contracting parties, description of property, consideration, term of contract, acknowledgment, and date of filing.
- viii. Deeds of administrators, executors, and guardians, showing names of estate or ward, administrative officer, and grantee, legal description of property, consideration and dates of filing and recordation.
- ix. Leases, showing names of lessee and lessor, description of property, terms of lease, consideration, acknowledgment, and dates of filing and recordation.
- x. Letters of administration from foreign counties, showing names of estate, administrator, county, court, and judge, transcript of will, date and amount of bond, date and terms of letter, acknowledgment, and dates of filing and recordation.
- xi. Renunciation of wills, showing names of court, witnesses, estate, heirs, and administrative officer, date and terms of will, renunciation of will, and dates of filing and recordation.



- xii. Wills showing names of testator, witnesses, heirs, and court, date and terms of will, and dates of filing and recordation.

Also contains Warranty Deed Record, 1827-56, entry 89; Quitclaim Deed Record, 1827-64, entry 90; Master's Deed Record, 1827-77, entry 92; Deed Record (Tax), 1827-85, entry 93; Road Deeds, 1827-1923, entry 95; Assignee's Deed Record, 1827-92, 1907 --, entry 96; Record of Deeds of Trust, 1827-72, 1894 --, entry 97; Release and Bond for Deed Record, 1827-69, 1880 --, entry 98; Mortgage Record, 1827-55, entry 100, including Chattel Mortgage Record, entry 106; Release Records, 1827-73, entry 102; Assignment of Mortgage Record, 1827-1904, entry 193; Certificate of Election—Church Trustees, 1827-71, entry 109; Power of Attorney, 1827-86, entry 110; Township Treasurers' Bonds, 1860-88, entry 111; Surveyor's Record, 1827-36, entry 120; and Surveyor's Field Note Record, 1827-36, entry 322. Arr. by date of recordation. For index, see entry 86. 1827-94, hdw.; 1895-1909, hdw. and typed; 1910 --, typed. 600 p. 18 x 13 x 3. Cir. clk.'s file rm., 1st fl.

**Deeds** (See also entry 84[xxii])

89. **Warranty Deed Record, 1857 --. 100 v. (21-272 not consecutive).** Intermittent title variation: Deed Record. 1827-56 in Miscellaneous Record, entry 88.

Copies of warranty deeds, showing names of grantor and grantee, date, number, and terms of instrument, legal description of property, consideration, acknowledgment, and dates of filing and recordation. Arr. by date of recordation. For index, see entry 86, 1857-1931, hdw. on pr. fm.; 1932 --, typed on pr. fm. 600 p. 18 x 13 x 3. Cir. clk.'s file rm., 1st fl.

90. **Quitclaim Deed Record, 1865 --. 28 v. (35-266 not consecutive).** Title varies: Deed Record, v. 60, 1875-79. 1827-64 in Miscellaneous Record, entry 88.

Recordation of quitclaim deeds, showing names of grantor and grantee, legal description of property, consideration, acknowledgment, and dates of instrument, filing, and recordation. Arr. by date of recordation. For index, see entry 86. 1865-1931, hdw. on pr. fm.; 1932 --, typed on pr. fm. 600 p. 18 x 13 x 2. Cir. clk.'s file rm., 1st fl.

91. **Deed Record (Administrators and Executors), 1874 --. 2 v. (59, 141).**

Copies of administrators', executors', and trust deeds, showing names of estate, administrative officer, grantor and grantee, legal description of property, consideration, and dates of filing and recordation. Arr. by date of recordation. For index, see entry 86. Hdw. on pr. fm. 500 p. 18 x 13 x 3. Cir. clk.'s file rm., 1st fl.

For other administrators' and executors' deeds, see entry 83[viii].

92. **Master's Deed Record, 1878 --. 5 v. (66, 103, 138, 170, 247).** Title varies: Master's Deeds and Bonds for Deeds, v. 66, 1878-1926. 1827-77 in Miscellaneous Record, entry 88.

Copies of master's deeds, including bond for deed, showing names of master, grantor, grantee, and sureties, legal description of property, consideration, date and amount of bond, acknowledgment, and dates of recordation and filing. Arr. by date of recordation. For index, see entry 86. 1878-1931, hdw. on pr. fm.; 1932 --, typed on pr. fm. 600 p. 18 x 13 x 3. Cir. clk.'s file rm., 1st fl.

93. **Deed Record (Tax), 1886 --. 1 v. (91).** 1827-85 in Miscellaneous Record, entry 88.

Copies of tax deeds, showing names of grantor and grantee, legal description of real estate, consideration, dates of instrument and recordation, and signature of county clerk. Arr. by date of recordation. For index, see entry 86. Hdw. on pr. fm. 550 p. 18 x 12 x 2. Cir. clk.'s file rm., 1st fl.

**94. Guardians' Deed and Release Record, 1904 - -. 1 v. (148).**

Recordation of guardians' deeds and releases, showing names of guardian, minor, and grantee, date of publication of notice, legal description of real estate, consideration, nature of release, dates of instrument and recordation. For index, see entry 86. Hdw. on pr. fm. 600 p. 18 x 13 x 3. Cir. clk.'s file rm., 1st fl.

For other records of guardians' deeds and releases, see entries 88[viii], 98, 102.

**95. Road Deeds, 1924 - -. 2 v. (226, 226). 1827-1923 in Miscellaneous Record, entry 88.**

Recordation of right-of-way deeds given Illinois State Highway Department, showing name of grantor, description of land, terms of deed, consideration, date and number of deed, acknowledgment, and dates of filing and recordation. Arr. by date of recordation. For index, see entry 86. Typed on pr. fm. 600 p. 18 x 13 x 3. Cir. clk.'s file rm., 1st fl.

**96. Assignee's Deed Record, 1893-1906. 1 v. (114). 1827-92, 1907 - - in Miscellaneous Record, entry 88.**

Copies of assignee's deeds, showing date of instrument, consideration, names of assignor and assignee, legal description of property, date and place of sale, acknowledgment, and dates of filing and recordation. Arr. by date of recordation. For index, see entry 86. Hdw. on pr. fm. 600 p. 18 x 13 x 3. Cir. clk.'s file rm., 1st fl.

**97. Record of Deeds of Trust, 1873-93. 1 v. (51). 1827-72, 1894 - - in Miscellaneous Record, entry 88.**

Copies of deeds of trust, showing names of grantor and grantee, legal description of real estate, consideration, acknowledgement, and dates of filing and recordation. Arr. by date of recordation. For index, see entry 86. Hdw. on pr. fm. 600 p. 18 x 13 x 3. Cir. clk.'s file rm., 1st fl.

**98. Release and Bond for Deed Record, 1870-79. 1 v. (44). 1827-69, 1880 - - in Miscellaneous Record, entry 88.**

Copies of release deeds including bond for deed, showing date and number of instrument, names of grantor, grantee, and sureties, date, amount, and obligations of bond, sureties' release, legal description of property, and dates of filing and recordation. Arr. by date of recordation. For index, see entry 86. Hdw. on pr. fm. 600 p. 18 x 13 x 3. Cir. clk.'s file rm., 1st fl.

### **Mortgages—Real Estate**

**99. Index to Real Estate Mortgages, 1856 - -. 18 v. (1, 2, mortgagor-mortgagee, 1856-79; 3-10 mortgagor, 1880 - -; 3-10 mortgagee, 1880 - -).**

Index to Mortgage Record, entry 100, and Chattel Mortgage Record, 1862-79, entry 103, showing names of mortgagor and mortgagee, description of property, consideration, book and page of record, and dates of mortgage and filing. Arr. alph. by name of mortgagor and mortgagee. Hdw. under pr. hdgs. 600 p. 18 x 13 x 3. Cir. clk.'s file rm., 1st fl.

**100. Mortgage Record, 1856 - -. 123 v. (1-123). Title varies: Trust Deed Record, 14, 20, 23, 25, 35, 43, 1889-90; 55, 1894-1911; 57, 1894-1914. 1827-55 in Miscellaneous Record, entry 88.**

Copies of real estate mortgages, including trust deeds, 1889 - -, marginal releases, and assignments, showing date, amount, and terms of mortgage, names of mortgagor, mortgagee, recorder, solicitors, and witnesses, legal description of property, due date of mortgage, and dates of filing and recordation. Arr. by date of recordation. For index, see entry 99; for index to marginal releases and assignments, 1877 - -, see entry 101. 1856-59, hdw.; 1860 - -, hdw., and hdw. on pr. fm. 600 p. 18 x 12 x 3. Cir. clk.'s file rm., 1st fl.

**101. Index to Marginal Releases and Assignments, 1877 - -. 1 v. (A).** Index to marginal releases and assignments of mortgage as recorded in Mortgage Record, entry 100, showing names of mortgagor and mortgagee, or assignor and assignee, dates of mortgage and release or assignment, description of property, consideration, and page of record. Arr. alph. by name of mortgagor or assignor. Hdw. under pr. hdgs. 640 p. 18 x 14 x 3½. Cir. clk.'s file rm., 1st fl.

**102. Release Records, 1874 - -. 42 v. (56-270 not consecutive). 1827-73 in Miscellaneous Record, entry 88.**

Recordation of mortgage releases, showing names of mortgagor and mortgagee, legal description of property, date and amount of mortgage, date and terms of release, and dates of filing and recordation. Arr. by date of recordation. For index, see entry 86. Hdw., typed, and hdw. and typed on pr. fm. 600 p. 18 x 13 x 3. Cir. clk.'s file rm., 1st fl.

**103. Assignment of Mortgage Record, 1905 - -. 1 v. (1). 1827-1904 in Miscellaneous Record, entry 88.**

Copies of assignments of mortgages, showing names of mortgagor, mortgagee, and witnesses, consideration, legal description of property, acknowledgment, terms of assignment, and dates of filing and recording. Arr. by date of recordation. No index. Hdw. on pr. fm. 300 p. 18 x 12 x 2. Cir. clk.'s file rm., 1st fl.

**Mortgages—Chattel** (See also entry 138)

**104. Chattel Mortgage Index, 1880 - -. 12 v. (1-4, 4, 6-8, 10-13).** Index to (Chattel Mortgage Files), 1926 - -, entry 105, and Chattel Mortgage Record, entry 196, showing names of mortgagor and mortgagee, book and page of record, file box labeling, date and amount of mortgage, and remarks. Arr. alph. by names of mortgagor and mortgagee. Hdw. under pr. hdgs. 600 p. 18 x 13 x 3. V. 1-4, 4, 6-8, 1880-1922, file rm., bsmt.; v. 10-13, 1923 - -, cir. clk.'s file rm., 1st fl.

**105. (Chattel Mortgage Files), 1926 - -. 4 f.b.**

Chattel mortgages left for filing but not recorded, showing names of mortgagor and mortgagee, date, amount, and terms of mortgage, description of property, signature of recorder, and date of filing. Arr. alph. by name of mortgagor. For index, see entry 104. Hdw. and typed on pr. fm. 11 x 5 x 14. Cir. clk.'s file rm., 1st fl.

**106. Chattel Mortgage Record, 1862 - -. 82 v. (1-35, 37, 40, 44, 46, 49-51, 53-92). 1827-55 in Miscellaneous Record, entry 88; 1856-61 in Mortgage Record, entry 100.**

Recordation of chattel mortgages, showing names of mortgagor and mortgagee, dates of instrument, filing, and recordation, description of property, consideration, obligations, and acknowledgment. Arr. by date of recordation. For index, 1862-79, see entry 99; for index, 1880 - -, see entry 104. 1862-1912, hdw.; hdw. on pr. fm.; 1913 - -, hdw., typed, and hdw. and typed on pr. fm. 640 p. 18 x 13 x 3. V. 1-35, 37, 40, 44, 46, 49-51, 53-73, 1862-1926, file rm., bsmt.; v. 74-92, 1927 - -, cir. clk.'s file rm., 1st fl.

**107. Index to Liens on Chattels (Record of Liens on Chattels), 1921 - -. 1 v. (1).**

Record of liens on chattels, including releases of liens on chattels, showing names of claimant and defendant, description of property, number, date, amount, and duration of claim, provisions of lien, acknowledgment, and date of filing. Arr. by date of filing. Indexed alph. by name of defendant. Hdw. on pr. fm. 300 p. 18 x 13 x 2. Cir. clk.'s file rm., 1st fl.

**Certificates of Levy,  
Sale, and Redemption** (See  
also entry 84[viii, ix])

- 108. Master's and Sheriff's Certificates** (of Levy, Sale, and Redemption), 1849 - -. 9 v. (A, 1-4, 1849-1907; 5, 8, 1884 - -; 6, 7, 1895 - -). Title varies: Record of Certificates of Sale, 1-4, 1858-1907; Master's Certificates of Purchase and Deeds, 5, 1884-1917.

Copies of master's certificates of sale and redemption, and sheriff's certificates of levy, sale, and redemption, showing names of master or sheriff, plaintiff, defendant, and purchaser or redeemer, legal description of property, date and amount of levy, sale or redemption, and dates of filing and recordation. Arr. by date of recordation. Indexed alph. by name of defendant. 1849-1917, hdw., 1918 - -, typed. 250 p. 14 x 10 x 1½. Cir. clk.'s off., 1st fl.

**Other Instruments**

- 109. Certificate of Election—Church Trustees**, 1872 - -. 2 v. (A, B). 1827-71 in Miscellaneous Record, entry 88.

Copies of certificates of election of trustees of organizations, showing name of trustee, date of election, name and location of church or lodge, length of term of office, oath of secretary or clerk, and dates of filing and recordation. Arr. by date of filing. Indexed alph. by name of organization. Hdw. on pr. fm. 500 p. 18 x 12 x 2½. Cir. clk.'s file rm., 1st fl.

- 110. Power of Attorney**, 1887 - -. 1 v. (1). 1827-86 in Miscellaneous Record, entry 88.

Copies of powers of attorney, showing names of principals, witnesses, and attorney, nature of powers granted, date of appointment, oath and signature of appointee, acknowledgment, and date of filing. Arr. by date of filing. Indexed alph. by name of grantor. Hdw. on pr. fm. 500 p. 18 x 12 x 2½. Cir. clk.'s file rm., 1st fl.

- 111. Township Treasurers' Bonds**, 1889 - -. 2 v. (1, 2). 1860-88 in Miscellaneous Record, entry 88.

Copies of township school treasurers' bonds, showing names of treasurer, school trustees, witnesses, and sureties, oath, date, amount, and conditions of bond, acknowledgment, and dates of approval, filing, and recordation. Arr. by date of recordation. Indexed alph. by name of treasurer. Hdw. on pr. fm. 300 - 600 p. 14 x 10 x 1½ - 18 x 13 x 3. Cir. clk.'s file rm., 1st fl.

- 112. Memorial Record** (Bar Association), 1905 - -. 1 v. (1).

Copies of memorials of bar associations commemorating deceased members of the association, showing name of deceased, date and cause of death, resolutions of sympathy and praise, short genealogical history of deceased, names of members of committee, and dates of filing and recording. Arr. by date of recordation. Indexed alph. by name of deceased. Hdw. and typed. 300 p. 15 x 10 x 2. Cir. clk.'s file rm., 1st fl.

- 113. Record of Farm Names**, 1915 - -. 1 v. (1). Last entry 1929.

Copies of applications and certificates of registration of farm names, showing date and number of application, names of owner, recorder, and farm, legal description of farm, address of owner, and dates of filing and recordation. Arr. by date of application. Indexed alph. by name of farm. Hdw. on pr. fm. 600 p. 18 x 13 x 3. Cir. clk.'s file rm., 1st fl.

- 114. Soldiers' Discharge Record**, 1918 - -. 1 v. (1).

Copies of discharges of soldiers, sailors, and marines, showing names of veteran and commander, discharge number, age, place of birth, and occupation of veteran, enlistment and health record, personal statistics, name and number of company, date and place of discharge, and dates of filing and recordation. Arr. by date of recordation. Indexed

alph. by name of veteran. Hdw. on pr. fm. 600 p. 18 x 14 x 3½. Cir. clk.'s file rm., 1st fl.

**115. Miscellaneous Record (Oil and Gas Leases), 1936 - -. 6 v. (257, 259-263).**

Copies of oil and gas leases, showing names of lessee and lessor, legal description of land, consideration, terms and duration of lease, and dates of filing and recordation. Arr. by date of recordation. For index, see entry 86. Typed on pr. fm. 600 p. 18 x 13 x 3. Cir. clk.'s file rm., 1st fl.

**116. Collectors' Bond Record, 1860-1918. 4 v. (A-D).**

Copies of town collectors' bonds, showing date, amount, number, and obligations of bond, names of collector, township, and sureties, and dates of filing and recordation. Arr. by date of recordation. Indexed alph. by name of collector. Hdw. on pr. fm. 600 p. 18 x 13 x 3. V. A. B, 1860-85, file rm., bsmt.; v. C, D, 1886-1918, cir. clk.'s file rm., 1st fl.

**117. Register of Stallion Certificates, 1910-18. 1 v.**

Register of stallion certificates, showing name and breed of horse, names of original and present owners, year of foaling, grade of stallion, veterinarian's certification, date and number of certificate, and dates of filing, registration, and expiration of certificate. Arr. by date of registration. Indexed alph. by name of owner. Hdw. under pr. hdgs. 500 p. 18 x 12 x 3. Cir. clk.'s file rm., 1st fl.

**118. Register of Stallion Renewal Certificates, 1911-17. 2 v. (2, 3).**

Register of renewals of stallion certificates, including transfers of ownership, showing date and number of certificate, name and breed of horse, names and addresses of original and present owners, and dates of registration, renewal, and filing. Arr. by date of filing. Indexed alph. by name of owner. Hdw. under pr. hdgs. 600 p. 18 x 13 x 3½. Cir. clk.'s file rm., 1st fl.

## MAPS AND PLATS

(See also entries 1, 45, 84[xix], 297, 318, 323)

**119. Plat Record, 1837 - -. 2 v. (1, 2).**

Record of Shelby County plats, including plats of additions, cemeteries, streets, alleys, subdivisions, and road right of ways, showing legal description of property, name of town and addition, and dates of survey, filing, and recording. Also contains Surveyor's Record, 1837-67, entry 120; Record of Road Plats, 1837-87, 1911 - -, entry 121; and Surveyor's Field Note Record, 1837-69, entry 322. Arr. by date of survey. Indexed by name of town or addition. Hdw. and hand-drawn. 200 p., 16½ x 22 x 3 - 22 x 36 x 3½. Cir. clk.'s file rm., 1st fl.

**120. Surveyor's Record, 1868 - -. 2 v. (A, 1868-1913; 2, 1885 - -).**

Title varies: Record Surveys, A, 1868-1913. 1827-36 in Miscellaneous Record, entry 88; 1837-67 in Plat Record, entry 119. Recordation of surveyor's plats, showing section, township, and range numbers, names of owner and township, location of markings, legal description of property, date of survey, and signature of county surveyor. Author, county surveyor. Arr. by date of survey. Indexed alph. by name of twp. Hdw. and hand-drawn. 300 - 600 p. 18 x 13 x 2. 18 x 15 x 4. Cir. clk.'s off., 1st fl.

**121. Record of Road Plats, 1888-1910. 1 v. (1). 1837-87, 1911 - - in Plat Record, entry 119.**

Record of road right-of-way plats, showing name of township, section, and range numbers, description of road right of way, dates of survey, filing, and recording, and signature of county surveyor. Author, county surveyor. Arr. by date of recording. Indexed alph. by name of township. Hdw. and hand-drawn. 450 p. 18 x 13 x 2. Cir. clk.'s file rm., 1st fl.

## IV. COUNTY COURT

The county court serves as the judicial branch of county government. This court is administered by the county judge who is elected for a four-year term by the county electorate. Before entering upon the duties of his office, the county judge is required to take and subscribe to an oath which he files with the Secretary of State. The compensation of the Shelby county judge was originally set at \$2.50 per diem for holding court, which was paid quarterly out of the county treasury.<sup>1</sup> Today, the judge in this county receives \$3,240 per annum.<sup>2</sup> The court hears and determines matters in which it has original or concurrent jurisdiction, including appeals from the justices of the peace and police magistrates.<sup>3</sup>

At the time of the organization of Shelby County, the powers of the judiciary in all counties were administered only by the justices of the peace,<sup>4</sup> the probate judge,<sup>5</sup> and the circuit court.<sup>6</sup> Later, a civil and criminal court with jurisdiction coextensive with the county lines was established under the provisions of the Constitution of 1848 and legislation of 1849.<sup>7</sup> The court created was the county court. This unit of county government was established with a partial reversion to the dual function, administrative and judicial, of the local judiciary in Illinois under the Territorial Laws prior to 1818. The court was different from the territorial courts in that its composition varied for each of the two functions. The judicial court was administered by the county judge, who was elected by the county electorate and commissioned by the Governor.<sup>8</sup> His original four-year tenure of office has remained effective to the present. As the administrative body, the court was made up of the county judge and two justices of the peace.<sup>9</sup>

Under the second constitution complete separation of county business powers from the judicial could be had with the acceptance by the county electorate of an independent administrative body, the board of supervisors, established under township organization.<sup>10</sup> This plan of government was not selected immediately, and Shelby was governed by the dual county court until 1860 when the county board of supervisors became successor to the county court in its jurisdiction over county affairs and business. From that date on, the county court has served only as a judicial court in Shelby County.

The county court as established in 1849 was vested with the same civil and criminal jurisdiction as the justices of the peace. The county judge was made a conservator of the peace. He was given the same power and authority as the circuit judge in preserving order in the court and punishing contempts offered the court while in session.<sup>11</sup> Suits for the sale of delinquent lands for taxes of 1848, and prior years, could be brought and presented in either the circuit or county court, but for taxes of subsequent years, the county court was given exclusive original jurisdiction.<sup>12</sup> The court also exercised jurisdiction equal with that of the circuit court over naturalization.<sup>13</sup>

In addition to its civil and criminal jurisdiction, the court was vested with all the powers and jurisdiction in probate matters which

1. L.1849, p. 62, 63.

2. L.1933, p. 616.

3. L.1881, p. 70.

4. Constitution of 1818, Art. IV, sec. 8; L.1819, p. 192.

5. L.1821, p. 119.

6. L.1819, p. 380.

7. Constitution of 1848, Art. V, sec. 1, 16; L.1849, p. 62.

8. Constitution of 1848, Art. V, sec. 17; L.1849, p. 62, 66; R.S.1874, p. 339; L.1933, p. 451.

9. L.1849, p. 65.

10. Constitution of 1818, Art. VII, sec. 6; L.1849, p. 192, 202-4; L.1851, p. 33, 50-52.

11. L.1849, p. 65.

12. *Ibid.*, p. 126.

13. 2 U.S.S.L. No. 155.

were vested prior to this date in the court of the probate justice. The court was given concurrent jurisdiction with the circuit court in hearing and determining applications for the sale of real estate of deceased persons and for the payment of debts for the estate.<sup>14</sup> In Shelby County the county judge has served to the present day in his ex-officio capacity as judge of the probate court.<sup>15</sup>

The law jurisdiction of the county court in Shelby County is concurrent with that of the circuit court in that class of cases wherein the justices of the peace have jurisdiction where the value of the amount of controversy does not exceed \$2,000,<sup>16</sup> in all cases of appeals from justices of the peace and police magistrates, and in all criminal offenses and misdemeanors where the punishment is not imprisonment in the penitentiary or death.<sup>17</sup> The county court also has original jurisdiction in matters relating to indigent mothers,<sup>18</sup> and jurisdiction over insane persons not charged with crime.<sup>19</sup>

The county and circuit courts have original jurisdiction in cases of juvenile offenders. This jurisdiction is over matters dealing with dependent, neglected, and delinquent children. The authority includes provision for the treatment, control, maintenance, adoption, and guardianship of such children.<sup>20</sup>

In 1899 provision was made for the appointment by the court of a juvenile probation officer to serve without compensation from the public treasury and at the pleasure of the court.<sup>21</sup> In 1907 an amendment to this act authorized the court to allow compensation to such officers in a sum to be set by the county board, but the power of the court to appoint probation officers to serve without pay was in no way abridged by this legislation.<sup>22</sup> An amendment of 1925 provided that if more than one probation officer were appointed, one was to be designated as chief probation officer. To be eligible for the position of chief probation officer, the candidate was required to have had experience in social welfare work equivalent to one year spent in active practical welfare work. Minimum rates, based upon population, were established for the compensation of these officers, the county board to fix the amount. Where a county had only one probation officer, the salary rates were made to apply to that individual. The court, however, retains the power to appoint probation officers to serve without pay.<sup>23</sup> For Shelby County, and others with a population of more than twenty-five thousand but not exceeding fifty thousand<sup>24</sup> the rate is set at a sum not less than \$100 a month.

The officer under consideration makes investigation on order of the court and takes charge of the child before and after trial. He is required to be present at the court hearings in order that he may represent the interest of the child. This officer also furnishes information and assistance as required by the court.<sup>25</sup>

Upon petition filed with the clerk of the court for the removal of neglected or dependent child from the custody of its parents or

14. L.1849, p. 65.

15. Constitution of 1870, Art. VI, sec. 20; L.1877, p. 80; L.1881, p. 72.

16. Under the laws of 1872 and the revised statutes of 1874, the jurisdiction was in cases wherein the amount involved did not exceed \$500. (L.1871-72, p. 325; R.S.1874, p. 339, 340). Legislation enacted in 1933 extended the jurisdiction to \$2,000 (L.1933, p. 452), but a later amendment of the same session, passed June 21, 1933, placed the jurisdiction in cases where the amount involved is not over \$1,000 (ibid., p. 449). In 1939 jurisdiction was again extended to \$2,000 (L.1939, p. 492).

17. R.S.1874, p. 340; L.1877, p. 77; L.1895, p. 212, 223; L.1933, p. 449-51.

18. L.1913, p. 127; L.1915, p. 243; L.1921, p. 162-64; L.1935, p. 256-59.

19. L.1869, p. 366; R.S.1874, p. 685.

20. L.1899, p. 131-37; L.1901, p. 141-44; L.1905, p. 152-56; L.1907, p. 70-78.

21. L.1899, p. 133.

22. L.1907, p. 59, 70.

23. L.1925, p. 187, 188.

24. In 1930 the population of Shelby County was listed as 25,471, Population Bulletin, p. 9.

25. L.1899, p. 133; L.1925, p. 187, 188.

guardian, process is issued for appearance. The summons may be served by the sheriff or the duly appointed probation officer.<sup>26</sup>

At any time after the filing of the petition and pending the final disposition, the court may allow the child to remain in the possession of its custodian, or in its home subject to the visitation of the probation officer; or the child may be ordered in custody of the probation officer.<sup>27</sup> If upon hearing the case the court finds the child to be dependent or neglected, the court may commit the child to an association or institution, or allow the child to remain in his home subject to the visitation of the probation officer.<sup>28</sup> In a similar fashion the probation officer for adults, an appointee of the circuit court, assists the county court in the administration of justice among adult violators.<sup>29</sup>

In cases of delinquency, if the court finds any child to be delinquent, the court may commit the child to an institution or to the custody of the probation officer. The court may upon its discretion, send juvenile offenders and vagrants to the state reform school rather than to the county jail.<sup>30</sup>

Another probation officer, also an appointee of the county court, assists the court in mothers' pension cases. The state and county funds for indigent mothers and their children are administered by the county court, its appointed probation officers, the county board with the assistance of the county clerk, the county treasurer, and the State Department of Public Welfare. The county court, however, is given original jurisdiction in these matters.<sup>31</sup>

A mother whose husband is dead or incapacitated, or who is abandoned by her husband, is entitled to the benefits of the mothers' pension fund when she is in need. Such mother may file an application with the county court for relief. The case of the applicant is then investigated by the probation officer under the direction of the court.<sup>32</sup> A report and recommendation of the approval or disapproval of such application is then made by this officer to the court. If the application is approved, the probation officer or other person may file with the clerk of the court a written petition verified by affidavit setting forth the facts giving the court jurisdiction and other facts upon which an order for relief is rendered. Upon receipt of the petition, a summons is issued to the mother and the county board for appearance. The usual procedure is for the board to make a written appearance. Upon the hearing in court, the court may make an order upon the county board to pay monthly such money as may be necessary for the care of the mother and her child or children in accordance with the provisions of law.<sup>33</sup>

To carry out this procedure, the county court appoints the probation officer who serves during the pleasure of the court and is compensated for his services by the county in such amount as determined by the county board. As noted above, this officer is required to investigate all applications for relief and make a written report to the court. In addition to this duty, the probation officer makes quarterly visits and supervises, under the direction of the court, the families to which such assistance has been granted.<sup>34</sup>

The county board annually levies a tax on all taxable property to provide for the mothers' pension fund. The levy is made not in excess of two-fifths of one mill on a dollar in Shelby County.<sup>35</sup> In addition the

26. L.1899, p. 132, 133; L.1906, p. 153, 154; L.1907, p. 72, 73.

27. L.1907, p. 74.

28. L.1923, p. 180, 181.

29. L.1911, p. 280-82.

30. L.1907, p. 75.

31. L.1913, p. 127-30; L.1915, p. 243-45; L.1921, p. 162-64; L.1935, p. 256-59.

32. L.1913, p. 127-30; L.1915, p. 244; L.1935, p. 256-59.

33. L.1913, p. 127-30; L.1935, p. 257-59.

34. L.1913, p. 129, 130; L.1935, p. 258.

35. L.1919, p. 780, 781; L.1927, p. 196, 197; L.1928, First Sp. Sess., p. 3, 4; L.1933, p. 194, 195.



General Assembly, from time to time, makes appropriations to the State Department of Public Welfare, the funds, in turn, being distributed to the several counties to supplement the pension fund. To become entitled to the state appropriations, the county must meet the standards of administration set by the state agency. The county treasurer certifies to the state department an itemized statement, attested by the county clerk, of the money paid out during each quarter in accordance with the legislative provisions for this pension and also certifies annually the total assessed valuation and amount of money raised by tax levy for the mothers' pension fund.<sup>36</sup>

Jurisdiction in the election procedure is vested variously in the county board, the county court, and the county clerk. In the event that any city, village, or incorporated town adopts the City Election Act the county judge appoints a board of three election commissioners to have charge of elections in that political unit. Only one such board, however, is appointed in each county. This board has jurisdiction over elections in all cities, villages, or incorporated towns which may adopt the act.<sup>37</sup> Otherwise, jurisdiction is vested in the county board, county court, and county clerk. The county court has original jurisdiction in election contests for certain county, district, and township offices.<sup>38</sup>

Aiding in the settlement of questions arising in the course of the election procedure is the county officers electoral board. This body consists of the county judge as chairman, the county clerk, and the state's attorney.<sup>39</sup>

The several nomination papers for county offices are filed with the county clerk and are considered valid unless objections are made within five days after the last day for filing such papers. Objections to nominations are made to the county officers electoral board for any office of the county, park district, or other division coterminous with or less than the county and other than a city, village, incorporated town, or township.<sup>40</sup> The objector's petition is filed with the county clerk who presents the same, together with the nomination papers or certificate, before the electoral board.<sup>41</sup> The petition contains the objector's name and residence, the nature of the objection, the interest of the objector, and the relief sought of the board.<sup>42</sup> A notice of the hearing is sent to the candidate. Upon hearing the objections, the board renders a final decision by majority vote. In the event the candidate whose nomination is protested is a member of the electoral board, the circuit judge is required to fill his place.<sup>43</sup>

Jurisdiction is vested in the county court to hear and determine all questions relative to taxes on gifts, legacies and inheritance.<sup>44</sup> The act granting this jurisdiction is generally known as the "Inheritance Tax Law." Originally, the state's attorney was charged with the duty of enforcing the provision of this law,<sup>45</sup> however, since 1913 these duties have been performed by the Attorney General.<sup>46</sup> Under that law the county judge and the county clerk are required every three months to make a statement in writing to the county treasurer of the property from which or the party from whom he has reasons to believe a tax under this act is due and unpaid.<sup>47</sup> The county treasurer is required to collect and

36. L.1935, p. 259.

37. L.1885, p. 147-49; L.1899, p. 163-65; L.1917, p. 445, 446; L.1929 p. 339; L.1933, p. 534; L.1935-36, Fourth Sp. Sess., p. 35.

38. L.1871-72, p. 396.

39. L.1891, p. 110, 111; L.1933, p. 552.

40. L.1891, p. 110, 111; L.1929, p. 394.

41. L.1891, p. 111; L.1929, p. 394; L.1933, p. 552.

42. L.1929, p. 394, 395.

43. L.1933, p. 552.

44. L.1895, p. 306; L.1909, p. 318.

45. L.1895, p. 306; L.1909, p. 319.

46. L.1913, p. 515, 516; L.1935, p. 1179, 1180.

47. L.1895, p. 306; L.1909, p. 319; L.1913, p. 516.

pay to the State Treasurer all taxes that may be due and payable under it.<sup>48</sup>

Under an act of 1933, housing corporations may be organized in Illinois for the express purpose of improving housing conditions.<sup>49</sup> Such corporations are subject to the supervision and control of the State Housing Board. This state agency has authority, after investigations and public hearings, to approve the acquisition of property and construction of housing projects. If the State Housing Board approves a project over the objections of ten percent of the property owners within a mile, but not included in the project, it must then file an application with the clerk of the county court to be submitted to the county judge for the confirmation of its approval. Such application is to contain copies of the findings and order of the board, transcript of testimony, description of the project and public spaces, statement of location, and reasons for approval by the board. The objectors to the project may file objections in the county court to the confirmation of such a project. The county judge then examines the application, objections, and any additional evidence before rendering a decision of "approved" or "not approved" on the application.<sup>50</sup>

Appeals from the judgments and decisions of the county court may be taken to the circuit court.<sup>51</sup> To the Appellate Court or Supreme Court may be taken and prosecuted appeals and writs of error in proceedings for the sale of lands for taxes and special assessments, in all common law and attachment cases, and in cases of forcible detainer and forcible entry and detainer. Such appeals and writs of error are, when not otherwise provided, taken and prosecuted in the same manner as appeals and writs of error from the circuit court.<sup>52</sup>

The records of the county court are kept by its clerk. In Shelby County the county clerk is ex-officio clerk of the county court. In addition to the statutory records described below the clerk necessarily maintains others in effecting the court's orders.<sup>53</sup>

For the court the clerk keeps the following records:

1. Books of record of the proceedings and judgments of the court with alphabetical indexes by names of parties. Proceedings are recorded at length only in cases designated by law or when the court, at the motion and assumption of expenses by one of the parties, so orders. In practice, the court record has been broken down from an early date into segregated types of proceedings and judgments.
2. "Plaintiff-Defendant Index to Court Records" and "Defendant-Plaintiff Index to Court Records," intended to be separate records, but frequently combined in a single volume with the two indexes segregated in each volume.
3. A general docket in which all suits are entered in the order they are commenced.
4. A judgment and execution docket containing a column for the entry of satisfaction or other disposition. In practice, an execution docket is frequently set up independently.
5. Additional dockets, designated as the clerk's, judge's, and

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48. L.1895, p. 307; L.1909, p. 319; L.1913, p. 516.

49. L.1933, p. 396-416; L.1933-34, Third Sp. Sess., p. 167-74.

50. Ibid.

51. L.1933, p. 396.

52. R.S.1874, p. 389; L.1877, p. 77; L.1881, p. 66.

53. The form which such records take is generally determined by court order (L.1849, p. 66; R.S.1874, p. 262, 263).

bar docket. In practice, the bar docket has tended to drop out of use.<sup>54</sup>

6. A fee book in which costs and fees are to be entered under the proper title of the cause. In practice, separate series of volumes are maintained under these titles of causes.
7. Transcripts of proceedings in appeals from justices' courts, dockets thereof, and transcripts of judgment for liens, etc., from justices' courts.
8. Naturalization records, including petitions, proceedings, final certificates, etc. The county courts in Illinois prior to 1906 met the requirement of Federal statutes to exercise naturalization jurisdiction.<sup>55</sup>
9. Original documents used in court hearings and determinations; of particular importance in the large number of cases where complete proceedings are not spread on court record.<sup>56</sup>
10. Monthly reports of the warden of the county jail containing a list of all prisoners in his custody and showing the cause of commitment and names of persons by whom committed.<sup>57</sup>

### PROCEEDINGS OF COURT

#### **122. (County Court Files), 1872 - -. In (County Clerk's General Files), entry 84.**

Common law and criminal case papers including summonses, subpoenas, pleas, warrants, writs, indictments, informations, witness affidavits, depositions, commitments, stipulations, replications, appeals, recognizance and appeal bonds, jury verdicts, and court decrees. Arr. by date of case. 1872-93, no index; for index, 1894 - -, see entry 123. Hdw. on pr. fm.

#### **123. Index to File Boxes — Law and Criminal, 1894 - -. 1 v. (1).**

Index to (County Court Files), entry 122, showing names of plaintiff and defendant, nature of action, case number, and file box labeling. Arr. alph. by name of plaintiff or defendant. Hdw. under pr. hdgs. 500 p. 18 x 13 x 3. Co. clk.'s file rm., 1st fl.

#### **124. Index to Court Records — Plaintiff — Defendant, 1872 - -, 8 v. (1-4 plaintiff; 1-4 defendant).**

Index to County Court Record — Common Law, entry 125, and County Court Record — Criminal, entry 126, showing names of plaintiff and defendant, file box number, nature of action, date of court term, book and page of entry in record, and dates of disposal, judgment, and satisfaction. Arr. alph. by names of plaintiff and defendant. Hdw. under pr. hdgs. 400 p. 17 x 11 x 2. Co. clk.'s off., 1st fl.

#### **125. County Court Record — Common Law, 1872 - -. 4 v. (1-4).**

Record of common law cases, showing term date, case number, names of plaintiff, defendant, and attorneys, nature of action, court orders, and final disposition of case. Also contains Judgment by Confession in Vacation Record, 1872-92, entry 128; Insanity Record, 1872-93, entry 129; Adoption Record, 1872-85, entry 146; and Record of Dependent Children,

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54. The Civil Practice Act of 1933 grants authority to county courts, subject to rules promulgated by the Supreme Court and not inconsistent with statutory requirements, to make such rules as they may deem expedient, regulating dockets and calendars of said court (L.1933, p. 786).

55. 2 U.S.L. 153; US.R.S. 1789-1874, p. 378.

56. R.S.1845, p. 323, 324, 414, 418, 419; L.1865, p. 79, 80; L.1871-72, p. 325; R.S.1874, p. 262, 263; 2 U.S.S.L. 153-55; US.R.S. 1789-1874, p. 378-80; 34 U.S.S.L. 596-607;

44 U.S.S.L. 709-710.

57. R.S.1874, p. 617; L.1933, p. 678.

1872-94, 1909 - -, entry 147. Arr. by date of case. For index, see entry 124. Hdw. 500 p. 18 x 13 x 2½. Co. clk.'s off., 1st fl.

**126. County Court Record — Criminal, 1872 - -. 4 v. (1-4).**  
Record of criminal cases, including a record of delinquent children cases, showing term date, case number, names of plaintiff, defendant, and attorneys, nature of action, court orders, and final disposition of case. Arr. by date of case. For index, see entry 124. Hdw. 600 p. 18 x 13 x 3. Co. clk.'s off., 1st fl.

**127. Judgment by Default Record, 1872 - -. 2 v. (A, B). Last entry 1927.**  
Record of judgments by default, showing date of court term, names of plaintiff, defendant, judge, clerk, sheriff, and attorneys, nature of action, amount and date of judgment, and signature of clerk. Arr. by date of judgment. Indexed alph. by name of defendant. Hdw. on pr. fm. 500 p. 17 x 11 x 2. Co. clk.'s off., 1st fl.

**128. Judgement by Confession in Vacation Record, 1893 - -. 3 v. (1-3). 1872-92 in County Court Record — Common Law, entry 125.**  
Record of judgments by confession during court vacation, showing date and number of case, names of judge, clerk, sheriff, plaintiff, defendant, jurors, and attorneys, nature of action, amount of judgment, and order for execution. Arr. by date of case. Indexed alph. by name of defendant. Hdw. on pr. fm. 300 p. 18 x 11 x 2. Co. clk.'s off., 1st fl.

**129. Insanity Record, 1894 - -. 3 v. (A, 13, 14). 1872-93 in County Court Record — Common Law, entry 125.**  
Record of insanity cases, showing names of petitioner, insane person, judge, witnesses, parents or guardian, physician, and members of insanity commission, nature of action, reports of insanity commission and physician, court orders, and final disposition of case. Arr. by date of case. Indexed alph. by name of alleged insane. Hdw. on pr. fm. 300 p. 18 x 12 x 3. Co. clk.'s file rm., 1st fl.

## DOCKETS

### Court Dockets

**130. Clerk's Entry Docket, 1884 - -. 3 v. (1-3).**  
Clerk's docket of original entry of criminal and common law cases, showing case number, date of court term, names of plaintiff, defendant, and attorneys, nature of action, and final disposition of case. Arr. by date of court term. No index. Hdw. under pr. hdgs. 300 p. 18 x 13 x 2. Co. clk.'s file rm., 1st fl.

**131. County Court Criminal (and Civil Cases), 1926 - -. 1 v.**  
Judge's docket of pending criminal and civil cases, showing case number, names of attorneys, plaintiff, and defendant, nature of action, date of court term, and court proceedings. Arr. by date of case. No index. Hdw. under pr. hdgs. 300 p. 14 x 12 x 2. Co. judge's reception rm., 1st fl.

**132. (Judge's Transfer Docket — County Court), 1900 - -. 2 v. (7, 1 not numbered, 1900-1930); 1 f.d. (1915 - -). Missing: 1879-99. 1872-78 in Judge's Transfer Docket (Probate), entry 184.**  
Docket of closed criminal and civil cases, showing case number, date of court term, names of attorneys, plaintiff, defendant, and judge, nature of action, and dates and notations of proceedings. 2 v., 1900-1930, arr. by date of court term; 1 f.d., 1915 - -, no obvious arr. No index. Hdw. under pr. hdgs. 300 p. 14 x 12 x 2. Co. clk.'s file rm., 1st fl.

**133. Judgment and Execution Docket, 1872 - -. 5 v. (1, 1-4). Title varies: Judgment Docket, v. 1, 1872-78.**  
Docket of judgments, showing names of plaintiff and defendant, nature of judgment, amounts of costs, debt, damages, and judgment, book and page of entry in record and fee book, date of judgment, and satisfaction.

Arr. by date of judgment. Indexed alph. by name of defendant. Hdw. under pr. hdgs. 500 p. 18 x 11 x 3. Co. clk.'s file rm., 1st fl.

**134. Execution Docket, 1896 - -. 1 v. (B).**

Docket of executions, showing names of plaintiff and defendant, amounts of debt, damages, costs, and judgment, book and pages of entry in fee book, date of execution, and sheriff's return. Arr. by date of execution. Indexed alph. by name of defendant. Hdw. under pr. hdgs. 500 p. 18 x 11 x 3. Co. clk.'s file rm., 1st fl.

**135. Feeble-minded Docket, 1915 - -. 1 v. (1).**

Docket of cases of feeble-minded persons, showing date of court term, names of petitioner, alleged feeble-minded, witnesses, judge, physician, and parents or guardian, abstract of hearing, and orders of the court. Arr. by date of case. Indexed alph. by name of alleged feeble-minded. Hdw. on pr. fm. 300 p. 17 x 11 x 2. Co. clk.'s off., 1st fl.

**136. Insanity Docket, 1893-1927. 2 v. (1, 2). 1938 - - in Judge's Transfer Docket (Probate), entry 184.**

Docket of insanity cases, showing names of petitioner, alleged insane, judge, physician, witnesses, and insanity commission, date of court term, abstract of proceedings, date of petition, and court orders; also includes cases of feeble-minded, not legally distinguished from insanity cases prior to 1915. Arr. by date of case. Indexed alph. by name of alleged insane. Hdw. under pr. hdgs. 288 p. 17 x 11 x 2. Co. clk.'s off., 1st fl.

**137. Bar Docket, 1870-74. 2 v.**

Docket of county court cases set for hearing at next term of court, showing names of plaintiff, defendant, and attorneys, date set for hearing, and nature of case. Arr. by date set for hearing. No index. Hdw. under pr. hdgs. 100 p. 12 x 15 x 1. File rm., bsmt.

**Justices' Dockets**

**138. Justice Docket and Chattel Mortgage Record, 1889-1927. 5 v. Missing: 1894-97. Title varies: J. P. Docket, 2 v., 1889-93, 1912-24. Current dockets in hands of present justices.**

Dockets of justices-of-the-peace cases, showing date, names of plaintiff, defendant, and justice, abstract of proceedings, and final orders of court; includes record of chattel mortgages filed in justice courts, showing names of mortgagee and mortgagor, date, consideration, and terms of mortgage, date of maturity, acknowledgement, and date of filing. Arr. by date of case. Indexed alph. by name of defendant or mortgagee. Hdw. on pr. fm. 300 p. 17 x 11 x 2. File rm., bsmt.

**FEE BOOKS**

**139. Law and Criminal Fee Book, 1872-73, 1923 - -. 3 v. (A, 1872-73; H, I, 1923 - -).**

Record of fees taxed, collected, and disbursed in common law and criminal cases, showing date of case, names of plaintiff and defendant, and dates, amounts, and purpose of fees received or disbursed. Also contains Insanity and Miscellaneous Fee book, 1872-73, entry 142. Fee Book — Criminal, entry 140, and Fee Book — Law, entry 141, including Fee Book — Confessions, entry 143, kept separately for intervening years. Arr. by date of case. Indexed alph. by names of plaintiff and defendant. Hdw. on pr. fm. 300 - 500 p. 18 x 12 x 2 - 18 x 12 x 3. Co. clk.'s file rm., 1st fl.

**140. Fee Book - Criminal, 1874-1922. 5 v. (A-C, F, G). 1872-73, 1923 - - in Law and Criminal Fee Book, entry 139.**

Record of fees taxed, collected, and disbursed in criminal cases, showing date of case, names of plaintiff and defendant, and dates, amounts, and purposes of fees received or disbursed. Arr. by date of case. Indexed alph. by name of defendant. Hdw. on pr. fm. 300 p. 18 x 12 x 2. Co. clk.'s off., 1st fl.

- 141. Fee Book - Law, 1874-1922.** 4 v. (B-E). 1872-73, 1923 - - in **Law and Criminal Fee Book**, entry 139.

Record of fees taxed, collected, and disbursed in common law cases, showing date of case, names of plaintiff and defendant, and dates, amounts, and purposes of fees received or disbursed. Also contains **Insanity and Miscellaneous Fee Book, 1874-97**, entry 142, and **Fee Book - Confessions, 1874-97, 1908-22**, entry 143. Arr. by date of case. Indexed alph. by name of plaintiff and defendant. Hdw. on pr. fm. 300 p. 18 x 12 x 2. Co. clk.'s off., 1st fl.

- 142. Insanity and Miscellaneous Fee Book, 1898 - -.** 3 v. (A-C). Title varies: **Insanity and Conservators' Fee Book, v. A, 1893-1910, 1872-73** in **Law and Criminal Fee Book**, entry 139; **1874-97** in **Fee Book - Law**, entry 141.

Record of fees in adoption, dependent and delinquent children, insanity, and assessment cases, showing date of case, names of alleged insane person or ward, and petitioner, date, amount, and nature of fees, and to whom charged. Arr. by date of case. Indexed alph. by name of alleged insane or ward. Hdw. on pr. fm. 300 p. 18 x 12 x 2. Co. clk.'s off., 1st fl.

- 143. Fee Book - Confessions, 1893-1907.** 1 v. (1). 1872-73 1923 - - in **Law and Criminal Fee Book**, entry 139; **1874-97, 1908-22** in **Fee Book - Law**, entry 141.

Record of fees taxed, collected, and disbursed in confession of judgment cases, showing names of plaintiff and defendant, date of case, and dates, amounts, and purposes of fees received or disbursed. Arr. by date of case. Indexed alph. by names of plaintiff and defendant. Hdw. on pr. fm. 300 p. 18 x 12 x 2. Co. clk.'s off., 1st fl.

## REPORTS TO COURT

- 144. Docket of Fines, 1868-71.** 1 v.

Record of reports of collections of fines by state's attorney, showing name of defendant, reason for arrest or indictment, dates of arrest, indictment, and judgment, book and page of entry of case in record and fee book, sheriff's return, date and amount of payment, date of report, and signature of state's attorney. Arr. by date of report. Hdw. under pr. hdgs. No index. 150 p. 18 x 12 x 1. File rm., bsmt.

## PROBATION

**Adult and Juvenile** (See also entry 126)

- 145. Probation Records, 1920 - -.** 2 f.d.

Documents in probation cases including case histories, probation officers' reports and recommendations, and family histories and educational attainments of probationers. Arr. alph. by name of probationer. No index. Hdw. and typed. 13 x 12 x 24 - 16 x 12 x 25. Probation off., bsmt.

- 146. Adoption Record, 1886 - -.** 3 v. (1-3). 1860-71 in **Probate Journal**, entry 157; 1872-85 in **County Court Record - Common Law**, entry 125.

Record of adoption cases, showing names and addresses of petitioner, child, and parents or guardian, date of court term, investigator's report, consent of guardian or parents, date of petition, and final orders of court. Arr. by date of case. Indexed alph. by name of petitioner. Hdw. on pr. fm. 300 p. 18 x 12 x 2. Co. clk.'s file rm., 1st fl.

- 147. Record of Dependent Children, 1895-1908.** 1 v. (1). 1842-71 in **Probate Journal**, entry 157; 1872-94, 1900 - - in **County Court Record - Common Law**, entry 125.

Record of dependent children cases, showing names of child, parents, judges, and guardian, date and place of birth of child, residence and

birthplace of parents, and court orders. Arr. by date of case. Indexed alph. by surname of child. Hdw. on pr. fm. 300 p. 17 x 11 x 1½. File rm., bsmt.

**Mothers' Pensions** (See also entries 8, 13, 253, 268, 269)

**148. (Mothers' Pension Files), 1915 - -. 2 f.b.**

Documents in mothers' pension cases, including petitions, applications, entries of appearance, reports of probation officer, and orders of court. Arr. by date of case. No index. Hdw., typed, and hdw. and typed on pr. fm. 10 x 4 x 15. Co. clk.'s file rm., 1st fl.

**149. Mothers' Pension Decrees, 1915 - -. 1 v. (1).**

Record of mothers' pension applications and decrees, showing name of mother, case number, dates of application and hearing, number of dependent children, amount allowed, and court orders. Arr. by date of case. Indexed alph. by name of mother. Hdw. on pr. fm. 300 p. 18 x 12 x 1. Co. clk.'s off., 1st fl.

### INHERITANCE TAX

(See also entry 261)

**150. Inheritance Tax Receipts, 1899-1926. 1 v.**

Duplicates of receipts for inheritance tax payments, showing date and number of receipt, names of payer and estate, description of estate, appraised and cash valuation, tax rate, and date and amount of payment. Arr. by receipt no. No index. Hdw. on pr. fm. 200 p. 14 x 11 x 1½. Co. clk.'s off., 1st fl.

### NATURALIZATION

(See also entries 84[viii], 229, 230)

**151. Naturalization Files, 1860-82. 2 f.b.**

Original documents filed in naturalization cases including declaration, final oath, and final certificate of naturalization, showing name of alien, date of declaration of intention, oath of renunciation of allegiance to foreign power, oath of allegiance to the United States, length of residence in the United States, nativity, final order granting citizenship, and acknowledgment and signature of county clerk. No obvious arr. No index. Hdw. on pr. fm. 5 x 4 x 10. File rm., bsmt.

**152. (Declaration of Intention), 1878-1904. 1 v. (A).**

Record of declarations of intentions of adults, including minors, 1878-98, showing date of declaration, name of alien, and native land, oath of renunciation of allegiance to foreign power, and signature of county clerk. Arr. by date of declaration. Indexed alph. by name of alien. Hdw. on pr. fm. 300 p. 18 x 13 x 2. Co. clk.'s file rm., 1st fl.

For subsequent records of minors' declarations of intentions, see entry 154.

**153. Naturalization Record, Adult, 1876-1904. 3 v. (B, 1876-97; C, 1892-1901; 2, 1904). Missing: 1902, 1903.**

Record of petitions and final certificates of naturalization of adults, including minors, 1876-89, showing dates and numbers of petitions and final certificate, names of alien, witnesses, and native land, oath of allegiance, and court order granting citizenship. Arr. by date of petition. Indexed alph. by name of alien. Hdw. on pr. fm. 300 - 500 p. 18 x 13 x 1½ - 18 x 13 x 3. Co. clk.'s file rm., 1st fl.

For subsequent records of minors' petitions and certificates of naturalization, see entry 154.

**154. Naturalization Record (Minors), 1890-1906. 2 v. (1-2).**

Record of declarations of intention, petitions, and final certificates of naturalization of minors, showing names of minor, witnesses, judge,

and native land, date and mode of arrival in the United States, oath of renunciation of allegiance to foreign power, oath of allegiance, and order of court granting citizenship. Arr. by date of petition. Indexed alph. by name of minor alien. Hdw. on pr. fin. 300 p. 18 x 12 x 1½. Co. clk.'s file rm., 1st fl.

For prior records of declarations of intention of minors, see entry 152; for prior records of petitions and final certificates of minors, see entry 153.



## V. PROBATE COURT

Jurisdiction in probate matters in Shelby County was vested in a separate probate court from the organization of the county, in 1827, until 1849. From 1827 to 1837 the court was held by a probate judge who was appointed by the General Assembly and held office during good behavior.<sup>1</sup> In 1837 it was provided that the probate court be held in each county by a probate justice of the peace who was elected by the county electorate for a four-year term.<sup>2</sup> The term was reduced in 1847 to two years.<sup>3</sup> The jurisdiction of the probate court was transferred to the newly created county court in 1849.<sup>4</sup> The Shelby county court has retained probate jurisdiction from that date to the present.<sup>5</sup>

As enunciated by the present constitution and subsequent legislation, the jurisdiction of the court extends to all probate matters, the settlement of estates of deceased persons, the appointment of guardians and conservators and settlement of their accounts, all matters relating to apprentices, and cases of sales of real estate of deceased persons for payment of debts.<sup>6</sup> The court has power to impanel a jury for the trial of issues or matters of fact in any of these proceedings before it.<sup>7</sup>

Aiding the court in its jurisdiction over the administration of intestate estates and the guardianship of minors, are, respectively, the public administrator and the public guardian. Each officer is appointed quadrennially by the Governor with the advice and consent of the senate. The public administrator and public guardian are required to enter into bonds set and approved by the court in sums not less than \$5,000.<sup>8</sup> Their duties are performed under the direction and orders of the court. The records that result from their prescribed duties appear among the records of the court with those of other administrators, executors, and guardians.

When there is no relative or creditor who will administer an intestate estate, the court commits the administration to the public administrator upon application of any person interested in the estate.<sup>9</sup> If a widow, next of kin, or creditor of the deceased appears within six months after the administration is granted to the public administrator, the court then revokes its grant of administration to the public administrator and orders letters of administration granted to such person interested in the estate. If, after all debts and charges against the estate which have been presented within two years after the administration of the estate was committed to such public administrator are fully paid, any balance of intestate estate remains, the administrator causes a notice to be published requiring persons still having claims against the estate to present them to the county court within six months. If no claims are presented, the balance is paid into the county treasury upon the expiration of the six-month period, the county remaining answerable to any future claims.<sup>10</sup>

As already noted, the court has authority to appoint guardians of minor heirs of deceased persons. In cases where the minor is under

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1. L.1821, p. 119; L.1823, p. 132; L.1825, p. 87.

2. L.1836-37, p. 176. First justice was appointed for a two-year term, the four-year term becoming effective in 1839.

3. L.1845, p. 28. Effective in 1847.

4. Constitution of 1848, Art. V, sec. 16, 18; L.1849, p. 65.

5. Ibid.; Constitution of 1870, Art. VI, sec. 16; R.S.1874, p. 339, 340; L.1933, p. 449, 458.

6. Constitution of 1870, Art. VI, sec. 20; L.1877, p. 80.

7. R. S.1845, p. 425; L.1933, p. 460.

8. L.1825, p. 70-72; R.L.1829, p. 208; R.L.1833, p. 627, 628; R.S.1845, p. 548; L.1871-72, p. 89; L.1881, p. 3; L.1889, p. 165.

9. R.L.1833, p. 628; R.S.1845, p. 548; L.1871-72, p. 89.

10. R.S.1845, p. 549; L.1871-72, p. 89, 90.

fourteen years of age the court appoints his guardian. When the minor is over fourteen he may nominate his own guardian, subject to the approval of the court.<sup>11</sup> Under the direction of the court, the guardian is responsible for the custody, nurture, and tuition of his ward and the care and management of his estate. The court may assign the guardianship of the estate to one guardian and the custody and tuition of the ward to another.<sup>12</sup> Within sixty days after his appointment, the guardian returns to the court a complete inventory of the real and personal estate of the ward in the form prescribed by law.<sup>13</sup> At the end of the first year of his appointment, and every three years thereafter, he makes a settlement of his accounts. When his trust is completed or upon the death of the ward, the guardian makes final settlement and delivers over to persons entitled to them the property and papers in his hands as guardian.<sup>14</sup> Upon failure of a guardian appointed by the court to act within three months in this capacity, the court commits the guardianship of the minor to the public guardian.<sup>15</sup> The latter's records appear with those of other guardians.

The early probate judge, 1827 to 1837, and the probate justice of the peace, 1837 to 1849, each performed the ministerial function of the probate clerk.<sup>16</sup> From the creation of the county court in 1849, until the present, the county clerk has served as ex-officio probate clerk.<sup>17</sup>

The clerk is required to attend the sessions of court, issue all process, preserve all files and papers, make, keep, and preserve complete records of all the proceedings and determinations of the court, and perform all other duties pertaining to his office as required by law or the rules and orders of his court. He is required to enter of record all judgments, decrees, and orders of the court.<sup>18</sup>

The major records of the probate court kept by the clerk are the following:

1. Journal of all judicial proceedings and determinations of the judge.
2. A judgment docket with a direct and an indirect index: former, by name of claimant against estate; latter, by estate. In practice, the requirement of two indexes often leads to two dockets.
3. Books for recordation of bonds and letters of administrators, executors, guardians, and conservators; appraisement and sale bills; widows' relinquishment and selection of property; wills and the probate thereof; annual and final reports of administrators, executors, guardians, and conservators. Generally, each category of these probate business matters is recorded separately, but the segregation is not always carefully maintained.
4. Separate dockets of unsettled estates and claims against estates, and a letter of the accounts of executors, administrators, and guardians. Note that the dockets of probate business matters are separated from dockets of court proceedings just as are the books of recordation of the two categories; the intention of the law to make this distinction

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11. L.1821, p. 100; L.1835, p. 36; R.S.1845, p. 265, 266; L.1873-74, p. 107; L.1919, p. 583; L.1931, p. 618; L.1937, p. 660.

12. L.1871-72, p. 469; L.1877, p. 114.

13. L.1919, p. 582; L.1933, p. 644.

14. L.1871-72, p. 471; L.1919, p. 583; L.1929, p. 506.

15. L.1839, p. 165.

16. L.1821, p. 119, 120; R.L.1829, p. 215; L.1831, p. 192; R.S.1845, p. 427, 428.

17. Constitution of 1848, Art. V, sec. 16, 18. L.1849, p. 63-65; R.S.1874, p. 339, 340.

18. L.1877, p. 82.

is further shown in its granting the clerk, during vacation of the court, power to receive petitions, accept bonds, grant letters testamentary, etc.

5. Files of original documents not subject to recordation; indexes to such; records of office transactions in pursuance of the court's orders to the clerk, necessary in the latter's settlement with that body.<sup>19</sup>

## PROCEEDINGS OF COURT

### General Proceedings

155. (Probate Files), 1831 - -. In (County Clerk's General Files), entry 84. Missing: 1871-93, burned in fire of 1894.

Documents in proceedings on estates in probate, including petitions, oaths, bonds, and letters of administration, proof of will, proof of heirship, accounts current and final, reports on condition of estate, final reports, inventories, appraisements, sale bills, widows' selections, and claims against estates. Arr. by date of case. 1831-70, no index; for index, 1894 - -, see entry 156. 1839-59, hdw.; 1860 - -, hdw. and typed on pr. fm.

156. (Index To Probate Files), 1894 - -. 3 v. (A, 2, 3).

Index to (Probate Files), entry 155, showing names of estate and administrative officer, and file box number. Arr. alph. by name of estate. Hdw. under pr. hdgs. 500 p. 18 x 13 x 3½. V. A, 2, 1894-1934, co. clk.'s file rm., 1st fl.; v. 3, 1935 - -, co. clk.'s off., 1st fl.

157. Probate Journal, 1839 - -. 44 v. (1-9, A-Z, 27-35). Title varies: Probate Record, v. 2, 1845-50, v. B, 1856-60.

Record of proceedings in probate court, with notations and dates of petitions, bonds, oaths, and letters of administration, showing date of court term, names of estate, petitioner, heirs, witnesses, and administrative officer, orders finding heirship, and orders and decrees of court. Also contains Adoption Record, 1860-71, entry 146; Record of Dependent Children, 1842-71, entry 147; Judgement Record of Claims, 1839-58, entry 158; Assignees' Record, 1847-76, 1899 - -, entry 159; Will Record, 1839-69, entry 160; Guardians' Record, 1839-56, entry 161; Administrators' Record, 1839-58, entry 162; Executors' Records, 1839-58, entry 163; Miscellaneous Probate Record, 1839-71, entry 164; Conservators' Record, 1839-79, entry 165; Inventory Record, 1839-63, entry 166, including Guardian Inventory Record, entry 167, Conservators' Inventory Record, entry 168, Appraisal Record, entry 169, and Co-partnership Inventory and Appraisal Record, entry 170; Widows' Award and Selection Record, 1839-69, entry 171; Administrators' Sale of Real Estate, 1839-73, entry 172; Guardians' Real Estate Sale Record, 1839-77, entry 173; Sale Record Personal Property, 1839-71, entry 174; Sale Bill Record (Private), 1839-71, entry 175; Final Report Record, 1839-69, entry 176; Report Record, 1839-58, entry 177; Guardians' Report Record, 1839-58, entry 178; Conservators' Report Record, 1839-58, entry 179; Insolvent Estate Record, 1839-76, entry 180; Estate Ledger, 1839-58, entry 181; and Probate Fee Book, 1839-45, entry 189, including Fee Books - Citations and Claims, entry 190. Arr. by date of entry. 1839-50, no index; 1851 - -, indexed alph. by name of estate. Hdw. 500 p. 18 x 12 x 3. Co. clk.'s off., 1st fl.

158. Judgment Record of Claims, 1859 - -. 7 v. (A-G). 1839-58 in Probate Journal, entry 157.

Record of claims against estates upon which judgment for payment has been entered, showing names of estate, claimant, and administrative officer, date, amount, and purpose of claim, date and amount of judgment, signature of judge, and dates of filing, approval, and recording. Arr. by date of recording. Indexed alph. by name of estate. Hdw. on pr. fm. 500 p. 18 x 12 x 3. Co. clk.'s off., 1st fl.

19. L.1821, p. 119, 120; R.L.1829, p. 215, 231; R.L.1827, p. 429; F.S.1845, p. 127, 428; L.1851, p. 193; L.1859, p. 92-94; R.S.1874, p. 260-65; L.1877, p. 63; L.1933, p. 293.

**159. Assignees' Record, 1877-93.** 3 v. (A, 1, 2). 1847-76, 1899 - - in Probate Journal, entry 157.

Record of assignments of lands, chattels, and effects to be sold for the benefit and use of creditors in settlement of estates, showing date of assignment, names of debtors and assignee, assignee's bond, inventory of real and personal property, valuation of articles exempt by law, list of creditors, amounts of claims, and report of assets of debtor against claims of creditor. Arr. by date of assignment. Indexed alph. by name of assignee. Hdw. 400 p. 18 x 12 x 2½. Co. clk.'s file rm., 1st fl.

**Wills, Bonds, Letters** (See also entry (83[x-xiii]).

**160. Will Record, 1370 - -.** 14 v. (A-N). 1839-69 in Probate Journal, entry 157.

Copies of wills, applications to probate wills, proofs of death, and proofs of will, showing names of deceased, county clerk, sheriff, executor, judge, witnesses, and heirs, and dates of death, hearing, and proof of will. Arr. by date of hearing. Indexed alph. by name of deceased. Hdw. on pr. fm. 500 p. 18 x 12 x 3. Co. clk.'s file rm., 1st fl.

**161. Guardians' Record, 1857 - -.** 12 v. (A-G, G-K). 1839-56 in Probate Journal, entry 157.

Copies of guardians' petitions, oaths, bonds, and letters, showing names of estate, guardian, sureties, minor heirs, and clerk; date and nature of petitions and letters; date, amount, and obligations of bond; and dates of filing, recording, and approval. Arr. by date of recording. Indexed alph. by name of guardian. Hdw. on pr. fm. 500 p. 18 x 12 x 3. Co. clk.'s off., 1st fl.

**162. Administrators' Record, 1859 - -.** 18 v. (A-R). 1839-53 in Probate Journal, entry 157.

Copies of administrators' petitions, oaths, bonds, and letters, showing names of estate, judge, administrator, sureties, and heirs; dates of petition, oath, letters, and bond; amount and obligations of bond, and notarial acknowledgment. Arr. by date of bond. Indexed alph. by name of estate. 1850-90, 1906-22, 1927-34, hdw. on pr. fm.; 1891-1905, 1923-26, 1935 - -, hdw. 500 p. 18 x 12 x 3. Co. clk.'s file rm., 1st fl.

**163. Executors' Records, 1859 - -.** 8 v. (A-H). 1839-58 in Probate Journal, entry 157.

Copies of executors' petitions, oaths, bonds, and letters, showing date of appointment; names of estate, executor, judge, and sureties; date, amount, and obligations of bond; dates of letters, petitions, and oaths; date of appointment of appraisers, and notarial acknowledgment. Arr. by date of bond. Indexed alph. by name of estate. Hdw. on pr. fm. 500 p. 18 x 12 x 3. Co. clk.'s file rm., 1st fl.

**164. Miscellaneous Probate Record, 1872 - -.** 5 v. (A-C, 1872-1914; C, 1901 - -; D, 1922 - -). Title varies: Miscellaneous Bond Record, C, 1887-1914. 1839-71 in Probate Journal, entry 157.

Copies of petitions, oaths, bonds, and letters of administration with will annexed, de bonis non, and to collect, including administrators' additional bonds, showing names of administrator and sureties; dates of petition, oath, and letters; date, amount, and obligations of bond; notarial acknowledgment, and dates of filing, approval, and recording. Arr. by date of recording. Indexed alph. by name of estate. 1872-88, hdw.; 1869 - -, hdw. on pr. fm. 300 p. 18 x 12 x 2. Co. clk.'s file rm., 1st fl.

**165. Conservators' Record, 1880 - -.** 5 v. (B-F). Title varies: Conservators' Record for Drunkard, Spendthrift or Distracted, v. E, 1907-24. 1839-79 in Probate Journal, entry 157.

Copies of conservators' petitions, oaths, bonds, and letters, showing names of petitioner, witnesses, judge, sureties, and incompetent; date of letters; date, amount, and obligations of bond; and date of court term; also includes reports of commission. Arr. by date of bond. In-

Indexed alph. by name of incompetent. Hdw. on pr. fm. 300 p. 18 x 12 x 2½. Co. clk.'s off., 1st fl.

### **Inventories and Appraisements**

- 166. Inventory Record, 1869 - -.** 26 v. (10, 11, 13, 1869-74; 12, 14-35, 1872 - -). Title varies: Inventory Appraisalment and Sale Record, v. 10, 11, 13, 1869-74. 1839-68 in Probate Journal, entry 157.

Copies of inventories of real estate and personal property in settlement of estates, showing names of estate, administrator or executor, and heirs, itemized list and value of real estate and personal property and notes and accounts receivable, court orders, and dates of filing and recording. Also contains Guardian Inventory Record, 1869-71, entry 167; Conservators' Inventory Record, 1869-77, 1900-1920, entry 168; Appraisalment Record, 1869-71, entry 169; and Co-partnership Inventory and Appraisalment Record, 1869-77, entry 170. Arr. by date of recording. Indexed alph. by name of estate. 1869-71, 1915-34, hdw.; 1872-1914, 1935 - -, hdw. on pr. fm. 500 p. 18 x 12 x 3. Co. clk.'s off., 1st fl.

- 167. Guardian Inventory Record, 1872 - -.** 3 v. (1-3). 1839-68 in Probate Journal, entry 157; 1869-71 in Inventory Record, entry 166.

Copies of inventories of estates submitted by guardians, showing legal description and value of real estate, probable rental, list and value of chattel property, list of annuities and credits, and dates of filing and recording. Arr. by date of recording. Indexed alph. by name of estate. Hdw. on pr. fm. 400 p. 18 x 12 x 2½. Co. clk.'s off., 1st fl.

- 168. Conservators' Inventory Record, 1878 - -.** 2 v. (A, 1878-99; 1, 1921 - -). 1839-68 in Probate Journal, entry 157; 1869-77, 1900-1920 in Inventory Record, entry 166.

Copies of inventories submitted by conservators, showing legal description and value of real estate, probable rental, list and value of chattel property, lists of annuities and credits, and dates of filing and recording. Arr. by date of recording. Indexed alph. by name of estate. Hdw. on pr. fm. 300 p. 17 x 11 x 2. Co. clk.'s off., 1st fl.

- 169. Appraisalment Record, 1872 - -.** 14 v. (A-N). 1839-68 in Probate Journal, entry 157; 1869-71 in Inventory Record, entry 166.

Record of appraisers' reports of appraisements of estates, showing names of estate, appraiser, widow, and heirs, court order appointing appraiser, date of appraiser's oath, acknowledgment, itemized statement and value of real and personal property, total value, amount allowed widow and heirs, and dates of report, filing, and recording. Arr. by date of recording. Indexed alph. by name of estate. Hdw. on pr. fm. 600 p. 18 x 12 x 3. Co. clk.'s off., 1st fl.

- 170. Copartnership Inventory and Appraisalment Record, 1873 - -.** 2 v. (A, B). 1839-68 in Probate Journal, entry 157; 1869-77 in Inventory Record, entry 166.

Copies of inventories and appraisements of copartnership estates, showing names of deceased, firm or corporation, appraiser, administrative officer, and heirs, legal description and value of real estate, list and value of chattel property, list of notes and accounts payable and receivable, warrant and oath of appraiser, court orders, and dates of filing and recording. Arr. by date of recording. Indexed alph. by name of deceased. Hdw. on pr. fm. 600 p. 18 x 12 x 3. Co. clk.'s off., 1st fl.

### **Widows' Relinquishment and Selection**

- 171. Widows' Award and Selection Record, 1870 - -.** 12 v. (A-L). Title varies: Widows' Relinquishment and Selection, v. A-H, 1870-1909. 1839-69 in Probate Journal, entry 157.

Record of widows' relinquishments and selections from decedents' estates, showing names of estate, widow, and appraiser, lists of items

selected, relinquished, and allowed, appraised value, appraisement bill of personal property, statement of appraiser, and dates of filing and approval. Arr. by date of filing. Indexed alph. by name of estate. Hdw. on pr. fm. 600 p. 18 x 12 x 3. Co. clk.'s off., 1st fl.

### **Petitions, Decrees, Reports of Sale**

- 172. Administrators' Sale of Real Estate, 1874 - - .** 11 v. (A-C, E, G, I, 1874-1934; D, F, H, I, 1890 - - ; J, 1929 - - . 1839-73 in Probate Journal, entry 157.

Record of reports of sale of real estate by administrators and executors, showing names of estate, petitioner, administrative officer, heirs, purchaser, and sureties; date and nature of petition for sale; court orders for sale; date, amount, terms, and place of sale; legal description and location of real estate, and dates of filing, recording, and approval. Arr. by date of recording. Indexed alph. by name of estate. 1874-89, hdw. on pr. fm.; 1890 - - , hdw. 500 p. 18 x 12 x 3. Co. clk.'s off., 1st fl.

- 173. Guardians' Real Estate Sale Record, 1878 - - .** 4 v. (A, 1878-1906; A, 1885-86; F, 1907-27; G, 1922 - - ). 1839-77 in Probate Journal, entry 157.

Record of reports of sale of real estate in guardianship and conservatorship cases, showing date of report, names of estate, petitioner, judge, clerk, and purchaser, date and copy of petition, date and amount of sale, legal description of property, court orders, copy of bond of guardian or conservator, and copy of petition. Arr. by date of report. Indexed alph. by name of minor. 1878-1921. hdw. on pr. fm.; 1922 - - , hdw. 500 p. 18 x 12 x 3. Co. clk.'s off., 1st fl.

- 174. Sale Record Personal Property, 1872 - - .** 6 v. (A-F). 1839-71 in Probate Journal, entry 157.

Record of reports of public sale of personal property in settlement of estates, showing names of estate, petitioner, judge, clerk, and purchaser; date of petition for sale; list and description of property; court order for sale; date, terms, and amount of sale; oath of administrative officer, and dates of filing, recording, and approval. Arr. by date of recording. Indexed alph. by name of estate. Hdw. on pr. fm. 600 p. 18 x 12 x 3. Co. clk.'s off., 1st fl.

- 175. Sale Bill Record (Private), 1880 - - .** 5 v. (A-E). Title varies: Private Sale Record, v. A, B, 1880-1907. 1839-79 in Probate Journal, entry 157.

Record of reports of private sale of personal property in settlement of estates, showing names of estate, purchaser, administrative officer, and heirs; date, amount, and place of sale; court order; itemized list and description of property sold, and dates of filing, recording, and approval. Arr. by date of recording. Indexed alph. by name of estate. Hdw. on pr. fm. 500 p. 18 x 12 x 3. Co. clk.'s off., 1st fl.

### **Reports, Current and Final Accounts**

- 176. Final Report Record, 1884 - - .** 15 v. (1-15). 1839-69 in Probate Journal, entry 157; 1870-83 in Report Record, entry 177.

Record of final reports of administrators', executors', conservators', and guardians' settlement of estates, showing names of estate, petitioner, and heirs; dates, amounts, and purposes of receipts and expenditures; recapitulation of accounts; orders of court; signature of administrative officer, and dates of filing, recording, and approval. Arr. by date of filing. Indexed alph. by name of estate. Hdw. on pr. fm. 500 p. 18 x 12 x 2½. Co. clk.'s off., 1st fl.

- 177. Report Record, 1870 - - .** 10 v. (A-C, 1870-81; D, E, 1875-82; G, 1879-92; H-K, 1833 - - ). Title varies: Administrators' Report Record, v. C, 1873-81, x. G, 1879-92. 1839-58 in Probate Journal, entry 157; 1859-69 in Estate Ledger, entry 181.

Record of administrators' and executors' reports, showing names of

estate, petitioner, and heirs; dates of petition and letters; date, amount, and purpose of receipt or expenditure; signatures of heirs and administrative officer, and date of filing. Also contains Final Report Record, 1870-83, entry 176; Guardians' Report Record, 1870-77, entry 178; and Conservators' Report Record, 1870-1915, entry 179. Arr. by date of filing. Indexed alph. by name of estate. Hdw. on pr. fm. 300 p. 17 x 11 x 2. Co. clk.'s off., 1st fl.

- 178. Guardians' Report Record, 1878 - -. 9 v. (F-H, K-P). 1839-58** in Probate Journal, entry 157; 1859-69 in Estate Ledger, entry 181; 1870-77 in Report Record, entry 177.

Record of guardians' annual reports of financial status of estates, showing names of minor ward, estate, and guardian; date of report; date, amount, and purpose of receipts and disbursements; balance on hand; signature of guardian, and date of filing. Arr. by date of report. Indexed alph. by name of ward. Hdw. on pr. fm. 500 p. 18 x 12 x 3. Co. clk.'s file rm., 1st fl.

- 179. Conservators' Report Record, 1916 - -. 2 v. (1, 2). 1839-58** in Probate Journal, entry 157; 1859-69 in Estate Ledger, entry 181; 1870-1915 in Report Record, entry 177.

Record of conservators' annual reports on financial status of estates, showing names of incompetent person, estate, and conservator; date of report; dates, amounts, and purposes of receipts and disbursements; balance on hand; signature of conservator, and date of filing. Arr. by date of filing. Indexed alph. by name of incompetent. Hdw. on pr. fm. 300 p. 18 x 12 x 2½. Co. clk.'s off., 1st fl.

- 180. Insolvent Estate Record, 1877 - -. 1 v. (A). 1839-76** in Probate Journal, entry 157.

Record of administrators' reports on insolvent estates, showing names of estate and administrator, administrator's report of assets and liabilities, date of court term, order of court declaring estate insolvent, amounts of costs and widow's allowance, and dates of report, filing, and recording. Arr. by date of recording. Indexed alph. by name of estate. Hdw. on pr. fm. 400 p. 18 x 12 x 3. Co. clk.'s off., 1st fl.

- 181. Estate Ledger, 1859-1908. 11 v. (1 not lettered, 1859-62; 1 not lettered, 1859-74; B-H, J-K, 1865-1908). 1839-58** in Probate Journal, entry 157.

Ledger of accounts of estates in probate, showing names of estate, administrative officer, sureties, widow, and heirs; inventory of real and personal property; itemized list of receipts and disbursements; date and amount of administrative officer's bond, and date of entry. Also contains Report Record, 1859-69, entry 177, including Guardians' Report Record, entry 178, and Conservators' Report Record, entry 179. Arr. by date of entry. Indexed alph. by name of estate. Hdw. under pr. hdgs. 500 p. 18 x 12 x 3. 2 v. not lettered, 1859-62, 1859-74, file rm., bsmt.; v. B-H, J-K, 1865-1908, co. clk.'s off., 1st fl.

## DOCKETS

- 182. Probate Court Shelby County (Pending Cases), 1918 - -. 2 v. (2, 3).**

Judge's docket of administrators' and executors' pending cases, showing names of attorney, estate, administrative officer, claimant, and petitioner; date of court term; date, amount, and purpose of claim; nature of action, and nations of court proceedings. Arr. alph. by name of estate. No index. Hdw. under pr. hdgs. 400 p. 15 x 12 x 4. Co. judge's reception rm., 1st fl.

- 183. Judge's Docket, Guardian and Conservator Shelby County (Pending Cases), 1919 - -. 1 v. (2).**

Judge's docket of pending guardianship and conservatorship cases, showing names of attorneys, administrative officer, estate, and minor or

alleged incompetent or feeble-minded, court proceedings, date of court term, and case number. Arr. by name of estate or alleged incompetent. No index. Hdw. under pr. hdgs. 300 p. 15 x 11 x 2. Co. clk.'s file rm., 1st fl.

- 184. Judge's Transfer Docket (Probate), 1872 - -. 4 v. (2 not numbered 1872-78; 1, 2, 1912 - -); 1 f.d. (1917-31). Title varies: Judge's Docket, 1 v., 1872-73; Miscellaneous Docket, 1 v., 1874-78; Probate Docket Shelby County, v. 1, 1912-15. Missing: 1879-1911.**

Judge's docket of closed probate cases, showing names of estate, administrative officer, claimant, witnesses, judge, clerk, and attorneys, type of action, date of court term, and abstract of proceedings. Also contains (Judge's Transfer Docket - County Court), 1872-78, entry 132; Insanity Docket, 1938 - -, entry 136; and Probate Claim and Judgment Docket, 1912-29, 1933 - -, entry 185. 2 v. not numbered, 1872-78, v. 1, 1912-15, arr. by date of court term; 1 f.d., 1915 - -, no obvious arr.; v. 2, 1917-31, arr. alph. by name of estate. No index. 1872-78, hdw.; 1912 - -, hdw. under pr. hdgs. V. 250 - 1200 p. 14 x 9 x 1 - 11 x 15 x 8; f.d. 12 x 15 x 18. 2 v. not numbered, 1872-78, file rm., bsmt.; v. 1, 2, 1912 - -, 1 f.d., 1917-31, co. clk.'s file rm., 1st fl.

- 185. Probate Claim and Judgment Docket, 1859-85, 1930-32. 5 v. (2 not labeled, C, D, 1). Missing: 1886-1911. Title varies: Estate Judgment Docket, 2 v. not labeled, C, D, 1859-85. 1912-29, 1933 - - in Judge's Transfer Docket (Probate), entry 184.**

Docket of claims filed and judgments entered against estates, showing date, number, amount, and purpose of claim, names of estate and claimant, and dates of filing, allowance of claim, and judgment. Arr. by date of filing. Indexed alph. by name of estate. Hdw. under pr. hdgs. 600 p. 18 x 12 x 3. Co. clk.'s file rm., 1st fl.

- 186. Docket of Settlements Made, 1863-88. 2 v. (1 not numbered, 2). Title varies: Docket of Settlements Due, 1 v. not numbered, 1863-78.**

Docket of reports of administrators, executors, guardians, and conservators in settlement of estates, showing name and address of administrative officer, dates of letters and annual and final reports, names of estates and sureties, date and amount of bond, and remarks. Arr. by date of report. Indexed alph. by name of estate. Hdw. under pr. hdgs. 500 p. 17 x 11 x 2. File rm., bsmt.

## FEE BOOKS

- 187. Administrators' Fee Book, 1875 - -. 13 v. (E-G, J-S). Title varies: Probate Fee Book, v. E, F, 1875-87. 1846-74 in Probate Fee Book, entry 189.**

Record of administrators' and executors' fees, showing date, names of estate and administrator or executor, and dates and amounts of fee assessments, collections, and disbursements. Arr. by date of case. Indexed alph. by name of estate. Hdw. on pr. fm. 500 p. 18 x 12 x 3. Co. clk.'s file rm., 1st fl.

- 188. Guardians' and Conservators' Fee Book, 1879 - -. 5 v. (E, H, N-P). Title varies: Probate Fee Book - Guardians', v. E, H, 1879-1909; Guardians' Fee Book, v. N, 1910-12. 1846-78 in Probate Fee Book, entry 189.**

Record of guardians' and conservators' fees, showing names of estate, guardian, and conservator, and dates and amounts of fee assessments, collections, and disbursements. Arr. by date of case. Indexed alph. by name of estate. Hdw. on pr. fm. 500 p. 18 x 12 x 3. Co. clk.'s file rm., 1st fl.

- 189. Probate Fee Book, 1846-78. 5 v. (4 not labeled, 1846-77; 1 not labeled, 1872-78). Title varies: Probate Docket of Costs, 1 v.,**



1846-49; Fee Book of Office of Probate, 1 v., 1850-60; Probate Costs Administrator, 2 v., 1870-77. 1839-45 in Probate Journal, entry 157.

Record of guardians' and conservators' fees, including administrators' and executors' fees, 1846-74, showing names of estate and administrative officer, amounts of fee assessments, collections, and disbursements, dates of payment and disbursement, and itemized statement of fees. Also contains Fee Books - Citations and Claims, 1846-65, entry 190. Subsequently kept as Administrators' Fee Book, entry 187, and Guardians' and Conservators' Fee Book, entry 188. Arr. by date of case. Indexed alph. by name of estate. 1846-60, hdw.; 1861-78, hdw. on pr. fm. 100 - 500 p. 16 x 10 x 1 - 18 x 12 x 3. 4 v., 1846-77, file rm., bsmt.; 1 v., 1872-78, co. clk.'s file rm., 1st fl.

**190. Fee Books - Citations and Claims, 1866-1911. 2 v. (A, B).** 1839-45 in Probate Journal, entry 157; 1846-65 in Probate Fee Book, entry 189.

Record of fees taxed for settlement of claims and issuing of citations in probate cases, showing names of estate, heirs, claimant, administrative officer, and judge; date, amount, and purpose of claim, or date and purpose of citation, and date and amount of fees taxed and collected. Arr. by date of claim or citation. Indexed alph. by name of estate or claimant. Hdw. on pr. fm. 300 p. 17 x 11 x 1½. Co. clk.'s off., 1st fl.

## VI. CIRCUIT COURT

The circuit court has original jurisdiction of all causes in law and equity and acts as a court of appeals in probate matters and causes cognizable by the county court and justices of the peace.<sup>1</sup> In addition, it is one of the courts capable of having naturalization jurisdiction according to Federal statutes.<sup>2</sup>

Originally, the circuit court was held in Shelby County by justices of the Supreme Court.<sup>3</sup> In 1835 the judiciary was reorganized and a circuit judge was appointed by the General Assembly for the district serving Shelby County. All of the laws requiring Supreme Court justices to hold circuit courts were repealed by this legislation.<sup>4</sup> The new plan of organization was in effect for a brief period of six years, for in 1841 additional associate justices of the Supreme Court were appointed by joint ballot of the General Assembly, which justices, together with the other justices of the Supreme Court, held the circuit courts.<sup>5</sup> Then in 1849 another change was made in accordance with the second constitution which provided for the election of circuit judges by the judicial district electorate.<sup>6</sup> The Constitution of 1870 altered the circuit districts and established population requirements for counties that may comprise a circuit.<sup>7</sup> From 1849 to the present the circuit judges have been elected officers of the judicial district electorate. The fourth circuit is made up of nine counties, one of which is Shelby.<sup>8</sup>

Three circuit judges who serve for six-year terms are elected for the district. Before entering upon the duties of his office, each circuit judge is required to subscribe to an oath which he files with the Secretary of State.<sup>9</sup> The salary for those circuit court judges elected after the first Monday of June, 1933 was set at \$7,200, and for those elected after the first Monday of June, 1939 the amount was increased to \$8,000. The salaries are paid from the state treasury.<sup>10</sup>

The hearings of several of the election contests are held before this court. Jurisdiction is granted to the court to hear and determine contests of the election of judges of the Supreme Court, judges of the circuit court, and members of the State Board of Equalization; but no judge of the circuit court is allowed to sit upon the hearing of any case in which he is a party.<sup>11</sup> The circuit court also hears and determines the election contests of some of the local and county offices. These include contests of judge of the county court, mayors of cities, president of the county board, presidents of villages, elections in reference to removal of county seats and in reference to any other subject which may be submitted to the vote of the people of the county. The circuit court has concurrent jurisdiction with the county court in cases of contested elections under the latter's jurisdiction.<sup>12</sup>

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1. Constitution of 1870, Art. VI, sec. 12; L.1371-72, p. 100; R.S.1374, p. 344; L.1335, p. 189; L.1933, p. 688; L.1935, p. 1.

2. 2 U.S.S.L. 155; U.S.R.S. 1379-1374, p. 378-80; 34 U.S.S.L. 593; 37 U.S.S.L. 737; 44 U.S.S.L. 709.

3. R.L.1829, p. 48.

4. L.1335, p. 150, 151.

5. L.1841, p. 173; R.S.1845, p. 142.

6. Constitution of 1848, Art. V, sec. 7, 15.

7. Constitution of 1870, Art. VI, sec. 13.

8. L.1933, p. 436.

9. Constitution of 1870, Art. VI, sec. 12; L.1933, p. 436.

10. L.1933, p. 621; L.1937, p. 189, 606. In 1835 the salary of the circuit judge was \$750 per annum (L.1835, p. 167). The Constitution of 1870 set the salary at \$3,000 until otherwise provided by law (Constitution of 1870, Art. VI, sec. 15). A few of the recent changes were: from 1919 to 1925 for judges elected during this period, \$5,500; for the period 1925 to 1933, those elected received \$8,000 per year (L.1919, p. 553, 554; L.1925, p. 400; L.1931, p. 148).

11. L.1899, p. 152.

12. L.1871-72, p. 396; L.1395, p. 170.

Included under the jurisdiction of the circuit court are also appeals from the Illinois Commerce Commission's rules, regulations, orders, or decisions. Such appeals may be taken to the circuit court serving Shelby County when the subject matter of the hearing is situated in this county. The appeal may be heard for the purpose of having the reasonableness or lawfulness of the rule, regulation, order, or decision inquired into and determined.<sup>13</sup>

To expedite the handling of litigation, a branch circuit court may be held at the same time that the main or regular circuit court for Shelby County is in session. A branch court is held by any circuit judge or by a judge of any other circuit called in for the purpose of hearing and deciding motions and settling the issues in any or all causes pending in the circuit court, and for the purpose of hearing chancery causes and cases at law which are pending in such court for that term. The presiding judge of the main circuit court assigns to the branch court as many of the law and chancery cases as the presiding judge of the branch court will possibly have time to hear.<sup>14</sup>

Also, to aid in the speedy administration of justice, the judges, or a majority of them, may by an order entered of record in the office of the clerk of the circuit court, dispense with either or both the grand and petit juries for any term or part of term of the circuit court, and may designate what term or portion thereof shall be devoted to criminal business, and what term or portion thereof to civil business.<sup>15</sup>

Each of the three judges of the circuit court is authorized to appoint one official shorthand reporter. This appointee is required to be skilled in verbatim reporting and is not allowed to hold more than one such official appointment. The appointment is in writing and is required to be filed in the office of the auditor of public accounts. The reporter holds office until his appointment is revoked by the appointing judge or until the termination of the judge's term. When the official reporter is absent or disabled, the presiding judge may appoint any other competent reporter to act during such absence or disability. The substitute is paid for his services by the official reporter. The reporter causes full stenographic notes of the evidence in all trials before the court to be taken down and transcript of the same to be correctly made if desired by either party to the suit, their attorneys, or the judge of the court. Each of the reporters receives and is paid out of the state treasury an annual salary of \$3,240. The salaries are paid out monthly on the warrant of the auditor of public accounts.<sup>16</sup>

The probation officer for adult probationers is an appointee of the circuit court.<sup>17</sup> His services extend throughout the county. Courts exercising criminal or quasi-criminal jurisdiction are given power to release on probation adult or juvenile offenders found guilty of committing certain specified offenses.<sup>18</sup> In the performance of his prescribed duties, the probation officer principally serves the county and circuit courts. He is required to give bond as determined by the circuit court in a sum not exceeding \$5,000 and is subject to the rules of and removal by the appointing court.<sup>19</sup> Shelby County is allowed one probation officer under the allowance of one for each fifty thousand, or fraction thereof, of population.<sup>20</sup>

The probation officer is compensated at a rate determined by the county board. In the performance of his duties, he is required to in-

13. L.1921, p. 742, 743.

14. L.1873-74, p. 82, 83; L.1905, p. 146.

15. L.1835, p. 167, 168; L.1933, p. 441, 442.

16. L.1933, p. 463, 464.

17. L.1911, p. 280.

18. Ibid., p. 277.

19. Ibid., p. 280, 281; L.1915, p. 380, 381.

20. L.1915, p. 380. School census to be basis for determining population.

investigate the cases of defendants requesting probation; notify the court of previous conviction or probation; make reports to the respective courts; keep a set of records as described below; take charge of, and watch over, all persons placed on probation in his county, and all probationers moving from another county into his county. He is also required to notify probation officers in other counties of any probationers under his supervision who may move into those counties.<sup>21</sup>

The reports made by the probation officer to the courts are kept by the clerk in the respective cases. The courts' probation records include orders granting or refusing release on probation, probationers' bonds, the reports of probation officers noted above, and discharge of probationers.

The probation officer is required to keep complete accurate records of investigated cases, including descriptions of the investigated persons, the action of the court, and the subsequent history of probationers. These are records open to inspection by any judge or by any probation officer pursuant to a court order and are not public records.<sup>22</sup>

Unlike the judges of the circuit court who are elected by the judicial district electorate, the clerk of this court is elected by the county electorate.<sup>23</sup> This official performs the ministerial duties of the circuit court of Shelby County and files and preserves its records as well as those of the branch circuit courts.<sup>24</sup> He is commissioned by the Governor and before entering upon the duties of his office, gives bond with sureties which are approved by any two of the judges of the court. His bond is given in the sum of not less than \$5,000 as agreed upon by the judges. The oath to which he subscribes is filed with the Secretary of State.<sup>25</sup> If a vacancy occurs in this office and the unexpired term does not exceed one year, the court is required to fill such vacancy by appointment of a clerk pro tempore. The appointee is then required to qualify for office in the same manner as the clerk of the circuit court. When the appointment is made, the court notifies the Governor of the filled vacancy. The Governor in turn, as soon as practicable, issues a writ of election for the circuit court clerk.<sup>26</sup>

The clerk of the circuit court was first appointed by the circuit judge in Shelby County.<sup>27</sup> He kept a record of all the oaths that he administered and certified a copy annually to the Secretary of State.<sup>28</sup> The clerk preserved a complete record of all proceedings and determinations of the court of which he was clerk.<sup>29</sup> At each term of the circuit court, the clerk inquired into the condition of the treatment of prisoners and was required to see that all prisoners were humanely treated.<sup>30</sup> This authority was in later years, and is at present, delegated to the circuit court.<sup>31</sup> One of the early requisites of this office was for the clerk of the circuit court to reside near the county seat in order that he could attend to his duties daily. In the event that it were not possible for him to be in daily attendance, the presiding judge was to fill such vacancy.<sup>32</sup> The Constitution of 1848 made the clerk of the circuit court an elective officer of the county with a four-year term. This arrangement has continued until the present.<sup>33</sup>

21. L.1911, p. 281, 282; L.1915, p. 381, 382.

22. L.1911, p. 277-84; L.1915, p. 378-84.

23. Constitution of 1848, Art. V, sec. 7, 21, 29; Constitution of 1870, Art. X, sec. 8.

24. L.1905, p. 147.

25. R.S.1874, p. 260.

26. L.1873-74, p. 95.

27. Constitution of 1818, Art. IV, sec. 6; R.L.1833, p. 152; R.S.1845, p. 146.

28. L.1819, p. 349.

29. R.L.1829, p. 44; R.L.1833, p. 152; R.S.1845, p. 147.

30. R.L.1827, p. 248.

31. R.S.1874, p. 616; L.1923, p. 424.

32. R.L.1829, p. 35.

33. Constitution of 1848, Art. V, sec. 29; Constitution of 1870, Art. X, sec. 9.

The clerk is able to perform the several duties of his office with the aid of his staff which consists of assistants and deputy clerks who are appointed by him in a number determined by rule of the circuit court.<sup>34</sup> This order is entered as of record and the compensation of such assistants and deputies is set by the county board.<sup>35</sup>

Among the records kept by the clerk for the circuit court are the following:<sup>36</sup>

1. Books of record of the proceedings and judgments of the court with alphabetical indexes by parties. Proceedings are recorded at length only in cases designated by law, or whom the court at the motion and assumption of expense by one of the parties, so orders. In practice, from an early date the court record has been broken down into segregated types of proceedings and judgments.
2. "Plaintiff-Defendant Index to Court Records" and "Defendant-Plaintiff Index to Court Records," intended to be separate records, but frequently combined in a single volume with the two indexes segregated in each volume.
3. A general docket in which all suits are entered in the order they are commenced.
4. A judgment and execution docket containing a column for the entry of satisfaction or other disposition. In practice, an execution docket is frequently set up independently.
5. Additional dockets, designated as the clerk's, judge's, and bar docket. In practice, the bar docket has tended to drop out of use.
6. A fee book in which costs and fees are to be entered under the proper title of the case. In practice, separate series of volumes are maintained under such titles of causes.
7. Transcripts of proceedings in appeals from justices', city, and foreign courts, dockets thereof, and transcripts of judgments for liens, etc., from the former. Separate well-bound books are required to be kept for each city court. These books are to contain an alphabetical docket of all judgment decrees rendered in the city court. They also provide for entry of data relating to the filing of the transcript with the corresponding number of the transcript.<sup>37</sup>
8. Naturalization proceedings from petitions to final certificates: Federal statutes allow the circuit court to exercise jurisdiction.
9. Reports to the court from its designated masters in chancery, the state's attorney, and the coroner's inquest juries.
10. Jury venires, summonses, certificates, etc.
11. Original documents used in court hearings and determinations. These documents are of particular importance because in a large number of cases the complete proceedings are not spread on court record.
12. Monthly reports of the warden of the county jail, containing

34. L.1831, p. 49; Constitution of 1870, Art. X, sec. 9.

35. Constitution of 1870, Art. X, sec. 9.

36. The Civil Practice Act of 1933 grants authority to the circuit court subject to rules promulgated by the Supreme Court and not inconsistent with statutory requirements, to make such rules as they may deem expedient, regulating dockets and calendars of said court (L.1933, p. 786).

37. R.S.1874, p. 347; L.1901, p. 136, 137.

a list of all prisoners in his custody, showing causes of commitment and names of persons by whom committed.<sup>38</sup>

## PROCEEDINGS OF COURT

### General

- 191. (Index to File Boxes), 1827 - -. 2 v. (1, 2).**  
Index to (Circuit Court Files), 1827 - -, entry 192, and (Chancery, Criminal, and Law Files, Pending Cases), 1896 - -, entry 193, showing names of plaintiff and defendant, case number, term date, and file box number. Arr. alph. by names of plaintiff and defendant. Hdw. under pr. hdgs. 500 p. 18 x 13 x 3. Cir. clk.'s file rm., 1st fl.
- 192. (Circuit Court Files), 1827 - -. 615 f.b. (1-615).**  
Files of circuit court common law, criminal, and chancery cases, including summonses, subpoenas, pleas, citations, petitions for attachments, modifications of decrees and alimony, affidavits of witnesses, orders of court, defendants' answers, writs of habeas corpus, bills for divorce, instructions to jury, stipulations, additional counts, declarations, replications, motions for new trial, challenges to the array of jurors, verdicts, defaults, and venire of jurors. Also contains (Judgment and Execution Files), 1827-86, entry 203; Mechanics' Liens (Files), 1827-88, entry 206; and Transcript of Judgment (Files), 1827-88, entry 211. Arr. by date of case. For index, see entry 191. Hdw., hdw. on pr. fm., typed, and typed on pr. fm. 12 x 4 x 15. Cir. clk.'s file rm., 1st fl.
- 193. (Chancery, Criminal, and Law Files, Pending Cases), 1896 - -. 31 f.b.**  
Files of pending common law, chancery, and criminal cases, including summonses, subpoenas, affidavits, petitions for attachment, defendants' answers, bills for divorce, declarations, motions for new trial, and challenges to jury. Arr. by case no. For index, see entry 191. Typed, hdw., and typed on pr. fm. 10 x 5 x 15. Cir. clk.'s file rm., 1st fl.
- 194. Index to Circuit Court Records, 1827-1906. 12 v. (1, A-E, plaintiff; 1, A-E defendant).**  
Index to Chancery Record, entry 195; Common Law Record, entry 197; Circuit Court Record, Criminal, 1868-96, 1902-6, entry 199; and Circuit Court Record, entry 201, showing names of plaintiff and defendant, nature of action, date of court term, case number, book and page of record, dates of commencement and disposal, date and amount of judgment, and file box number. Index to Chancery Records, entry 196; Index to Common Law Records, entry 198; and Index to Circuit Court Records - Criminal, entry 200, subsequently kept separately. Arr. alph. by names of plaintiff and defendant. Hdw. under pr. hdgs. 600 p. 18 x 13 x 3. Cir. clk.'s file rm., 1st fl.
- 195. Chancery Record, 1861 - -. 53 v. (A-D, K, M, O, P, R, S, U, V, Z, 1861-95; 1-40, 1886 - -).** Title varies: Equity Record, v. 39, 1937-39.  
Record of proceedings in chancery cases, showing case number, term date, names of complainant, defendant, and attorneys, type of case, action, and court orders. Arr. by date of case. For index, 1861-1906, see entry 194; for index, 1907 - -, see entry 196. 1861-78, hdw.; 1879 - -, hdw., typed, and hdw. and typed on pr. fm. 600 p. 18 x 13 x 3. Cir. clk.'s file rm., 1st fl.
- 196. Index to Chancery Records, 1907 - -. 4 v. (1, 2 complainant; 1, 2 defendant).** 1827-1906 in Index to Circuit Court Records, entry 194.  
Index to Chancery Record, entry 195, showing names of complainant

38. R.L.1827, p. 217; R.S.1845, p. 323-26, 414, 418, 419, 518; L.1865, p. 79, 80; R.S.1874, p. 262, 263, 339, 616; L.1895, p. 217; L.1933, p. 442, 678; 2 U.S.S.L. 153-55; U.S.R.S. 1789-1874, p. 378-80; 34 U.S.S.L. 596-607, 709, 710; 45 U.S.S.L. 1514 1515.

and defendant, file box number, nature of action, book and page of record, and dates of court term and disposal of case. Arr. alph. by names of complainant and defendant. Hdw. under pr. hdgs. 600 p. 18 x 13 x 3. Cir. clk.'s file rm., 1st fl.

**197. Common Law Record, 1868 - -. 11 v. (I, K, Q, X, I, 3-8). 1827-67 in Circuit Court Record, entry 201.**

Record of proceedings in common law cases, showing date of court term, case number, names of plaintiff, defendant, attorneys, judge, clerk, jurors and witnesses, nature of action, and court proceedings and orders. Also contains Mechanics' Liens, 1868-88, entry 207, and Probation and Recognizance Record, 1868-1915, entry 209. Arr. by date of court term. For index, 1868- 1906, see entry 194; for index, 1907 - -, see entry 198. 1868-1922, hdw.; 1923 - -, typed. 600 p. 18 x 13 x 3. Cir. clk.'s file rm., 1st fl.

**198. Index to Common Law Records, 1907 - -. 4 v. (1, 2 plaintiff; 1, 2 defendant). 1827-1906 in Index to Circuit Court Records, entry 194.**

Index to Common Law Record, entry 197, showing names of plaintiff and defendant, nature of action, dates of commencement and disposal of case, book and page of record, file box number, and date and amount of judgment. Arr. alph. by names of plaintiff and defendant. Hdw. under pr. hdgs. 600 p. 18 x 13 x 3. Cir. clk.'s file rm., 1st fl.

**199. Circuit Court Record, Criminal, 1868 - -. 9 v. (J, L, T, 1, 2, 4-7). Title varies: Circuit Court Record, People, v. L, 1873-79. 1827-67 in Circuit Court Record, entry 201.**

Record of proceedings in criminal cases, showing case number, date of court term, names of defendant, attorneys, judge, witnesses, clerk, and jurors, nature of action, and court proceedings and orders. Also contains Indictment Record, 1868-72, 1929 - -, entry 202. Arr. by date of court term. For index, 1868-96, 1902-6, see entry 194; for index, 1897-1901, 1907 - -, see entry 200. 1868-79, hdw., and hdw. on pr. fm.; 1880-1905, hdw. on pr. fm.; 1906-38, hdw.; 1939 - -, typed. 600 p. 18 x 14 x 3. Cir. clk.'s file rm., 1st fl.

**200. Index to Circuit Court Records - Criminal, 1897-1901, 1907 - -. 2 v. (1, 1). 1869-96, 1902-6 in Index to Circuit Court Records, entry 200.**

Index to Circuit Court Record, Criminal, entry 199, showing name of defendant, nature of crime, dates of commencement and disposal of case, file box number, book and page of record, and date of judgment. Arr. alph. by name of defendant. Hdw. under pr. hdgs. 600 p. 18 x 13 x 3. Cir. clk.'s file rm., 1st fl.

**201. Circuit Court Record, 1827-67. 7 v. (1, 2, D, B<sup>3</sup>, E, G, H). Title varies: Ledger, v. 2, 1835-44; Chancery Record, v. B<sup>3</sup>, 1855-57; Court Record, v. G, 1860-62.**

Record of proceedings in law, 1827-67; chancery, 1827-60; and criminal, 1827-67, cases, showing case number, date of court term, names of plaintiff, defendant, attorneys, judge or master, witnesses, jurors, and clerk, nature of action, and court proceedings, orders, and decrees. Also contains Judgment by Confession in Vacation, 1827-57, entry 205, and Transcript Record, 1827-57, entry 212. Chancery Record, entry 195; Common Law Record, entry 197, including Mechanics' Liens, entry 207, and Probation and Recognizance Record, entry 209; Circuit Court Record, Criminal, entry 199, including Indictment Record, entry 202, subsequently kept separately. Arr. by date of court term. For index, see entry 194. Hdw. 600 p. 18 x 13 x 3. Cir. clk.'s file rm., 1st fl.

**202. Indictment Record, 1873-1928. 3 v. (A-C). 1827-67 in Circuit Court Record, entry 201; 1868-72, 1929 - -, in Circuit Court Record - Criminal, entry 199.**

Lists of grand jury indictments, showing names of defendant, state's

attorney, jury, foreman, and witnesses, nature of crime, date of indictment, verdict of grand jury, signature of clerk, and dates of recording and filing. Arr. by date of filing. Indexed alph. by name of defendant. Hdw. under pr. hdgs. 400 p. 18 x 13 x 2. Cir. clk.'s file rm., 1st fl.

## Judgments

**203. (Judgment and Execution Files), 1887 - -. 11 f.b. 1827-86 in (Circuit Court Files), entry 192.**

Original judgments and executions showing names of plaintiff, defendant, and clerk; dates of judgment and execution; amounts of claims, judgment, costs, and sheriff's fees; date of sheriff's return, and book and page of fee book entry. Arr. by document no. No index. Hdw. and typed on pr. fm. 10 x 4 x 15. Cir. clk.'s file rm., 1st fl.

**204. Default Record, 1858 - -. 2 v. (F, N). Last entry 1925. Title varies: Circuit Court Records - Default, v. F, 1858-74.**

Record of default cases, showing term date, names of judge, clerk, sheriff, plaintiff, defendant, and attorneys, statement of default, and amount of damages. Also contains Judgment by Confession in Vacation, 1858-84, entry 205. Arr. by date of case. Indexed alph. by name of defendant. Hdw. on pr. fm. 500 p. 18 x 12 x 3. Cir. clk.'s file rm., 1st fl.

**205. Judgment by Confession in Vacation, 1835 - -. 6 v. (1-6). 1827-57 in Circuit Court Record, entry 201; 1858-84 in Default Record, entry 204.**

Record of judgments by confession, showing term of court, names of plaintiff, defendant, and attorneys, date and amount of judgment, and orders of court. Arr. by date of judgment. Indexed alph. by name of defendant. Hdw. on pr. fm. 500 p. 18 x 13 x 3. Cir. clk.'s file rm., 1st fl.

## Liens

**206. Mechanics' Liens (Files), 1889 - -. 2 f.b. 1827-88 in (Circuit Court Files), entry 192.**

Mechanics' liens showing names of claimant and defendant, description of property charged with lien, amount of lien, signature of claimant, and acknowledgment. Arr. alph. by name of claimant. No index. Hdw. and typed on pr. fm. 10 x 5 x 15. Cir. clk.'s file rm., 1st fl.

**207. Mechanics' Liens, 1889 - -. 1 v. (1). 1858-67 in Circuit Court Record, entry 201; 1869-88 in Common Law Record, entry 197.**

Register of mechanics' liens, showing names of plaintiff and defendant, legal description of property charged with lien, amount of claim, and dates of final payment and filing. Arr. by date of filing. Indexed alph. by name of defendant. Hdw. under pr. hdgs. 300 p. 18 x 12 x 2. Cir. clk.'s off., 1st fl.

## Probation and Parole

**208. Bonds, 1922 - -. 2 f.b.**

Bail and recognizance bonds showing term of court, names of defendant, sureties, attorneys, and justice of peace, date and amount of bond, acknowledgment, and date of filing. Arr. alph. by name of defendant. No index. Hdw., hdw. on pr. fm., and typed. 10 x 5 x 15. Cir. clk.'s file rm., 1st fl.

**209. Probation and Recognizance Record, 1916 - -. 2 v. (1, 6). 1367 in Circuit Court Record, entry 201; 1868-1915 in Common Law Record, entry 197.**

Record of probation cases, including copies of recognizance bonds, showing names of defendant, attorneys, sheriff, sureties, and circuit clerk, case number, date of court term, term of probation, date and amount of bond, nature of offense, and court orders. Arr. by date of court term. Indexed alph. by name of defendant. Hdw. on pr. fm. 500 p. 18 x 13 x 2. Cir. clk.'s file rm., 1st fl.



210. **Parole Record**, 1897 - -. 1 v. Subsequently kept by State Board of Parole and Pardons.

Record of paroled prisoners, showing names of prisoner and judge, date, nature of crime and sentence, terms of parole, and court orders. Arr. by date of parole or pardon. No index. Hdw. on pr. fm. 200 p. 13 x 13 x 1½. File rm., bsmt.

## TRANSCRIPTS

211. **Transcript of Judgment (Files)**, 1839 - -. 5 f.b. 1827-83 in (Circuit Court Files), entry 192.

Transcripts of judgments from foreign and justice of peace courts, showing title of case, state warrant, recognizance warrant of commitment, transcript after preliminary examination, names of plaintiff, defendant, attorneys, judge, and witnesses, action taken, and date of judgment. Arr. by date of judgment. No index. Hdw. and typed on pr. fm. 10 x 4 x 15. Cir. clk.'s file rm., 1st fl.

212. **Transcript Record**, 1858 - -. 7 v. (1, 2 1853-91; 1 not numbered, 1879-1901; 3, 1902-31; 4, 1890-1924; 5, 1905 - -; 6, 1927 - -). 1827-57 in Circuit Court Record, entry 201.

Transcripts of judgments from justices of peace courts, showing date, names of attorneys, plaintiff, defendant, and officers of court, kind of action, petition for judgment, testimonies, court orders, and date of filing. Arr. by date of filing. Indexed alph. by name of defendant. Hdw., typed, and hdw. and typed on pr. fm. 450 p. 13 x 13 x 2½. Cir. clk.'s file rm., 1st fl.

## DOCKETS

213. **Judges' Docket (Pending Cases)**, 1933 - -. 1 v.

Judges' docket of pending circuit court cases, showing date of case, names of plaintiff, defendant, and attorneys, and dates and notations of proceedings and court orders. Arr. alph. by name of plaintiff or defendant. No index. Hdw. under pr. hdgs. 250 p. 16 x 13 x 2. Cir. clk.'s file rm., 1st fl.

214. **Transfer Docket Files**, 1852 - -. 30 v. (1 not numbered, 1-28, 1852-1909; 1 not numbered, 1898-1901); 4 f.d. (1910 - -). Title varies: Day Book, 1 v. not numbered, 1852-55; Judges' Docket, v. 1-28, 1856-1909.

Judges' transfer docket of common law, criminal, and chancery cases, showing date of case, names of plaintiff, defendant, and attorneys, nature of action, abstract of proceedings and court orders, and book and page of entry in record. Arr. by date of case. No index. Hdw. under pr. hdgs. V. 500 p. 18 x 13 x 3; f.d. 15 x 12 x 23. 1 v. not numbered, 1852-55. V. 1-9, 1856-74, 11-13, 1877-82, 15-28, 1885-1909, 4 f.d. not numbered, 1910 - -, cir. clk.'s file rm., 1st fl.; v. 10, 1875-76, 14, 1883-84, 1 not numbered, 1898-1901, file rm., bsmt.

215. **Clerk's Docket**, 1856-1908, 1920 - -. 29 v. (1-28, 1 not numbered).

Clerk's docket of criminal, common law, and chancery cases, showing date of case, names of plaintiff, defendant, judge, and attorneys, type of action, and dates and notations of proceedings. Arr. by date of case. No index. Hdw. under pr. hdgs. 300 p. 17 x 11 x 2. V. 1-28, 1856-1908, file rm., bsmt.; 1 v. not numbered, 1920 - -. Cir. clk.'s file rm., 1st fl.

216. **Execution Docket**, 1852 - -. 8 v. (1 not lettered, A-G).

Docket of executions on judgments, showing date and number of execution, names of plaintiff and defendant, amounts of costs, judgment, and fees, to whom delivered, and sheriff's return. Arr. by date of exe-

cution. Indexed alph. by name of defendant. Hdw. under pr. hdgs. 400 p. 18 x 13 x 2. Cir. clk.'s file rm., 1st fl.

**217. Judgment and Execution Docket, 1872 - - .** 13 v. (1, B-M). Docket of judgments and executions, showing date and number of case, names of plaintiff and defendant, nature of action, amounts of debt, damages, and costs, and satisfaction. Arr. alph. by name of defendant. No index. Hdw. under pr. hdgs. 600 p. 18 x 14 x 3. V. 1, 1872-79, file rm., bsmt.; v. B-M, 1880 - -, cir. clk.'s file rm., 1st fl.

**218. Clerk's Issue Docket, 1875 - - .** 10 v. (A-D, 1 not labeled, E-H, 1). Register of process and issues, showing case number, names of plaintiff, defendant, and attorneys, kind and date of writ, and remarks. Arr. by date of writ. No index. Hdw. under pr. hdgs. 200 p. 17 x 11 x 1½. V. A, B, 1875-92, D, 1900-1907, file rm., bsmt.; v. C, 1893-99, 1 not labeled, E-H, 1, 1908 - -, cir. clk.'s file rm., 1st fl.

**219. Bar Docket, 1869-75.** 4 v. Circuit clerk's bar docket showing number and date of case, names of plaintiff, defendant, witnesses, and attorneys, and kind of action. Arr. by date of case. No index. Hdw. under pr. hdgs. 300 p. 14 x 10 x ½. File rm. bsmt.

### FEE BOOKS

**220. Fee Book Common Law, 1842 - - .** 24 v. (2 not numbered, 3-8, 10-14, 17, 18, 20, 23, 25, 28, 29, 31, 33, 38, 43). Title varies: Fee Book, 2 v. not numbered, v. 3-8, 10-14, 1842-79. Record of fees received in common law cases, showing number and date of case, names of plaintiff and defendant, itemized list of costs and fees, and amount and date of payment. Also contains Fee Book Chancery, 1842-69, entry 221; Criminal Fee Book, 1842-77, entry 222; Transcript Fee Book, 1842-79, entry 223; Fee Book - Confession, 1842-93, entry 224; and Receipt and Expenditures Record, 1842-72, entry 231. Arr. by date of case. Indexed alph. by name of defendant. 1842-61, hdw.; 1862 - -, hdw. under pr. hdgs. 600 p. 18 x 13 x 3. Cir. clk.'s file rm., 1st fl.

**221. Fee Book Chancery, 1870 - - .** 13 v. (9, 15, 21, 26, 27, 30-32, 36, 39, 41, 44, 46). 1842-69 in Fee Book Common Law, entry 220. Record of chancery fees, showing number and date of case, names of plaintiff and defendant, itemized list of costs and fees, and amount and date of payment. Arr. by date of case. Indexed alph. by name of defendant. Hdw. on pr. fm. 600 p. 18 x 13 x 3. Cir. clk.'s file rm., 1st fl.

**222. Criminal Fee Book, 1878 - - .** 6 v. (16, 22, 25, 26, 35, 40). Title varies: Fee Book - Peoples, v. 16, 22, 25, 26, 1878-1911. 1842-77 in Fee Book Common Law, entry 220. Register of fees received in criminal cases, showing case number, term date, names of plaintiff and defendant, itemized costs and fees, and amount and date of payment. Arr. by date of case. Indexed alph. by name of defendant. Hdw. under pr. hdgs. 600 p. 18 x 13 x 3. Cir. clk.'s file rm., 1st fl.

**223. Transcript Fee Book, 1880 - - .** 3 v. (19, 28, 37). Title varies: Fee Book on Transcript of Judgment, v. 19, 28, 1880-1916. 1842-79 in Fee Book Common Law, entry 220. Record of fees received, charged, collected, and disbursed in transcript cases, showing number and date of case, names of plaintiff and defendant, itemized list of costs and fees, and amount and date of payment. Arr. by date of case. Indexed alph. by name of defendant. Hdw. on pr. fm. 600 p. 18 x 13 x 3. Cir. clk.'s file rm., 1st fl.

**224. Fee Book - Confession, 1894 - - .** 4 v. (27, 34, 42, 45). Title varies: Fee Book, v. 27, 1894-1911. 1842-93 in Fee Book Common Law, entry 220.

Record of fees received in confession cases, showing case number, term

date, names of plaintiff and defendant, itemized costs and fees, and amount and date of payment. Arr. by date of payment. Indexed alph. by name of defendant. Hdw. under pr. hdgs. 600 p. 18 x 13 x 3. Cir. clk.'s file rm., 1st fl.

## REPORTS TO COURT

### 225. Master's Report, 1911 - -. 2 f.b.

Reports of masters in chancery, showing name of master, amounts of fees and fines collected and expended, balance on hand, and date of filing. Arr. by date of filing. No index. Hdw. and typed. 10 x 4 x 15. Cir. clk.'s file rm., 1st fl.

### 226. County Coroner's Record, 1871 - -. 6 v. (2, 2, 2, 2-4). Missing: 1890-1904.

Copies of reports of coroner's inquests, showing names of deceased, jurors, and witnesses, verdict of jury, amount of fee payments, and dates of inquest and report. Arr. by date of report. Indexed alph. by name of deceased. Hdw. on pr. fm. 600 p. 16 x 11 x 3. V. 2, 2, 2, 2, 1871-1926, file rm., bsmt.; v. 3, 4, 1927 - -, cor.'s off., 1st fl., 1911 Broadway, Shelbyville, Illinois.

### 227. State's Attorney's Report, 1873 - -. 1 v. (A).

Record of reports of state's attorneys to circuit court, showing amounts of fee, fine, and forfeiture collections, term of court, names of judge, state's attorney, defendant and court, inclusive dates of report, case number, remarks, and date of filing. Arr. by date of filing. No index. Hdw. under pr. hdgs. 300 p. 18 x 13 x 2. Cir. clk.'s file rm., 1st fl.

## JURY RECORDS

(See also entries 1, 26)

### 228. Register of Jurors' Certificates, 1859 - -. 2 v. (1, 2). Missing: 1877-1900. Title varies: Jurors' Register, v. 1, 1859-76.

Registers of jurors' certificates, showing name of juror, number of warrant, date of certificate, number of days of service, mileage, amount of payment, and signature of recipient. Arr. by warrant no. No index. Hdw. under pr. hdgs. 300 p. 12 x 16 x 2. V. 1, 1859-76, strm., bsmt.; v. 2, 1901 - -, cir. clk.'s file rm., 1st fl.

## NATURALIZATION

(See also entries 84[vii], 151-154)

### 229. Naturalization Record, 1858 - -. 2 v.

Record of declarations of intentions, oaths, petitions, and final certificates of naturalization, showing name, age, and nativity of alien, length of residence in the United States, names of witnesses and judge, and court order granting citizenship. Arr. by date of petition. Indexed alph. by name of alien. Hdw. on pr. fm. 300 p. 18 x 12 x 2. Cir. clk.'s file rm., 1st fl.

### 230. Naturalization Docket, 1874-88. 1 v.

Docket of naturalization cases, showing number of case, name of petitioner, dates of petition, court order, and certificate of naturalization, and abstract of proceedings. Arr. by date of certificate. Indexed alph. by name of petitioner. Hdw. on pr. fm. 300 p. 17 x 12 x 2. Cir. clk.'s file rm., 1st fl.

## RECEIPTS AND EXPENDITURES

### 231. Receipt and Expenditures Record, 1873 - -. 15 v. (2 not lettered, B, 2 not lettered: G-O, F.). Missing: 1898-1900. 1842-72 in Fee Book Common Law, entry 220.

Ledger of daily receipts and expenditures of circuit clerk, and fees re-

ceived for recording instruments, showing date, amount, and purpose of receipt, kind of instrument and name of payer. Also contains Recording and Miscellaneous Fees, 1873-1928, entry 232. Arr. by date of transaction. No index. Hdw. under pr. hdgs. 300 p. 18 x 14 x 2. Cir. clk.'s file rm., 1st fl.

232. **Recording and Miscellaneous Fees, 1929 - - .** 2 v. (1, 2). 1873-1928 in Receipt and Expenditures Record, entry 231.

Journal of daily receipts of circuit clerk, including fees received for recording instruments, showing date, amount, and purpose of receipt, kind of instrument, and name of payer. Arr. by date of receipt. No index. Hdw. under pr. hdgs. 500 p. 16 x 12 x 3. Cir. clk.'s file rm., 1st fl.

## VII. SHERIFF

The sheriff, by constitutional provision, has been an elected officer in Shelby County from the organization of the county, in 1827, to the present.<sup>1</sup> The term of his office, originally set at two years,<sup>2</sup> is now four years.<sup>3</sup> In 1880 it was provided, by constitutional amendment, that no person elected to the office of sheriff should be eligible for reelection to that office until four years after the expiration of his term of office.<sup>4</sup> His bond in this county is required in the sum of \$10,000 and must be approved by the county judge.<sup>5</sup> Memoranda of this bond are entered at large upon the records of the county court, and the bond is filed in the office of the county clerk.<sup>6</sup> One or more deputies are appointed by the sheriff in accordance with the number allowed by rule of the circuit court. Compensation of the deputies is determined by the county board.<sup>7</sup> The sheriff is warden of the county jail and has custody and regulation of the same and of all prisoners.<sup>8</sup> To assist him in this administration, he appoints a superintendent of the county jail for whose conduct he is responsible, and whom he may remove at pleasure.<sup>9</sup>

Essentially without change for over one hundred years, the principal duties of the sheriff are the following:

1. To act as conservator of the peace, with power to arrest offenders on view.<sup>10</sup>
2. To attend, in person or by deputy, all courts of record (city, county, probate, circuit, and appellate courts) in his county, and to obey the orders and directions of the courts.<sup>11</sup>
3. To serve, execute, and return all writs, warrants, process, orders, and decrees legally directed to him.<sup>12</sup>
4. To sell real or personal property by virtue of execution or other process.<sup>13</sup>
5. To send fingerprints of criminals to the State Bureau of Criminal Identification and Investigation.<sup>14</sup>

In the course of the sheriff's many detailed duties included in these broad provisions, the following records may be kept but do not appear in Shelby County:

1. Receipts of deliveries of prisoners in changes of venue.<sup>15</sup>
2. Copies of reports to the county court and circuit court.<sup>16</sup>

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1. Constitution of 1818, Art. III, sec. 11; Constitution of 1848, Art. VII, sec. 7; Constitution of 1870, Art. X, sec. 8; second amendment November 22, 1880, to the Constitution of 1870, Art. X, sec. 8; also L.1819, p. 109, 110; R.S.1874, p. 989.

2. Constitution of 1818, Art. III, sec. 11; Constitution of 1848, Art. VII, sec. 7.

3. Constitution of 1870, Art. X, sec. 8.

4. Ibid., as amended November, 1880.

5. R.S.1874, p. 989. Cf. R.L.1827, p. 371. Prior to the organization of the county court, the sheriff's bond and securities were approved by the circuit court.

6. R.S.1845, p. 514; R.S.1874, p. 989.

7. R.L.1827, p. 373; R.S.1845, p. 515; L.1869, p. 399; Constitution of 1870, Art. X, sec. 9.

8. L.1819, p. 111, 112; R.L.1827, p. 247-50; L.1831, p. 103, 104, 106; R.L.1833, p. 574, 575; L.1845, p. 8, 10, 19; R. S. 1845, p. 133, 134, 515-17; R.S.1874, p. 616, 989-91; L.1901, p. 137, 138; L.1923, p. 423-26. The citations also include references to duties not included in the general outline noted above.

9. L.1923, p. 423.

10. R.L.1827, p. 372; R.S.1845, p. 515; R.S.1874, p. 990.

11. Ibid.

12. Ibid.

13. R.L.1827, p. 334; L.1838-39, p. 14-18, 20; R.S.1845, p. 302, 306, 307; L.1871-72, p. 505-507; R.S.1874, p. 622, 623, 627-29.

14. L.1931, p. 465.

15. R.S.1874, p. 1096.

16. Ibid., p. 617; L.1923, p. 424; L.1933, p. 678.

3. Reports of pawnbrokers on loans and articles pawned.<sup>17</sup>
4. Data of identification of criminals and stolen property.<sup>18</sup>

The following records may be kept and do appear:

1. Register of prisoners.<sup>19</sup>
2. "Book of Accounts," including records of fees and disbursements.<sup>20</sup>
3. Docket of executions.
4. Process docket.

## PROCESS

### 233. Executions, 1839-87. 35 f. b.

Execution papers showing names of defendant and plaintiff, date of court term, itemized list of court costs and fees, date and number of execution, signatures of clerk of court and sheriff, and date of sheriff's return. No obvious arr. Hdw., and hdw, on pr. fm. 5 x 4 x 12. File rm., bsmt.

### 234. Sheriff's Execution Docket, 1868 - -. 21 v. (1 not lettered, A, 5 not lettered, C-F, 10 not lettered).

Docket of executions issued, showing number of case, names of plaintiff, defendant, and court issuing judgment, type of action, dates of judgment, writ, return, and execution, itemized list of fees, remarks, and signature of sheriff. Arr. by date of writ. Indexed alph. by name of defendant. Hdw. under pr. hdgs. 300 p. 17 x 12 x 2. 1 v. not lettered, v. A, 5 not lettered, C-F, 8 not lettered, 1868-1932, file rm., bsmt.; 2 v. not lettered, 1933 - -, sh.'s off., 1st fl.

### 235. Sheriff's Process Docket, 1886 - -. 12 v. (1, 2, C-F, 6 not labeled).

Process docket showing names of plaintiff, defendant, attorneys, and court issuing process, nature of action, dates of receipt, service, and return, name of person serving process, and sheriff's fees and remarks. Arr. by date of process. Indexed alph. by name of defendant. Hdw. under pr. hdgs. 300 p. 16 x 12 x 2. V. 1, 2, C-F, 4 not labeled, 1886-1926, file rm., bsmt.; 2 v. not labeled, 1927 - -, sh.'s off., 1st fl.

## JAIL RECORDS

### 236. Jail Register, 1872 - -. 3 v. (1-3).

Register of prisoners in county jail, showing number, name, and description of prisoner, nature of crime, name of officer making commitment, dates of commitment and discharge, amount of fees and costs, and sheriff's remarks. Arr. by date of commitment. Indexed alph. by name of prisoner. Hdw. under pr. hdgs. 250 p. 16 x 12 x 2. V. 1, 1872-1909, file rm., bsmt.; v. 2, 3, 1910 - -, sh.'s off., 1st fl.

## RECEIPTS AND EXPENDITURES

### 237. Register of Receipts, 1868 - -. 9 v. Missing: 1887-90. Title varies: Receipts and Expenditures, 8 v., 1868-1935.

Sheriff's register of receipts and expenditures, showing number and title of case, date, amount, and purpose of receipt or expenditure, name of recipient or payer, amount of delinquency and total. Arr. by date of transaction. No index. Hdw. under pr. hdgs. 300 p. 17 x 15 x 2. 7 v., 1868-1918, file rm., bsmt.; 2 v., 1919 - -, sh.'s off., 1st fl.

17. L.1909, p. 301.

18. L.1931, p. 465.

19. R.S.1874, p. 617; L.1923, p. 424.

20. L.1871-72, p. 450, 451; L.1873-74, p. 104, 105.

## VIII. CORONER

The coroner's office in Shelby County has continued in existence from the organization of the county, in 1827, to the present.<sup>1</sup> The coroner is elected by the county electorate for a four-year term.<sup>2</sup> After certification of his election by the county clerk, filing of his bond, and taking oath of office, he receives his commission from the Governor.<sup>3</sup> The coroner's bond in this county is required in the sum of \$5,000 and must be approved by the county judge.<sup>4</sup> The inquest duties of this official have changed little over a period of more than a century. The coroner acts as a conservator of the peace with powers equal to those of sheriff in this respect and serves as a ministerial officer of the courts in the absence or disqualification of the sheriff; he also performs all the duties of the latter when the office is vacant.<sup>5</sup>

The most important function of the coroner is to hold inquests over the bodies of persons supposed to have come to their death by violence, casualty, or other undue means. When notification of such death is received, the coroner proceeds to the body, takes charge of it, and summons a jury composed of six men from the vicinity in which the body was found. The jury is instructed to assemble at a stated time and place, to view the body and to inquire into the cause and manner of the death. If the inquest is continued and a vacancy should occur on the jury, the coroner is allowed to fill such vacancy.<sup>6</sup>

To the custody of the clerk of the circuit court are returned the verdict of the jury, and such recognizances as may be given the coroner by witnesses whose testimony implicates any person as the unlawful slayer of the deceased.<sup>7</sup> In his own office, the coroner files and preserves the record of such testimony.<sup>8</sup> The coroner also keeps one record which he originates, the "inquest record." This record recapitulates all the data involved in the entire inquest procedure and includes an inventory and accounting of the personal property and money of the deceased.

Deputy coroners appointed by this official assist him in the performance of the duties of his office. The number of deputies is set by rule of the circuit court, and their compensation is determined by the county board of supervisors. The bond or securities of these assistants are taken by the coroner and the oath to which each subscribes is filed in the county clerk's office.<sup>9</sup>

For copies of coroner's reports to circuit court, see entry 226.

**238. Coroner's Inquests, 1913 - .** 3 f.b. Missing: 1884-1912. 1842-83 in (County Clerk's General Files), entry 84.

Original documents for coroner's inquests, including transcript of testimony, verdict of jury with names of deceased, jurors, and witnesses, personal description of deceased, inventory and disposition of personal effects, and date and cause of death. Arr. by date of inquest. No index. Hdw. and typed on pr. fm. 12 x 5 x 15. Cor.'s off., 1911 Broadway, Shelbyville, Illinois.

1. Constitution of 1818, Art. III, sec. 11; L.1849, Second Sess., p. 7; Constitution of 1870, Art. X, sec. 8.

2. The office is constitutional and elective (Constitution of 1818, Art. III, sec. 11; Constitution of 1870, Art. X, sec. 8). The term, formerly two years, is now four years (second amendment, November 22, 1880, to Constitution of 1870, Art. X, sec. 8).

3. R.S.1845, p. 514; R.S.1874, p. 281.

4. R.S.1874, p. 281.

5. L.1819, p. 111, 160; L.1821, p. 20-23; L.1825, p. 63, 64; R.L.1827, p. 246-50, 372, 373-75; R.S.1845, p. 515, 517; R.S.1874, p. 281, 282.

6. L.1821, p. 22-24; R.S.1845, p. 517, 518; R.S.1874, p. 282-84; L.1879, p. 82; L.1907, p. 213; L.1919, p. 403, 404; L.1931, p. 388, 389.

7. L.1821, p. 24, 25; R.S.1845, p. 518; R.S.1874, p. 283.

8. L.1869, p. 104, 105; R.L.1874, p. 283; L.1907, p. 213, 214; L.1919, p. 293, 294.

9. Constitution of 1870, Art. X, sec. 9; L.1881, p. 63.

## IX. STATE'S ATTORNEY

In Shelby County, since its organization in 1827, the state's attorney has commenced and prosecuted in courts of record all actions in which the people of the state or county were concerned.<sup>1</sup> This officer was appointed by the Governor until 1835, when he became an appointee of the General Assembly.<sup>2</sup> This latter provision remained effective until 1848, when the state's attorney became an elected officer of the circuit district electorate.<sup>3</sup> At this time his services also were expanded to include the newly created county court. Finally, the present constitution made the office elective in and for each county.<sup>4</sup> Bond in the sum of \$5,000 has been required since 1872.<sup>5</sup> From the creation of this office in the state until the present, the state's attorney has continued to receive his commission from the Governor for the tenure of his office.<sup>6</sup> In 1827 his appointment was set at a four-year term;<sup>7</sup> in 1835 his term was set at two years.<sup>8</sup> Then, in 1849, the state's attorney's office became elective by the district electorate for a four-year term, the first term, however, being only for three years and ending in 1852.<sup>9</sup> In Shelby County the state's attorney receives an annual salary of \$4,000, with an additional \$400 paid by the state. Statutory fee rates are allowed him for convictions on specified offenses and crimes before justices of the peace, police magistrates, county and circuit courts. Also, rates are established for preliminary examinations of defendants, for attendance at trials, and for appeals. These several fees and rates make up a county fund from which is paid his salary.<sup>10</sup>

The duties of the state's attorney are the following:

1. To commence and prosecute all actions, suits, indictments, and prosecutions, civil or criminal, in any court of record in his county in which the people of the state or county may be concerned.
2. To prosecute all forfeited bonds and recognizances and all actions and proceedings for the recovery of debts, revenues, moneys, fines, penalties, and forfeitures accruing to the state or his county, or to any school district in his county; also to prosecute all suits in his county against railroads or transportation companies, which may be prosecuted in the name of the people of the State of Illinois.
3. To commence and prosecute all actions and proceedings brought by any county officer in his official capacity.
4. To defend all actions and proceedings brought against his county or against any county or state officer, in his official capacity, in his county.
5. To attend the examination of all persons brought before any judge on habeas corpus when the prosecution is in his county.
6. To attend before justices of the peace and prosecute charges of felony or misdemeanor for which the offender is required to be recognized and to appear before a court of record when it is within his power to do so.

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1. R.L.1827, p. 79, 80; L.1835, p. 44; R.S.1845, p. 76; R.S.1874, p. 173, 174.

2. L.1835, p. 44.

3. Constitution of 1848, Art. V, sec. 21.

4. Constitution of 1870, Art. VI, sec. 22; R.S.1874, p. 172.

5. L.1871-72, p. 189.

6. R.L.1833, p. 98; L.1835, p. 44; Constitution of 1848, Art. V, sec. 28; Constitution of 1870, Art. VI, sec. 22; R.S.1874, p. 172.

7. R.L.1827, p. 79, 80.

8. L.1835, p. 44.

9. Constitution of 1848, Art. V, sec. 21; Constitution of 1870, Art. VI, sec. 22.

10. L.1871-72, p. 422; L. 1873-74, p. 104, 105; L.1909, p. 231-33; L.1929, p. 474-76; L.1937, p. 607.



7. To give his opinion without fee or reward, to any county officer or justice of the peace in his county upon any question of law relating to any criminal or other matter in which the people of the state or county may be concerned.
8. To assist the Attorney General whenever it may be necessary, and in cases of appeal or writ of error from his county to the supreme court, to which it is the duty of the Attorney General to attend, he shall, a reasonable time before the trial of such appeal or writ of error, furnish the Attorney General with a brief, showing the nature of the case and the questions involved.
9. To pay all moneys received by him in trust, without delay, to the officer who by law is entitled to their custody.
10. To perform such other and further duties as may from time to time be enjoined upon him by law.
11. To appear in all proceedings by collectors of taxes against delinquent taxpayers for judgment to sell real estate, and to see that all the necessary preliminary steps have been legally taken to make the judgment legal and binding.<sup>11</sup>
12. To enforce the collection of all fines, forfeitures, penalties imposed or incurred in the courts of record in his county; and to report to the circuit court on the collection of these moneys.<sup>12</sup>

For reports of state's attorney to circuit court, see entry 227.

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11. R.S.1845, p. 76; R.S.1874, p. 172-74.

12. L.1909, p. 406; L.1911-12, p. 89; L.1929, p. 475.

## X. SUPERVISOR OF ASSESSMENTS

The county supervisor of assessments, with the aid of the township assessors in Shelby County, is responsible for the assessment of property upon which the township, district, county, state, and other taxes are levied. Principally, these officers annually revise the assessments of property, correct the same upon complaint, and quadrennially assess real and personal property.<sup>1</sup> Many statutory provisions have regulated this function in Shelby County. Early laws fixed the value of the several categories of real and personal property, leaving to the assessing officer only limited discretion.<sup>2</sup>

Property assessments in Shelby County were first made by the county treasurer, an appointee of the county commissioners' court.<sup>3</sup> The treasurer continued to act in this capacity until 1839 when the legislature provided for the appointment by the county commissioners' court of district assessors.<sup>4</sup> The duty of property assessment reverted to the county treasurer again in 1844<sup>5</sup> and continued to be vested in that office until 1860 when township organization was instituted in this county,<sup>6</sup> and assessments were made by township assessors, elected one in each township annually.<sup>7</sup>

Between 1849 and 1898, the assessing officers in Shelby County received their assessment lists from, and reported assessments to, the county clerk.<sup>8</sup> In the latter year, the legislature provided that the county treasurer should be ex-officio supervisor of assessments.<sup>9</sup> From that date until the present, the township assessors have worked under the direction of, and reported the assessment of property to, the county treasurer, acting in this ex-officio capacity. Every assessor is bonded in the sum of \$500. Bond for the supervisor of assessments is \$2,000 or such larger sum as the county board may determine.<sup>10</sup>

For other taxation records, see entries 1, 27-45, 84[viii, ix, xii, xiii, xvi, xvii, xxiii], 93, 241-247, 251, 259, 276, 286.

- 239. Tax Certificates and Schedules, 1833 - -. 70 bdl. (1833-1911); 85 f.b. (24 f.b. 1874-84; 22 f.b. 1912 - -; 39 f.b. 1894 - -). Title varies: Tax Lists, 70 bdl., 1833-1911; Tax Levy Files, 24 f.b., 1874-84.**

Certificates of tax levies for town, road, bridge, and school, including corporation tax schedules, showing purpose of levy, names of property owners, amount needed, description and assessed and equalized valuation of property, rate, total assessment, date, and certified statement of county clerk. Also contains Special Tax Assessments (Rolls), 1833-1919, entry 34. 1833-1911, no obvious arr.; 1912 - -, arr. by date of levy. No index. 1833-55, hdw.; 1856 - -, hdw. on pr. fm. Bdl. 2 x 4 x 8; f. b. 5 x 4 x 12 - 10 x 5 x 15. 70 bdl., 1833-1911, 24 f.b., 1874-84, file rm., bsmt.; 22 f.b., 1912 - -, 39 f.b., 1894 - -, co. clk.'s file rm., 1st fl.

- 240. (Assessor's Miscellaneous Schedules), 1853 - -. In (County Clerk's General Files), entry 84.**  
Assessor's personal property, railroad and corporation tax schedules,

1. L.1871-72, p. 20-22; L.1879, p. 243; L.1881, p. 134; L.1891, p. 187; L.1898, p. 37, 40, 44; L.1903, p. 295, 296; L.1923, p. 491, 492, 504, 505; L. 1927, p. 713, 714; L.1928, Sp. Sess., p. 106; L.1931-32, First Sp. Sess., p. 66.

2. L.1819, p. 313-19; L.1825, p. 173; L.1839, p. 4-6; L.1840, p. 4; L.1845, p. 6.

3. R.L.1827, p. 330.

4. L.1839, p. 4.

5. L.1843, p. 231, 237. Effective in 1844.

6. Shelby County adopted township organization in 1859, but the change was not effective until 1860.

7. L.1851, p. 38, 54-57; L.1853, p. 14, 15; L.1855, p. 35, 37; L.1871-72, p. 20-24.

8. L.1849, p. 121, 128; L.1849, Second Sess., p. 38; L.1853, p. 14, 17, 47, 49, 50; L.1871-72, p. 19, 20, 22, 23.

9. L.1898, p. 36, 37.

10. Ibid., p. 38, 39; L.1923, p. 493, 494; L.1927, p. 743, 744.

showing name of owner or corporation, school district number, itemized list and value of personal property, date of filing, and signature of assessor or railroad. No obvious arr. No index. Hdw. on pr. fm.

## XI. BOARD OF REVIEW

The authority to assess, equalize, and review or revise the assessment of property, an important aspect of the revenue procedure, is exercised by the board of review.<sup>1</sup> Early legislation provided for appeals from assessments to the county commissioners' court. The court was empowered to review and revise assessments on real and personal property.<sup>2</sup> In 1849, when the county court succeeded the county commissioners' court in Shelby County, appeals were made to that body.<sup>3</sup> When township organization was instituted in 1860<sup>4</sup> this jurisdiction was given to the town board composed of the township supervisor, clerk, and assessor.<sup>5</sup> The board of supervisors in their annual meeting examined the assessment rolls in the several towns to ascertain whether the valuations in one town bore just relation to the valuations in all other towns in the county, and were empowered to increase or diminish the aggregate valuation of real estate in any town accordingly. They could make whatever alterations in the description of the lands of nonresidents they deemed necessary, and were required to assess the value of any lands omitted by the assessor.<sup>6</sup> In 1872 the duties of the board of supervisors with regard to assessments were the following:

1. To assess omitted property.
2. To review assessments upon complaint.
3. To hear and determine the application of any person assessed on property claimed to be exempt from taxation.
4. To ascertain whether the valuation in one town or district bore just relation to the valuation in all towns or districts in the county and adjust the assessment.<sup>7</sup>

In 1898 this authority was transferred to the newly created board of review, composed of the chairman of the county board who became ex-officio chairman of the board of review, the county clerk, and one citizen appointed by the county judge.<sup>8</sup> Since 1923 the board has consisted of the chairman of the county board as ex-officio chairman of the board of review, and two citizens appointed by the county judge. The members of the board select their own clerk. The two citizen members are appointed alternately for a two-year term.<sup>9</sup>

Today, the board of review in Shelby County is required to assess taxable property omitted from the regular assessment, to review and correct assessments on property claimed to be incorrectly assessed, to increase or reduce the entire assessment if, in their opinion, it has not been made upon the proper basis, to hear and determine the application of any person assessed on property claimed to be exempt from taxation, and to correct errors or mistakes, except errors of judgment, as to the valuation of any property, any time before judgment.<sup>10</sup>

For other taxation records, see entries 1, 27-45, 84(vii, ix, xii, xiii, xvi, xvii, xxiii), 93, 239, 240, 243-247, 251, 259, 276, 286.

### 241. Board of Review, 1899 - -. 2 v. (1, 2).

Minutes of proceedings of board of review, showing date, names of board members and complainant, cause of complaint, location and legal de-

1. L.1898, p. 46-49; L.1915, p. 566-70; L.1919, p. 727; L.1923, p. 496-502; L.1930, First Sp. Sess., p. 85-90; L.1931-32, First Sp. Sess., p. 71, 75-78; L.1935, p. 1163-66.

2. L.1839, p. 7; L.1843, p. 237; L.1845, p. 8; R.S.1845, p. 441.

3. L.1849, p. 65.

4. Shelby County adopted township organization in 1859, but change was not effective until 1860.

5. L.1851, p. 56; L.1871-72, p. 21, 22, 24, 25.

6. L.1851, p. 57, 58; L.1871-72, p. 24, 25.

7. L.1871-72, p. 24, 25.

8. L.1898, p. 46.

9. L.1923, p. 496, 497; L.1931-32, First Sp. Sess., p. 71, 72.

10. L.1898, p. 46-49; L.1915, p. 566-70; L.1919, p. 727; L.1923, p. 496-502; L.1930, First Sp. Sess., p. 85-90; L.1931-32, First Sp. Sess., p. 70, 71, 75-78; L.1935, p. 1163-66.

scription of property, and action taken by the board. Arr. by date of complaint. No index. Hdw. 480 p. 18 x 13 x 2. Co. clk.'s file rm., 1st fl.

**242. Complaint Docket, Board of Review, 1899 - . 5 v. (1-5).**

Docket of tax complaints, showing date, number, and cause of complaint, name of complainant, legal description and location of property, assessed valuation, value as alleged by complainant, and findings and orders of board. Arr. by date of complaint. No index. Hdw. under pr. hdgs. 400 p. 18 x 13 x 2½. Treas.'s file rm., 1st fl.

## XII. COLLECTOR

Tax collections in Shelby County were first made by the sheriff acting as ex-officio county collector.<sup>1</sup> With the exception of the period from 1839 to 1844, when there existed a separate office of county collector filled by appointment by the county commissioners' court,<sup>2</sup> the sheriff continued to act in this capacity until 1860; in that year township organization was instituted in this county,<sup>3</sup> and tax collections became the joint responsibility of the townships and the county, with the county treasurer acting as ex-officio county collector.<sup>4</sup>

Under this plan, town collectors, elected one in each township,<sup>5</sup> made collections of resident property taxes,<sup>6</sup> while nonresident and delinquent taxes were collected by the county treasurer.<sup>7</sup> By the terms of an act of 1855, the town collectors were required to return their tax lists or books to the county collector who delivered them to the county clerk.<sup>8</sup> This provision was changed in 1872 by an act of the General Assembly which provided that the county collector should make an annual sworn statement to the county clerk, showing the total amount of each kind of tax collected, the amount received from each town collector, and the amount collected by himself.<sup>9</sup>

The collection procedure in Shelby County was altered in 1917 when the legislature provided for the abolishment of the office of town collector in counties with fewer than one hundred thousand inhabitants, the county collector to be ex-officio town collector in such counties.<sup>10</sup>

As Shelby County never attained this population minimum,<sup>11</sup> the county collector has continued to make collections for the townships as well as for the county.<sup>12</sup>

The county collector is bonded in an amount determined upon by the county board in addition to that bond required of him as county treasurer.<sup>13</sup> Under statutory provisions, he collects taxes for the state, county, and other governmental agencies, and pays to the proper authorities the amount in his hands payable to them.<sup>14</sup> He also settles annually with the county board.<sup>15</sup> He prepares an annual list of delinquent property and files it with the county clerk,<sup>16</sup> advertises his intention of applying for judgment for sale of delinquent lands and lots,<sup>17</sup> and is required to attend, in person or by deputy, all tax sales resulting from this action.<sup>18</sup> The county clerk, in person or by deputy, is also required to attend all tax sales.<sup>19</sup> At such sales, the clerk and collector note and make entry of all tax sales and forfeitures to the state.<sup>20</sup>

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1. R.L.1827, p. 370, 374.

2. L.1838-39, p. 7.

3. L.1843, p. 234; L.1853, p. 99. Shelby County adopted township organization in 1859, but the change was not effective until 1860.

4. L.1851, p. 38, 59-64; L.1853, p. 14, 25-29, 67.

5. L.1851, p. 38.

6. Ibid., p. 59.

7. Ibid., p. 53.

8. L.1855, p. 37.

9. L.1871-72, p. 56, 57; L.1873-74, p. 56; L.1930, First Sp. Sess., p. 66, 67; L.1931, p. 756; L.1931-32, First Sp. Sess., p. 112; L. 1933, p. 873, 921; L.1933-34, Third Sp. Sess., p. 220; L.1935, p. 1156, 1213; L.1935-36, Fourth Sp. Sess., p. 69, 70.

10. L.1917, p. 793.

11. The population of Shelby County was 31,693 in 1910; 29,601 in 1920; and 25,471 in 1930. *Population Bulletin*, p. 9.

12. L.1925, p. 605; L.1929, p. 774, 775; L.1931, p. 905-8; L.1933, p. 1115, 1116.

13. L.1871-72, p. 36; L.1931, p. 748; L.1931-32, First Sp. Sess., p. 85, 86; L.1933-34, Third Sp. Session., p. 225, 226.

14. L.1871-72, p. 56-59; L.1933, p. 922; L.1935, p. 1156, 1213; L.1935-36, Fourth Sp. Sess., p. 68, 69.

15. L.1871-72, p. 55; L.1935, p. 1155, 1156.

16. L.1898, p. 51; L.1931, p. 759.

17. L.1871-72, p. 44; L.1937, p. 1010.

18. L.1871-72, p. 48; L.1930, First Sp. Sess., p. 64.

19. L.1871-72, p. 48.

20. Ibid; L.1933, p. 886.

The county collector is required to keep his records as collector of taxes separate from his records as county treasurer.<sup>21</sup> The records of the collector's office include duplicates of receipts issued to taxpayers, state auditor's and county clerk's certification of collector's settlement with them, duplicates of the collector's reports, delinquent property records, and tax sale and forfeiture records.

For other taxation records, see entries 1, 27-45, 84[viii, ix, xii, xiii, xvi, xvii, xxii], 93, 239-242, 251, 259, 276, 286.

## COLLECTION

243. **Memoranda of Taxes, 1872 - -**. 59 v. (2 not labeled, E, 1, S, 12 not labeled; 2 sets 1-3; 9 sets 1-4). Missing: 1879-82, 1907-20. Title varies: Receipts of County Collector, 1 v. 1872-75; Memoranda of Collectors, 1 v., 1876-78.

Memoranda of daily tax collections and distributions, showing date, page, and line of entry in collector's books, amounts of tax collection and distribution to various departments, amounts of costs and fees, and total amount of taxes outstanding. Arr. by date of entry in collector's books. No index. 1872-94, hdw. on pr. fm.; 1895 - -, hdw. under pr. hdgs. 200 p. 16 x 15 x 2. 43 v., 1872-1931, file rm., bsmt.; 16 v. 1932 - -, treas.'s vlt., 1st fl.

## SETTLEMENT, ABATEMENT

244. **County Collector's Settlement With Town Clerk, 1878 - -**. 11 v. (5 not numbered, 2-7).

County collector's accounts with town officers, showing date, amount of payments, amount of taxes collected, tax spread, names of township and town treasurer, and county collector's receipt for moneys paid to town treasurer. Also contains Town Collectors' Accounts, 1881-1918, entry 245. Arr. by twp. no. No index. Hdw. on pr. fm. 600 p. 18 x 13 x 3½. 2 v. not numbered, v. 2, 1878-89, 1907-13, file rm., bsmt.; 3 v. not numbered, v. 3-7, 1890-1906, 1914 - -, treas.'s vlt., 1st fl.

245. **Town Collectors' Accounts, 1860-80**. 2 v. (A, B). 1881-1918 in County Collector's Settlement with Town Clerk, entry 244. Office of town collector abolished 1918.

Town collectors' accounts with county collector, showing names of township and collector, amount charged to each account, tax spread, amounts of collections and delinquencies, collectors' commission, clerk's fees, and date of final settlement. Arr. by date of settlement. No index. Hdw. under pr. hdgs. 450 p. 16 x 12 x 3. File rm., bsmt.

246. **Abatement Record, 1903 - -**. 4 v. (1 not numbered, 2-4). 1841-59 in (Assessor's and Collector's Books), entry 30; 1860-1907 in (Collector's Books), entry 36.

Record of tax abatements including error and insolvency record, showing date, name of owner, legal description of property, assessed value, equalized value as fixed by state board, road and school district numbers, tax spread, amounts of errors and delinquency, total abatement, statement of foreclosure, and township name and number. Arr. by date of abatement. No index. Hdw. under pr. hdgs. 300 p. 18 x 12 x 3. Treas.'s vlt., 1st fl.

247. **Personal Property Abatement List, 1924 - -**. 9 v. Missing: 1925, 1927-29.

Lists of personal property tax abatements, showing date of abatement, name of owner, value and description of property, tax spread, total tax abatements, and remarks. Arr. by sec., twp., and range. No index. Hdw. under pr. hdgs. 50 p. 15 x 8½ x 1. Co. clk.'s file rm., 1st fl.

21. L.1917, p. 664, 665; L.1930, First Sp. Sess., p. 60-62; L.1935, p. 1149-53.

### XIII. TREASURER

In Shelby County the treasurer was first appointed by the county commissioners' court.<sup>1</sup> From 1837 to the present the treasurer has been elected by the people of the county,<sup>2</sup> and is commissioned by the Governor for a four-year term.<sup>3</sup> In 1880, by amendment to the Constitution of 1870, it was provided that no treasurer be eligible for reelection to the office until four years after the expiration of his term of office.<sup>4</sup> The penal sum of the treasurer's bond and his securities are determined by the county board.<sup>5</sup> Upon request of the treasurer, the board designates the bank in which the public funds are to be deposited.

In the performance of his duties, the treasurer receives the county revenue, has custody of its funds, and disburses them in accordance with orders of the county board or specific authorization by law. He is required to keep books of accounts of all funds received and disbursed by him, to maintain a register of county orders countersigned and paid, to report annually to the county board on the financial transactions of his office, and to settle his accounts with the board semiannually.<sup>6</sup> The last two requirements give rise to a number of segregated records of accounts beyond strict statutory requirements. In addition, reports are made to the treasurer by other county, district, public, and semipublic authorities in the process of transacting business with him; and, finally, a large number of records arise from the requirement for collectors of taxes to settle their accounts with the treasurer.<sup>7</sup>

All of the records of the treasurer are kept in his vault on the first floor of the county building unless otherwise indicated.

#### GENERAL ACCOUNTS

##### Ledgers and Journals

**248. Treasurer's Fee Book, 1861 - -. 2 v. (A, 1).** Title varies: Treasurer's Cash Book, v. A, 1861-1917.

County treasurer in account with all county funds, showing date, amount, and purpose of receipt or disbursement, name of account debited or credited, name of recipient or payer, total amounts of receipts and disbursements, and balance available. Arr. by date of transaction. No index. Hdw. under pr. hdgs. 300 p. 18 x 12 x 2½.

**249. Treasurer's Accounts, 1888 - -. 1 v.**

County treasurer in account with county funds, showing date, amount, and purpose of receipt or expenditure, account credited or debited, date, amount and number of county warrants and jury certificates, date of cancellation, total amount of receipts and expenditures, balance available, and recapitulation of accounts. Also contains Minor and Unknown Heir Fund, 1888-1910, entry 260; and Dog License Fund Record, 1888-1919, entry 266, including Dog License Warrant Register, entry 267. Arr. by date of transaction. No index. Hdw. under pr. hdgs. 320 p. 18 x 12 x 2.

1. R.L.1827, p. 329; R.L.1833, p. 514-16.

2. R.L.1837, p. 49, 274; L.1845, p. 28; R.S.1845, p. 137; L.1851, p. 144; Constitution of 1870, Art. X, sec. 8.

3. The term was set at four years in 1837 (R.L.1837, p. 274); it was later reduced to two years (L.1845, p. 28; L.1851, p. 144). The office was made constitutional in 1870 without change of term (Constitution of 1870, Art. X, sec. 8). Then in 1880, the term was lengthened to four years (Constitution of 1870, Art. X, sec. 8 as amended November, 1880).

4. Constitution of 1870, Art. X, sec. 8, as amended November, 1880.

5. R.L.1827, p. 329; R.S.1874, p. 323. The bond is required to be filed in the office of the county clerk.

6. R.L.1837, p. 582, 583; L.1843, p. 151; R.S.1845, p. 137-39; L.1861, p. 239, 240; R.S.1874, p. 323, 324.

7. R.L.1827, p. 330-33; L.1839, p. 8-10; L.1845, p. 11; L.1895, p. 304; L.1913, p. 516; L.1933, p. 898.



**250. General County Appropriations (Appropriation Ledger), 1916 - -. 8 v.**

Journal of appropriations made to various county funds by board of supervisors, showing name of fund; amount of appropriation; date, amount and purpose of expenditure; fund debited; date, amount, and number of order; name of payee; balance available; and date of cancellation. Also contains (Appropriation) Ledger - Mothers' Pension, Blind Pension, Tuberculosis, County Highway, Dog License, 1916-37, entry 253. Arr. by date of transaction. No index. Hdw. 300 p. 13 x 6 x 1.

**251. Settlement Record (Township and Village), 1926 - -. 7 bdl., 1 v.**

Certificates of allocation of taxes to villages and townships filed with county board of supervisors by county treasurer, showing total taxes collected for each township or village, amount credited to township or village, amounts accounted for and to be accounted for, signature of county clerk, and date of filing. Also contains School Settlement Sheets, 1937 - -, entry 259. Arr. by twp. no. No index. Hdw. on pr. fm. Bdl. 10 x 16 x 1; v. 250 p. 12 x 17 x 2.

**252. General Ledger, 1927 - -. 3 v.**

Ledger accounts of various county funds, showing dates and amounts of deposits and withdrawals, name of fund credited or debited, total credits and debits, and balance available. Also contains Bank Ledger, 1927-29, 1938 - -, entry 279. Arr. by date of transaction. No index. Hdw. 150 p. 14 x 9 x 1.

**253. (Appropriation) Ledger - Mothers' Pension, Blind Pension, Tuberculosis, County Highway, Dog License, 1916-37 in General County Appropriations (Appropriation Ledger), entry 250.**

Ledger of appropriations made to mothers' pension, blind pension, tuberculosis, county highway, and dog license funds, showing date and amount of appropriation, source of revenue, name of account, source and amount received, date, amount, and purpose of expenditure, account debited, balance in each fund, and date, amount, and number of warrant. Arr. by date of transaction. No index. Hdw. under pr. hdgs. 100 p. 10 x 13 x 1.

**254. (Petty Cash Book), 1934 - -. 2 v.**

Journal of miscellaneous expenditures including stamps and repairs to furniture and record books, showing cash on hand, date, amount, and purpose of expenditure, and balance available. Arr. by date of transaction. No index. Hdw. 140 p. 14 x 10 x 1.

**Register of County**

**Orders (See also entries 6-10, 262, 267-269)**

**255. Register of County Orders, 1890 - -. 4 v. (B-E).**

Register of county orders and jury certificates, showing date, number, amount, and purpose of order, to whom issued, and date of cancellation. Also contains County Highway Warrant Register, 1890-1923, entry 262; Register of Blind Pensions, 1905-34, entry 268; and Register of Mothers' Pension, 1915-34, entry 269. Arr. by order no. No index. Hdw. under pr. hdgs. 600 p. 18 x 15 x 3.

**SPECIAL ACCOUNTS**

**School (See also entries 281-284)**

**256. Treasurer's Receipts, 1918 - -. 4 f.b.**

County treasurer's receipts for school funds, showing name and number of school district, date, number, and amount of receipt, name of county

superintendent of schools, and signature of school treasurer. Arr. by date of receipt. No index. Hdw. on pr. fm. 5 x 4 x 10.

**257. Register of Fees Received for Institute, 1883 - -. 1 v. (A).**  
Accounts of teachers' institute fund, showing date, amount, and purpose of receipt or expenditure, name of recipient or payer, and date, number, and amount of order. Arr. by date of transaction. No index. Hdw. under pr. hdgs. 320 p. 14 x 12 x 3.

**258. Non-High School Record, 1917 - -. 1 v. (1).**  
Accounts of non-high school funds, showing date, amount, and purpose of receipt or expenditure, name of payer or recipient, date number, purpose, and amount of order, name of township, total receipts and expenditures, and balance available. Arr. by date of transaction. No index. Hdw. under pr. hdgs. 300 p. 18 x 12 x 2.

**259. School Settlement Sheets, 1912-36. 8 pigeon holes, 3 bdl. 1937 - - in Settlement Record (Township and Village), entry 251.**  
Certificates of allocation of taxes filed with board of supervisors by county treasurer, showing total amount of allocation to each township school treasurer for various school districts, amount paid, balance due, county clerk's certification, signatures of county clerk and treasurer, and date of filing. Arr. by school district no. No index. Hdw. on pr. fm. Pigeon holes 5 x 8 x 15; bdl. 10 x 16 x ½.

#### **Probate**

**260. Minor and Unknown Heir Fund, 1911 - -. 1 v. (1). 1888-1910 in Treasurer's Accounts, entry 249.**  
Record of funds held in escrow for minors and unknown heirs, showing date and number of case, names of estate, heirs, and administrator or guardian, date and amount of receipt or payment, name of payer or recipient, and signature of claimant. Arr. by date of receipt. Indexed alph. by name of estate. Hdw. 275 p. 18 x 12 x 2.

**Inheritance Tax (See also entry 150)**

**261. Inheritance Tax Cash Book, 1913 - -. 1 v. (1).**  
Copies of inheritance tax payment receipts, showing names of estate, heirs, legatees, and claimants, appraised cash and taxable values of estate, rate of tax, date and discount on amount collected from each heir, total commission and expense, amounts paid by estate to county and state treasurers, and receipt of claimant. Arr. by date of payment. Indexed alph. by name of estate. Hdw. under pr. hdgs. 300 p. 15 x 12 x 2.

**Highway (See also entries 9, 10, 24, 309-312, 317)**

**262. County Highway Warrant Register, 1924 - -. 4 v. Title varies: County Highway Orders, 3 v., 1924-35. 1890-1923 in Register of County Orders, entry 255.**  
Register of county highway warrants, including motor fuel tax fund warrants, 1930-32, 1936 - -, showing date, number, amount, and purpose of warrant, date of cancellation, and recapitalization of amounts of warrants issued. Arr. by warrant no. No index. Hdw. under pr. hdgs. 150 p. 15 x 13 x 1.

For records of motor fuel tax warrants, 1933-35, see entry 265.

**263. Motor Fuel Tax Allotment Record, 1930 - -. 2 v.**  
Record of motor fuel tax fund allotments to highway projects, showing date and amount requested by county board, date and number of claim and receipt, name of recipient, state aid, route number, amounts received and disbursed, and balance available. Arr. by date of trans-

action. No index. 1930-34, hdw.; 1935 --, hdw. under pr. hdgs. 100 p. 10 x 13 x ½.

**264. (County Treasurer's Register of Highway Funds Received), 1936 --. 1 v.**

Journal of funds received from state motor fuel tax, showing dates and amounts of receipts, purpose of funds, date and number of receipt, and total receipts. Arr. by date of receipt. No index. Hdw. 100 p. 12 x 16 x 1. For prior records of funds, see entry 265.

**265. M.F.T. (Motor Fuel Tax) - Relief, 1933-35. 2 v.**

Journal of receipts of motor fuel tax funds from state and allotments to highway projects, showing dates and amounts of requisitions and receipts by county board, date and amount of allotment to highway project, purpose of allotment, recapitulation of amounts of receipts and expenditures, and balance available; also includes register of motor fuel tax warrants. Arr. by date of transaction. No index. Hdw. 150 p. 12 x 7 x 1.

For register of prior and subsequent warrants, see entry 262, for other records of fund allotments, see entry 263; for subsequent records of receipts of funds, see entry 264.

**Dog License (See also entry 71)**

**266. Dog License Fund Record, 1920 --. 1 v. (1). 1888-1919 in Treasurer's Accounts, entry 249.**

Ledger of dog license fund, showing dates and amounts of fund receipts, names of township, person making payment, and dog owner, sex and name of dog, and dates, amounts, and numbers of claims paid. Also contains Dog License Warrant Register, 1920-38, entry 267. Arr. by twp. no. No index. Hdw. under pr. hdgs. 300 p. 16 x 12 x 2.

**267. Dog License Warrant Register, 1939 --. 1 v. 1888-1919 in Treasurer's Accounts, entry 249; 1920-38 in Dog License Fund Record, entry 266.**

Register of warrants issued by township supervisors for claims against dog license fund, showing names of supervisor, witness, and claimant date, number, amount, and purpose of warrant, date, number, and amount of claim, number of sheep killed, amount of witness fees, and date of cancellation. Arr. by date of cancellation. No index. Hdw. under pr. hdgs. 150 p. 18 x 13 x 2.

**Pension, Relief (See also entries 8, 13, 17-20, 148, 149, 253)**

**268. Register of Blind Pensions, 1935 --. 1 v. 1905-34 in Register of County Orders, entry 255.**

Register of blind pension warrants, showing date, number, amount, and purpose of order, name of recipient, and date of cancellation. Arr. by date of cancellation. No index. Hdw. 100 p. 13 x 8 x 1.

**269. Register of Mothers' Pension, 1935 --. 1 v. 1915-34 in Register of County Orders, entry 255.**

Register of mothers' pension warrants, showing date, number, amount, and purpose of warrant, name of recipient, and date of cancellation. Arr. by date of warrant. No index. Hdw. 200 p. 12 x 7 x 1½.

**270. (Relief), 1935 --. 1 v.**

Record of township relief allocations, showing date and amount of allocation, dates and amounts of first and second installments received by treasurer and paid to supervisor, and name and number of townships. Arr. by twp. no. No index. Hdw. 275 p. 14 x 10 x 1.

## Court Costs

**271. Record of Costs and Fees, 1895 - - . 1 v.**  
Ledger of court costs and witness fee expenditures, showing date and number of case, name of claimant, and date, amount, and purpose of payment. Arr. by date of payment. No index. Hdw. under pr. hdgs. 500 p. 18 x 13 x 2.

## BOND ISSUES

(See also entries 2, 21)

**272. (Register of Bank 1934 Issue), 1935 - - . 1 v.**  
Register of bonds issued in 1934, showing number, date, amount, and terms of bond, rate of interest, amounts of tax collections and agency fee payments, and date of maturity. Arr. by date of bond. No index. Hdw. 175 p. 13 x 8 x 1.

**273. Bond Register, 1865-68. 1 v.**  
Register of bonds issued for relief of families of Civil War soldiers, showing date, amount, and par value of bond, rate of interest, to whom payable, and date of cancellation. Arr. by date of cancellation. No index. Hdw. under pr. hdgs. 200 p. 16 x 14 x 2.

## REPORTS

(See also entries 23, 24)

**274. County Treasurer's Monthly Report on Condition of Highway Fund, 1936 - - . 1 v.**  
Report of treasurer on condition of highway funds, showing dates, amounts, and purpose of moneys, receipts and disbursements in various highway funds, dates, amounts, and numbers of cancelled warrants, total amount of warrants, amount of outstanding warrants and other withdrawals, balance available, amounts of deficit, commitments, and unpaid obligations, and date of report. Arr. by date of report. No index. Hdw. on pr. fm. 50 p. 9 x 12 x 1.

**275. (Remittance Statement), 1938 - - . 1 v.**  
Copies of county treasurer's report of remittances to state treasurer of assessment and collection of fines for violation of state motor vehicle laws, showing date and amount of fine, nature of offense, and dates of payment and report. Arr. by date of report. No index. Hdw. on pr. fm. 10 p. 12 x 10 x ½.

## RECEIPTS, CHECKS AND BANK STATEMENTS

**276. (Duplicate Tax Receipts), 1918 - - . 225 v., 140 pigeon holes.**  
Duplicate tax receipts showing name of taxpayer, description and location of property, date and amount of payment, township name and number, and signature of county treasurer. Arr. by twp. no. No index. Hdw. on pr. fm. Pigeon holes 4 x 4 x 14; v. 100 p. 8 x 14 x 1. 225 v., 1918-33, treas.'s vlt., 1st fl.; 140 pigeon holes, 1934 - - , treas.'s off., 1st fl.

**277. (Cancelled Checks), 1933 - - . 4 f.b.**  
Cancelled checks issued on county funds, showing name of bank and recipient, date, number, amount, and purpose of check, and date of cancellation. Arr. by check no. No index. Hdw. on pr. fm. 5 x 4 x 12.

**278. Deposit Slips and Monthly Statements, 1935 - - . 4 f.b.**  
Bank deposit slips and monthly bank statements, showing name of bank, date and amount of deposit, date and amount of checks or withdrawals, total amount paid out, and balance available. Arr. by date of transaction. No index. Hdw. on pr. fm. 5 x 4 x 10.

279. **Bank Ledger, 1930-37.** 3 v. 1927-29, 1938 -- in General Ledger, entry 252.

Record of itemized bank statements covering the various county funds, showing date and amount of deposit, dates and amounts of orders, names of fund credited or debited, and balance available. Arr. by date of transaction. No index. Hdw. 100 p. 14 x 9 x 1.

280. **(County Treasurer's Receipt Book), 1919 --.** 2 v.

Duplicate receipts for disbursed fees, showing date and number of receipt, amount and purpose of disbursements, and signatures of recipient and county treasurer. Arr. by date of receipt. No index. Hdw. on pr. fm. 300 p. 14 x 12 x 2.

## XIV. SUPERINTENDENT OF SCHOOLS

The first county school official in Shelby County was the county school commissioner.<sup>1</sup> The principal duties of this officer, an appointee of the county commissioners' court, centered around the sale of school lands. His reports of these sales were made to the county commissioners' court and recorded by their clerk in a well-bound book kept for that purpose.<sup>2</sup> The school commissioner also reported to the county commissioners' court on his other transactions in regard to the school fund.<sup>3</sup> His office became elective in 1841.<sup>4</sup> In 1845 the office of county superintendent of schools was created as an ex-officio office of the county school commissioner.<sup>5</sup> For his ex-officio duties as superintendent of schools, the commissioner received additional compensation for the days actually engaged in the performance of these duties.<sup>6</sup> Beginning with the year 1847, the school commissioner was elected for a two-year term.<sup>7</sup> In 1865 the office of county superintendent of schools was established as an independent office, and had delegated to it the authority formerly vested in the county school commissioner.<sup>8</sup>

The superintendent of schools is a statutory office, now elective for a term of four years.<sup>9</sup> The superintendent's office serves as the central school administrative agency for the county. One or more of the several congressional townships comprise the several school districts. Within these administrative units are elected boards of trustees who have executive and financial responsibilities which come under the supervision of the county superintendent.<sup>10</sup> The boards of trustees appoint their own treasurers who also act as clerks of the township (or school district) boards.<sup>11</sup>

The superintendent makes quarterly and annual reports to the county board and also reports to the State Superintendent of Public Instruction, the State Department of Public Health, the state fire marshal, and the state architect. His original duties are the following:

1. To sell township fund lands and issue certificates of purchase.
2. To examine the complete accounts of every township treasurer in his county and report irregularities to the township trustees.
3. To conduct a teachers' institute, hold quarterly examinations for teachers' certificates, and issue such.
4. To hold examinations for normal and university scholarships.
5. To visit the public schools in the county, observe methods of instruction, make recommendations to teachers, and advise school officers; to observe sanitary and safety conditions, and notify trustees and state authorities of unsatisfactory conditions; to inspect plans and specifications, and approve those meeting state regulations.<sup>12</sup>

A noteworthy undertaking of the superintendent of schools is the annual teachers' institute. Pioneer legislation of 1869 provided that the school directors were to allow school teachers to attend the teachers'

1. R.L.1829, p. 150, 151.

2. *Ibid.*, p. 152, 153; L.1849, p. 155, 156, 159, 160; L.1851, p. 130.

3. L.1831, p. 175.

4. L.1841, p. 261, 262.

5. L.1845, p. 54.

6. L.1849, p. 178; L.1867, p. 161.

7. L.1847, p. 120; L.1849, p. 154.

8. L.1865, p. 112; L.1871-72, p. 702; L.1889, p. 312; L.1909, p. 313.

9. L.1871-72, p. 702; L.1909, p. 343; L.1915, p. 628; L.1923, p. 596.

10. L.1847, p. 126; L.1909, p. 350; L.1929, p. 745.

11. L.1927, p. 843; L.1929, p. 745.

12. R.S.1845, p. 498, 499; L.1847, p. 122; L.1849, p. 156; L.1853, p. 246, 247; L.1855, p. 66, 67; L.1861, p. 190, 191; L.1865, p. 119, 120; L.1909, p. 347-50; L.1915, p. 636-38.

institute in their county without the loss of time or pay.<sup>13</sup> Twenty years later, the superintendent of schools was required to hold the institute annually.<sup>14</sup> A fund was set up for this purpose which has continued to be made up of the fees received from applicants for teachers' certificates and from teachers' registration. Money from the fund is paid out only on the order of the superintendent to defray the expenses of the annual institute. When the fund exceeds the annual cost of the institute, the excess may be paid out for special meetings of teachers.<sup>15</sup>

All of the records of this office are kept in the office of superintendent of schools on the second floor of the county building.

## ACCOUNTS OF SCHOOL FUNDS

(See also entries 256-259)

**281. Distributive Fund (Claims for State Aid), 1916 - -. 1 f.d.**  
Claims for state aid for schools, showing name and number of school district, financial statement of district, general information, names of teachers, items of budget, and date of claim. Arr. by date of claim. No index. Hdw. on pr. fm. 10 x 12 x 24.

**282. Ledger (State Distributive Fund), 1919 - -. 1 v.**  
Ledger of state distributive fund, showing names of township and treasurer, location of township and school district, dates and amount of receipts and disbursements of distributive fund each month of school term, and name and number of school district. Arr. by date of transaction. No index. Hdw. 200 p. 13 x 9 x 1½.

**283. Check Register, 1935 - -. 1 v.**  
Register of checks issued from state distributive fund to township school treasurers, showing date, number, and amount of check, name of township treasurer, total amounts of deposits and withdrawals from fund, and balace available. Arr. by check no. No index. Hdw. under pr. hdgs. 200 p. 9 x 12 x 1.

**284. (Teachers' Receipts), 1939 - -. 1 v.**  
Stubs of receipts for payment of teachers' institute dues and teachers' examination fees, showing date, number, amount, and purpose of receipt, kind of certificate issued, and signature of superintendent of schools. Arr. by receipt no. No index. Hdw. on pr. fm. 200 p. 15 x 14½ x 1.

## SALE OF SCHOOL LANDS

(See also entries 1, 3)

**285. (Petitions For Sale of School Lands), 1827 - -. In (County Clerk's General Files), entry 84.**  
Petitions to sell school lands, proposed selling price per acre, names of petitioners, location and legal description of lands, name of school commissioners, acknowledgment, and date of filing. No obvious arr. No index. Hdw.

## SCHOOL DISTRICTS

**286. Non-High School District Record, 1917 - -. 2 v.**  
Record of non-high school districts, showing date, description and boundaries of school districts, proceedings of board, financial accounts, names of non-high school district pupils attending high school, names of board members, and list of tax levies. Arr. by date of board proceedings. No index. Hdw. 150 p. 16 x 11 x 1.

13. L.1869, p. 394.

14. L.1889, p. 312.

15. L.1905, p. 385; L.1931, p. 876.

## TEACHERS' RECORDS

287. **Record of Registration of Teachers' Certificates** (and Institute Fees), 1894 - -. 5 v. (C, D, 3 not lettered). Title varies: Teachers' Examination Record, C, 1894-1909; Institute Fund Record, 1 v., not lettered, 1917-24.

Record of renewal and registration of teachers' certificates, including amount of institute and teachers' examination fees collected and deposited with county treasurer, showing date, amount, and source of fee, date and number of application, name, address, age, and sex of applicant, date, number, and kind of certificate, and remarks. 1894-1916, arr. by date of certificate; 1917 - -, arr. by application no. No index. Hdw. on pr. fm. 200 - 300 p. 16 x 12 x 1 - 14 x 9 x 1½.

288. **Illinois Teachers' Professional and Service Record, 1914 - -.** 3 v., 1 f.b. Title varies: Teachers' Permanent Record, 3 v., 1914-20. Missing: 1921-29.

Teachers' permanent record showing name, age, and address of teacher, kind, number, and date of certificate, schools attended, salary, subjects and grades taught, years of teaching experience, and amount contributed to teachers' pension and retirement fund. 1914-20, arr. by date of certificate; 1930 - -, alph. by name of teacher. No index. Hdw. on pr. fm. V. 350 p. 11 x 16 x 1½; f.b. 12 x 13 x 24.

289. **Record - State Board Certificate Approvals, 1927 - -.** 1 f.b.

Reports of Illinois State Teachers Examining Board on approvals of certificates, showing name, age, and address of teacher, kind of certificate, subjects and credits approved by board, transcript of teachers' record, signatures of chairman and secretary of board, and date of approval. Arr. alph. by name of teacher. No index. Typed on pr. fm. 12 x 13 x 24.

290. **(Lists of Shelby County Teachers), 1939 - -.** 206 pigeon holes.

Lists of Shelby County teachers, showing name, address, and salary of teacher, school district name and number, and name of district clerk. Arr. by dist. no. No index. Hdw. 3½ x 2¼ x 2.

## PUPIL RECORDS

291. **Record of Examination, Shelby County, 1927-35.** 1 v.

Final examination record of eighth grade pupils, showing name, age, and address of pupil, attendance record, grades earned in each subject, general average, name and number of school district, name of teacher, and date of examination. Arr. by dist. no. No index. Hdw. under pr. hdgs. 500 p. 20 x 12 x 2.

## REPORTS

(See also entry 25)

292. **Annual Report of County Superintendent of Schools, 1913 - -.** 1 f.d.

Annual reports of county superintendents of schools, showing date, school census, enrollments, names of teachers, positions, qualifications, promotion of health and attendance, tax levies, annual salaries of elementary and high school teachers, receipts and expenditures of district, distributive and township funds, tuition payments, exhibits, investments, general and financial report, number of one-room schools, and memoranda. Arr. by date of report. No index. Hdw. on pr. fm. 10 x 12 x 28.

293. **County Superintendent's Examination Record, 1914 - -.** 1 v.

Register of reports of Illinois State Examining Board to county superintendent of schools on results of teachers' examinations, showing date and number of application, name, age, and address of applicant, type of certificate, educational qualifications of applicant, subjects and grades



of examination earned, and remarks. Arr. by date of application. No index. Hdw. under pr. hdgs. 250 p. 14½ x 17 x 1.

**294. Trustees' Annual Report, 1916 - -. 1 f.d.**

School trustees' annual report to county superintendent of schools, showing names of school trustees and teachers; school census; number of students in each school; qualifications of teachers; date, amount, and source of money in district educational, district building, township distributive, and township loanable funds; date, amount, and purpose of disbursement; balance available in each fund; names and numbers of township and school district, and date of filing. Arr. by twp. no. No index. Hdw. on pr. fm. 10 x 12 x 28.

### REGISTERS OF SCHOOL OFFICERS

**295. School Directory (Register of Teachers and School Officers), 1938 - -. 1 v.**

Directory of school officers, teachers, directors, and trustees, showing date of school terms, list of Shelby County teachers, name, number, and location of school, number of pupils, salaries of teachers, names of members of board of directors, tax rate and assessed valuation of district, names and addresses of trustees, Federal and state officers, congressmen, and board of supervisors. This volume divided in two sections. Sec. 1, arr. alph. by name of teacher; sec. 2, arr. by dist. no. No index. Printed. 60 p. 8 x 5 x ½.

### SCHOOL TREASURERS' BONDS

(See also entry 111)

**296. Township Treasurers' Bonds, 1928 - -. 2 f.b.**

Bonds of township school treasurers, showing date, number, amount, and obligations of bond, names of treasurer, school trustee, superintendent of schools, and sureties, and acknowledgment. Arr. by bond no. No index. Hdw. and typed. 3 x 4 x 8.

### MAPS AND PLATS

(See also entries 1, 45, 84 [xix])

**297. (Map of School Districts in Shelby County), 1919. 1 map.**

Political map of elementary and community high school districts in Shelby County, showing boundaries and locations of school districts, and school district numbers. Indianapolis, Indiana: Hardware Map Co., publisher. Printed. 1½ in. to 1 mi. 42 x 39.

## XV. SUPERINTENDENT OF HIGHWAYS

From 1827 to 1849 the county commissioners' court exercised jurisdiction over roads and bridges in Shelby County.<sup>1</sup> The court was empowered to locate new roads, to alter or vacate old roads, to divide the county into road districts, and to appoint a supervisor in each district.<sup>2</sup> The construction and maintenance of roads were effected by means of a labor tax levied on all able-bodied men between the ages of eighteen and fifty. It was the supervisors' duty to summon these men for work when road labor was needed.<sup>3</sup>

From 1849 to 1857, the county court in Shelby County had the control and supervision of public roads and bridges. The substitution of this administrative body for the old county commissioners' court effected no material changes in the earlier set up. The system of road districts was retained and the work of superintending road construction and maintenance continued to be vested in district supervisors.<sup>4</sup>

In 1860, when township organization was instituted in Shelby County,<sup>5</sup> the care and superintendence of roads became the responsibility of the townships. In 1849 legislation enabling the adoption of this form of county government had provided for the election in each township of a highway commissioner and as many overseers of highways as there were road districts in the county. The commissioners at their annual meeting determined necessary action for establishing new roads and repairing, altering, or vacating old roads; the overseers of highways were then required to carry out the commissioners' instructions.<sup>6</sup> This system of road control and maintenance obtained until 1913; in that year the office of superintendent of highways was first established.<sup>7</sup> The boards of highway commissioners which existed prior to that date have continued to function, but their powers are principally subordinated to those of the superintendent of highways.

The superintendent is appointed by the county board. The board submits a list of three to five candidates to the State Department of Public Works and Buildings, which department examines the candidates to determine the person best fitted for the office.<sup>8</sup> The successful candidate holds office for six years and is remunerated in a sum fixed by the county board.

The powers and duties of the superintendent of highways come under the rules and regulations of the Department of Public Works and Buildings. However, the superintendent is subject, upon hearing, to removal of the county board. The superintendent exercises supervision over township, county, and state-aid roads, and bridges and culverts in his county, and is required to perform such other duties as may be prescribed by the chief highway engineer of the state.<sup>9</sup>

His principal duties are as follows:

1. To prepare plans, specifications, and estimates for all bridges to be built by the county.
2. To supervise the construction and maintenance of county roads and bridges, and state-aid roads.

1. L.1819, p. 175; R.L.1827, p. 340.

2. L.1819, p. 333; L.1825, p. 130; R.L.1827, p. 340, 344.

3. L.1819, p. 334; R.L.1827, p. 341, 342.

4. L.1849, p. 65; L.1851, p. 179.

5. L.1851, p. 65. Township organization, adopted in 1859, was not effective until 1860.

6. L.1849, p. 212.

7. L.1913, p. 524.

8. L.1921, p. 781; L.1933, p. 961. From 1913 to 1917 the list was submitted to the State Highway Commission. In 1917 this state agency was abolished, and its rights, powers, and duties were vested in the Department of Public Works and Buildings, created in the same year (L.1913, p. 524; L.1917, p. 4, 16, 24).

9. L.1921, p. 782; L.1933, p. 961.

3. To inspect the highways and bridges in each town or district of his county at least once a year.
4. To advise and direct the highway commissioners in each town or district as to the best methods of repair, maintenance, and improvement of highways and bridges.
5. To approve any purchase in excess of \$200 for materials, machinery, or apparatus to be used in road construction in any town or district.<sup>10</sup>

He is required to keep the following records:

1. Records of contracts, purchases, and expenditures authorized by himself, the county board, or township commissioners.
2. Maps, plats, blueprints, specifications, etc., arising from his supervision of roads and bridges, or the planning of new construction.
3. Accounts of the funds handled by his office.
4. Reports from other officers or bodies touching upon the affairs of his office; copies of his own reports on the administration of his office; related papers.<sup>11</sup>

All of the records of the superintendent of highways are kept in his office in the basement of the county building.

### COMMISSIONERS' RECORDS

#### 298. Road Hearings, 1931 - -. 1 f.d.

Copies of petitions and proceedings of board of supervisors and highway committees on new roads, showing names of petitioners, reason for petition, action of board, reports of surveyor and highway committee, and dates of hearing and filing. Arr. by date of filing. No index. Hdw. and typed on pr. fm. 2 x 20 x 16.

### CONSTRUCTION AND MAINTENANCE RECORDS

#### Plans and Specifications

#### 299. (Plans and Specifications), 1928 - -. 16 pigeon holes.

Plans and profiles for construction and repair of roads, culverts, and bridges, showing elevations, contours, specifications, grades, shoulders, road number, dimensions, location and description of project, and dates of blueprint and filing. Springfield and Shelbyville, Illinois: county and state highway department engineers, publishers. 1 in. to 5 ft. - 1 in. to 100 ft. Arr. by road no. No index. Hdw. and hand-drawn. 6 x 6 x 26.

#### 300. Right-of-Way Maps, Shelby County, 1931 - -. 1 f.d.

Maps of road right of ways, showing location and description of right of way, names of property owner and surveyor, and dates of survey and filing. Springfield and Shelbyville, Illinois: county and state highway department engineers, publishers. 1 in. to 100 ft. - 1 in. to 400 ft. Arr. by date of filing. No index. Hdw. and hand-drawn. 12 x 14 x 26.

#### 301. Completed Projects, 1935 - -. 2 f.d.

Documents concerning completed projects financed with motor fuel tax and state-aid funds, including proposals, bids, contracts, specifications, and reports. Arr. by date of document. No index. Hdw. and typed on pr. fm. 12 x 15 x 24.

#### Contracts

#### 302. Township Contracts, 1931 - -. 1 f.d.

Contracts for materials, supplies, and equipment entered into by high-

10. L.1913, p. 523-26.

11. Ibid., p. 525.

way commissioners of various townships, showing names of firm, township, and highway commissioner, terms and date of contract, and kind of materials supplied or equipment ordered. Arr. by date of contract. No index. Hdw. on pr. fm. 2 x 20 x 16.

**303. S. A. (State Aid) Main Contracts, 1931 - -. 2 f.d.**

Contracts between townships in Shelby County and county highway department for road and bridge repairs, showing name of township, date and condition of contract, signatures of members of township road and bridge committee and superintendent of highways, and date of filing; also includes plats of Shelby County, 1931. Arr. alph. by name of twp. No index. Hdw. on pr. fm. and hand-drawn. 2 x 20 x 16 - 11 x 14 x 26.

**304. Record Contracts - Superintendent of Highways, 1914 - -. 1 v. (1).**

Record of contracts for purchase of highway equipment and materials, showing names of firm and township, date, amount, and kind of equipment of material purchased, method of payment, and dates of order, receipt, payment, and approval by superintendent of highways. Arr. alph. by name of twp. No index. Hdw. 600 p. 18 x 13 x 3.

**Material and Labor**

**305. (Cost Sheets of State-Aid Highways, Ledger) 1936 - -. 1 v. (1).**

Ledger of cost of maintenance of state-aid highways, showing date, amount, and value of lumber, oil, gravel, and miscellaneous materials furnished by township, amount spent for labor, and date and amount of checks reimbursing townships. Arr. alph. by name of twp. No index. Hdw. 150 p. 12 x 7½ x ½.

**306. (Miscellaneous Record), 1933 - -. 1 v.**

Day labor construction cost ledger, including county maintenance cost ledger, and highway bond and obligation register, showing route number, type of work done, cost distribution, date, amount, and obligations of bond, and names of sureties. Also contains Requisition and Purchase Order Record, 1936 - -, entry 307. Arr. by date of entry. No index. Hdw. under pr. hdgs. 300 p. 12 x 18 x 3.

**307. Requisition and Purchase Order Record, 1935. 1 v. 1936 - - in (Miscellaneous Record), entry 306.**

Register of requisitions and purchase orders, showing name of fund, date and number of requisition, commodity questioned or ordered, estimated cost price, purchase order and authorization numbers, names of firm and person filling order, and dates. Arr. by date of order. No index. Hdw. under pr. hdgs. 150 p. 12 x 15 x 1.

**308. Highway Payrolls, 1935 - -. 1 f.d.**

Payroll sheets of county highway department, showing date, amount, number, and purpose of warrant, name and address of recipient, total number of hours worked, rate of pay, total amount payable, fund debited, payroll period, and date of filing. Arr. by date of filing. No index. Hdw. under pr. hdgs. 2 x 20 x 16.

**ALLOTMENTS AND CLAIMS**

(See also entries 4, 5)

**309. County Highway Claim Sheet, 1931 - -. 1 f.d.**

Motor fuel tax and county highway fund claims, showing date, number, amount, and purpose of claim, name of claimant and fund debited, and date of filing. Arr. by date of filing. No index. Hdw. on pr. fm. 2 x 16 x 16.

**310. Paid Claims, 1931 - -. 10 f.b.**

Motor fuel tax and highway fund cancelled claims showing date, num-

ber, amount, and purpose of claim, names of claimant and debited fund and dates of cancellation and filing. Arr. by date of cancellation. No index. Hdw. on pr. fm. 5 x 12 x 6.

**311. County Motor Fuel Tax Allotment Record, 1936 - -. 1 v.**  
Ledger of state motor fuel tax allotment, showing dates and amounts of estimate of construction cost, requisition, allotment, and disbursement, balance available, and date, number, and amount of claim against allotment. Arr. by date of transaction. No index. Hdw. under pr. hdgs. 200 p. 10 x 13 x 2.

**312. (Motor Fuel Tax Allotment Correspondence), 1935 - -. 1 f.d.**  
Correspondence between township, county, and state officials regarding motor fuel tax allocations and claims, distribution of funds, and receipt of allocation. Arr. by date of correspondence. No index. Typed. 1½ x 16 x 16.

### WARRANTS

(See also entries 7, 9, 10, 15, 262)

**313. County Highway Warrants Cancelled, 1935-37. 1 v.**  
Register of cancelled county highway warrants, showing date, number, amount, and purpose of warrant, fund debited, name of recipient, and dates of payment and cancellation. Arr. by warrant no. No index. Hdw. under pr. hdgs. 70 p. 12 x 12 x 1.

### REPORTS

**314. Committee Reports, 1931 - -. 1 f.d.**  
Reports of township road committees and other committees appointed by board of supervisors to view, estimate, and make recommendations for new roads, culverts, and bridges, showing date and nature of report, signatures of members of committee, and date of filing. Arr. by date of filing. No index. Typed, hdw. under pr. hdgs., and hdw. on pr. fm. 1½ x 20 x 16.

**315. Engineering Daily Report (Card Files), 1935 - -. 1 f.b.**  
Engineers' daily reports showing date, place, and type of operation, number of hours worked, rate of salary, route and section numbers, cost distribution, signature of engineer, and date of report. Arr. by date of report. No index. Hdw. under pr. hdgs. 8 x 6 x 16.

**316. (Maintenance Daily Labor and Material Report), 1935 - -. 3 f.b.**  
Card record of daily labor and material used, showing operating date, kind, amount, and value of material used, miles covered, number of hours worked, names of employees, cost distribution for labor and materials, remarks, signature of supervisor, and dates of approval and filing. Arr. by date of filing. No index. Hdw. on pr. fm. 6 x 7 x 17 - 11 x 14 x 26.

**317. County Treasurer's Monthly Report of Condition of Highway Funds, 1935-37. 1 v.**  
Copies of county treasurer's monthly reports to superintendent of highways on condition of motor fuel tax and other highway funds, showing balance on hand at beginning of month, dates and amounts of receipts and expenditures, balance available, and date of report. Arr. by date of report. No index. Hdw. under pr. hdgs. 100 p. 12 x 10 x 1.

### SURVEYS

(See also entries 119, 121)

**318. Field Book, 1930 - -. 45 v.**  
Field notes and sketches of surveys for roads and bridges made by coun-

ty surveyor, showing date, location, and description of project, specifications, and surveyor's remarks. Arr. by date of survey. No index. Hdw. and hand-drawn. 150 p. 7 x 5 x ½.

## CORRESPONDENCE

### 319. Miscellaneous Files, 1931 - -. 1 f.d.

County superintendent's miscellaneous file, including various correspondence, notices and minutes of highway association, petitions, auditor's reports and letters of transmittal, and blue prints of rural electrification. Arr. alph. by title of subject. No index. Hdw., typed, typed on pr. fm. 16 x 14 x 24.

### 320. (General Correspondence), 1935 - -. 1 f.d.

Correspondence of county superintendent of highways with various firms regarding cost price of materials and supplies, with state officials concerning roads and highways, and correspondence requesting samples of materials, showing date, name of correspondent, and nature of information desired. Arr. by date of letter. No index. Typed and printed. 15 x 12 x 24.

### 321. Township Files (Correspondence, Maps, and Plans), 1935 - -. 1 f.d.

Correspondence to and from township officers and superintendent of highways, concerning highway and bridge matters, including plans and maps, showing name of township, type of work necessary, dates of letters, and signatures of road commissioners, supervisor, and superintendent of highways. Arr. alph. by name of twp. No index. Hdw., typed, and hdw. on pr. fm. 12 x 13 x 25.

## XVI. SURVEYOR

The office of surveyor was established in Illinois in 1821; the incumbent was an appointee of the General Assembly.<sup>1</sup> During recess of the legislature, nominations were made by the county commissioners' court to the Governor.<sup>2</sup> From 1835 to 1936, the county surveyor was an elected officer of the county electorate.<sup>3</sup> Since September, 1936, he has been an appointee of the county board.<sup>4</sup> His appointment is for a four-year term. He takes and subscribes to an oath which is filed in the county clerk's office.

The surveyor is required by law to make all surveys within the bounds of his county that he may be called upon to make by the county board or interested persons. Such surveys include surveys of lands of persons requesting the same, of additions or subdivisions, and marking of county lines. Few changes have been made in the original statutory requirements for the duties of this office. The surveyor may appoint one or more deputies. Any individual requesting a surveyor must employ his own chairmen subject to the approval of the surveyor.

The surveyor is required by law to keep a well-bound book in which to record all surveys made by him, giving such information as the names of the persons whose land is surveyed and descriptive data of the survey. This record is required to be kept by the surveyor in the recorder's office. The surveyor also preserves his field notes and retains copies of plats.<sup>5</sup>

For other records of surveys, see entries 119-121, 318.

**322. Surveyor's Field Note Record, 1870 - - 1 v. 1827-36 in Miscellaneous Record, entry 88; 1837-69 in Plat Record, entry 119.** Record of surveyor's field notes, showing section, township, and range numbers, exterior and quarter sections, corners, witness trees and courses they bear, corners of sections and intersections, and date of survey. Arr. by twp. no. No index. Hdw. and hand-drawn. 150 p. 21 x 17 x 2. Cir. clk.'s file rm., 1st fl.

**323. Plats of Graves of Soldiers in Shelby County, 1936 - - 100 maps.** Maps of graves of veterans buried in Shelby County, showing name and location of cemetery, name of veteran, location of grave, number of lot, and date of filing. Shelbyville, Illinois: county surveyor, publisher. Scale varies. Arr. by date of filing. No index. Hdw. and hand-drawn. 18 x 24. Off. of co. surv., bsmt.

1. L.1821, p. 62; R.L.1829, p. 172; R.L.1833, p. 591.

2. Ibid.

3. L.1835, p. 166; L.1837, p. 558; R.S.1845, p. 523; R.S.1874, p. 456, 1050; L.1903, p. 349.

4. L.1933, p. 1104. Effective in 1936.

5. L.1821, p. 63, 64; R.L.1829, p. 173; R.L.1833, p. 591-93, 599, 600; L.1845, p. 201; R.S.1845, p. 524; R.S.1874, p. 1050; L.1835, p. 248; L.1915, p. 575; L.1933, p. 1104.

## XVII. VETERINARIAN

The office of county veterinarian was created by statute in 1925 for counties willing to appropriate funds for the maintenance and employment of a veterinarian. As a prerequisite the county must enter into a cooperative agreement with the Federal and State Departments of Agriculture for the control and eradication of bovine tuberculosis. The veterinarian, under the direction of the latter body, conducts tuberculin tests, keeps records thereof and reports to the state department.<sup>1</sup> The office was established in Shelby County in 1934.

Specific provision was not made under the original act for the method of selection. In 1929, however, it was provided that the veterinarian was to be appointed by the county board of supervisors upon approval of the State Department of Agriculture.<sup>2</sup>

All of the records of the veterinarian are kept in his office on the first floor of his residence at 2809 North Second Street, Shelbyville, Illinois.

### 324. Register of Tuberculin Tests, 1934 - -. 1 v.

Register of tuberculin tests, showing name and address of herd owner, breed of stock, number of head tested, date of test, farm number, name of township, and number of reactors. Arr. alph. by name of twp. Indexed alph. by name of owner. Typed under pr. hdgs. 400 p. 11½ x 10½ x 3.

### 325. (Results of Tuberculin Tests), 1934 - -. 1 f.d.

Reports of tuberculin tests, showing name and address of herd owner, dates of test and reading, breed of cattle, number of head passed, number of reactors, tag number of reactors and suspects, orders to clean and disinfect premises, signatture of veterinarian, and name of township. Arr. alph. by name of twp. No index. Typed on pr. fm. 12 x 4 x 10.

### 326. (Correspondence and Reports), 1934 - -. 1 f.b.

Correspondence between county veterinarian and State and Federal Departments of Agriculture, including reports of cattle inspections. Arr. by date of correspondence. No index. Typed. 12 x 4 x 10.

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1. L.1925, p. 2-9.

2. L.1929, p. 7-12.



## XVIII. DEPARTMENT OF PUBLIC WELFARE

Matters relating to public assistance and welfare in the county are handled by the department of public welfare, which was established in 1937 as successor to the county commission of public welfare.<sup>1</sup> This department consist of the superintendent of public welfare and a staff selected by him in accordance with, and subject to, the approval of the State Department of Public Welfare.

The county board submits to the state department a list of five residents as candidates for the office of superintendent. An eligible list of these candidates is prepared by the state department by competitive examination and certified to the county board. The board in turn makes an order appointing one of the eligibles as superintendent of public welfare.<sup>2</sup>

The superintendent is charged with all the executive and administrative duties and responsibilities of the department of public welfare. He is subject to the rules and regulations of, and removal by, the state agency.<sup>3</sup>

This officer has power and it is his duty to:

1. Have charge of and develop plans for the administration of old age assistance.
2. Investigate and study problems of assistance, correction, and general welfare within his county.
3. Cooperate with the State Department of Public Welfare in the operation of welfare plans and policies in his county.
4. Maintain such records and file such reports with the State Department of Public Welfare as that department may require.
5. Serve as agent and executive officer of the State Department of Public Welfare in the administration of all forms of public assistance administered by that department.<sup>4</sup>

All the records of the county department are subject to the inspection and supervision of the agents of this central authority.

The department of public welfare administers old age assistance and is subject to the rules and regulations of the state department.<sup>5</sup> Upon receipt of an application the department makes an investigation of the case. In the course of the investigation the department is allowed to hold hearings and compel the attendance of witnesses and the production of papers and books.<sup>6</sup>

Old age assistance records and accounts are kept as prescribed by the state department. All applications and records in these matters are considered public records.<sup>7</sup>

All of the records of this department are kept in the old age assistance office in the basement of the county building.

### 327. (Case Files), 1936 - -. 8 f.d.

Case records of pending, active, and closed old age assistance cases, showing date of application, number of case, name, address, age, sex, and marital status of applicant, list of property owned, amounts of insurance and income, applicant's living expense for past twelve months, investi-

1. L.1935-36, First Sp. Sess., p. 70-73; L.1937, p. 451.

2. L.1937, p. 451, 452.

3. Ibid., p. 452.

4. L.1935-36, First Sp. Sess., p. 72; L.1937, p. 452.

5. L.1935, p. 259, 260; L.1935-36, First Sp. Sess., p. 54, 55; L.1937, p. 265.

6. L.1935-36, First Sp. Sess., p. 57-59; L.1937, p. 267, 268.

7. L.1937, p. 268, 269.

gator's report, correspondence, and amount of allowance. Arr. by case no. For index, see entry 328. Typed on pr. fm. 12 x 14 x 28.

**328. (Card Index), 1936 - -. 2 f.b.**

Index to (Case Files), entry 327, showing name, birth date, and residence of applicant, dates of application, approval or rejection, and discharge, and case and district numbers. Arr. alph. by name of applicant. Typed under pr. hdgs. 4 x 6 x 18.

**329. (Case Cards), 1936 - -. 2 f.b.**

Card record of old age assistance cases, showing name, sex, and marital status of applicant, place and date of birth, name of husband or wife, dates of approval or rejection of application, investigator's report, date and amount of check received, total amounts received, and number of case. Arr. by case no. No index. Typed under pr. hdgs. 4 x 8 x 12.

**330. (Copy of Recipients' Payroll), 1936 - -. 4 f.d.**

Copy of payroll for old age recipients in Shelby County compiled by state department, showing name and address of aged person, date, number, and amount of warrant, number of case, and date of filing. Arr. by date of filing. No index. Typed under pr. hdgs. 12 x 14 x 28.

**331. (Office Administration Costs), 1936 - -. 4 f.d.**

Cost ledger for old age assistance office, showing names of employees, monthly salary of each, number of days in work month, mileage, time lost, and amount allowed. Arr. by date of transaction. No index. Typed under pr. hdgs. 12 x 14 x 28.

**332. (General Correspondence), 1936 - -. 1 f.d.**

Correspondence relative to old age assistance including letters from state office and county officials. Arr. alph. by title of subject. No index. Typed. 12 x 14 x 28.

## XIX. COUNTY HOME

One phase of public assistance is administered by the county home. All county poorhouses, poor farms, and institutions for the support and care of indigents in Illinois are known as county homes.<sup>1</sup> County poorhouses and farms have existed in this state under statutory provisions for nearly a century. The legislation creating these county establishments for the indigent has changed little since the original enactments. The county boards of the various counties may establish a county home, and are granted the following powers:

1. To acquire by purchase, grant, gift, or devise, a suitable tract or tracts upon which to erect and maintain a county poorhouse and other necessary buildings, and for the establishment and maintenance of a farm for the employment of the poor.
2. To receive gifts and bequests to aid in the erection and maintenance of the poorhouse, or in the care of the indigent.
3. To make rules and regulations for the same.
4. To appoint a keeper of the poorhouse and all necessary agents and servants for the management and control of the poorhouse and farm, and to prescribe their compensation and duties.
5. To appoint a county physician and prescribe his compensation and duties.
6. To appoint an agent to have the general supervision and charge of all matters in relation to the care and support of the poor, and to prescribe his compensation and duties.
7. To make the necessary appropriations for the erection and maintenance of the county home.<sup>2</sup>

Records of the county home are prepared and kept by the keeper (superintendent) of the home. He is required to keep an account showing the name of each person admitted to the county poorhouse, the time of his admission and discharge, the place of his birth, and the cause of his dependency. He is also required, at the same time each year, to file with the county clerk of his county a copy of this record together with a statement showing the average number of persons kept in the poorhouse each month during the year.<sup>3</sup>

All of the records of the county home are kept in the superintendent's office on the first floor of the farm home.

### 333. (County Home Register), 1870 - -. 1 v.

Register of county home inmates, showing number and name of inmate, financial and statistical particulars, dates of admission and discharge from institution, cause of pauperism, and remarks. Arr. by date of admission. No index. Hdw. under pr. hdgs. 200 p. 18 x 15 x 1.

### 334. (Income and Expense Ledger), 1925 - -. 3 v.

Ledger account of receipts and expenditures of county home, showing balance on hand at end of quarter, date, amount, and source of receipts, name of payer, date, amount, and purpose of expenditure, name of recipient, total amounts of receipts and expenditures, and balance available. Arr. by date of transaction. No index. Hdw. 200 p. 9 x 6 x 1.

### 335. (Claims Against Townships), 1937 - -. 1 v.

Register of claims against various townships for upkeep of paupers at

1. L.1919, p. 699; L.1935, p. 1058.

2. L.1839, p. 139; R.S.1845, p. 404, 405; L.1861, p. 180; R.S.1874, p. 757; L.1917, p. 638, 639; L.1919, p. 698, 699; L.1935, p. 1057, 1058.

3. R.S.1874, p. 753.

county home, showing name of inmate, date of admittance, names of supervisor and township, length of stay at home, total bill, amount paid, and balance due. Arr. alph. by name of twp. No index. Hdw. 200 p. 9 x 6 x 1.

## XX. TUBERCULOSIS SANITARIUM BOARD

In 1909 the powers of the county were extended to permit the establishment of a sanitarium for the care and treatment of county residents suffering from tuberculosis.<sup>1</sup> This provision was greatly amplified in an act of 1915 which described in detail the conditions necessary to the establishment of such an institution and the manner in which it was to be supported, managed, and controlled.<sup>2</sup>

The act provided that whenever one hundred legal voters in a county should petition the county board to levy a tax for the establishment and maintenance of a tuberculosis sanitarium, the board was required to submit the question to the voters of the county at the next regular general election. A favorable majority of all votes cast upon the proposition was necessary for adoption.<sup>3</sup> In the original legislation of 1915, the amount of the tax levy was limited to not more than three mills on the dollar annually on all taxable property in the county.<sup>4</sup> This limit was lowered in 1923 to two mills,<sup>5</sup> and further reduced in 1929 to one and one-half mills,<sup>6</sup> the present statutory requirement. The money thus received was to be set apart in a special Tuberculosis Sanitarium Fund.<sup>7</sup>

The management of the sanitarium was vested in a board of three directors appointed by the president or chairman of the county board with the approval of that body. The directors were to serve for three years.<sup>8</sup> Vacancies on the board were to be filled in the manner in which original appointments were made. Immediately after their appointment, the directors were required to meet and elect from their number a president, secretary, and such other officers as they might deem necessary.<sup>9</sup> The Shelby County electorate voted on November 8, 1932, for the levying of a tax to establish such an institution, and the first board of directors was appointed on September 2, 1933.<sup>10</sup>

Today the powers and duties of the board of directors are essentially the same as in 1915.<sup>11</sup> The directors are required to make and adopt such bylaws, rules, and regulations for their own guidance and for the government of the sanitarium and all its auxiliary activities as may be expedient and consistent with statutory requirements. They are also granted exclusive control of the expenditure of all moneys collected to the credit of the fund and may receive, in the name of the county, contributions or donations to the sanitarium of money or property. The same act provides that persons desiring to make a donation, bequest, or devise of any money, personal property, or real estate may vest the title to such property in the board of directors who shall, upon acceptance, hold and control it and act as special trustees. Otherwise, all moneys received for the use of the sanitarium are deposited in the county treasury within a month after their receipt, to be drawn upon only by the proper officers upon presentation of properly authenticated vouchers of the board of directors. Whenever such a deposit is made the board is required to secure a receipt from the treasurer.<sup>12</sup>

Since 1923, to insure greater working efficiency, counties maintaining tuberculosis sanitariums have been permitted to convey property ac-

1. L.1909, p. 162.

2. L.1915, p. 346-49.

3. *Ibid.*, p. 346, 347.

4. *Ibid.*, p. 346.

5. L.1923, p. 302.

6. L.1929, p. 304.

7. L.1915, p. 346; L.1923, p. 302; L.1929, p. 304, 305; L.1939, p. 491.

8. The first three directors were required to serve for irregular terms of one, two and three years in order to permit the appointment of one new director annually. Choice of terms was decided by lot (1915, p. 347).

9. *Ibid.*

10. Supervisors' Record, v. S, p. 195.

11. L.1915, p. 346-49; L.1923, p. 302, 303; L.1929, p. 304, 305. Cf. R.S.1937, p. 956-59.

12. L.1915, p. 347-49.

quired for such purpose, to any adjacent county or counties upon such terms and conditions as the respective county boards agree on by a majority vote of all members of each board. In the same year it was also provided that counties without public tuberculosis facilities might use funds secured for that purpose to give patients sanitarium care in private or public sanitariums of the state.<sup>13</sup> The Tuberculosis Sanitarium Fund of Shelby County is distributed under this latter provision, as no county sanitarium is maintained. Patients are sent to Macon County Sanitarium, Plamer Sanitarium at Ottawa in LaSalle County or St. Johns', Riverton, in Sangamon County.

The directors are required to report monthly to the county board on conditions in the sanitarium. They also return to that body a monthly list of the names of all persons making contributions and donations, the amount and nature of the property so received, and the date of its receipt. On or before the second Monday in June in each year, the directors make an annual report to the county board, stating the condition of their trust on the first day of June, the various sums of money received from all sources and how and for what purpose expended, the number of patients, and other pertinent statistics, information, and suggestions.<sup>14</sup>

All of the records of this board are kept by the county tuberculosis nurse in her temporary office on the first floor of the Sparks Building, Shelbyville, Illinois.

**336. Order For Chest X-Ray, 1935 - -. 1 f.b.**

Physicians authorization of chest X-rays, showing name of physician, case history, name, address, age, occupation, and marital status of patient, and physician's report. Arr. alph. by name of patient. No index. Hdw. on pr. fm. 6 x 8½ x 12.

**337. (X-Ray Negatives), 1935 - -. 2 f.d.**

Envelope containing X-ray negatives on tuberculosis patients, showing name, age, and sex of patient, name of physician, number of case and date of X-ray. Arr. alph. by name of patient. No index. Hdw. under pr. hdgs. 15 x 19 x 28.

**338. (Report Records), 1927-38. 1 f.d. Missing: 1930-33.**

Record of visits of county nurse including reports of nurse and physician, showing name, age, and sex of patient, stage of tuberculosis, and disposition of case. Arr. alph. by name of patient. No index. Hdw. on pr. fm. 12 x 12 x 24.

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13. L.1923, p. 303.

14. L.1915, p. 348, 349.

## XXI. MINE INSPECTOR

Legislation in regard to health and safety in the mining industry originally made the county surveyor ex-officio inspector of mines.<sup>1</sup> As such inspector he was to be assisted by a practical miner, to act under oath, and to receive a salary fixed by the county board and paid out of the county treasury. His duties were to see that safety measures were observed in the mines and to collect facts relative to coal mining and mining land. The inspector reported to the Governor annually on the condition of mines in regard to safety and ventilation and the result of examination of causes of accidents.

In 1877 the legislature authorized the county board, in each county in which mining is carried on, to appoint an inspector of mines.<sup>2</sup> This county inspector, who had to give evidence of practical mining experience, was required to take an oath of office, and to furnish a bond to the county board in an amount fixed by the latter body. The amount of the bond was fixed in 1879 at not less than \$1,000 nor more than \$3,000.<sup>3</sup> Where a competent inspector was not appointed, or where the inspector did not properly perform his duties, then the circuit judge, at the request of ten citizens of the county, and upon proper proof of incompetence, was empowered to remove the inspector and appoint a properly qualified person to act during the unexpired term.<sup>4</sup>

The State Mining Board was created in 1899, and the state divided into seven inspection districts, with a State Inspector of Mines in each.<sup>5</sup> The county also was fitted into this new organization with the requirement that the county board appoint a county inspector of mines upon the written request of the State Inspector for the district in which the particular county was located.<sup>6</sup> The intention of the legislature to maintain centralization in mine inspection was indicated by this statute which made the county inspector an assistant to the State Inspector. In accordance with this act, a county mine inspector was appointed in Shelby County in 1912.<sup>7</sup>

Provision was made in 1915 for petition by the State Inspector to the county court upon failure of the county board to appoint a suitable county mine inspector.<sup>8</sup> If necessary, the court will appoint an inspector, and order the county board to appropriate money for his compensation. This provision was recently reenacted.<sup>9</sup>

The mine inspector of Shelby County keeps no records for the county. His reports are sent to the State Mine Inspector and copies thereof to the respective mine owners.

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1. L.1871-72, p. 572.

2. L.1877, p. 141, 142.

3. L.1879, p. 208.

4. Ibid., p. 209.

5. L.1899, p. 306, 308.

6. Ibid., p. 314, 315.

7. Supervisors' Record, v. O, p. 22.

8. L.1915, p. 509, 510.

9. L.1939, p. 727, 728.

## XXII. FARM BUREAU

Shelby County farm bureau was organized in 1918 to promote and foster the social and economic interest of persons engaged in agriculture, and to encourage, promote, and foster cooperative organizations for the mutual benefit of its members. The membership of this bureau is made up of farmers of the county. A farm advisor is employed who cooperates with the University of Illinois College of Agriculture in its program of extension education and farm studies, and to work with farm leaders in establishing such organizations as 4-H clubs and Dairy Herd Improvement Association. A 4-H club was organized in Shelby County on March 1919 for the purpose of giving special training to farm youth in farm and home projects, and to teach farm boys and girls how to become better citizens.

In 1914 Congress inaugurated a program of agricultural extension education by providing for cooperation between the agricultural colleges in the several states and the United States Department of Agriculture.<sup>1</sup> The purpose of the act was to aid in diffusing useful and practical information on subjects relating to agriculture and home economics, and to encourage the application of the same. An appropriation was made to each state to carry out the act, subject to the assent by the state legislature to the provisions of the act, and provided that the state appropriate a sum equal to that given by the Federal Government.<sup>2</sup> The General Assembly assented to this act by a joint resolution which authorized and empowered the trustees of the University of Illinois to receive the grants of money appropriated under the act, and to organize and conduct agricultural extension work in connection with the College of Agriculture of the University.<sup>3</sup>

The General Assembly appropriated money in 1917 for the payment of county agricultural advisers.<sup>4</sup> The money was to be appropriated to the Department of Agriculture to be distributed equally among the several county agricultural advisors of the state, to apply upon their salaries. The vouchers approved by the Department of Agriculture for payment were to be accompanied by the certificate of the agricultural college of the University of Illinois that the requirements of the act relative to the employment of county advisors had been substantially applied. In 1928, to further develop the cooperative extension system in agriculture and home economics, Congress appropriated additional sums of money, eighty percent of which was to be utilized for the payment of salaries of extension agents in counties of the several states.<sup>5</sup>

Reports of the farm bureau of Shelby County are kept by the state and Federal departments of agriculture.

1. 38 U.S.S.L. 372.

2. *Ibid.*, 373.

3. L. 1915, Joint Resolutions, p. 732.

4. L. 1917, p. 85.

5. 45 U.S.S.L. 711.



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# CHRONOLOGICAL INDEX

(All figures refer to entry numbers: bold type indicates the ending of a record in the decade under which it is listed)

## 1821-1830

### New Records

23, 57, 59, 79, 84, 86, 88, 191, 192, 194, 201, 285

## 1831-1840

### New Records

3, 27, 119, 155, 157, 233, 239

### Records Beginning in Preceding Decade

23, 57, 59, 79, 84, 86, 88, 191, 192, 194, 201, 285

## 1841-1850

### New Records

30, 42, 108, 189, 220

### Records Beginning in Preceding Decades

3, 23, 27, 57, 59, 79, 84, 86, 88, 119, 155, 157, 191, 192, 194, 201, 233, 239, 285

## 1851-1860

### New Records

1, 2, 6, 29, 36, 38, 43, 45, 70, 89, 99, 100, 116, 151, 158, 161-163, 181, 185, 204, 212, 214-216, 228, 229, 240, 245

### Records Beginning in Preceding Decades

23, 27, 30, 42, 57, 59, 79, 84, 86, 88, 108, 119, 155, 157, 189, 191, 192, 194, 201, 220, 233, 239, 285

## 1861-1870

### New Records

37, 41, 61, 69, 72, 80, 81, 85, 90, 98, 106, 120, 137, 144, 160, 166, 171, 177, 186, 190, 195, 197, 199, 219, 221, 234, 237, 248, 273, 322, 333

### Records Beginning in Preceding Decades

1, 2, 6, 23, 27, 29, 36, 38, 42, 43, 45, 57, 59, 84, 86, 88, 89, 99, 100, 108, 116, 119, 151, 155, 157, 158, 161-163, 181, 185, 189, 191, 192, 194, 201, 204, 212, 214-216, 220, 228, 229, 233, 239, 240, 245, 285

## 1871-1880

### New Records

31, 35, 39, 47-49, 51, 52, 56, 62-64, 75, 91, 92, 97, 101, 102, 104, 109, 122, 124-127, 133, 139-141, 152, 153, 159, 164, 165, 167-170, 172-175, 178, 180, 184, 187, 188, 202, 217, 218, 222, 223, 226, 227, 230, 231, 236, 243, 244

Records Beginning in Preceding Decades

1, 2, 6, 23, 27, 29, 36, 37, **41**, 42, 43, 45, 57, 59, 61, **69**, 72, 79, **84-86**,  
**88-90**, **98**, 99, 100, 106, 108, 116, 119, 120, **137**, **144**, 151, 157, 158, **160-163**,  
166, 171, 177, 181, 185, 186, 189, 190-192, 194, 195, 197, 199, 204, **212**,  
214-216, **219**, 220, 221, 228, 229, 233, 234, 237, 239, 240, **245**,  
248, 285, 322, 333

1881-1890

New Records

40, 67, 76, 82, 87, 93, 110, 111, 121, 130, 138, 146, 154, 176, 203, 205, **206**,  
207, 211, 235, 249, 255, 257

Records Beginning in Preceding Decades

1, 2, 23, 27, 29, 31, 36, 37, 45, 47-49, 51, 52, 56, 57, 59, 61-64, 72, 75, **79**,  
**84-86**, **88-92**, 97, 99-102, 104, 106, 108, 109, 116, 119, 120, 122, 124-127, **133**,  
140, 141, 151, 152, 153, 157-175, 177, 178, 180, 181, 185, 186, 187, **188**,  
190--192, 194, 195, 197, 199, 202, 204, 212, 214-218, 220-223, 226, **227**,  
229, 230, 231, **233**, 234, 236, 237, 239, 240, 243, 244, 248, 285, 322, 333

1891-1900

New Records

7, 16, 25, 26, 28, 44, **73**, **74**, 77, 96, 123, 128, 129, 132, 134, 136, 142, **143**,  
147, 150, 156, 193, 200, **210**, 224, 241, 242, 271, 287

Records Beginning in Preceding Decades

1, 2, 6, 23, **27**, 29, 31, 36, 37, 40, 43, 45, 47-49, 51, 52, 56, 57, 59, 61-**64**,  
67, 72, 75, 76, 79, 82, **84-93**, 97, 99-102, 104, 106, 108-111, 116, 119-**122**,  
124-127, 130, **133**, **138**, 140, 141, 146, 152-155, 157, 158, 159, 160-178, **180**,  
181, 187, 188, 190-192, 194, 195, 197, 199, 202-207, 211, 212, 214-218,  
220-223, 227, 229, 231, 234-237, 239, 240, 243, 244, **248**,  
249, 255, 257, 285, 322, 333

1901-1910

New Records

11, 19, 20, 32, 58, 66, 83, 94, 103, 112, 117, 196, 198, 246

Records Beginning in Preceding Decades

1, 2, 6, 7, 16, 23, 25, 26, 28, 29, 31, 36, 37, 40, 43-45, 47, 48, 49, **51**,  
52, 56, 57, 59, 61-64, 67, 72, 74-77, 79, 82, 84-93, 96, 99-102, 104, **106**,  
108-111, 116, 119, 120, 121, 122-130, 132-134, 136, 138, 140-  
142, **143**, 146, **147**, 150, **152-154**, 155-158, 160-178, 180, **181**, 187, **188**,  
190-195, 197, 199, 200, 202-207, 211, 212, 214-218, 220-224, 226-**229**,  
231, 234-237, 239-244, 248, 249, 255, 257, 271, 285, 287, 322, 333

1911-1920

New Records

8, 12, 13, 17, 18, 33, 34, 53, 55, **65**, **68**, 71, 78, 113, 114, 118, 135, 145, **148**,  
149, 179, 182, 183, 209, 225, 238, 250, 256, 258-261, 266, 276, 280-**282**,  
286, 288, 292-294, 297, 304

Records Beginning in Preceding Decades

1, 2, 6, 7, 11, 23, 26, 28, 29, 31, 32, 36, **37**, 40, 43-45, 47, 48, 51, 57-**59**,  
61-**64**, **66**, 74-77, 79, 82, **83**, 84-94, 99-104, 106, 108-112, **116**, **117**, **119**,  
120, 122-130, 132-134, 136, 138, 140-142, 146, 150, 155-158, 160-178,  
180, 184, 187, 188, **190**, 191-193, 195-**200**, **202-207**, 211, 212, 214-**218**,



220-224, 226-229, 231, 234-237, 239-244, 246, 248, 249, 255,  
257, 271, 285, 287, 322, 333

**1921-1930**

New Records

14, 21, 95, 105, 107, 131, 208, 232, 247, 251, 252, 262, 263, 279, 289, 291,  
296, 299, 318, 334, 338

Records Beginning in Preceding Decades .

1, 2, 6, 7, 8, 11, 12, 13, 17, 18, 23, 26, 29, 31-34, 36, 40, 43-45, 47, 48,  
51, 53, 55, 57-59, 61, 62, 63, 64, 71, 74-79, 82, 84-94, 99-104, 106, 108-112,  
113, 114, 119, 120, 122-126, 127, 128-130, 132-136, 138, 139, 140,  
141, 142, 145, 146, 148, 149, 150, 155-158, 160-180, 182-185, 187, 188, 191-  
193, 195-200, 202, 203, 204, 205-207, 209, 211, 212, 214-218, 220-229, 231,  
234-244, 246, 248-250, 255-261, 266, 271, 276, 280-282, 285-288, 292-  
294, 304, 322, 333

**1931-1940**

New Records

4, 5, 9, 10, 15, 22, 24, 46, 50, 54, 60, 115, 213, 253, 254, 264, 265, 267-270,  
272, 274, 275, 277, 278, 283, 284, 290, 295, 298, 300-303, 305-312, 313,  
314-316, 317, 319-321, 323-332, 335-337

Records Beginning in Preceding Decades

1, 2, 6, 7, 8, 11-14, 17, 18, 21, 23, 26, 28, 29, 31, 32, 33, 34, 36, 40,  
43-45, 47, 48, 51, 53, 55, 56, 57, 58, 59, 61, 62, 64, 71, 72, 74-79, 82,  
84-95, 99-112, 114, 119, 120, 122-126, 128-135, 136, 139, 142, 145, 146,  
148, 149, 155-158, 160-180, 182-184, 185, 187, 188, 191-193, 195-200, 203,  
205-209, 211, 212, 214-218, 220-229, 231, 232, 234-244, 246-  
252, 255-258, 259, 260-263, 266, 271, 276, 279, 280-282, 285-289, 291,  
292-294, 296, 299, 304, 318, 322, 333, 334, 338



## SUBJECT INDEX

(Figures in bold type refer to page numbers; others to entry numbers)

- Abatement**  
 mosquito, districts, 58  
 personal property, 247  
 real estate, 40  
 record, 30, 36, 246
- Abbreviations and symbols used in inventory, 82, 83**
- Abstracts**  
 agricultural statistics, 35  
 assessments, 29, 33  
 title, recording of 113  
 votes, 73
- Accoucheurs, register, 64**
- Accounts**  
 birth and death, county clerk's, 83  
 county funds  
 audits, 46, 90  
 collector's, 244  
 examinations, 90  
 treasurer's, 248, 249, 252  
 county officers'  
 audits, 46  
 examination, 90  
 estate, 84 155, 157, 181  
 school, treasurer's, 257-259
- Adams, John Quincy, 17**
- Administrator**  
**See also Estate; Executor; Probate court; Will**  
 accounts, 84, 155  
 bonds, 84, 155, 157, 162, 164  
 de bonis non, 157, 164  
 deeds, 88[viii], 91  
 fee book, 157, 187, 189  
 inventories, 84, 155  
 letters, 84, 155, 157, 162, 164  
   foreign, 88[x]  
 oaths, 84, 155, 157, 162, 164  
 petitions, 84, 155, 157, 162, 164  
 public, appointment, 131  
 record (bonds, letters, oaths, petitions), 157, 162  
 reports, 84, 155, 157, 176, 177, 180, 181, 186  
 of sale, 157, 172  
 with will annexed, 157, 164
- Adoption**  
**See also Juvenile**  
 fees, 139, 141, 142  
 jurisdiction, 121  
 record, 125, 146, 157
- Adult probation officer, see Probation**
- Affidavits**  
 in circuit court, 193  
 in estates cases (recorded), 88[i]  
 marriage license, 84[ii]  
 tax deed, 43, 44, 84  
 witness, 84, 122, 192
- African Methodist Episcopal Church, first in county, 37**
- Agreements to share property and royalties, 88[iii]**
- Agriculture, see Industry under Shelby County**
- Agricultural statistics, 35**
- Aliens, see Naturalization**
- Alimony, modification of, 192**
- Allegheny Mountains, 6, 7**
- Allen, Herbert K., his opinion on county government, 16**
- Alley plats, 119**
- Allotments, motor fuel tax**  
 claim record, 5  
 correspondence, 312  
 ledger, 311
- Allphin, Shelton, 12**  
 early justice of the peace, 10
- Almshouse, see County home**
- Alton (Illinois), 32**
- American Bible Society sponsored John Mason Peck, 35**
- Ann Arbor Hay Press Company, 22**
- Appeal**  
 bonds, 84, 122  
 to circuit court, 50, 124, 140, 141  
 to county court, 50, 84, 120 122,
- Applications**  
 blind benefits, register, 17, 18, 20  
 marriage licenses, 57-59  
 mothers' pension, 148, 149  
 probate of will, 157, 160  
 registry of farm names, 113
- Appointment**  
 of county officers, see under title of officer  
 in probate, see under title of appointee
- Appraisal**  
 original, 84, 155  
 records, 157, 166, 169, 170
- Appraiser's reports, 157, 166, 169**

(App-Boa)

- Appropriations for county funds, 89, 250, 253
- Arch Tallman coal mine, location of, 23
- Architect  
licenses, 65  
state  
inspection of schools, 56  
school superintendent's reports to, 168
- Arenz's Mills, 14
- Army, see Soldiers
- Articles, see Incorporation
- Ash Grove  
first Christian Church in county established at, 37
- Ash Grove Township, 4  
early school established at, 30  
formation, 16
- Assessments  
supervisor of, see Supervisor of assessments  
tax. see Tax
- Assessor  
county. see Supervisor of assessments  
district. 46, 96n  
township  
bonds, 2, 77, 156  
duties, 46, 96, 96n, 156  
election. 46, 156
- Assignees' deeds, 88, 96
- Assignment  
of interest in estates, 157, 159  
of judgment, 88[iv]  
mortgage, 88, 100  
record, 88, 103
- Attorney  
circuit, 52  
state's see State's attorney
- Audits, county funds, 46, 90
- Augustana College, 32
- Augustana Synod, organized first Lutheran church in county, 38
- Auld, Dr. F. P., organized Spanish-American war volunteers, 41
- Auldt and Cruitt coal mine, location of, 23
- Bail bonds, 208
- Baker, G., early justice of the peace, 9
- Baltimore and Ohio Railroad, 4  
first constructed in county, 20
- Bank  
deposits, 278  
statements, 252, 278, 279
- Baptist Church, 37  
first in county, 36  
number of, in county, 37
- Bar Association memorials, copies of, 112
- Bar dockets  
circuit court, 219  
county court, 137
- Beck's Creek, 3
- Beecher City, coal mines located at, 23
- Beeler, George H., retail license issued to, 13
- Bell, R. M., early schoolmaster, 32
- Bennett, William B., member of first board of supervisors, 17
- B. F. Stretch coal mine, location of, 22, 23
- Big Four Railroad, 20
- Big Spring, early school first established at, 30
- Big Spring Township, 4  
formation, 16
- Bills  
against county  
allowed by supervisors, 1, 84  
filing of, 91  
for divorce, 192, 193  
sale, 84, 88[iv], 155  
record, 157, 175  
true. see Indictment
- Birkett, Skelton, member early courthouse committee, 71
- Birth  
See also Vital statistics  
reports, county clerk's account, 83  
warrant stubs, 12
- Bishop, W. W., early newspaper publisher, 40
- Black Hawk War, 15  
county's activities in, 41
- Blind  
examiner, see Examiner  
pensions, see Pension relief, see Relief
- Board  
county, see County board  
of County commissioners, see

- County board  
of Education (Chicago), 31  
of health, see Health  
Illinois State, see Illinois State  
Examining Board  
of review, see Review  
of supervisors, County, see County board
- Bolin, John**, early settler, 9
- Bond issues**  
for Civil War veterans' families, 273  
highway, register, 306  
for local improvements, 21  
register, 272  
for roads, 21  
for schools, 2, 21
- Bonds**  
appeal, 84, 122  
assessors', 2, 77, 156  
bail, 208  
circuit clerk's, 142  
collectors'  
county, 160  
township, 84[iii], 116  
constables', 2, 76, 98  
contractors', 1, 84  
coroner's, 153  
deputy, 153  
county clerk's, 95  
county commissioners' clerk, 95  
county court clerk's, 95  
justice of the peace, 2, 76, 84[iiii], 98  
officers'  
county, 1, 2, 74, 75, 84  
required to be kept, 95  
probate appointees, 131  
See also under title of appointee  
recognizance, 84, 122, 197, 201, 208, 209  
recorder's, 112  
for release deeds, 88, 98  
sheriff's, 1, 2, 74, 75, 84, 151  
state's attorney's, 154  
supervisors'  
of assessments, 156  
township, 2, 78  
treasurer's  
county, 162  
township (school), 88, 111, 296
- Bone, Barnett**  
early settler, 8
- home, used as courthouse, 8, 11, 70
- Boston**, 40
- Boston Post, The**, 20
- County certificates (sparrow), 16
- Brands**, see Marks and brands
- Bridge**, see Transportation
- British**  
control of Northwest, 5  
relations with Indians, 6-8
- Brooks, J. P.**, early school superintendent, 31
- Brown, Joseph M.**, member first board of supervisors, 17
- Brush Creek**, 3
- Budget, county**, 1, 84
- Burial**  
grounds, see Cemetery  
of veterans  
certificates, 53  
register, 54
- Cahokia**, early French settlement, 5
- Caldwell, Hugh**, courthouse contract awarded to, 72
- Caldwell, Thomas**, courthouse contract awarded to, 72
- Campbell, Alexander**, founded Disciples of Christ Church, 37
- Canada**, French control of, 5
- Cantrill, D. M.**, early publisher, 40
- Carlisle, W. A.**, member early courthouse committee, 71
- Cartwright, Peter**, early itinerant preacher, 36
- Casey, John**  
early associate justice, 16  
member first board of supervisors, 17
- Casey, Levi**  
early county commissioner, 11  
early settler, 8
- Casey, Zadok**, succeeded by Ewing as Lieutenant-Governor, 11
- Cash books**  
See also Fees; Fund; Receipts and expenditures  
inheritance tax, 261  
treasurer's, 248
- Catholic**, see Roman Catholic
- Cemetery plats**, 119
- Central Illinois Times, The**, 40
- Cerro Gordo**, battle of, 41
- Certificates**  
See also License

**(Cha-Cir)**

- of allocation of taxes, 251, 259
- of authority for foreign insurance companies, 84[iv]
- birth, 46-48, 84[v]
  - index (48), 49
- bounty, sparrow, 16
- burial, veterans'
  - record, 53
  - register, 54
- citizenship, *see* Naturalization
- death, 47, 50, 51, 84[vi]
  - index (51), 52
- dentists', 64, 67
- discharge, soldiers', 80
  - sailors' and marines', 114
- election, 88, 109
- jury, register, 6, 228, 255
- of land grants, 88[vii]
- of levy
  - sheriff's, 108
  - tax 84[xii, xiii]. 239
- marriage, 59
  - index, 56
- nurses', register, 64, 66
- physicians', 63
- of pre-marital examinations, 60
- of purchase
  - issued by drainage commissioners, 57
- tax, 84[viii]
- recording of, 97, 113
- of redemption, 84[ix]
  - master's and sheriff's, 108
- registration of farm names, 113
- of sale
  - master's and sheriff's, 108
  - swamp lands, 84[x]
- stallion
  - register, 117
  - renewal, 118
- stillbirth, 47, 50, 51, 55, 84[xi]
- teachers'
  - issuance of, 54, 54n
  - renewal and registration, 287
  - reports on, 289
- veterinarians', 63
  - register, 64
- Chaffee, George D., active for Union in Civil War, 41
- Challenge to jury, 192, 193
- Chancery
  - See also* Circuit court; Master-in-chancery
  - jurisdiction in 48, 141
- Charleston turnpike, Darwin and, 12
- Chase, Bishop, founded Jubilee College, 32
- Chattel mortgage, *see* Mortgage
- Checks, cancelled, 277
- Chicago, 20, 23, 32
- Chicago and Eastern Illinois Railroad, 4, 20
- Children, *see* Juvenile
- Chiropodists' register, 64
- Chiropractors' register, 64
- Chittendon, Eli, early newspaper publisher, 40
- Christian County, 3
- Church trustees' election certificates, 88, 109
- Churches, *see* Religion under Shelby county; also under name of denomination
- Circuit attorney, 52
- Circuit court
  - appeals to, 50, 124, 141
  - branches, 141
  - clerk
    - appointment, 50, 142
    - bond, 1, 2, 74, 75, 84, 142
    - deputy, 143
    - duties, 142, 143
    - election, 50, 142
    - ex officio recorder, 112
    - oath, 142
    - pro-tempore, appointment, 142
    - receipts and expenditures, 220, 231, 232
    - records required to be kept, 142, 143
    - legislation concerning, 60
    - reports, 1, 23, 84
    - roster, 66
    - term of office, 142
  - dockets
    - bar, 219
    - chancery, 214, 215
    - clerk's, 215, 218
    - common law, 214, 215
    - criminal, 214, 215
    - execution, 216
    - judge's, 213, 214
    - judgment and execution, 217
    - naturalization, 230
  - fee books (court costs)

- chancery 220, 221  
 common law, 220  
 in confession cases, 220, 224  
 criminal, 220, 222  
 in transcript cases, 220, 223
- files**  
 chancery, common law, criminal, 192, 193  
 execution and judgment, 192, 203  
 foreign and justice of the peace cases, 192, 211  
 index, 191  
 mechanics' lien, 192, 206  
 recognizance, 208
- judge, 48, 49, 140-142**  
**jurisdiction and functions, 48, 140-142**  
**proceedings, 195, 197, 199, 201**
- records**  
 chancery, 195, 201  
   index, 194, 196  
 common law, 197, 201  
   index, 194, 198  
 confession, 201, 204, 205  
 criminal, 199, 201  
   index, (199), 200  
 default, 204  
 index, 194  
 indictment, 199, 201, 202  
 kept by clerk, 142, 143, 191-232  
   legislation concerning, 60  
 mechanics' lien, 197, 201, 207  
 parole, 210  
 probation, 197, 201, 209  
 recognizance, 197, 201, 209  
 reports to, 225-227  
   keeping of, 143  
 transcripts, 192, 201, 211, 212
- Citations**  
 in circuit court, 192  
 in probate court, 157, 189, 190
- Cities, see under names of individual cities**
- Civil**  
**cases**  
**See also Common Law under Circuit court, County court jurisdiction in, 49, 120, 140**  
**War 17, 40**  
 affected county's finances, 26  
 county's activities in, 41  
 militia roll, 84[xx]
- veterans  
   clothing issued to, 81  
   discharge record, 80  
   families' relief bond issues, 273
- Claims**  
 against county, 1, 2, 84  
   audits, 46, 90  
   docket, 184, 185  
   against estates, 84, 155, 157, 158  
     fees charged in settlement of, 157, 189, 190  
   highway, 309, 310  
   motor fuel tax, 1, 4, 5, 309, 310  
     correspondence on, 312  
   pauper, 335  
   for state aid for schools, 281
- Clark, George Rogers, captured Northwest Territory, 3, 6
- Clark County, 3
- Clarksburg Township, 4  
   formation, 17
- Clerk**  
 county, see County clerk  
 court, see under name of specific court  
 election, see Election  
 town, see Town
- Cleveland, Cincinnati, Chicago, St. Louis Railroad, 4, 20
- Coal mines, see Industries under Shelby county
- Cochran, J. C., courthouse architect, 71
- Cochran, John, early settler, 8
- Cochran, W. A., early newspaper publisher, 40
- Co-Ed Frocks Company, 22
- Cold Spring Township, 4, 8, 36  
   early school established at, 30  
   formation, 16
- Coles County, 3, 15
- Collection of taxes, see Tax
- Collector**  
 county  
   accounts with town officers, 244, 245  
   appointment, 47, 160  
   bond, 160  
   books (lists of taxable property), 30, 36  
   county treasurer, ex officio, 47  
   160

**(Col-Cor)**

- duties and functions, 47, 48, 160, 161
- records kept by, 161, 243-247
- reports to county clerk, 160
- roster, 66, 68
- sheriff's early duties as, 47, 160
- township
  - abolition of office, 47, 160
  - accounts with county collector, 244, 245
  - bonds, 84[iii], 116
  - duties, 47, 160
  - election, 47, 160
- Colleges, see Education under Shelby County; also under specific name
- Collidge, H. H., early newspaper editor, 40
- Columbus (Ohio), 12
- Commission
  - insanity, reports, 157, 165
  - welfare, public, 179
- Commissioners
  - county
    - board of, see County Board
    - court, see County board
    - drainage, see Drainage
    - highway, see Highway
    - school, see School
- Committees, county board, see County board
- Common law
  - See also Circuit court; County court
  - jurisdiction in, 48, 120, 140
- Complaint docket, 242
- Confession, judgment by
  - fee book, 139, 141, 143
  - records, 125, 128, 201, 204, 205
- Congregational Church, number of churches in county, 39
- Conservator
  - See also Estate; Guardian; Insanity; Probate Court
  - accounts, 84, 155
  - bonds, 84, 155, 157, 165, 173
  - fee book, 157, 188, 189
  - inventories, 84, 155, 157, 166, 168
  - letters, 84, 155, 157, 165
  - oaths, 84, 155, 157, 165
  - petitions, 84, 155, 157, 165
  - record (bonds, letters, oaths, petitions), 157, 165
  - reports, 84, 155, 157, 173, 176, 177, 179, 181
  - docket, 186
- Constables
  - appointment and election, 51
  - bonds, 2, 76
  - kept by county clerk, 98
  - creation of office, 51
  - duties, 53
  - oath, 98
- Construction, see Bridge, Road under Transportation
- Contractors' bonds, 1, 84
- Contracts
  - county, authority to make, 89
  - highway,
    - maintenance, 303
    - materials and supplies, 302
    - record, 304
    - required to be kept, 173
    - recorded, 88[viii]
- Conveyances, see Deeds; Mortgage
- Coolidge, Calvin, 18
- Coon Creek, 3
- Copartnership inventory and appraisal record, 157, 166, 170
- Copperas Creek, 3
- Corley, Jonathan C., early settler, 8
- Coroner
  - bond, 1, 2, 74, 75, 84, 153
  - deputies, 153
  - duties and powers, 52, 53, 153
  - election, 52, 153
  - inquest
    - papers, 84, 238
    - procedure, 52, 153
  - oath, 153
  - office
    - creation, 52
    - location, 73
    - term of, 153, 153n
  - records required to be kept, 153, 238
  - reports, 226
  - roster, 67
- Corporation, see Incorporation
- Correspondence
  - highway superintendent's, 312, 319-321
  - motor fuel tax, 312
  - old age assistance, 332
  - veterinarian's, 326



Cost, court, see Fee book under name of specific court

### County board

board of county commissioners, legislation establishing, 45, 88

committees' reports, 1, 2, 84, 314

county commissioners' court

clerk, 44, 50

duties and powers, 44-46, 90, 95

members

election, 44

roster, 63

probate jurisdiction in, 50

succeeded by county court, 44, 89, 90

county court as early administrative body

composition, 45, 90, 120

early sessions, 87

establishment, 44, 49, 87, 95, 120

members

compensation, 88

election, 45, 87, 120

roster, 64

term of office, 87, 120

power and jurisdiction, 87, 120

succeeded by county board of supervisors, 45

succeeding county commissioners' court, 44, 87

supervision over roads and bridges, 55, 172

### of supervisors

acting as board of review, 47, 158

clerk

county clerk, ex officio, 45, 95

roster, 65

composition, 45, 64, 88

duties and powers, 45, 46, 56, 99, 91

establishment, 45, 88

members

additional (Assistant supervisors), 45, 88

bonds, 2, 78

compensation, 88, 89

disqualification from office, 88, 88n

election, 45, 88

number of, 89

roster, 64

term of office, 88, 89

minutes kept by clerk, 91

papers, 1, 84

proceedings, 1, 2, 84, 293

record, 2

kept by clerk, 1-26, 91

reports to, 1, 2, 23-25, 84, 314

custody of, 91

resolutions, 1, 2, 84

sessions, 88

succeeding county court, 45, 88, 158

### County clerk

accounts with registrars of births and deaths, 83

bonds, 1, 2, 74, 75, 84, 95

creation of office, 45, 91, 95

duties and functions

in custody of records, 91, 95-97

in election procedure, 59, 97, 123

in entering of bonds of officials, 95, 98

ex officio clerk

of board of review, 47

of county board, 91, 95, 98

of county court, 50, 91, 95, 98, 124

of probate court, 51, 132

in issuing of licenses, 95, 98

in keeping of vital statistics, 58, 95-97

in regard to public health, 57

in taxation procedure, 47, 57, 95, 96, 160, 161

election, 95

file of miscellaneous papers, 31

office

location, 80

term, 95

receipts and expenditures, 82

records kept by, 27-31

legislation concerning, 60

reports

collector's, 48

to county board, 1, 23, 34

to State Department of Public Health, 58

roster, 65

County collector, see Collector

County commissioners, see Commissioners under County board

County court

acting as early administrative body, see County board

appeals

(Cou)

- to higher court, 124
- from lower court, 50, 120
- clerk
  - bond, 95
  - county clerk, ex officio, 50, 91, 124
  - duties, 45, 51, 90, 124
  - establishment of office, 45, 90
  - as ex officio clerk of probate court, 51
  - records kept by, 124, 125
  - roster, 65
  - term of office, 95
- dockets
  - bar, 137
  - chattel mortgage, 138
  - clerk's 130
  - common law and criminal, 130-132, 184
  - entry, 130
  - execution, 134
  - feeble-minded, 135
  - insanity, 136, 184
  - judgment, 133
  - justice of the peace, 138
- fee books (court costs)
  - adoption, 139, 141, 142
  - common law, 139, 141
  - confession, 139, 141, 143
  - criminal, 139, 140
  - insanity, 139, 141, 142
  - juvenile, 139, 141, 142
- files
  - common law and criminal, 84, 122
  - index, 123
  - mothers' pension, 148
  - of original documents, 125
  - probation, 145
- judge
  - bonds, 1, 2, 74, 75, 84
  - election, 49, 120
  - as justice of the peace, 49
  - oath, 120
  - roster, 64, 65
  - salary, 88, 120
  - term of office, 87, 120
- jurisdiction and functions, 49, 120-125
  - in juvenile cases, 121, 122
  - in mother's pension cases, 59, 122
  - in naturalization, 49, 120
  - in probate matters, 49, 120, 131
  - over swamp lands, 57
- proceedings required to be kept, 124
- records
  - adoption, 125, 146, 157
  - common law, 125
  - confession, 125, 128
  - criminal, 126
  - default, 127
  - delinquency, 126
  - dependent children, 125, 147, 157
  - index, 124
  - insanity, 125, 129
  - kept by clerk, 122-154
  - mothers' pension, 149
  - plaintiff-defendant index to, 124
  - reports, warden's keeping of, 125
- County farm, *see* County home
- County funds, *see* Fund
- County home
  - See also* Public welfare: Relief administration, 181
  - county to establish, 89
  - functions, 59, 181
  - ledger of receipts and expenditures, 334
  - location, 73
  - register of inmates, 333
  - superintendent, records kept by, 181, 333-335
  - County nurse's record of visits, 338
- County officers, *see* Officers
- County offices, *see* Offices
- County orders, *see* Orders
- County property
  - control, 45, 46, 56, 89, 90
  - inspection, 56
  - insurance on, 22
- County seat, 70
- County superintendent of highways, *see* Highway under Transportation
- County superintendent of public welfare, *see* Public welfare
- County superintendent of schools, *see* School
- County surveyor, *see* Surveyor
- County treasurer, *see* Treasurer
- County warrants, *see* Warrants

- Court, *see* under name of specific court
- Courthouse  
 buildings used, 70-73  
 contracts, 71  
 costs, 70-72  
 custody, 56  
 description and location, 70-73  
 offices in, 72, 73  
 tax levy, 72
- Courtroom, location, 73
- Cowden  
 Campbellite Christian churches in, 37  
 number of Methodist churches in, 37  
 population, 5
- Cowden Reflector, *The*, 41
- Crawford County, 3
- Criminal cases  
*See also* Circuit court; County court; Indictment; Probation jurisdiction in, 48, 121, 140
- Crocker, Arthur, early settler, 8
- Cruitt, James, coal mine, 23
- Cumberland (Maryland), 12
- Cumberland County, 3
- Cumberland Presbyterian Church, 38
- Cumberland road, 12
- Cutler, James, appointed to divide county into townships, 16, 64
- Daily Democrat, *The*, 24
- Daily Union, *The*, 40
- Dane, considered as name for new county, 14
- Daniel, Bazil, early settler, 8
- Daniel, William, early settler, 8
- Darwin and Charleston turnpike, 12
- Death  
*See also* Vital statistics  
 proof of, 157, 160  
 affidavits 88[i]  
 reports, county clerk's accounts, 83  
 warrant stubs, 12
- De bonis non, *see* Administrator
- Decatur, 20  
 road to, legislation concerning, 12
- Declaration of intention, *see* Naturalization
- Declaration in circuit court cases, 192, 193
- Decrees  
*See also* Orders, court  
 in county court, 84, 122  
 of divorce, 192  
 for mothers' pension, 149  
 in probate court, 157
- Deeds  
 administrators', 88[viii], 91  
 assignees', 88, 96  
 entry book, 85  
 executors', 88[viii], 91  
 grantor-grantee index, 86  
 guardians', 88[viii], 94  
 master's, 87, 88, 92  
 quitclaim, 87, 88, 90  
 recording of, 112  
 release, 88, 98  
 right-of-way, 88, 95  
 to swamp lands, issued by drainage commissioners, 57  
 tax, 84[xxii], 88, 93  
 affidavits for, 43, 44, 84  
 trust, 88, 91, 97, 100  
 warranty, 87-89
- Default records  
 circuit court, 192, 204  
 county court, 127
- Defendants' answers, 192, 193
- Delinquent children, *see* Juvenile
- Delinquent taxes, *see* Tax
- Democratic Party, 17, 40  
 control of county politics by, 19  
 county newspapers supported, 40
- Dentists certificates, register, 64, 67
- Department of public welfare, County, *see* Public welfare
- Dependent children, *see* Juvenile
- Depositions in county court cases, 84, 122
- Deputy, *see* under specific office
- Detector, *The*, 26
- Dexter, Joshua L., operated bank in county, 26
- Disbursements, *see* Receipts and expenditures
- Disciples of Christ  
 first organized in county, 37  
 number of churches in county, 37
- Distribution of taxes, *see* Tax
- Distributive fund  
 claims for, 281  
 ledger, 282

**(Dis-Est)**

- register of checks issued against, 283
- Districts**  
drainage, see Drainage  
health, see Health  
road, see Road under Transportation  
school, see School
- Ditzler, Edward, coal mine, 23**
- Divorce bills, 192, 193**
- Dixon, Joseph, early settler, 9**
- Dockets**  
court, see under name of specific court; also under title of docket  
of rates and amounts wanted, 28, 36  
required to be kept, 124, 132, 143, 152
- Doctor, see Physician**
- Dog license**  
claims, warrants, issued for, 249, 266, 267  
fund  
appropriations, 250, 253  
ledger, 249, 266  
register, 71
- Dollar Sentinel, The, 40**
- Donelson, Homer, coal mine, location, 23**
- Douglas, Stephen A., 40**
- Douthitt, Reverend Jasper L.**  
Civil War activities, 41  
organized Unitarian Church in county, 38, 42
- Drainage**  
See also Swamp lands  
commissioners  
appointment and duties, 57  
board, 57  
highway commissioners, ex officio, 57  
districts, organization, 57
- Dry Point Township, 3, 4**  
formation, 16  
loans to railroads made by, 20
- Duncan, James M., 12, 42**  
donated site for county seat, 11
- Duncan, Joseph C., early newspaper publisher, 40**
- Duty, Thomas, 10**
- Earnings and expenditures, see Receipts and expenditures**
- Education, see Education under Shelby County**
- Edwards, Ninian, 9**
- Edwards County, 3**
- Edwardsville, treaty of, Indian land acquired by, 8**
- Effingham County, 3**
- Election**  
See also Politics under Shelby County  
abstract of votes, 72, 73, 84[xiv]  
boards, 123  
certificates, church trustees', 88, 109  
clerks, appointment, 59  
duties, county clerk's, 59, 97, 123  
files, 72, 73, 84[xiv]  
judges, appointment, 46, 59, 89  
jurisdiction over, 89, 123, 140  
for mosquito abatement districts, 58  
nominations, objections to, 123  
poll books, 72, 84[xiv]  
precincts, establishment, 89  
registration book, 72, 84[xiv]  
tally sheets, 72 84[xiv]
- Elliott, David, early settler, 8**
- Engineers, highway, daily reports, 315**
- English, see British**
- Entry books**  
of land grants, 27  
of recorded instruments, 85  
required to be kept, 59, 112
- Episcopal Church**  
college established by, 32  
number of churches in county, 39
- Equalization of taxes, see Tax**
- Erie Canal, 7**
- Errors in taxation, see Tax**
- Estate**  
See also Administrator; Conservator; Executor; Guardian; Probate court; Real estate; Will  
appraisement, 157, 166, 169, 170  
assignments of property, 157, 159  
claims against  
docket, 184, 185  
original, 84, 155  
record, 157, 158  
settlements, fees taxed in, 157, 189, 190

- dockets**  
   claims, 184, 185  
   settlement, 186  
**insolvent, record, 157, 180**  
**inventories, 84, 155, 157, 159, 166-168, 170**  
**jurisdiction in administration of, 131**  
**ledger, 157, 181**  
**papers, 84, 155**  
**reports**  
   files, 84, 155  
**records, 157, 176-181**  
**sale, reports**  
   personal property  
     private, 157, 175  
     public, 157, 174  
   real estate, 157, 172, 173
- Stray**  
   notices, 84[xv]  
   record, keeping of, 97  
   register, 70
- Europeans, northern, Illinois settled by, 19**
- Evangelical Lutheran churches in county, 38**
- Ewing, David**  
   member first board of supervisors, 17  
   organized Presbyterian church in county, 38
- Ewing, William Lee D., appointed to locate seat of justice, 11**
- Examinations, see Pupils; Teachers**
- Examiner of the blind**  
   appointment and duties, 59  
   register of applicants, 18
- Execution**  
   dockets,  
     circuit court, 216, 217  
     county court, 134  
     sheriff's, 234  
   files, 192, 203, 233
- Executor**  
**See also Administrator; Estate; Probate court; Will**  
   accounts, 84, 155  
   bonds, 84, 155, 157, 163  
   deeds, 88[viii], 91  
   fee book, 157, 187, 189  
   inventories, 84, 155  
   letters, oaths and petitions, 84, 155, 157, 163  
   record (bonds, letters, oaths, petitions), 157, 163  
   reports, 84, 155, 157, 176, 177, 181, 186  
   of sale, 157, 172  
   Expenditures, *see* Receipts and expenditures  
   Explanatory notes to inventory, 83, 84  
   Fancher, B., early settler, 8  
   Fancher, coal mines located at, 22, 23  
   Farm  
     bureau  
       advisor  
         compensation, 186  
         office, location, 73  
     appropriations for, legislation concerning, 186  
     board of directors, composition, 186  
     organization, 186  
     purpose, 186  
     relation to  
       United States Department of Agriculture, 186  
       University of Illinois, College of Agriculture, 186  
     names register, 113  
   Farmers Mutual Benefit Association, flour mill operated by, 25  
   Fayette County, 3, 11, 12  
     citizens petition to form new county, 15  
   Fee books, court  
     *See also* under name of specific court  
     required to be kept, 125, 143  
   Feeble-minded docket, 135  
   Fees  
     *See also* Cash; Fund; Receipts and expenditures  
     institute, receipts, 284  
     for teachers' examinations, 284  
     witness, 1, 84, 271  
   Field book, highway, 318  
   Final papers, *see* Certificates under Naturalization  
   Finances, *see* under Shelby county  
   Financial  
     records, *see* Accounts; Cash; Fees; Fund; Receipts and expend-

(Fin-Ger)

- itures
  - system in counties, 46-48
- Findlay, 23
  - Baptist Church located in, 38
  - Disciples of Christ Church located in, 37
  - population of, 5
- Findlay Enterprise, The, 41
- Fines
  - state's attorney's reports, 144
  - treasurer's reports, 274
- Fire marshal, state, inspection of county buildings by, 56
- Fiscal control, 48
- Five Nations, see Iroquois
- Flat Branch Creek, 3
- Flat Branch Township, 4
  - early school located at, 30
  - formation, 16
- Fleming, Peter, early associate justice, 16
- Fletcher, Russell, early associate justice, 16
- Ford County, organization of, 10
- Forfeiture of land, record, 40
- Forsythe, Albert P., Greenback Party candidate, 18
- Fort Chartres, 5
- Foulkes, Rev. Joseph, 39
  - first Methodist preacher in county, 36, 37
- Fourth Illinois Volunteer Infantry, Shelby Volunteers, members of, 41, 42
- Fox Indians, see Sac and Fox Indians
- France, see French
- Francisco, Alfred, member first board of supervisors in county, 17
- Frazer, A. C., donated cabin for early school use, 30
- Frazer, Benjamin F., appointed to divide county into townships, 16, 64
- Frazer, John, early settler, 8
- Free Methodist Church, 37
- Free-School Act of 1855 liberalized education, 30
- Freeman, James, commander of Shelby volunteers in Mexican War, 41
- Freeman, John, member first board of supervisors in county, 17
- Fund
  - See also Cash; Fees; Receipts and expenditures
  - county
    - appropriations
      - by county board, 90
      - journal, 250
      - treasurer's account of, 248, 249, 252
    - distributive
      - claims for, 281
      - ledger, 282
      - register of checks issued against, 283
    - dog license
      - appropriations for, 250-253
      - claims against, warrants issued for, 249, 266, 267
      - ledger of, 249, 266
    - heir, unknown, 249, 260
    - highway
      - appropriations for, 250, 253
      - claims against, 1, 4, 309
      - cancelled, 310
      - treasurer's reports of, 24, 275, 317
      - warrants issued against, 9
    - inheritance tax, 261
    - institute, 169
      - accounts, 257
    - minor, 249, 260
    - motor fuel tax, 1, 4, 5, 9, 255, 262-265, 301, 309-312, 317
    - non-high school, 258
    - pension
      - blind, 59
        - appropriations for, 250, 253
      - Mothers', 59, 122
        - appropriations for, 250, 253
        - warrants issued against, stubs, 8, 13
    - school
      - management, 53
      - receipts for, 256
    - state aid, files of projects financed by, 301
    - tuberculosis sanitarium, 235
      - appropriations for, 250, 253
- Galesburg, 32
- Gallagher, Ralph, coal mine, 23
- Gas leases, 115
- German

- origin of county's population, 5  
 settlers in Illinois, 15  
**German Reformed Lutheran Church, 38**  
**Gerst, Augusta Colton, 43**  
**Gordon Brothers coal mine, location, 23**  
**Government, county**  
   **See also under Shelby county organization, 44-60**  
**Grand jury, see Jury**  
**Grantor-grantee index, 86, 113**  
**Grants, land, entry book, 27**  
**Green, Daniel, early settler, 9**  
**Green, Younger, early schoolmaster, 30**  
**Green Creek, 3**  
**Greenback Herald, The, 40**  
**Greenback Party, 18**  
**Grider, Tobias, Christian church in county organized by, 37**  
**Guardian**  
   **See also Conservator; Estate; Minors; Probate court**  
   accounts, 84, 155  
   bonds, 84, 155, 157, 161, 173  
   deeds, 88[viii], 94  
   fee book, 157, 188, 189  
   inventories, 84, 155, 157, 166, 167  
   letters and oaths, 84, 155, 157, 161  
   petitions, 84, 155, 157, 161, 173  
   public, 131, 132  
   record (bonds, letters, oaths, petitions), 157, 161  
   release record, 94  
   reports, 84, 155, 157, 173, 176-178, 181  
   docket, 186  
**Habeas corpus writs, 192**  
**Hall, William Sr., courthouse contractor, 13, 70**  
**Harding, Warren G., 18**  
**Harnbeck, Mr. —, Civil War activities of, 41**  
**Harrison, William A., early newspaper publisher, 40**  
**Hawkins, Lemuel, early settler, 8**  
**Haydon, J. J., early banker in county, 26**  
**Haydon, W. L.**  
   early banker in county, 26  
   owned Haydon's Block, 71  
**Health**  
   board of, county, 57  
   certificates issued for marriage licenses, 60  
   department of, state, creation and functions, 57  
   districts, organization, 57  
   tax, 57  
**Heinz, Charles, 43**  
**Heir fund, 249, 260**  
**Heirship**  
   decrees finding, 157  
   proof of, affidavits, 88[i]l  
**Henry, Bushrod W., 39**  
   organized Christian church in county, 37  
**Herrick**  
   Baptist church located in, 38  
   Christian church located in, 37  
   population, 5  
**Herrick Bulletin, The, 41**  
**Herrick Township, 4**  
   formation, 17  
**High schools, see School**  
**Highway, see Transportation**  
**Hillsboro (Montgomery County), 12**  
**Holland Township, 3, 4**  
   formation, 16  
**Home Missionary, The, 39**  
**Hoover, Herbert, 18**  
**Hopkins, Mark, attitude of, toward Roman Catholic Church, 39**  
**Hopton, John, appointed to locate county seat, 11**  
**Horn, Feby, 10**  
**Housing**  
   care, and accessibility of records, 70-73  
   projects, establishing of, 124  
**Howe, William J. F., member first board of supervisors, 17**  
**Hubbard, Adolphus Frederick, 9**  
**Hutchinson, George T., member first board of supervisors, 17**  
**Illinois, 3, 8-10, 12, 14, 18, 22, 31, 35, 37, 40-42**  
   agricultural development, 24, 25  
   country, British and French occupation, 5, 6  
   early Catholic Church in, 39  
   educational development, 29-32  
   granted swamp lands to counties, 27  
   number of farms in, 25

(III-Jac)

- oil production in, 23
- slavery in, 15, 15n
- soil, settlers drawn to, 19
- Illinois Central Railroad, 4, 20
- Illinois College, establishment of, 31
- Illinois Commerce Commission, appeals from rulings of, to circuit court, 14<sup>1</sup>
- Illinois County
  - creation of, 6
  - Shelby region as part of, 3
- Illinois Grange, first organized, 25
- Illinois and Michigan Canal, 42
- Illinois Nation, *see* Illinois Indians
- Illinois River, 5
- Illinois State Agricultural Society, first organized, 25
- Illinois State Archives Building, 62
- Illinois State Board of Equalization, 27
- Illinois State Examining Board Reports
  - original, 289
  - register, 293
- Illinois State Historical Library, 62
- Illinois State University Library, 62
- Illinois Territory, slavery in, 15n
- Illinois, University of, 23
- Illinois Woman's College, Methodists establish, 31
- Illustrated Baptist, The**, 40
- Incorporation, articles of, 87 88[iiii]
- Index
  - to assignments of mortgage, 101
  - birth, 49
  - chancery, 194, 196
  - chattel mortgage, 104
  - to circuit court
    - files, 191
    - records, 194, 196, 198, 200
  - to county court
    - files, 123
    - records, 124
  - death, 52
  - to estate papers, 156
  - grantor-grantee, 86
  - to liens on chattels, 107
  - to marginal releases, 101
  - marriage, 56
  - mortgagor-mortgagee, 99
  - to old age assistance files, 328
  - plaintiff-defendant, county court, 124
  - to probate files, 156
  - to records required to be kept, 97, 98, 113, 124, 133, 143
- Indians
  - American relations with, 7
  - British relations with, 6, 7
  - defeat of, aids settlement, 15
  - French relations with, 5, 6
  - in Illinois country, 7
  - prairie hunting by, 9
  - in Shelby region, 8
  - Shelby settlers' relations with, 8
- Indiana, 3, 6
  - early Christian church in, 37
- Indianapolis (Indiana), 12
- Indictments
  - original, 84, 122
  - record, 199, 201, 202
- Indigent persons, care of, 89, 90
- Industries, *see* under Shelby county
- Inheritance tax
  - fund, 261
  - receipts, 150, 261
- Inquest
  - files, 84, 238
  - procedure, 52, 52n, 153
  - reports, 226
- Insanity
  - See also** Conservator
  - docket, 136, 184
  - fees, 139, 141, 142
  - record, 125, 129
- Insolvency records, estate, 157, 180
- Institute fund, 169
  - accounts, 257
- Instructions to jury, *see* Jury
- Instruments required to be kept by recorder, 55, 112, 113
- Insurance
  - companies, foreign, certificates of authority to transact business, 84[iv]
  - on county property, 22
- Intention, declaration of, *see* Naturalization
- Inventory
  - copartnership, 157, 166, 170
  - of estates, 84, 155, 157, 159, 166-168, 170
- Iroquois Indians relations with
  - British, 6
- Jackson, Andrew, 17
- Jacksonville (Morgan County), 31



- Jacoby, D. W., 71  
Jail, county  
  **See also Prisoners**  
  custody, 56, 151  
  superintendent, appointed by  
  sheriff, 151  
Jerome, Charles, principal of Shel-  
byville Academy, 32  
Johnson, John W.  
  courthouse and jail built by, 13,  
  14  
  early newspaper publisher, 40  
Jordan Creek, 3  
Journal  
  **See also Ledger**  
  circuit clerk's, 231, 232  
  treasurer's, 254  
Jubilee College, establishment, 32  
Judges  
  court, **see** under specific court  
  election, **see** Election  
Judgment  
  assignments of, 88[iv]  
  by confession, 125, 128  
  by default, 127  
  dockets  
    county court, 133  
    probate court, 184, 185  
  and execution docket (circuit  
  court), 217  
  files, 192, 203  
  record of probate claims, 157, 158  
  sale, redemption and forfeiture  
  record, 40  
  tax, record, 40, 41  
Judicial  
  circuits, 49, 50  
  system in county, 49-53  
Jurors  
  certificates, **see** Jury  
  register, 26  
Jury  
  certificates register, 228, 255  
  challenge to, 192, 193  
  coroner, 52, 153  
  grand, lists, 1, 84  
  instructions to, 192  
  lists  
    county board of supervisors',  
    1, 26, 84  
    kept by county clerk, 91, 98  
  petit, lists, 1, 84  
  records, keeping of, 143  
  venires, 192  
  verdicts, 84, 122, 192, 199, 201, 202  
  warrants  
    register, 6  
    stubs, 11  
Justice  
  administration, 49-53  
  of the peace  
    appeals from, 49, 50, 121  
    appointment, 48, 49  
    bonds, 2, 76, 84[iii]  
    statutory requirements gov-  
    erning, 98  
  county judge as, 49  
  docket, 138  
  as early administrative officer,  
  45  
  election, 87  
    on basis of population, 50  
  roster, 63  
  term of office, 87  
  election, 49  
  jurisdiction, 49  
  to keep records, 51  
  oath, 98  
  transcripts, 192, 201, 211, 212  
  Supreme Court, required to hold  
  circuit court, 48, 49, 140  
Juvenile  
  **See also Adoption; Minors; Pen-  
  sion, mothers'**  
  delinquency  
    fees, 139, 141, 142  
    jurisdiction in, 121, 122  
    records, 126  
  dependency  
    fees, 139, 141, 142  
    jurisdiction in, 121, 122  
    records, 125, 147, 157  
  probation officer, **see** Probation  
Kaskaskia  
  captured by Clark, 6  
  as early French settlement, 5  
Kaskaskia River, 3  
  ferry over, first established, 13  
  gold discovered on, 4  
Kellam, Lawson, gold discovered on  
  farm of, 4  
Kelley, Harmon, member early  
  courthouse committee, 71  
Kentucky, 5, 8, 36, 37

**(Kic-Map)**

- Isaac Shelby, first governor of, 5  
Kickapoo Indians in Shelby region, 8  
King, S. F., early school commissioner, 31  
Kingston, Ray, coal mine, 23  
Klauser, Mr. —, appointed to study county finances, 27  
Knights of the Golden Circle, 41  
Knox College, establishment of, 32  
Knox County (Territorial), 3  
La Grange, 14  
Lakewood Township, 4  
    formation, 17  
Land  
    granted to veterans, warrants for, 84[xxiii]  
    grants  
        certificates, 88[vii]  
        entry book, 27  
    patents, certificates, 88[vii]  
    school  
        lists, 1, 84  
        sale, 53, 168  
        petitions, 84, 285  
        record, 3  
    swamp, see Swamp  
    taxes on, see Tax  
    transfers, 84[xviii]  
Leases  
    gas and oil, 115  
    recorded, 88[ix]  
Leathers, Joseph, early associate justice, 16  
Lebanon (St. Clair County), 31  
Ledbetter, Asa  
    early settler, 8  
    first county treasurer, 12  
Ledger  
    See also Journal  
    circuit clerk's, 220, 231  
    county home, 334  
    estate, 157, 181  
    highway  
        construction, 306  
        maintenance, 305  
    treasurer's, 252  
        appropriation, 250, 253  
Letters of appointment in probate, see under title of appointee  
Levee, see Drainage; Swamp land  
Levy  
    certificates, sheriff's 108  
    tax, see Tax  
License  
    See also Certificate  
    dog  
        fund  
            claims against, warrant register, 249, 266, 267  
            ledger, 249, 266  
            taxes, 71  
    ferry, issuing of, 98  
    marriage, 57  
        affidavits of proof of age, 84  
        applications for, 57-59  
        issuing of, 97  
        power to grant, 89  
    professional, see under name of profession  
    tavern, issuing of, 98  
Liens  
    See also Mortgage  
    on chattels, 107  
    mechanics'  
        files, 192, 206  
        register, 197, 201, 207  
Lincoln, Abraham, 17, 42  
Little Wabash River, 3  
Livestock  
    reports on, 326  
    tuberculin tests  
        register, 324  
        reports, 325  
Lodge trustees' election certificates, 88, 109  
Logan County, 14  
London (England), 42  
Long Grove Branch, 3  
Lots, see Land; Real estate  
Lunacy, see Insanity  
McDonald, Reverend John, organized first Presbyterian church in county, 38  
McKendree College, 31  
McLaughlin, Robert K., donated site for county seat, 11  
Macon County, 3, 12, 15  
Madison County, 3  
Manning, William, member first board of supervisors in county, 17  
Manufactures, see Industries under Shelby county  
Maps  
    See also Plats

- index, **113**  
 recording of, **55**  
 road right-of-way, **300**  
 school, **1, 84**  
     district, **84[xix]**, **297**  
**Marines'**  
     burial certificates, **53**  
     discharge record, **114**  
**Marks, D. W.**, **71**  
**Marks and brands, register**, **70**  
**Marriage, see Vital statistics**  
**Martin, Isaac, first coroner in**  
     county, **11**  
**Maryland, 12**  
**Master-in-chancery**  
     bonds, **1, 2, 74, 75, 84**  
     certificates of redemption and  
         sale, **108**  
     deeds, **88, 92**  
         uncalled for, **87**  
     reports, **1, 23, 84, 225**  
**Maxwell, John, 13**  
**Meadville Theological Seminary, 38**  
**Mechanics' lien**  
     files, **192, 206**  
     register, **197, 201, 207**  
**Memorial record of Bar Association,**  
     **112**  
**Menard County, 14**  
**Methodist Episcopal Church**  
     academy sponsored by, **32, 37**  
     colleges established by, **31**  
     first churches in state organized  
         by, **36**  
     first in county, **36, 37**  
**Mexican War**  
     county's activities in, **41**  
     militia roll, **84[xxi]**  
**Miamis, relations of, with French, 6**  
**Michigan, 6**  
**Middle States Cheese Company, 22**  
**Midwives, see Accoucheurs**  
**Militia, see Soldiers**  
**Miller, Elias, store license first is-**  
     sued to, **13**  
**Milton, William I., member first**  
     board of supervisors, **17**  
**Mine inspector**  
     county  
         appointment, **185**  
         county surveyor, exofficio, **185**  
         office location, **73**  
         relation of, to state, **185**  
         state, appointment, **185**  
**Mining Board, State, creation, 185**  
**Minnesota, 6**  
**Minors**  
     **See also** Guardian; Juvenile  
         fund, **249, 260**  
         naturalization of, **152-154**  
**Minutes**  
     **See also** Proceedings  
         county board of supervisors', **1, 84**  
**Mississippi River, 5, 6, 39**  
**Missouri, 15**  
**Missouri Evangelical Lutheran Sy-**  
     nod, churches in county, **38**  
**Mitchell's Creek, 3**  
**Mode, location of coal mines, 22, 23**  
**Montgomery County, 3, 12**  
     citizens petition for new county,  
         **14**  
**Mortgage**  
     **See also** Liens  
     chattel  
         files, **105**  
         index, **99, 104**  
         recrd, **88, 100, 106, 138**  
         uncalled for, **87**  
     real estate  
         assignments, **83, 100, 103**  
         index, **99**  
         record, **88, 100**  
         releases, **88, 102**  
             marginal, **88, 100**  
             index (100), **101**  
         uncalled for, **87**  
         recordation, **112**  
**Mortgagor-mortgagee index, 99**  
**Mosquito abatement districts, or-**  
     ganization, **58**  
**Mothers' pension, see Pension**  
**Motions for new trial, 192, 193**  
**Motor fuel tax fund**  
     allotment  
         journal, **265**  
         record, **263**  
     claims against, **1, 4, 309**  
         cancelled, **310**  
         correspondence on, **312**  
         record, **5**  
     files of projects financed by, **301**  
     journal, **264**  
     ledger, **311**  
     treasurer's report, **317**  
     warrant register, **9, 255, 262, 265**

**(Mou-Old)**

- Moulton, Samuel W., 42  
Moultrie County, 3, 15  
Mount Sterling (Brown County), 14  
Moweaqua  
  Baptist church located in, 38  
  coalmines located in, 4  
  Methodist church located in, 37  
  population of, 5  
  Presbyterian church located in, 38  
Moweaqua Coal Mining and Manufacturing Co., 22  
**Moweaqua News, The**, 41  
Moweaqua Township, 4  
  formation, 16  
Naturalization  
  certificates (final papers)  
    circuit court, 229  
    county court, 84[vii], 151, 153, 154  
  declaration of intention  
    circuit court, 229  
    county court, 84[viii], 151, 152, 154  
  docket, circuit court, 230  
  jurisdiction over, 48, 49  
  minors', 152-154  
  oaths  
    circuit court, 229  
    county court, 34[vii], 151, 153, 154  
  petitions  
    circuit court, 229  
    county court, 84[viii], 153, 154  
  records required to be kept, 125, 143  
Negroes in county, 5  
  early taxes on, 12  
  establish church, 37  
Neil, Nelson, member early courthouse committee, 71  
Neoga, 38  
New England, 35  
New York, city of, 40  
Nickel Plate Railroad, 4  
Nicolet, Jean, explored Illinois country, 5  
Nominations, see Election  
Non-high school, see School  
North Carolina, 8  
Northern Baptist Convention, 38  
Northwest, 3, 7  
  British gain control of, 5  
  Territory, 5, 29  
    creation, 6  
Northwest Hat Manufacturing Company, 21  
Notary public  
  record keeping, 98  
  register, 2, 62  
Nurse's  
  certificates, register, 64, 66  
  county, see County nurse  
Oaths  
  citizenship, see Naturalization of county officers, see Officers, county  
  entered by county clerk, 98  
  kept by circuit clerk, 142  
  of probate appointees, see under title of appointee  
Oconee, population of, 5  
Oconee Township, 4  
  formation, 16  
Officers  
  county  
    accounts, examination, 90  
    bonds, 1, 74, 84  
    record, 2, 75  
    caths, 1, 79, 84, 98, 142  
    register, 2, 62  
    reports, 1, 2, 23, 84  
    roster, 63-69  
    probation, see Probation  
    school, register, 295  
    township  
      accounts with county collector, 244  
      list of, 1, 61, 84  
      register, 2, 62  
Offices, county, location and description, 72, 73  
Official bond record, 2, 75  
Officials, see Officers  
Oglesby, Richard J., 17  
Ohio, 6, 12  
Ohio River, 6, 29  
Oil leases, 115  
Okaw County, act to establish, 15  
**Okaw Patriot, The**, 40  
Okaw River, see Kaskaskia River  
Okaw Township, 3, 4  
  formation, 16  
  railroad financing by, 20  
Okaw Valley Foundry Co., 22  
Old age assistance  
  **See also Pension; Public Welfare;**

- Relief  
 administration, 59  
 case records, 327, 329  
   index (327), 328  
 correspondence, 332  
 ledger, 331  
 office, location, 73  
 payments, 330  
 records, 327-332
- Old Elm schoolhouse, 30
- Old Hickory schoolhouse, 30
- Old School Baptist Church, 38
- Oliver, Joseph  
 early county official, 12  
 early school commissioner, 30
- Opossum Creek, 3
- Optometry register, 64, 68
- Orders  
 county  
   **See also** Warrants  
     cancelled, 14  
     keeping, 91, 98  
     lists, 1, 84  
     registers  
       highway purchase, 306, 307  
       treasurer's, 255  
 court  
**See also** Decree  
   adoption, 125, 146, 157  
   common law, 125  
   criminal, 126  
 in dependency cases, 125, 147,  
   157  
   granting citizenship, 151, 153,  
   154  
 in insanity cases, 125, 129  
 in mothers' pension cases, 148,  
   149  
 parole, 210  
 probate, 157, 166  
 probation, 197, 201, 209
- Ordinance of 1787, 6
- Organization  
 drainage districts, 57  
 mosquito abatement districts, 58
- Osteopaths' register, 64
- Our Apiary**, 41
- Overseer of the poor, **see** Poor
- Ozark Mountains, 4
- Panama Canal, 12
- Paris, treaty of, terms, 5
- Parker, Daniel, religious theories of,  
 38
- Parker, William, early road super-  
 visor, 12
- Parole  
**See also** Probation  
 records, 210
- Patent record (inventions), 69
- Patents, land, certificates, 88[vi]
- Pauper  
**See also** Poor; Relief  
 claims, 335
- Payrolls,  
 highway, 308  
 old age assistance, 330
- Pease, Theodore Calvin, 73
- Peck, John Mason  
 activities of, 35  
 founded Baptist college, 32
- Penn Township, 4  
 formation, 16
- Pennsylvania, 38
- Pension  
**See also** Old age assistance; Pub-  
 lic Welfare; Relief  
 blind,  
   applications, 17, 18, 20  
   investigations, 59  
   appropriations, 59, 250, 253  
   jurisdiction, 59  
   register, 17-19  
   warrant register, 255, 268  
 mothers'  
**See also** Juvenile  
   applications, 59, 122  
   appropriations, 250, 253  
   documents in, 148  
   fund, source of, 122  
   jurisdiction, 59, 122  
   probation officer, **see** Probation  
   procedure, 122, 123  
   record, 149  
   warrants  
     register, 8, 255, 269  
     stubs, 13
- People's cases, **see** Criminal under  
 Circuit court, County court
- Peoria, 32
- Perryman, Francis Marion, 19, 30,  
 43
- Perryman, John, early schoolmas-  
 ter, 30
- Personal property  
 assessments, **see** Tax  
 of estates, **see** Estate

**(Pet-Pro)**

- mortgages, *see* Chattel under Mortgage  
sale of, *see* Sale  
taxes, *see* Tax
- Petit jury, *see* Jury
- Petitions  
for appointment in probate, *see* under title of appointee  
for attachments, 192, 193  
for citizenship, *see* Naturalization  
to county board of supervisors, 1, 2, 84  
in drainage proceedings, 57  
for mothers' pension, 148  
for organization  
of drainage districts, 57  
of mosquito districts, 58  
road, 298  
for sale of school lands, 84, 285
- Petties, Mrs. —, early settler, 8
- Philadelphia, 40
- Physicians  
certificates (licenses), 63  
register, 64
- Piankeshaw Indians' relations with British, 6
- Pickaway Township, 4  
formation of, 16
- Pioneer Life of Illinois, The, 43
- Pioneers in county, 8, 9
- Placey, O. H., courthouse architect, 72
- Plains of Abraham, battle of, 5
- Plaintiff-defendant index  
circuit court, keeping of, 143  
county court, 124  
keeping of, 124
- Plans for roads and bridges, 299
- Plat  
*See also* Maps  
record, 119  
recordation of, 55  
road right of way, 119, 121  
of school districts, 45  
surveyors' 88, 119 120  
veterans' graves, 323
- Pleas, common law, 84, 122, 192
- Politics, *see* under Shelby County
- Poll books, *see* Election
- Poor  
*See also* County home; Pauper; Public welfare; Relief  
care of, 46  
overseer, appointment, 89
- Power of attorney, 88, 110
- Prairie Bird, 38
- Prairie Flower, The, 40
- Prairie Township, 4  
formation of, 16  
railroad financing by, 20
- Presbyterian Church  
educational activities of, 32  
first in county, 38
- Price, Daniel, activities of, in Black Hawk War, 41
- Price, John, early schoolmaster, 30
- Primary elections, *see* Election
- Primitive Baptist Church, 38
- Princeton (Bureau County), 14
- Prisoners, county  
*See also* Jail  
discharge of, *see* Parole; Probation  
register, 236  
keeping of, 152
- Private sale, *see* Sale
- Probate  
appeals to circuit court, 140  
court  
*See also* Administrator; Conservator; Estate; Executor; Guardian; Will  
clerk  
county clerk, ex officio, 51, 132  
duties, 132  
records kept by, 132
- dockets  
claim and judgment, 184, 185  
judge's, 182-184  
settlement, 186
- establishment, 50
- fee books (court costs), 157, 187-190
- files, 84, 133, 155  
index, 156
- judge  
appointment, 49, 131  
duties, 132  
records kept by, legislation concerning, 60
- jurisdiction and functions, 131-133
- records, 157  
of assignments, 157, 159  
claims, 157, 158  
inventory, 157, 166  
required to be kept, 132, 155-

- 190
- will, 157, 160
- jurisdiction
  - in circuit court, 121
  - in county commissioners' court, 49, 50
  - in county court, 50, 51, 121
  - justices of the peace, 49, 50
- Probation
  - See also Parole
  - officers
    - adult
      - appointment, bond, and compensation, 141
      - duties and powers, 122, 141, 142
      - office, location, 73
      - records required to be kept, 142
      - reports, 142
    - juvenile
      - appointment and compensation, 121
      - functions, 121, 122
    - mothers' pension
      - appointment, 59, 122
      - compensation, 122
      - duties and powers, 59, 122
      - reports to county court, 122, 148
  - record
    - circuit court, 197, 201, 209
    - county court, 145
  - Proceedings
    - See also Minutes
    - board of review, 241
    - county board of supervisors', 2
    - of courts
      - See also Records, under name of specific court
      - required to be kept, 124, 132, 143
  - Process docket, sheriff's, 235
  - Proof
    - of death, 157, 160
    - of heirship, 84, 155
    - of will, 84, 155, 157, 160
  - Protestant Episcopal, see Episcopal Church
  - Protestant aid for Roman Catholics, 39
  - Public sale, see Sale
  - Public welfare
    - See also County home; Feeble-minded; Juvenile; Pension; Poor; Relief; Veterans administration, 58
    - commission, succeeded by department of public welfare, 179
    - county department of
      - composition, 179
      - establishment, 179
      - functions, 179
      - records
        - keeping of, 179
        - old age assistance, see Old age
      - relation to state welfare department, 179
      - succeeded county commission of public welfare, 179
    - county superintendent of
      - appointed by county board, 179
      - duties and powers, 58, 59, 179
      - state department, relation of, to county department, 179
  - Public Works and Buildings, Department of, succeeding State Highway Department, 56
  - Pugh, Thomas
    - early road supervisor, 12
    - early settler, 8
  - Pupils' examination records, 291
  - Purchase certificates to swamp lands, issued by drainage commissioners, 57
  - Quit claim deeds, 87, 88, 90
  - Railroad, see Transportation
  - Randolph County, 5
  - Rankin, Robert, early settler, 9
  - Rattlesnake Creek, 3
  - Real Estate
    - See also Land
    - assessment of, see Tax
    - deeds, see Deeds
    - of estates, see Estate
    - mortgages, see Mortgage
    - sale, see Sale
    - taxes, on see Tax
  - Receipts
    - inheritance tax, 150
    - for institute fees, 284
    - tax, see Tax
    - treasurer's
      - for fees disbursed, 280
      - for school funds, 256
  - Receipts and expenditures.

**(Rec-Ros)**

- See also** Accounts; Cash; Fees; Fund
- circuit clerk's, 220, 231, 232
  - county clerk's, 82
  - county officers', reports, 1, 23, 84
  - recorder's, 220, 231, 232
  - sheriff's register, 237
- Recognizance**
- bonds, 84, 122, 208
  - records, circuit court, 197, 201, 209
- Recorder**
- appointed by Governor, 55, 112
  - bond, 112
  - circuit clerk, exofficio, 55, 112
  - deputies, 112
  - duties and powers, 55, 112, 113
  - election, 55, 112
  - office
    - establishment, 55, 112
    - term, 112
  - population requirements for, 55, 112
  - records kept by, 85-121, 112, 113
  - reports of, 1, 23, 84
  - roster, 65
- Records**
- housing, care, and accessibility, 70-73
  - legislation concerning, 59, 60
- Redemption certificates, 84[ix]**
- master's and sheriff's, 108
- Refund on tax, see Tax**
- Registrars of births and deaths, see Town clerk**
- Release**
- deeds, 88, 98
  - marginal, 88, 100
  - index to (100), 101
  - record, guardians', 94
- Relief**
- See also** County home; Juvenile; Old age assistance; Pauper; Poor; Public welfare
- blind
    - applications, register, 17, 20
    - township, record of allocation, 270
- Religion, see under Shelby county**
- Relinquishment, widow's, see Widow**
- Replications**
- in circuit court, 192
  - in county court, 84, 122
- Reporter, circuit court, appointment, 141**
- Republican Party**
- newspapers supporting, 40
  - strength in county, 17, 18
- Resolutions, county board of supervisors', 1, 2, 84**
- Review, board of clerk**
- appointment, 47
  - county clerk, exofficio, 47
  - complaint docket, 242
  - composition, 47, 158
  - creation, 47, 158
  - duties and powers, 47, 158
  - members, appointment, 47, 158
  - proceedings, 241
  - records kept by clerk, 241, 242
- Revolutionary War, 5, 6**
- Reynolds, Governor John, 11, 41**
- Richland Creek, 3**
- Richland Township, 4, 8**
- early school established at, 30
  - formation, 16
  - railroad financing by, 20
- Ridge Township, 4**
- formation, 16
- Right-of-way, see Railroad, Road under Transportation**
- Riverdale Farm, Shelby volunteers trained at, 41**
- Road see Transportation**
- Robinson, D. M., member of early county court, 16**
- Robinson, William, early schoolmaster, 30**
- Robinson**
- Baptist Church located in, 38
  - Episcopal Church mission located in, 39
- Robinson's Creek, 3, 8, 36**
- coal mines located at, 22
- Rock Island, city of, 32**
- Rock Springs Seminary, founded by Baptists, 32**
- Rodman, J. D., early schoolmaster, 30**
- Roman Catholic Church, establishment of, in county, 39**
- Rome (Italy), 39**
- Roosevelt, Franklin D., 19**
- Root, Robert Marshall, 43**
- Root, G. S. coal mine, 23**
- Rose Township, 3, 4**
- formation, 16



- Royalties, agreements to share, 83[iii]
- Rural schools, *see* Schools
- Rural Township, 4, 30  
formation, 16
- Sac and Fox Indians, relations with British, 6
- Sailors'  
burial certificates, 53  
discharge record, 114
- St. Clair, Arthur, first governor of Northwest Territory, 6
- St. Clair County, 3, 5, 8, 31, 35
- St. Louis, 20
- Sale  
bills, 84, 88[v], 155  
recording, 144, 170  
certificates, masters' and sheriffs', 108  
contracts, 88[viii]  
of personal property  
private, 157, 175  
public, 157, 174  
of real estate, reports, 157, 172, 173  
of school lands, record, 3  
of swamp lands  
certificates, 84[x]  
use of funds from, 57  
tax, *see* Delinquent under Tax
- Salvation Army, 42
- Sand Creek, 3, 38
- Sanderson, Reverend R. W., 37
- Sangamon County, 12, 14
- Sanitarium, county tuberculosis  
board of directors  
appointment, 183  
duties and functions, 183  
reports to county board, 184  
term of office, 183  
establishment, 183  
files of x-rays, 336, 337  
fund  
appropriation ledger, 250, 253  
tax levy for, 183  
management, 183  
records, 336-338
- Sargent, Winthrop, 6
- Scandinavian settlers in Illinois, 15
- Schedules, tax, *see* Tax
- School  
*See also* Education under Shelby County  
bond issues register, 2, 21  
buildings, inspection, 54, 56  
commissioner  
as agent for sale of school lands, 53, 168.  
appointment and election, 53, 163  
creation of office, 53  
duties and powers, 53, 163  
ex officio superintendent of schools, 54, 163  
reports  
to county board, 23, 84  
to county commissioners, 163  
roster, 68, 69  
term of office, 163  
county superintendent  
annual report, 292  
bonds, 1, 2, 74, 75, 84  
creation of office, 54, 163  
duties and powers, 54, 56, 163, 169  
election, 54, 54n, 163  
examination register, 293  
office, location, 73  
records  
kept by, 281-297  
legislation concerning, 69  
reports  
to county board, 25, 54, 163  
to the state, 54, 163  
trustees', to, 294  
roster, 68, 69  
school commissioner, early ex-officio, 54, 163  
term of office, 163  
districts  
establishment, legislation concerning, 53  
funds, allocation of, 251, 259  
maps of, 84[xix]  
examinations, *see* Pupils; Teachers  
fund  
derived from sale of school lands, 53  
management, 53  
non-high, 258  
institute  
establishment of, 169  
fund accounts, 257  
lands  
control, 89

(Sco-She)

- legislation concerning, 53
- sale of
  - lists, 1, 84
  - petitions for, 84, 285
  - record, 3
- maps, 1, 84
  - district, 297
- non-high
  - fund, 258
  - record, 286
- officers, register, 295
- plat books, 45
- pupils, *see* Pupils
- state's inspection of, 54, 56
- supervision over, 46, 53, 54, 168, 169
- tax, *see* Tax
- teachers, *see* Teacher
- treasurers' bonds, 296
- Scoville, Charles C., 21
- Selby, John C., member first board of supervisors, 17
- Selection, widows', *see* Widow
- Seminaries, legislation concerning, 31
- Separate Baptist Church, 38
- Settlement records, tax, *see* Tax
- Shallenberger, E. G.
  - appointed to divide county into townships, 64
  - early drainage commissioner, 27
  - prominent in county politics, 16
- Shelby, Isaac, county named for, 5
- Shelby County
  - agriculture, *see* Industries below
  - area, 3
    - attempts to change, 14
    - farm acreage, 4
  - boundaries, 3, 14, 15
  - churches, *see* Religion below; also under name of denomination
  - civilization, agricultural cast of county decided, 19, 20
  - coal mines, *see* Industries below
  - courthouses, buildings used, 11-14
  - creation of, 11
  - early settlers, 8, 9
    - cultural background, 9
    - hardships endured by, 9
  - economic development, 19-29
  - education
    - academies, establishment of, 32
    - administration, 53, 54, 168
  - colleges, establishment, 32
  - evolution of, 29-35
  - legislation concerning, 29
  - libraries, number of, 35
  - pupils, statistics, 34, 35
  - school
    - buildings first used, 30
    - early method of conducting, 29, 30
    - free, first established, 33
    - land sales, 30
    - statistics, 34, 35
    - taxation for, 30, 31
  - teachers' institute, first established, 33
- elections, *see* Politics below
- farms, *see* Agriculture under Industries below
- ferries, *see* Industries below
- finances
  - bank
    - failures, 27
    - first established, 26
    - budget, first established, 27
    - currency instability, 26
    - development of, 26-29
    - early source of revenue, 12, 13, 27
  - railroad
    - assessments, 28
    - financing, 20, 21
  - taxation
    - amount of collections, 27
    - assessment statistics, 28
    - Civil War affects, 26
    - objections to, 27
    - rates, 27
- government
  - changes in, 15-17
  - early business transacted, 12, 13
  - establishment, 11
  - first, 16
- Indian occupation, 7, 8
- industries
  - agriculture
    - advancement of, county aids, 23
    - development, 23-26
    - economic changes, 23, 24
  - farm
    - acreage, 4
    - crops, 4, 24
    - mortgages, 24

- statistics, 25
- Federal aid for, 25
  - implement manufacturing, 21
  - importance of, 19, 20
  - livestock statistics, 24
  - societies, organization of, 25
  - statistics, 25
- amount invested in, 21, 22
- coal mines
  - location, 4, 22, 23
  - operation, output of and workers employed in, 23
- development, 21-23
- early, 20
- effect of crisis of 1929 on, 22
- ferry license first issued, 13
- gold mining, 4
- location, 22
- manufacturers
  - kinds, 22
  - value of, 21, 22
  - workers employed in, 5, 21, 22
- mining, number of workers employed in, 5
- oil, extent of, 23
- tavern keeping, 13, 20
- trade, 20
- inhabitants
  - origin of, 5
  - Southerners decided political cast of county, 17
- lands, school, sale of, 30
- libraries, see Education above
- location, 3
- manufactures, see Industries above
- military activities, 41, 42
- mining, see Industries above
- naming of, 5
- natural resources, 4
- newspapers
  - See also under name of newspaper
  - early quality, 39, 40
  - political affiliations, 40, 41
  - as part of other counties, 3, 11
  - physical characteristics, 3, 4
  - plats, 119
  - politics
    - Democratic control of, 17-19
  - election
    - for change in government, 16
    - first in county, 11
  - factors effecting changes in, 17-19
  - Republican control of, 18
  - population, 5, 20
  - prominent citizens, 42, 43
  - publications, see Newspapers above
  - railroads, see Transportation below, also under specific name
  - religion
    - camp meetings, 36
    - church services, early manner of conducting, 35, 36
    - churches aid education, 31, 32
    - development of, 35-39
    - religious tolerance, 39
  - rivers and streams, 3
  - roads, see Transportation below
  - schools, see Education above
  - seat of justice
    - locating of, 11
    - naming of, 5
    - population, 5
    - site donated to county, 11
  - social development, 29-43
  - soil, 4
  - tavern keeping, see Industries above
  - taxation, see Finances above
  - timber in, 4
  - towns, 5
  - township
    - formation of, 16
    - government, first adopted, 16
    - names and number of, 4
  - trade, see Industries above
  - transportation
    - bridge, first constructed, 13
    - highways, 4
    - railroads
      - assessments of, 28
      - construction and financing, 20, 21
      - mileage (1910), 21
  - roads
    - construction, 12
    - mileage, 4
  - villages, number and population, 5
  - wild game in, 4
- Shelby County Leader, The, 40
- Shelby County Union, The, 40
- Shelby Freeman, The, 17, 40

(She-Sta)

- Shelby Male and Female Academy,** 37  
establishment of, 32
- Shelby Male and Female Seminary,** 33, 38
- Shelbyville, 3, 12, 13, 25, 30, 37, 41, 42**  
academy, first established in, 32  
bridge constructed near, 20  
churches located in, 37-39  
coal mines located at, 4, 22, 23  
first bank in county located in, 26  
first water mill constructed in, 8  
high school first established in, 33  
industries located in, 22  
jail constructed in, 14  
named county seat, 11  
objected to taxes, 27  
population of, 5, 20
- Shelbyville Banner, The,** 40
- Shelbyville Democrat, The,** 41
- Shelbyville Mining and Prospecting Company, The,** 4
- Shelbyville Presbyterian Church,** 38
- Shelbyville Township, 4**  
formation of, 16  
railroad financing by, 20
- Shelbyville Union, The,** 40
- Shelton, Arch,** early county collector, 72
- Sheriff**  
bonds, 1, 2, 74, 75, 84, 151  
certificates of levy, sale, and redemption, 108  
custodian of courthouse and jail, 56, 151  
deputy  
appointment, 51, 151  
compensation, 151  
dockets  
execution, 234  
process, 235  
duties and powers, 51, 53, 151  
election, 51, 151  
execution files, 233  
exofficio county collector, 47, 160  
fees, 192, 203, 233, 235  
jail register, 236  
office  
location, 72  
term, 151  
receipts and expenditures, 237  
records kept by, 151, 152, 233-237  
reports, 1, 23, 84  
roster, 66, 67
- Shoaff, James,** early newspaper publisher, 40
- Shoal Creek,** 36, 37
- Short, Theophilis,** early newspaper publisher, 40
- Shurtleff College,** 32
- Shutt, P. L.,** early newspaper publisher, 40
- Sigel**  
Lutheran church located at, 38  
population of, 5  
**Sigel Review, The,** 41  
Sigel Township, 4  
formation, 17
- Simon, David,** early schoolmaster, 30
- Skeen, Sary,** 10
- Smith, Addison,** early schoolmaster, 30
- Smith, Theophilis W.,** early circuit judge, 11
- Smith Coal Co.,** 23
- Snyder, Mr. —,** appointed to finance committee, 27
- Soldiers**  
See also Veterans  
discharge records, 80, 114  
recording, 113  
graves, plats of, 323  
lands granted to, warrants, for, 84[xxiii]
- Sons of Liberty,** 41
- South Carolina,** 8
- Southern Baptist Convention,** number of churches maintained by, 38
- Spanish-American War,** 41
- Sparrow bounty certificates,** 16
- Special assessments, see Assessments under Tax**
- Springfield (Illinois),** 12, 20, 25
- Springfield, (Ohio),** 12
- Springfield and Illinois Southern Railroad,** 20
- Stallion certificates,** 117  
renewal of, 118
- Stapp, James T. B.,** donated site for county seat, 11
- Sta-Rite Hairpin Co., the,** 22

- State aid fund, files of projects financed by, 301
- State Archives Building, 62
- State Board of Equalization, Illinois, 27
- State Housing Board, 124
- State University Library, 62
- State's attorney
- appointment and election, 52, 154
  - bonds, 1, 2, 74, 75, 84, 154
  - compensation, 154
  - duties and powers of, 52, 154, 155
  - office
    - location, 73
    - term of, 154
  - reports
    - to circuit court, 227
    - of fines collected, 144
  - roster, 67, 68
- Stephens, Leonard, home of, used as circuit court, 12
- Sterner, Clarence, coal mine, 23
- Stewardson
- churches in, 37, 38
  - oil well at, 23
  - population of, 5
- Stewardson Clipper, The, 41**
- Stewardson Enterprise, The, 40**
- Stillbirths. see Vital statistics
- Stillwell, Reverend William, 37
- Stipulations
- circuit court, 192
  - county court, 84, 122
- Stone Creek, 3
- Storm, John, early settler, 9
- Storms, John (Jackson), 37
- Story, Moses, early schoolmaster, 30
- Strasburg
- Lutheran church in, 38
  - population of, 5
- Strasburg Herald, The, 41**
- Street plats, 119
- Subdivision, plats, 119
- Subpoenas
- circuit court, 192, 193
  - county court, 84, 122
- Summonses
- circuit court, 192, 193
  - county court, 84, 122
- Superintendent
- of county farm, see County home
  - of county home, see County home
  - of highways, county, see Highway under Transportation
  - of public welfare, county, see Public welfare
  - of schools, county, see School
- Supervisor of assessments (County assessor)
- appointment, 46
  - bonds, 2, 77, 156
  - books (lists of taxable property), 29, 30
  - duties and powers, 46, 156
  - records kept by, 239, 240
  - schedules, 84, 240
  - treasurer, ex officio, 47, 96n, 156
- Supervisors
- county board of, see County board
  - road, see Road
  - township, see Township
- Supreme Court
- judges, election, 140
  - justices required to hold circuit court, 48, 49, 140
- Surveyor, county
- appointment, 55, 177
  - bonds, 2, 75
  - duties and powers, 55, 57, 177
  - election, 55, 177
  - ex officio mine inspector, 185
  - field notes, 88, 119, 318, 322
  - oath, 177
  - office
    - establishment, 55, 177
    - location, 73
    - term, 177
  - plats, 88, 119, 120
  - records
    - kept by, 177, 322, 323
    - legislation concerning, 60
  - roster, 69
- Swamp lands
- See also Drainage
- Act of 1850, 57
  - certificates of sale, for, 84[x]
  - deeds to, issuance of, 57
  - sale, use of funds from, 37
- Swedish Lutheran Church, 38
- Swimming pools, control of, 58
- Talman Machinery Co., 22
- Tavern
- control, 58
  - keepers' bonds, 1, 84
  - licenses, issuance, 98

**(Tax-Tow)**

**Tax**

- abatement lists
  - personal property, 247
  - record, 30, 36, 246
- allocation certificates, 251, 259
- assessments
  - abstract of, 29, 33
  - real estate (lands and lots), 46, 96
  - special rolls, 34, 239
- assessor's books (lists of taxable property), 29, 30
- collections, 47, 96, 160, 161
  - memoranda, 243
- collector's
  - books (lists of taxable property), 30, 36
  - settlement record, 251
- complaint
  - docket, 242
  - method of handling, 47, 96
- corporation schedules, 84, 240
- deeds, 84[xxii], 88, 93
  - affidavits for, 43, 44, 84
- delinquent
  - foreiture, lists, 84[xvii]
  - judgment, 40, 41
    - sale, redemption, and forfeiture record, 40
  - lists, 37, 38
  - railroad, 38
  - redemption and sale record, 40, 42
  - road, lists, 1, 84
  - sale certificates
    - of purchases for, 84[viii]
    - of redemption for, 84[ix]
- distribution, memoranda, 243
- docket of rates and amounts
  - wanted, 28, 36
- dog, register, 71
- equalization, 47, 96
- errors
  - list of, 84[xvii]
  - record, 30, 36, 246
- inheritance, *see* Inheritance
- levies
  - certificates of
    - for bridge, road and town, 239
    - for schools, 84[xiii], 239
    - for special drainage district, 84[xii]
  - lists of, 1, 84
  - motor fuel, *see* Motor fuel
  - power to impose and regulate, 46, 89
  - public health, 57
  - railroad
    - books (lists of taxable property), 29-31, 36
    - delinquent lists, 38
    - schedules, 84, 240
  - receipts, duplicate, 276
  - refunds, 39
  - road, 1, 84
  - schedules
    - corporation, 84, 240
    - railroad, 84, 240
  - settlement, 160, 244
  - telegraph and telephone book (lists of taxable property), 32
  - wanted, docket of, 28, 36
- Taxation procedure, 46-48, 96, 97
- Teachers
  - certificates
    - and examinations, 54, 54n
    - registration of, 287
    - reports of approval, 289
  - examination fees, 284, 287
  - institute
    - fees, receipts for payment of, 284
    - fund accounts 257
    - lists of, 290
    - permanent record, 288
- Telegraph and telephone tax book, *see* Tax
- Templeton, Robert (Robot), 8, 10
- Tennessee, 8
- Terre Haute (Indiana), 12, 20
- Terre Haute and Alton Railroad, 20
- Thomason, Richard, 12
- Thornton, Anthony, 42
  - as newspaper publisher, 40
- Thornton, Mrs. Ann, 37
- Thornton, Thomas M., 71
- Thornton, William F., 37, 42
  - bank operated by, 26, 27
  - political activities, 17
- Thrower, W. A., managed early newspaper in county, 40
- Todd's Point Township, 4
  - formation, 16
  - railroad financing by, 20
- Tower Hill

- churches in, 37, 38
- location of coal mines, 22
- population, 5
- railroad financing by, 20
- Tower Hill Times, The, 41**
- Tower Hill Township, 4, 30**
  - formation, 16
- Town**
  - board, power of, to revise assessments, 47, 158
  - clerk as registrar of births and deaths
    - accounts with, 83
    - fees paid to, 58
    - functions, 58, 96
- Township**
  - assessors, *see* Assessor
  - collectors, *see* Collector
  - officers, *see* Officers
  - plan of government, 45, 87
  - supervisors
    - assistants, 45, 88
    - bonds, 2, 78
    - election, 45
    - term of office, 87, 89
  - treasurers, *see* Treasurer
- Transcripts**
  - from foreign courts, 192, 211
  - fees received, 220, 223
  - justice of the peace
    - files, 192, 211
    - records, 201, 212
    - required to be kept, 125, 143
- Transfer**
  - dockets
    - circuit court, 214
    - county court, 132, 184
    - probate court, 184
  - land, lists, 84[xviii]
- Transportation**
  - See also Transportation under Shelby County**
  - bridge
    - appropriations, 46, 90
    - authority over, 55, 56, 89, 172
    - construction
      - appropriations for, 46, 90
      - supervision over, 172, 173
    - maintenance
      - appropriations for, 46
      - supervision, 90
    - plans and profiles, 299
    - supervision, 90, 172, 173
  - canals, authority over, 89
  - ferry licenses, issuing of, 98
  - highway
    - appropriations for, ledger of, 250, 253
  - bond register, 306
  - commissioners
    - board, establishment, 56
    - duties, 55, 56, 172
    - ex officio drainage commissioners, 57
    - reports to county board, 1, 23, 84
    - state supervision of, 56
  - contracts for material and equipment, 302-304
  - county superintendent
    - appointment, 56, 172
    - bonds, 1, 2, 74, 75, 84
    - compensation, 56
    - correspondence, 312, 319-321
    - duties and powers, 56, 172, 173
    - office
      - creation, 56, 172
      - location, 73
      - term of, 56, 172
    - records kept by, 173, 298-321
    - treasurer's reports to, 317
  - engineers' reports, 315
  - equipment and supplies
    - contracts, 302-305
    - requisition register, 306, 307
  - fund
    - appropriations for, 252, 253
    - claims against, 1, 4, 309
      - cancelled, 310
    - treasurer's report, 24, 275, 317
    - warrants issued against, 9
  - maintenance
    - labor and material record, 316
    - ledger, 305, 306
    - motor fuel tax, *see* Motor fuel
    - overseer, 56, 172
    - payrolls, 308
    - warrants, *see* Warrants
  - railroad, *see* Transportation under Shelby County; also under specific name of railroad
  - road
    - appropriations for, 46, 90
    - authority over, 55, 56, 89, 172
    - bond issues for, 21
    - construction

**(Tra-Vet)**

- appropriations for, **46, 90**
- supervision over, **172**
- districts
  - establishment, **55, 172**
  - supervisors
    - appointment, **55, 172**
    - duties, **56**
- maintenance
  - appropriations, **46**
  - supervision over, **90, 172**
- Transportation
  - road (continued)
    - maps, **300**
    - petitions, **298**
    - plans and profiles, **299**
    - plats, **119, 121**
    - reports to county board, **314**
    - right-of-way
      - deeds, **88, 95**
      - maps, **300**
      - plat record, **119, 121**
    - supervision, **90, 172**
    - tax, see Tax
- Travis, William B., **26**
  - member first board of supervisors in county, **17**
- Treasurer
  - county
    - accounts with county funds, **248, 249**
    - appointment, **46**
    - appropriation ledgers, **250, 253**
    - bonds, **1, 2, 74, 75, 84, 162**
    - cash book, **254**
    - duties and powers, **46, 47**
    - election, **162**
    - ex officio
      - county collector, **47, 160**
      - supervisor of assessments, **47, 156**
    - ledger, **252**
    - office
      - location, **72**
    - term, **162**
    - receipts for school funds, **256**
    - records kept by, **162, 248-280**
    - reports, **1, 23, 24, 84**
      - of fines collected, **275**
      - of highway funds, **274, 317**
    - roster, **68**
    - settlement record, **251**
  - township (school)
    - appointment, **168**
    - bonds, **88, 111**
  - Treaty
    - of Edwardsville, Indian lands acquired by, **8**
    - of Paris, **5**
  - Trowbridge, coal mines located at, **4**
  - Truancy, see Juvenile; Probation
  - True bills, see Indictment
  - True Democrat, The, **41**
  - Trust deeds, **88, 91, 97, 100**
  - Trustees
    - church and lodge, election certificates of, **88, 109**
    - school
      - appointment, **53, 53n**
      - duties, **53, 54, 54n**
      - election, **53, 168**
      - register, **295**
      - reports, **1, 53, 84, 294**
      - supervision of education, **53**
  - Tuberculosis sanitarium, see Sanitarium
  - Turner, Sally, early Methodist preacher, **36**
  - Turney, Captain William H., organized troop for Spanish-American War, **41**
  - "Turney Tigers," Shelby troop in Spanish-American War, **42**
  - Union, The, **17**
  - Unitarian Church in county, **38, 39**
  - United Baptist, **38**
  - Universalist Church, **39**
  - University of Illinois, **23**
    - number of students from county enrolled at, **35**
    - relation of, to farm bureau, **186**
  - Urbana, **20**
  - Vandalia, **10, 12**
  - Vanwinkle, Ormsby, early settler, **8**
  - Venires, see Jury
  - Vera Cruz, battle of, Shelby volunteers participated in, **41**
  - Veterans
    - See also Soldiers
      - burial places
        - record, **53**
        - register, **54**
      - Civil War, bond issues for, **273**
      - relief, see Public welfare; Relief
    - Veterinarian
      - appointment, **229**



- certificates (licenses), 63:  
 register of, 64  
 correspondence, 326  
 creation of office, 229  
 duties, 229  
 tuberculin tests  
 register, 324  
 reports, 325  
**Virginia**, 3, 5, 6, 15  
**Vital statistics**  
 births  
 See also Accounts  
 certificates, 47, 50, 84[vil]  
 index, 49  
 reporting of, 58, 96, 97.  
 deaths  
 See also Accounts  
 certificates, 47, 50, 84[vil]  
 index, 52  
 register, 51  
 reports required to be kept, 58,  
 96, 97  
 marriage  
 certificates, 59  
 index, 56  
 licenses, 57  
 applications, 57-59  
 procedure, 97  
 pre-marital examinations, 60  
 registration procedure, 58, 96, 97  
 stillbirth  
 certificates, 47, 50, 51, 55, 84[xi]  
 reports required to be made,  
 58, 97  
**Vogt, Father Anthony**, organized  
 Roman Catholic church in  
 county, 39  
**Votes**, see Election  
**Vouchers**, see Orders, county; War-  
 rants  
**Wabash Railroad**, 4  
 townships financed, 20.  
**Wabash River**, 5  
**Waggoner, John**, 9  
**Wakefield, Charles Jr.**, early settler,  
 8  
**Wakefield, Charles Sr.**, early settler,  
 8  
**Walgreen Condensery**, 22  
**Walker, Alexander**, member first  
 board of supervisors in coun-  
 ty, 17  
**Walker, Jesse**, itinerant preacher,  
 36  
**Wallace, Mr.** —, member finance  
 committee, 27  
**Walnut Grove, Presbyterian church**  
 established at, 38  
**War of 1812**, 5, 7.  
**Warrants**  
 See also Orders; county  
 for arrest, 84, 122  
 birth report, stubs, 12  
 Blind pension, register, 255, 268  
 death report, stubs, 12  
 dog licenses, register, 249, 266, 267  
 highway  
 cancelled, 15  
 register, 9, 255, 262  
 cancelled, 7, 10, 313  
 jury  
 register, 6  
 stubs of, 11  
 for lands granted to veterans,  
 84[xxiii]  
 mothers' pension  
 register, 8, 255, 269  
 stubs, 13  
 motor fuel tax, register, 265  
**Warranty deeds**, 87-29  
**Warren, John R.**  
 member early county court, 16  
 member first board of supervisors  
 in county, 17  
**Warren, Peter**  
 organized troop in Black Hawk  
 War, 41  
 presented petition for new coun-  
 ty, 15  
**Washington (D. C.)**, 25  
**Weatherspoon, Samuel**, early set-  
 tler, 8  
**Weeger, William**  
 early court commissioner, 11  
 early settler, 8  
**Wentworth, John**, 24  
**Westenhaver, Clyde**, coal mine, 23  
**Westervelt, Christian Church** lo-  
 cated in, 37  
**Wheeling, (West Virginia)**, 12  
**Whig Party**, 17  
**Whitley, John**, early county com-  
 missioner, 11  
**Whitton, Easton**, appointed to lo-  
 cate county seat, 11  
**Widows, relinquishment**, 157, 171

**(Wil-Zan)**

- and selection, 84, 155, 157, 171
- recording of, 132
- Will**
- See also** Administrator; Estate; Executor; Probate court
- annexed, *see* Administrator
- proof of, 84, 155
- record, 157, 160
- recorded, 88[xiii]
- recording of, 132
- renunciation of, 88[xi]
- Williams, Reverend A. S., organized**
- African Methodist church in county, 37
- Williamsburg, 4**
- Williamsburg Ridge, 4**
- Williamson, William**
- first county judge, 16
- first county sheriff, 11
- Wilson, Woodrow, 18**
- Windsor**
- churches located in, 37, 38
- limestone deposits located near, 4
- objected to taxation, 27
- population, 5
- railroad financing by, 20
- Windsor Gazette, The, 40**
- Windsor Herald, The, 40**
- Windsor Sentinel, The, 40**
- Windsor Township, 3, 4**
- formation of, 16
- Wisconsin, 6**
- Witness**
- affdavits, 84, 122, 192
- fees, 1, 84, 271
- Wolf Creek, 3**
- Woodward, Charles, early school-**
- master, 30
- Workhouse, county empowered to**
- build, 56
- World War, 22, 27**
- county's part in, 42
- Wright, William M., member of**
- early courthouse committee, 71
- Writs**
- county court, 84, 122
- habeas corpus, 192
- "Yale Group," 31
- Young Men's Christian Association**
- (Y.M.C.A.), 42
- Zanesville (Ohio), 12**





















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