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Abstract



GOVERNMENTAL ORGANIZATION  
MULTNOMAH COUNTY

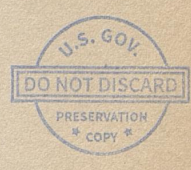
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Volume I

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Division of Professional and Service Projects  
WORK PROJECTS ADMINISTRATION  
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Portland, Oregon  
The Oregon Historical Records Survey Project  
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## FOREWORD

This essay on "The Governmental Organization and Records System of Multnomah County" is an extract from The Inventory of the County Archives of Oregon, Multnomah County, Number 26, Volume I, and is presented in monograph form by the Oregon Historical Records Survey for the purpose of making immediately available to teachers of civics and government important facts concerning the origins and development of county government in Oregon.

The essay material was compiled from two chief sources: statutes relating to county government, its office divisions, powers, duties and records, and from the journals of the administrative body of the county. Although emphasis is given to the actual organization of Multnomah County as a governmental unit, the study also contains a great body of data that refers to all counties in the state. The essay has many footnotes; hence, the reader may readily find sources which he may wish to consult.

One value which has been attributed to the National Historical Records Survey Program is that of the usefulness of its publications to teachers and students and to research historians, political scientists and economists. That this essay may contribute to the needs of instructors in governmental subjects and be a source of help to high school students is the hope of the Oregon Historical Records Survey project.

Requests for information regarding the publications of the Oregon project should be addressed to the State Director, Oregon Historical Records Survey, 400 Elks Building, Portland, Oregon.

T. J. Edmonds  
State Director

May 1940  
Portland, Oregon



FOREWORD

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Requests for information regarding the publication of the Oregon project should be addressed to the State Director, Oregon Historical Records Survey, 400 East Poling, Portland, Oregon.

I. A. Leland  
State Director

May 1940  
Portland, Oregon



## GOVERNMENTAL ORGANIZATION AND RECORDS SYSTEM

Legal Status of the County. The county in Oregon is a body politic, charged with the performance of certain duties in behalf of the State. In carrying out its functions the county has power to sue and be sued, to purchase and hold for its use the lands within its boundaries, to hold personal property, to enter into contracts, and to perform all the necessary acts relating to the business of the county. (1) An opinion of the Oregon Supreme Court has specified that the county is not a private corporation but a political agent of the State, created by law for governmental purposes. (2)

Creation of New Counties. The State Legislature has plenary power to create new counties at its pleasure, provided that no county is reduced to an area of less than 400 square miles or to a population of less than 1,200 inhabitants. (3) Since 1913 the law has required that the new county have an assessed valuation of not less than \$2,000,000. (4)

The procedure of citizens for setting up a new county has been regulated by law. A petition naming the new county, and signed by a majority of the legal voters of the area to be incorporated, is submitted to the county court of the county affected. (5) If it appears to the county court that the area and population of the proposed county comply with constitutional provisions, and that the county to be established has an assessed valuation of not less than \$2,000,000, it is the duty of the county court to order the question to be submitted at the next general election for decision by the legal voters of the county. (6) In order for the proposal to carry, 65 percent of all the legal voters in the new parts must vote in the affirmative; and 35 percent of all the legal voters in the parts not annexed to the new county must vote in the affirmative. If the measure is successful, the Governor issues a proclamation creating the new county or indicating the change in the boundaries of the old counties. (7)

When a new county has been established, the county court fixes the temporary county seat. The permanent county seat is determined by the people at the first general election. (8)

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1. L. 1854, Deady, p. 672; 1930 O. C. Ann. sec. 27-101.
  2. 53 Ore. 124. For a discussion of the county as a quasi-corporation see R. K. Gooch, Manual of Government in the United States, p. 708 ff.
  3. Const. art. XV, sec. 6.
  4. 1913 S. L. ch. 10; 1930 O. C. Ann. sec. 26-201, as amended 1935 S. L. ch. 321.
  5. 1913 S. L. ch. 10; 1930 O. C. Ann. sec. 26-201, as amended 1935 S. L. ch. 321.
  6. 1913 S. L. ch. 10; 1930 O. C. Ann. sec. 26-201, as amended 1935 S. L. ch. 321.
  7. 1913 S. L. ch. 10; 1930 O. C. Ann. sec. 26-201, as amended 1935 S. L. ch. 321.
  8. 1913 S. L. ch. 10; 1930 O. C. Ann. sec. 26-207.



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A new county is obliged to pay its share of the obligations of the parent county. The amount owed is based on the valuation of the property coming into the new county and is determined at a joint meeting of the county courts of the new and old counties. The new county does not inherit buildings free of charge from the old county or counties. (9) If there are obligations to the State, or if State funds are owed to the counties, the newly created county bears its share of the obligations and receives its share of the dues in proportion to its property value.

The county clerk of the new county makes a transcript of all deeds or other instruments relating to real property transferred from the old to the new county. Proper books are instituted and have the same effect in all respects as original records. (10)

Structural Development. Multnomah County was created December 22, 1854 by the Territorial Legislature, part of its territory being taken from Washington County and part from Clackamas County. (11) In the same year, the Legislature appointed the following officers to hold office until the next general election: a county judge, three commissioners, an auditor to act as clerk of the county court and recorder of conveyances, a sheriff, an assessor, a treasurer, a coroner, and a county school superintendent. (12) Justices of the peace and constables of the then existing districts of Washington and Clackamas Counties who were included in the new county continued to hold office until their successors were regularly elected.

From 1854 until the adoption of the Oregon Constitution, the business of the county was administered by a board of three commissioners. (13) Later, following the adoption of the Constitution, and continuing until 1913, county business was conducted by the county court, consisting of the county judge and two commissioners acting in an administrative capacity. In 1913, the Legislature abolished the office of county judge in Multnomah County and appointed to fill the vacancy thus created a commissioner to serve until the election of a successor. (14)

When Multnomah County was established, the Legislature appointed an auditor to serve as clerk of the county court and to perform the duties of recorder of conveyances. (15) The Constitution prescribed the election of a county clerk in each county, and further provided that when the number of voters in any county should exceed 1,200 the Legislature might authorize the election of one person as clerk of the circuit court, one as clerk of the county court, and one as recorder of conveyances. (16) In 1887 the Legislature abolished the office of county clerk in Multnomah County and created the

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9. 1913 S. L. ch. 10; 1930 O. C. Ann. sec. 26-214, as amended 1935 S. L. ch. 321.
  10. L. 1854, Deady, p. 653; 1930 O. C. Ann. sec. 26-303.
  11. L. 1854, p. 29.
  12. *Ibid.*, pp. 42, 62.
  13. L. 1850, p. 210; L. 1850 (including L. 1851), p. 76; L. 1854, p. 29.
  14. 1913 S. L. ch. 377; 1930 O. C. Ann. sec. 27-1702.
  15. 1854, p. 62.
  16. Const. original art. VII, sec. 15.



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offices of clerk of the circuit court, clerk of the county court, and recorder of conveyances. (17) In 1901 these offices were abolished and their functions transferred to the clerk of the county court, commonly known as the county clerk. (18) Since that date no changes have been made in the basic duties of the county clerk. He is custodian of the records and papers of the county, ex officio clerk of the circuit court and board of commissioners, and ex officio recorder of conveyances. (19) He is also an ex officio member of the board of equalization (20) and has authority to act as a notary public. (21)

The duties of the first official designated as county auditor in Multnomah County were described by the statutes as those now performed by the county clerk. (22) In 1858 the office of auditor in Multnomah County was abolished and his duties were transferred to the county clerk. (23) The office of auditor was re-established by the Legislature in 1895 as an appointive office, the office becoming elective in 1902. (24) He is the accounting officer of the county and is directed by the statutes to establish and maintain a standard system of accounting for the county. (25)

Since 1913 several new administrative offices have been established in Multnomah County. Among these new offices and boards are the purchasing agent, who is appointed by the board of commissioners to perform certain routine duties in connection with the procurement of supplies for the county, a civil service commission, and a supervisor of elections. (26)

The judiciary of Multnomah County remained essentially unchanged from 1859 until 1913, when reorganization became necessary because of the large urban population of the county. In 1913 certain judicial functions of the former county court were transferred to the circuit court, including probate, insanity and domestic relations matters, and a district court was created to conduct business formerly handled by justices of the peace. However, a justice of the peace court is still maintained at Gresham. Although the circuit court as established by the Provisional Government had been abolished by Congressional act in 1848, (27) it was re-established under the State Constitution in 1859, (28) five years after the creation of Multnomah County. (29) Under the Constitution, the Oregon Counties were

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17. L. 1887, p. 126.
  18. L. 1901, p. 282; 1930 O. C. Ann. secs. 27-2001, 27-2003.
  19. L. 1901, p. 282; 1930 O. C. Ann. secs. 27-2001, 27-2003.
  20. L. 1870, pp. 52, 53; 1930 O. C. Ann. sec. 69-302.
  21. L. 1887, p. 128; 1930 O. C. Ann. sec. 27-2007.
  22. L. 1854, p. 62.
  23. Commissioners' Journal, vol. 1, p. 65.
  24. L. 1895, p. 123; Commissioners' Journal, vol. 19, p. 313 (old series); L. 1901, p. 161; 1930 O. C. Ann. sec. 27-2201.
  25. L. 1901, pp. 163, 165; 1930 O. C. Ann. secs. 27-2207, 27-2213.
  26. Commissioners' Journal, vol. 1, p. 1; vol. 30, p. 63; vol. 24, p. 206 (new series).
  27. L. 1850-51, p. 37.
  28. Const. original art. VII, sec. 9.
  29. L. 1854, p. 29.



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grouped into four judicial districts with Wasco, Clackamas, Multnomah, Columbia, Clatsop and Tillamook Counties comprising the fourth district. (30) Since 1882 Multnomah County alone has comprised the fourth district. (31)

As at present organized, the circuit court of the fourth judicial district is composed of nine departments, each of which is presided over by a circuit court judge. One department is especially assigned to probate and insanity cases, (32) and another to handle all matters pertaining to domestic relations. (33) The circuit court holds appellate jurisdiction over justice courts and all other inferior courts, tribunals and officers. (34)

Various court officers are provided by law for the fourth judicial district. These include one or more official court reporters, two or more bailiffs, and a court crier. (35) Ordinarily a bailiff acts as court crier. The judge of the department of domestic relations is empowered to appoint probation officers. (36) Since 1935 the judges of the circuit court in Multnomah County have had the authority to appoint a jury commissioner. (37)

In 1913 the Legislature established a district court in Multnomah County which has the same jurisdiction as that of justice of the peace courts. (38) For the purpose of apportioning the business among the four judges, the court has been divided into four departments. (39)

The enactment which created the district court empowered the judges to appoint a clerk for the court. (40) Since 1927 this office has been elective. (41) The clerk of the district court is the custodian of all records of the district court and is authorized to administer oaths and to take affidavits. (42)

In 1854 justice of the peace precincts were established at North Portland, South Portland, Sandy (near Troutdale), Multnomah, Sauvie Island, Willamette, and Powell Valley, and justices were elected for each precinct in 1855. (43) When the district court was established, all justice of the

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30. Const. art. XVIII, sec. 11.
  31. L. 1882, p. 62; 1930 O. C. Ann. sec. 28-902.
  32. 1913 S. L. ch. 378; 1930 O. C. Ann. sec. 67-1607.
  33. 1913 S. L. ch. 249; 1919 S. L. ch. 296; 1929 S. L. ch. 183; 1930 O. C. Ann. secs. 28-845 to 28-855; see pp.
  34. Const. original art. VII, sec. 9.
  35. L. 1862, Deady, p. 866; L. 1891, p. 131; 1930 O. C. Ann. sec. 28-607.
  36. 1907 S. L. ch. 34; 1919 S. L. ch. 296; 1930 O. C. Ann. sec. 33-609.
  37. 1935 S. L. ch. 241; 1935 O. C. Ann. Supp. sec. 30-20; see p.
  38. 1913 S. L. ch. 355; 1930 O. C. Ann. secs. 28-1101, 28-1103.
  39. 1913 S. L. ch. 355; 1930 O. C. Ann. sec. 28-1116.
  40. 1913 S. L. ch. 355.
  41. 1925 S. L. ch. 233; 1930 O. C. Ann. sec. 28-1124.
  42. 1913 S. L. ch. 355; 1925 S. L. ch. 233; 1930 O. C. Ann. sec. 28-1125.
  43. See Provisional and Territorial Government Papers, No. 2025, in library of Oregon Historical Society; also Commissioners' Journal, vol. 1, pp. 4, 5, 1855 (old series).



peace courts in the Portland metropolitan area were abolished. (44) The only justice of the peace court remaining in the county is that of Multnomah, with its office in Gresham. (45)

Law enforcement agencies in Multnomah County have undergone few changes since the creation of the county. Such reorganization as has taken place was brought about because of the increased urban population of the county. When Multnomah County was created from part of Washington County and part of Clackamas County in 1854, the constables of the then existing districts continued to hold office until successors were elected. At present there are two constable districts in Multnomah County: Multnomah, with offices at Gresham; and Portland, with an office in the county courthouse. The former is under the jurisdiction of the justice of the peace at Gresham, while the latter executes the processes of the district court of Multnomah County.

In the first law enacted in accordance with the Constitution the sheriff was named the ministerial officer of the circuit and county courts and conservator of the peace of the county. (46) Since 1913, when the county court was abolished, the sheriff has been ministerial officer of the circuit court alone. The sheriff is also ex officio tax collector. (47)

The first coroner of Multnomah County was appointed by the Legislature in 1854 to serve until the next election. (48) Since 1859 this office has been elective as provided in the Constitution. (49) If the coroner is unable for any reason to perform the duties of his office, a justice of the peace acts as coroner instead. (50)

The Constitution specifies that in judicial districts of one or more counties prosecuting attorneys be elected to serve as legal representatives both of the State and of their district. (51) A statute of 1913 changed the name of prosecuting attorney to district attorney and provided for the election of a district attorney for each county. (52) Although elected by the voters in each county, the district attorney is actually a State officer and receives his salary from the State. (53)

The handling of county finances in Multnomah County has been changed from time to time as the volume of business conducted by the county increased. The principal changes affected the relationship of the various offices concerned with fiscal matters and the methods of keeping financial records.

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44. 1913 S. L. ch. 355; 88 Ore. 334.

45. See Justice of the Peace, p.

46. L. 1862, Deady, p. 237; 1930 O. C. Ann. sec. 31-309.

47. L. 1853, pp. 394-397; 1930 O. C. Ann. sec. 69-702.

48. L. 1854, p. 29; Commissioners' Journal, vol. 1, p. 64 (old series).

49. Const. art. VI, sec. 6.

50. L. 1864, Deady, p. 520; 1930 O. C. Ann. sec. 13-2417.

51. Const. original art. VII, sec. 17.

52. 1913 S. L. ch. 343; 1930 O. C. Ann. sec. 31-101.

53. 1913 S. L. ch. 343; 1930 O. C. Ann. sec. 31-113.



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The office of assessor was created by statute in 1854; however, an assessor was not elected in Multnomah County until the general election in June 1855. (54) Since that time the office has been elective. The assessor is an ex officio member of the board of equalization. (55)

As prescribed in the law passed by the Territorial Legislature in 1854, the county board of equalization in Oregon was composed of the assessor, the auditor, and the county judge. (56) Under the law of 1870 the board of equalization was composed of the county clerk, the assessor, and the county judge acting together in an ex officio capacity. (57) Since 1913 the probate judge of the circuit court has been an ex officio member of the board of equalization, together with the assessor and the county clerk. (58) In 1909 a State Tax Commission was created, to which appeals from the county board of equalization may be made. (59)

In 1919 there was established in Multnomah County a tax supervising and conservation commission, composed of three members appointed by the Governor. (60) It is the duty of this commission to compile accurate statistical information concerning the bonded or other indebtedness of the county, and of all municipal corporations, and to file an annual report with the Governor and with the board of county commissioners. (61)

The duties of the tax collector in Multnomah County are performed by the sheriff acting, as provided by law, in an ex officio capacity. (62)

The Legislature appointed the first treasurer for Multnomah County when the county was created, to hold office until the election of 1855. (63) Since that date the office has been elective.

Such changes as have taken place in the educational organization of Multnomah County have been the result of efforts to increase the effectiveness of the educational program. Most of these changes are of comparatively recent origin. The office of county superintendent of schools was created in 1854. (64) The first county school superintendent of Multnomah County was appointed by the Legislature in 1854 to serve until the general election of June 1855. (65) Since that date the office has been elective.

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54. L. 1854, p. 62; 1930 O. C. Ann. sec. 26-139. See also Commissioners' Journal, vol. 1, pp. 11, 12 (old series).
  55. L. 1870, p. 52; 1930 O. C. Ann. sec. 69-301.
  56. L. 1853-54, p. 417.
  57. L. 1870, pp. 52, 53; 1930 O. C. Ann. sec. 69-302.
  58. 1913 S. L. ch. 378; 1930 O. C. Ann. sec. 28-837.
  59. 1909 S. L. ch. 218; 1929 S. L. ch. 465; 1930 O. C. Ann. sec. 69-506.
  60. 1919 S. L. ch. 375; 1930 O. C. Ann. sec. 69-1201.
  61. 1921 S. L. ch. 208; 1930 O. C. Ann. secs. 69-1205, 69-1214.
  62. L. 1843-49, p. 25; 1907 S. L. ch. 267; 1913 S. L. ch. 184; 1930 O. C. Ann. secs. 69-701, 69-702.
  63. L. 1854, p. 62; 1930 O. C. Ann. sec. 27-1701.
  64. L. 1853-54, p. 423.
  65. L. 1854, p. 42.



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In 1899 a legislative enactment provided for the establishment of district boundary boards for the purpose of dividing the county into convenient school districts and for the purpose of defining or changing district boundaries. From 1899 to 1913 in Multnomah County the county court with the school superintendent constituted the board. (66) Since 1913 the membership of the board has consisted of the board of county commissioners and the school superintendent. (67) Prior to 1899 changes in school district boundaries were made by the school superintendent.

Since 1902 the Library Association of Portland, organized in 1864 as a subscription library, has made its facilities available to the public in accordance with a law of 1901, which authorized the City of Portland to levy a tax for the maintenance of a public library. (68) Since 1911, the county commissioners of Multnomah County have been ex officio members of the board of directors of the Library Association. (69)

A law of 1913 authorized the county courts of the various counties to appoint a county agricultural agent for an indefinite term. (70) In Multnomah County the first appointment to this office was made in 1913. (71) It is the agent's duty to study the agricultural problems of the county and to promote better agricultural practices therein. (72)

The law of 1913 also provided that club agents and home demonstration agents might be appointed in the various counties to conduct agricultural and home demonstration activities among the young people of the state. (73) A club agent was first appointed in Multnomah County in 1921 (74) and a home demonstration agent in 1930. (75)

From 1905 until 1913 the county court of Multnomah County (since 1913 the board of commissioners) has constituted an ex officio board of health. (76) County physicians have been appointed by the county court or by the board of commissioners in Multnomah County since 1871, although the office was not provided for specifically by statute until 1905. (77) When the State Board of Health was created in 1903, the county physician then in

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66. L. 1899, p. 226; 1930 O. C. Ann. sec. 35-601.
  67. L. 1899, p. 226; 1907 S. L. ch. 116; 1930 O. C. Ann. sec. 35-601.
  68. L. 1901, p. 19; 1930 O. C. Ann. sec. 35-4412.
  69. Commissioners' Journal, vol. 13, pp. 96, 97 (new series).
  70. 1913 S. L. ch. 134; 1930 O. C. Ann. sec. 18-1101.
  71. Commissioners' Journal, vol. 6, p. 325 (new series).
  72. 1913 S. L. ch. 134; 1927 S. L. ch. 402; 1920 O. C. Ann. secs. 18-1102, 18-1103, 18-1129.
  73. 1913 S. L. ch. 110; 1930 O. C. Ann. sec. 18-802.
  74. Commissioners' Journal, vol. 15, p. 218 (new series).
  75. Ibid., vol. 32, p. 246 (new series).
  76. 1905 S. L. ch. 170; 1913 S. L. ch. 377; 1930 O. C. Ann. secs. 27-1402, 59-201.
  77. 1905 S. L. ch. 170; 1930 O. C. Ann. sec. 59-201; Commissioners' Journal, vol. 2, pp. 3, 316 (old series).



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office was assigned the duties of health officer, (78) and the same individual performed the duties of both offices until 1937, when separate appointments were made. (79) Health nurses have been appointed by the board of commissioners since 1917. (80)

From 1854 until 1933 the county court or the board of commissioners of Multnomah County was the only county agency invested with the care of indigents. (81) Since 1933 relief and public welfare have been administered by the county public welfare commission. The public welfare commission is composed of the board of commissioners and four other members appointed by the Governor. (82)

The authority to erect, maintain and operate county farms was one of the early powers delegated by the Legislature to the county courts. (83) The first superintendent of the county farm in Multnomah County was appointed by the county court in 1870. (84)

A statute of 1854 provided for the election of surveyors in the then existing counties. (85) The Constitution in 1859 specified that surveyors be elected in each county of the State. (86) The first surveyor for Multnomah County was appointed by the county court to serve until the election of June 1855. (87)

The appointive office of roadmaster of Multnomah County was first established in 1901. (88) In 1917, the office as previously defined was abolished. (89) However, the office was re-established in the same year, the powers and duties of this official being limited to practical road building and maintenance.

From time to time a number of offices have been established in Multnomah County relating to the agricultural and stock-raising activities of the county. These offices include the stock (brand) inspector, the dairy herd inspector, the Bang's disease inspector, the veterinarian, the horticultural inspector, the agricultural agent, the club agent, home demonstration agent, and the dog control board. (90)

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78. 1903 S. L. ch. 170; 1930 O. C. Ann. sec. 59-201; Commissioners' Journal, vol. 33, p. 475 (old series).
  79. Oregon Blue Book, 1937-1938, p. 64.
  80. Commissioners' Journal, vol. 34, p. 19 (new series).
  81. L. 1853-54, p. 415; 1930 O. C. Ann. sec. 27-1401.
  82. 1933 S. L. ch. 15; 1935 O. C. Ann. Supp. sec. 68-2603, as amended 1939 S. L. ch. 241.
  83. L. 1854, Deady, p. 846; 1930 O. C. Ann. sec. 27-1401.
  84. Commissioners' Journal, vol. 1, p. 680 (old series); see p. 34.
  85. L. 1853-54, p. 573.
  86. Const. art. VI, sec. 6.
  87. Commissioners' Journal, vol. 1, p. 6 (old series).
  88. L. 1901, pp. 105, 106; 1930 O. C. Ann. sec. 44-1402; Commissioners' Journal, vol. 22, p. 331 (old series).
  89. 1917 S. L. ch. 299; 1930 O. C. Ann. secs. 44-1402, 44-1404.
  90. See pp. 81, 82.



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Since 1859 fairs have been held in Multnomah County on various occasions. (91) The county fairs in Multnomah County have always been held under the direction of groups of private citizens. At present the Multnomah County Fair, a corporation, conducts the activities of the annual county fairs. (92)

As indicated in the preceding pages, the governmental organization of Multnomah County has undergone several changes since the creation of the county. The changes which have occurred have been chiefly the result of an expansion of county functions, as the population has increased and the administration of county business has become more complex.

Briefly, through its officers, boards and agents, the county performs such functions as the following, related to government and life in the county community: General administration; recordation; justice; law enforcement; finance; education; public health; public welfare; public works and engineering; agriculture.

General Administration. The administration of county affairs in Multnomah County differs from that in other Oregon counties in a number of significant respects. Prior to 1913, the chief administrative body of Multnomah County was the county court, composed of the county judge and two commissioners, meeting in an administrative capacity. (93) The dual function, judicial and administrative, of the traditional county court developed out of the experience of early governmental forms in the newly-settled Oregon country. The first Supreme Court of the Territory performed both judicial and administrative functions. (94) In 1846, when justice courts were created, the justices, acting in groups of three, functioned as county commissioners, with one of the three serving as probate judge and presiding as chairman of the administrative board thus created. (95)

A trend toward the form of county administration now followed in Multnomah County was marked during the territorial period, when statutes emphasized the purely administrative function of the county court. A measure of 1851 specified the election of three commissioners to constitute the county board, (96) while acts of 1853 (97) and 1859 (98) provided for the election of a single probate judge in each county.

However, the Constitution emphasized the dual function of the county court, establishing that body as a court of probate with other civil and

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91. George H. Himes, "History of Organization of Oregon State Agricultural Society," Oregon Historical Quarterly, VIII, 327, 328.
  92. Record of Incorporations, vol. 73, p. 180.
  93. Const. original art. VII, sec. 12; L. 1862, Deady, p. 214; 1930 O. C. Ann. sec. 28-1001.
  94. Ar. p. 143.
  95. L. 1843-49, p. 47.
  96. L. 1850 (including 1851), p. 76.
  97. L. 1852 (including 1853), p. 11.
  98. L. 1859, p. 9.



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criminal jurisdiction, and providing for the election of two commissioners to sit with the county judge while transacting county business. (99) The alternative system, adopted for Multnomah County in 1913, was provided for by the Constitution. (100) Thus, from the date of the creation of Multnomah County in 1854 until 1913, county business was administered by the county judge assisted by two commissioners. In 1913, the office of county judge was abolished, probate jurisdiction was transferred to the circuit court, and a third commissioner was provided for to complete the membership of the board. (101)

The board of commissioners of Multnomah County is purely an administrative body, without legislative authority, and with no judicial functions. (102) Thus, the board of commissioners, as the chief administrative body of the county, and the various county officers function as the administrators of legislative enactments, exercising only those powers specified by statute.

Directly or indirectly, the board of commissioners has administrative or regulative powers over all major county functions. The board, serving as the county levying board (103) and as members of the county budget committee, exercises direct control over the administration of the county's fiscal policy. (104) As all county offices submit estimates to the budget committee, the board of county commissioners thus has indirect control over the fiscal policies of each county office. Budget limitations of the county are established by the State Legislature, and in Multnomah County the State exercises further control through the tax supervising and conservation commission appointed by the Governor, to which the levying board is required to submit annually a detailed estimate of the budget for the fiscal year. (105) Between 1921 and 1939 (106) the tax supervising and conservation commission exercised regulatory authority over Multnomah County budget estimates. In 1939 the authority of the commission was defined as purely advisory.

Another factor contributing to the general administrative control by the commissioners over all county functions lies in the board's authority to examine the financial records of the major county offices (107) and to order an audit of the books of all county offices. (108)

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99. Const. art. VII, sec. 12.  
100. Ibid.  
101. 1913 S. L. ch. 377; 1930 O. C. Ann. sec. 27-1702.  
102. 18 Ore. 163.  
103. 1921 S. L. ch. 118; 1935 O. C. Ann. Supp. sec. 69-1114.  
104. L. 1862, Deady, p. 870; 1935 S. L. ch. 34; 1935 O. C. Ann. Supp. sec. 28-1004.  
105. 1919 S. L. ch. 375; 1930 O. C. Ann. sec. 69-1201.  
106. 1921 S. L. ch. 208; 1930 O. C. Ann. sec. 69-1203, as amended 1939 S. L. ch. 273.  
107. L. 1891, p. 117; 1930 O. C. Ann. sec. 28-1009.  
108. L. 1862, Deady, p. 332; 1915 S. L. ch. 266; 1930 O. C. Ann. sec. 27-501.



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Various major functions of the county are the direct responsibility of the board of commissioners. The board is responsible for general operating facilities of the county, including the erection and maintenance of necessary county buildings, (109) housing and equipping of all county offices, (110) and the general care and management of county property. (111) The county commissioners appoint the purchasing agent for Multnomah County.

Direct control over public works within the county is vested in the board of commissioners through the authority to establish and maintain county roads and bridges (112) and to appoint the county roadmaster. (113) Moreover, the commissioners are responsible indirectly for the administration of laws pertaining to various municipal corporations, such as road districts. (114) The development of public works programs within the county is one of the phases of county administration necessitating cooperative relationship between county, State and Federal agencies of administration. The establishment and maintenance of State highways and roads (115) and Federal highways and roads within National Forests (116) involve cooperative administration.

Until recent years the board of commissioners was solely responsible for the administration of public welfare activities in the county. Public welfare is now administered uniformly throughout the State and is partly a Federal responsibility. (117) The public health service, over which the board of commissioners has administrative authority, is also a part of a state-wide activity which is in part financed and directed by the United States Public Health Service. The county commissioners appoint the county physician, and, as ex officio members of the board of health, appoint the county health officer (118) and county health nurses. (119)

The board of commissioners has significant responsibilities in regard to the administration of education within the county. Not only is the board's authority expressed through budgetary and levying activities, but as members of the district boundary board the commissioners exercise authority over the establishment and division of school districts. (120)

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109. L. 1862, Deady, p. 870; 1930 O. C. Ann. sec. 28-1004.  
110. L. 1862, Deady, p. 336; 1930 O. C. Ann. sec. 28-1004.  
111. L. 1862, Deady, p. 336; 1930 O. C. Ann. sec. 28-1004.  
112. L. 1862, Deady, p. 336; 1930 O. C. Ann. sec. 28-1004.  
113. 1917 S. L. ch. 299; 1930 O. C. Ann. sec. 44-1407.  
114. L. 1853-54, p. 492; 1917 S. L. ch. 299; 1930 O. C. Ann. sec. 44-1501.  
115. 1917 S. L. ch. 237; 1930 O. C. Ann. sec. 44-138.  
116. 1919 S. L. ch. 391; 1930 O. C. Ann. sec. 44-413.  
117. L. 1853-54, p. 505; 1930 O. C. Ann. sec. 27-1408; L. 1862, p. 366; 1930 O. C. Ann. sec. 28-1004; 1911 S. L. ch. 31; 1913 S. L. ch. 42; 1917 S. L. ch. 267; 1930 O. C. Ann. sec. 27-1501; 1935 S. L. ch. 15; 1935 O. C. Ann. Supp. sec. 60-2606; 1939 S. L. ch. 241. See also p.  
118. 1905 S. L. ch. 170; 1930 O. C. Ann. sec. 59-201.  
119. 1917 S. L. ch. 82; 1930 O. C. Ann. sec. 59-107.  
120. L. 1899, p. 216; 1930 O. C. Ann. sec. 35-601.



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Certain details of regulation come under the direct jurisdiction of the commissioners, who license ferries and fix passage rates (121) and license public dance halls and other establishments outside the limits of incorporated cities. (122)

Whereas the county courts as administrative bodies of most Oregon counties exercise direct appointive powers, since 1929 Multnomah County has operated under civil service regulations. (123) The board of commissioners exercises indirect control over civil service operations through the appointment of the membership of the civil service commission, which classifies county employment, establishes salary standards, and conducts competitive examinations.

The county clerk as ex officio clerk of the board of commissioners (124) is custodian of all the records of the board and of all official bonds approved by the board of commissioners. (125)

Recording. The function of registering titles to land and recording conveyances was performed during the period of the Provisional Government in the Oregon country by an elected territorial recorder. (126) Later, in 1849, a law was enacted authorizing county clerks to act as recorders of all land claims within their respective counties. (127) However, from 1850 to 1859 donation land claims were recorded by the Federal Surveyor General for the Oregon Territory. (128)

Under the Constitution the Legislature may authorize the election of separate officials to act as county clerk, clerk of the circuit court, and as recorder of conveyances whenever the number of voters in a county exceeds 1,200. (129)

When Multnomah County was created in 1854 the Legislature appointed an official designated as auditor to perform the duties of recorder of conveyances. (130) In 1887 under powers granted by the Constitution, the Legislature created the separate offices of clerk of the county court, clerk of the circuit court, and recorder of conveyances. (131) A further enactment in 1901 restored in Multnomah County the dual office of clerk and recorder. (132)

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121. L. 1864, Deady, p. 366; 1930 O. C. Ann. sec. 28-1004.
  122. L. 1862, Deady, p. 365; 1930 O. C. Ann. sec. 28-1004.
  123. 1929 S. L. ch. 162; 1930 O. C. Ann. sec. 27-2904.
  124. L. 1850, p. 76; 1930 O. C. Ann. sec. 27-2815.
  125. L. 1864, Deady, p. 823; 1930 O. C. Ann. sec. 27-1602.
  126. Ar. p. 30.
  127. L. 1843-49, p. 66.
  128. L. 1850, p. 50.
  129. Const. art. VII, sec. 15.
  130. L. 1854, p. 29.
  131. L. 1887, p. 126.
  132. L. 1901, p. 282; 1930 O. C. Ann. sec. 27-2001.



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During the period of the Provisional Government, when land claims were recorded by the territorial recorder, the extent of any claim was designated merely according to natural boundaries or by markers placed at the corners or along the lines of a claim. (133) In 1850, when the first Federal Surveyor General was appointed, provision was made for surveying the Oregon Territory according to the geodetic method and in relation to a base line established at the mouth of the Willamette River. (134)

Under the laws of 1855 each county procured from the Surveyor General and filed with the county surveyor, a certified copy of the Surveyor General's field notes and plats of surveys relating to townships and other legal subdivisions of the county. (135) Whenever the owners of tracts or parcels of land desire to establish permanently the boundaries of their property, or whenever the boundaries of tracts or parcels of land are questioned, the surveyor is notified to make a survey. The surveyor gives notice to interested parties and fixes the time for the survey, which is made on the basis of the original government survey. (136) The findings of the surveyor consisting of field notes, etc., are filed in the office of the county surveyor, and a certificate of the findings is filed by the surveyor with the county clerk, who records the certificate on behalf of the party whose land is affected. (137) In addition to the recording of boundaries of tracts of land, the county clerk has the duty of recording evidences of title.

The first record of title to real property is the United States patent issued to a homesteader or original settler by the Federal Government. (138) These original evidences of title are entered either in the book of deeds or in a special book of patents by the recording official, usually the county clerk. (139) Subsequent conveyances of real property are entered in the book of deeds; encumbrances are entered in a book of mortgages. The documents are endorsed to show the time of receipt and the book and page where recorded. (140) The book of deeds contains not only transfers of title by individual owners, (141) but also conveyances of title by sheriff's certificate on execution of mortgage foreclosure, (142) quit-claims, (143) deeds by executors and administrators of estates, and equity decrees affecting title. (144) The book of mortgages contains simple mortgages showing real property security for payment of money, (145) assignments of mortgages, (146)

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133. Ar. p. 35.
  134. L. 1850, p. 48.
  135. L. 1855, Deady, p. 892; 1930 O. C. Ann. sec. 27-1813.
  136. 1901 S. L. p. 312; 1930 O. C. Ann. sec. 27-1821.
  137. 1901 S. L. p. 313; 1930 O. C. Ann. sec. 27-1822.
  138. 9 Stat. 496.
  139. L. 1872, p. 23; 1930 O. C. Ann. sec. 63-141.
  140. L. 1854, Deady, p. 650; 1930 O. C. Ann. sec. 63-129.
  141. L. 1854, Deady, p. 650; 1930 O. C. Ann. sec. 63-128.
  142. 1903 S. L. p. 287; 1930 O. C. Ann. sec. 63-133.
  143. L. 1854, Deady, p. 647; 1930 O. C. Ann. sec. 63-104.
  144. L. 1872, p. 23; 1930 O. C. Ann. sec. 63-141.
  145. L. 1854, Deady, p. 650; 1930 O. C. Ann. sec. 63-128.
  146. L. 1895, p. 55; 1930 O. C. Ann. sec. 54-102.



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lis pendens, or notices of lawsuits pending which may affect the title, (147) and satisfactions of mortgages. (148) Mechanics' liens are recorded in a book kept for that purpose and indexed as deeds and conveyances are indexed. (149)

The records contained in the books of deeds and in the book of mortgages are required by law to be indexed directly and indirectly. (150) Additional records kept by the county recording official and relating to conveyances of title to real property are: powers of attorney, (151) judgment liens, (152) certificates of water rights, (153) and mining claims. (154)

Instruments affecting personal property are recorded as are instruments bearing on the ownership of real property. (155)

For an account of the Torrens System of title registration see Inventory of the County Archives of Oregon, No. 22, Linn County, p. 34.

Judiciary. The judicial power of the State is vested in the Supreme Court and such other courts as have been created by law. The Supreme Court cannot be abolished without a constitutional amendment, although it can be reorganized by law. Other courts can be established by statute, reorganized, or abolished. (156)

At the time of the creation of Multnomah County in 1854, justice was administered by three courts: the district court, (157) the county court (158) and the justice of the peace courts. (159) The United States Territorial Act of 1848 created district and probate courts and invested the district courts with the same jurisdiction exercised by circuit and district courts of the United States. (160) Federal courts in Oregon were first established by act of Congress on March 3, 1859. (161) The Constitution in 1859 re-established circuit courts, (162) grouping Wasco, Clackamas, Multnomah, Columbia, Clatsop and Tillamook counties in the fourth judicial district. (163) In 1882 all of the foregoing counties were transferred to

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147. 1909 S. L. ch. 93; 1930 O. C. Ann. sec. 63-132.
  148. L. 1896, p. 44; 1930 O. C. Ann. sec. 54-109.
  149. L. 1885, p. 15; 1930 O. C. Ann. sec. 51-106.
  150. L. 1854, Deady, p. 651; 1930 O. C. Ann. sec. 63-130.
  151. L. 1854, Deady, p. 652; 1930 O. C. Ann. sec. 63-135.
  152. L. 1843-49, pp. 154, 155; 1930 O. C. Ann. sec. 2-1601.
  153. 1909 S. L. ch. 216; 1930 O. C. Ann. sec. 47-163.
  154. L. 1898, p. 17; 1930 O. C. Ann. sec. 53-207.
  155. 1901 S. L. p. 124; 1930 O. C. Ann. sec. 54-202.
  156. Const. amended art. VII, sec. 2.
  157. L. 1850-51, p. 37.
  158. L. 1852-53, p. 11.
  159. L. 1853-54, p. 286.
  160. L. 1850-51, p. 137.
  161. 2 Stat. 437.
  162. Const. original art. VII, sec. 9.
  163. Const. original art. VII, sec. 11.



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other districts, with the exception of Multnomah, which alone since that time has comprised the fourth judicial district. (164)

The circuit court always has held original civil jurisdiction in suits involving \$250 or more. (165) The circuit court is a court of general jurisdiction, both in law and equity, and holds appellate civil and criminal jurisdiction over justice courts and all other inferior courts. (166) Original criminal jurisdiction of the circuit court extends over all violations for which the law provides as penalties imprisonment in the State Penitentiary or sentence of death. (167)

In 1913 the office of county judge in Multnomah County was abolished, and all judicial jurisdiction of the county court was transferred to the circuit court. (168) The same act provided for the creation of a juvenile court. (169) Further legislation in 1919 abolished the juvenile court and provided for a court of domestic relations (170) to have original jurisdiction in all matters pertaining to dependent and delinquent minors. In 1929, however, the Legislature abolished the court of domestic relations and provided for an additional circuit court judge to sit as judge of the department of domestic relations of the circuit court. (171) The probate department of the circuit court has exclusive jurisdiction in all matters relating to the estates of decedents, minors and other legally incompetent persons, and to general probate matters. (172)

Originally Multnomah County was divided into seven justice of the peace districts. (173) When the district court was created in 1913, all justice of the peace courts within the Portland metropolitan area were abolished. (174) The only justice district now remaining is that of Multnomah, with an office in the town of Gresham.

In 1855 when justice courts were instituted in Multnomah County, jurisdiction was limited to cases wherein the amount in controversy did not exceed \$100. (175) As prescribed by the Constitution, this limitation was extended in 1862 to \$250. (176) Since 1864 justices of the peace have held criminal jurisdiction over crimes punishable by fine or by sentence to the county jail. (177)

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164. L. 1882, p. 51.
  165. L. 1864, Deady, p. 368; 1930 O. C. Ann. sec. 28-1303.
  166. Const. art. VII, sec. 9.
  167. L. 1864, Deady, p. 602; 1930 O. C. Ann. sec. 28-1303.
  168. 1913 S. L. ch. 378; 1930 O. C. Ann. sec. 33-618.
  169. 1913 S. L. ch. 249; 1930 O. C. Ann. sec. 33-618.
  170. 1919 S. L. ch. 296; 1930 O. C. Ann. sec. 35-603.
  171. 1929 S. L. ch. 183; 1930 O. C. Ann. secs. 28-845, 28-855.
  172. 1913 S. L. ch. 378.
  173. Provisional and Territorial Government Papers, No. 2055, in library of Oregon Historical Society.
  174. 88 Ore. 334.
  175. L. 1843-49, p. 99.
  176. Const. original art. VII, sec. 1; L. 1862, p. 217; 1930 O. C. Ann. sec. 28-1330.
  177. L. 1864, Deady, p. 583; 1930 O. C. Ann. sec. 16-103.



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The territorial limit of the jurisdiction of the district court is confined to Multnomah County. (178) This court has jurisdiction but not exclusive, in all civil cases for recovery of money or damages not exceeding \$1,000. (179)

In its criminal jurisdiction the district court has concurrent power with the circuit court of all misdemeanors where punishment prescribed does not exceed one year's imprisonment in the county jail or a fine of not more than \$3,000, or both. (180)

Appeals from the decisions of the district court may be taken to the circuit court (181) provided that the amount involved exceeds \$50. (182)

In 1915 a small claims department was established in the district court. (183) This department has jurisdiction, but not exclusive, in cases for the recovery of money only when the amount claimed does not exceed \$20 and when the defendant resides within Multnomah County. (184)

Law Enforcement. Before efforts were made to establish formal government in the Oregon country, the function of law enforcement had been performed, first by the factors and resident officials of the Hudson's Bay Company (185) and by constables whom the emigrants, en route to the Oregon country, elected from their number. At early meetings prior to the formation of a Provisional Government, constables were named and delegated authority to preserve the peace. (186)

The first organic laws adopted in 1843 provided for the offices of sheriff, (187) constable, (188) coroner, (189) and the public prosecutor, (190) thus establishing the foundations for the present law enforcement agencies in the counties. With the exception of the constable, each office was made mandatory by the Oregon Constitution. (191)

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178. 1913 S. L. ch. 355; 1930 O. C. Ann. sec. 28-1103.  
179. 1913 S. L. ch. 355; 1930 O. C. Ann. sec. 28-1105, as amended 1935 S. L. ch. 401.  
180. 1913 S. L. ch. 355; 1930 O. C. Ann. sec. 28-1105, as amended 1935 S. L. ch. 401.  
181. 1915 S. L. ch. 327; 1930 O. C. Ann. sec. 28-1211.  
182. 1913 S. L. ch. 355; 1930 O. C. Ann. sec. 28-1113.  
183. 1915 S. L. ch. 327; 1930 O. C. Ann. sec. 28-1201.  
184. 1915 S. L. ch. 327; 1930 O. C. Ann. sec. 28-1201.  
185. See "An Act for Regulating the Fur Trade," etc., Statutes of the United Kingdom, etc., VIII (1819-1822), 422 ff.  
186. Ar. p. 6.  
187. Ar. p. 14.  
188. Ar. p. 14.  
189. L. 1843-49, p. 23.  
190. L. 1843-49, pp. 99, 100.  
191. Const. art. VI, sec. 6.



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Upon the creation of Multnomah County in 1854, the Legislature provided for the appointment of the above-named law enforcement officers pending the first regular election in the county. (192)

Law enforcement is divided into two phases; criminal and civil. Thus, in Multnomah County the sheriff's office is described by statute as that of the chief executive officer and conservator of the peace in the county (193) and is organized into civil and criminal departments, each of which is staffed by personnel selected on the basis of qualifications for performing the duties of that department.

As conservator of the peace and ministerial officer of the courts, the sheriff makes arrests of persons committing or about to commit crimes. He may make such arrests either by serving a warrant issued by a court (194) or without a warrant. (195) The authority to make arrests is also vested in the constable and persons regarded by law as having the powers of constable. (196)

The district attorney institutes indictment proceedings against persons charged with the commission of criminal offense. (197) Following the grand jury proceedings, he then conducts the prosecution. (198) Originally a territorial officer, (199) the district attorney since 1853 has been an officer of both the State and the county. (200)

The function of crime detection and criminal apprehension has developed from a relatively simple and local function to an activity involving the correlated efforts of county and State. Cooperation between the counties in the matter of crime detection and criminal identification was effected prior to 1933 by means of a central criminal identification bureau, located in the sheriff's office of Multnomah County. (201) However, in 1931, Oregon adopted a State system of police (202) whose duties necessarily overlapped the functions of the county law enforcement officers. In 1933, the headquarters of the Department of State Police at Salem was designated a central clearing house for criminal identification records and data. (203)

The coroner, as a law enforcement officer of the county, conducts preliminary investigations of deaths by violence or under suspicious circum-

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192. L. 1864, Deady, pp. 111, 112; 1930 O. C. Ann. sec. 26-139; Commissioners' Journal, vol. 1, p. 64.
  193. L. 1862, Deady, p. 389; 1930 O. C. Ann. sec. 31-309.
  194. L. 1864, Deady, p. 502; 1930 O. C. Ann. sec. 13-2013.
  195. L. 1864, Deady, p. 505; 1930 O. C. Ann. secs. 13-2111, 13-2116.
  196. L. 1864, Deady, p. 502; 1930 O. C. Ann. sec. 13-2013.
  197. L. 1862, Deady, p. 384; 1930 O. C. Ann. sec. 31-105.
  198. Const. art. VII, sec. 18, as amended; see 1930 O. C. Ann. sec. 13-603.
  199. L. 1843-49, p. 71.
  200. L. 1853-54, p. 67; L. 1862, Deady, p. 384; 1930 O. C. Ann. sec. 31-104.
  201. 1917 S. L. ch. 286; 1930 O. C. Ann. sec. 27-2403.
  202. 1931 S. L. ch. 139.
  203. 1933 S. L. ch. 52.



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stances. (204) He also presides over inquests in such cases when an inquest is ordered by the district attorney. (205)

As a ministerial officer of the court, it is the duty of the sheriff to execute judgments in criminal cases. He delivers the prisoner, under sentence of imprisonment in the State Penitentiary, to the warden of that institution. (206) During the early territorial period, the sheriff was responsible for the execution of the death sentence, (207) now a function of the warden of the State Penitentiary. (208)

As a final phase of the process of criminal law enforcement, the sheriff is responsible for the care of county jail prisoners. (209)

The enforcement of civil law involves the services of all the county law enforcement offices. As the ministerial officer of the county and circuit courts in most Oregon counties, and of the circuit court alone in Multnomah County since 1913, (210) the sheriff serves civil processes (211) and executes civil judgments. (212) The constable performs the same duties in relationship to the justice courts. (213) Should the sheriff be a party to the court action, the coroner serves the necessary processes. (214)

The district attorney functions as legal counsel to all other county officers, serving as prosecuting or defending attorney in all civil actions brought against the county or in its behalf, respectively. (215)

Finance (County and School). The financial functions of the county involve the following processes: preparation of the budget, collection of revenue, expenditure, and bond issuance. This complex organization of county government finance had its beginnings in the election of a temporary territorial treasurer in 1843 at one of the so-called Wolf Meetings, for receiving and disbursing funds for bounty payments on predatory animals. (216) The organic laws, enacted that same year, provided for the election of a treasurer (217) and designated the sheriff as ex officio tax collector. (218) The early settlers made tax payments in wheat, as well as in gold, silver, and currency. (219)

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204. L. 1862, Deady, p. 396; 1930 O. C. Ann. sec. 31-701.  
205. L. 1862, Deady, p. 396; 1930 O. C. Ann. sec. 31-701.  
206. L. 1864, Deady, p. 474; 1930 O. C. Ann. sec. 13-1131.  
207. L. 1850, p. 88.  
208. L. 1864, Deady, p. 475; 1930 O. C. Ann. sec. 13-1141.  
209. L. 1862, p. 475; 1930 O. C. Ann. sec. 27-2317.  
210. 1913 S. L. ch. 378; 1930 O. C. Ann. sec. 28-837.  
211. L. 1862, Deady, p. 389; 1930 O. C. Ann. sec. 31-309.  
212. L. 1862, Deady, p. 212; 1930 O. C. Ann. sec. 3-401.  
213. L. 1853, p. 263; 1930 O. C. Ann. sec. 27-2720.  
214. L. 1862, Deady, p. 396; 1930 O. C. Ann. sec. 31-707.  
215. L. 1899, p. 185; 1930 O. C. Ann. sec. 31-107.  
216. Ar. p. 9.  
217. L. 1843-49, p. 25.  
218. Ar. p. 30.  
219. L. 1843-49, p. 27.



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The major authority over the fiscal affairs of the county has always been vested in the county court or board of county commissioners. (220) Prior to 1921, the board of county commissioners alone prepared the county budget. In that year the law provided for a county budget committee, composed of the county commissioners and three appointed lay members. (221) In most Oregon counties, as in Multnomah County before 1913, the board of commissioners consists of the county judge and two commissioners. In 1913, the office of county judge was abolished in Multnomah County and a third commissioner provided for. (222)

During the court terms of January and July, the budget committee determines the amount of revenue necessary for county purposes, preparing this budget in part from estimates submitted by various county offices. (223) The estimates of county expenses for the following fiscal year, together with itemized listings of expenditures for the three previous years and the original estimate sheets of each county office, are filed with the board of county commissioners, which then functions as the county levying board. (224)

The budget in its final form includes the taxes to be levied for school purposes. Estimates of expenses for school purposes are prepared separately each year by the various school district boards, (225) for consideration by the budget board.

The major revenue of the county is derived from taxes levied on real and personal property as provided by the Constitution. (226) There is no poll tax in Oregon. (227) The function of levying taxes was vested in the board of county commissioners at an early date. The officers of the road districts in the early Oregon counties presented estimates to the three judges who then comprised the board of county commissioners. (228)

County tax levies are restricted to not more than the amount levied for any one of the three immediately preceding years, plus a 6 percent increase, except for payment of bonded indebtedness and interest thereon. (229) The levying powers of the board of county commissioners were defined by early statutes (230) and in 1919, as a further control over fiscal policies and operations, a tax supervising and conservation commission was created in Multnomah County to act in an advisory capacity. (231) Two years

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220. L. 1862, Deady, p. 870; 1930 O. C. Ann. sec. 28-1004.  
221. 1921 S. L. ch. 118; 1930 O. C. Ann. sec. 69-1104.  
222. 1913 S. L. ch. 377.  
223. 1921 S. L. ch. 118; 1930 O. C. Ann. sec. 69-1114.  
224. 1921 S. L. ch. 118; 1930 O. C. Ann. sec. 69-1114.  
225. 1919 S. L. ch. 180; 1930 O. C. Ann. sec. 35-1337, as amended 1939 S. L. ch. 319.  
226. Const. art. IX, sec. 1.  
227. Const. art. IX, sec. 1-a.  
228. L. 1843-49, pp. 17-22.  
229. Const. art. IX, sec. 1; 1937 S. L. ch. 373.  
230. L. 1862, Deady, p. 366; 1930 O. C. Ann. sec. 69-1201.  
231. 1919 S. L. ch. 375; 1930 O. C. Ann. sec. 69-1201.



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later the commission was invested with supervisory and control authority but was restricted in 1939 to purely advisory functions. (232) The tax supervising and conservation commission, the members of which are appointed by the Governor, also exercises supervisory control over the fiscal affairs of municipal corporations. (233)

The function of preparing the assessment rolls and the details attendant upon this process have, since the creation of the county, been the province of the assessor. Early laws of the Provisional Government provided for an assessor, (234) whose relationship to the financial structure of the county has remained unchanged. He prepares the assessment roll, which he submits to the county clerk for delivery to the sheriff, who acts as ex officio tax collector. (235)

Certain classes of property are exempt from taxation in Oregon: property owned by the Federal or State Government; public or corporate property of counties, cities, or municipal corporations; real property owned by certain types of educational or benevolent institutions incorporated within the State; property of religious institutions such as houses of public worship and their furnishings; burial grounds, real and personal property of public libraries, property of Indians on reservations except that obtained by purchase or inheritance; the personal property of the infirm, aged or impoverished; wearing apparel and similar personal effects actually in use; notes secured by recorded mortgages on real property. (236)

The review or equalization of taxes has been an authorized process since the period of the Provisional Government. Under the Provisional Government the three judges who constituted the board of commissioners were authorized to sit as a board of equalization, to hear complaints, and to adjust grievances. (237) When Multnomah County was created in 1854, legislation had recently provided the foundation for the present structure of the board of equalization, composed of the assessor, auditor, and county judge. (238) In 1870, the county clerk was made a member of the board in place of the auditor. (239) In 1907 the law provided that the county board of equalization should be composed of the county judge serving as chairman, the assessor, and the county clerk as secretary. (240) When the office of county judge for Multnomah County was abolished in 1913 and probate jurisdiction transferred to the circuit court, the probate judge became the chairman of the board of equalization. (241)

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232. 1921 S. L. ch. 208; 1930 O. C. Ann. sec. 69-1203, as amended 1939 S. L. ch. 273.

233. 1939 S. L. ch. 273.

234. L. 1843-49, p. 39; L. 1853-54, p. 434; 1930 O. C. Ann. sec. 69-231.

235. L. 1843-49, pp. 82, 93; 1930 O. C. Ann. sec. 69-704.

236. L. 1854, Deady, p. 894; 1907 S. L. ch. 268; 1930 O. C. Ann. sec. 69-104.

237. L. 1843-49, pp. 54, 55.

238. L. 1853-54, pp. 417, 436.

239. L. 1870, pp. 52, 53; 1930 O. C. Ann. sec. 69-302.

240. 1907 S. L. ch. 266; 1930 O. C. Ann. sec. 69-302.

241. 1913 S. L. ch. 378.



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The board receives the assessment rolls from the assessor, and upon due notice reviews the rolls for errors and omissions. (242) The corrected rolls are then returned to the assessor. (243) An additional check is provided in the right of appeal from decisions of the board to the State Tax Commission. (244)

The county treasurer each week receives taxes collected by the sheriff, who provides both the treasurer and the county clerk with a copy of his statement of such collections. (245) The treasurer keeps segregated all moneys received from the tax collector and, on demand, pays over the correct apportionments to the several school districts and other sub-county taxing agencies included in the budget. (246) The county treasurer also remits to the State Treasurer the amount levied for State purposes. (247) The State is regarded as a preferred creditor. (248)

Taxes were payable in two annual installments until 1933, (249) when the law provided for payment in quarterly installments, and for payment of delinquent taxes in ten equal semiannual installments. (250) Later it was stipulated that these payments should equal one-fourth of the amount of taxes of the earliest year of delinquency. When two annual installments of delinquent taxes are not paid and three years have elapsed from date of earliest delinquency, the tax collector issues to the county a certificate of delinquency. (251)

Except as otherwise provided by law, real property within the State of Oregon is subject to foreclosure for delinquent taxes after three years of delinquency. The sheriff institutes foreclosure proceedings six months after delinquency. Notice is given by publication, permitting interested persons to file a defense, after which the court orders property to be sold directly to the county. Any property so foreclosed and not redeemed within one year is deeded to the county by the tax collector. The delinquent taxpayer has recourse of appeal to the Supreme Court. (252) Personal property, upon which taxes have become delinquent, is also foreclosed, title passing to the county. (253)

School finances are a part of the county's general fund, but are earmarked and used exclusively for school purposes. Under the act of Congress

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242. 1907 S. L. ch. 266; 1930 O. C. Ann. sec. 69-304.  
243. 1907 S. L. ch. 266; 1930 O. C. Ann. sec. 69-306.  
244. 1929 S. L. ch. 465; 1930 O. C. Ann. sec. 69-506.  
245. 1907 S. L. ch. 267; 1930 O. C. Ann. sec. 69-853.  
246. 1909 S. L. ch. 267; 1930 O. C. Ann. sec. 69-711, as amended 1935 S. L. ch. 305.  
247. 1909 S. L. ch. 267; 1930 O. C. Ann. sec. 68-745, as amended 1935 S. L. ch. 305.  
248. 31 Ore. 524.  
249. 1907 S. L. ch. 267; 1930 O. C. Ann. sec. 69-801.  
250. 1933 S. L. ch. 462.  
251. 1933 S. L. ch. 462; 1935 S. L. ch. 5, as amended 1937 S. L. ch. 96.  
252. 1939 S. L. ch. 485.  
253. 1907 S. L. ch. 267; 1930 O. C. Ann. sec. 69-721, as amended 1935 S. L. ch. 305.



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in 1859 admitting Oregon to statehood, the State was granted sections of each township for use of schools. (254) An irreducible school fund, the interest of which is applied exclusively to the support and maintenance of common schools in each school district in the State, is set aside and derives its income from the following sources: the proceeds from the sale or rental of before-mentioned school lands; all clear proceeds of all property which may accrue to the State by escheat or forfeiture; the proceeds of all gifts and bequests made by any party to the State for common school purposes; the proceeds of all property granted to the State when the purpose of such grant is not stated; all proceeds from tide and overflow lands. (255) Additional school funds may be derived from special tax levies and issuance of bonds.

Annually or oftener, the State Land Board apportions the interest on hand accruing from school funds among the several counties, in proportion to the number of children between the ages of 4 and 20 years resident in the county. The county treasurer receives the money and reports the amount to the county school superintendent for distribution to the various school districts of the county. (256)

Other sources of county revenue include various fees from county licenses, such as marriage licenses, (257) dog licenses, (258) dance hall, and grocery store licenses. (259) The county clerk, issuing the licenses, collects the fees and makes a return to the county treasurer. (260) Fees, collected by certain county officers for services performed, are remitted to the treasurer and placed in a separately maintained, accumulative salary fund. (261)

Certain county activity which is in the nature of participation in State and Federal responsibilities involves partial financing through Federal and State appropriations. (262) Cooperative construction and maintenance of State roads and highways provides an annual appropriation from the State Highway Department, and the United States Department of Agriculture cooperates with the county in the maintenance of National Forest roads, the county sharing in Federal appropriations for that purpose. (263) Relief funds and public health funds are also received through Federal appropriations.

Disbursements of county funds are made by the county treasurer on warrants issued and attested by the county clerk. (264) The county court

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- 254. Const. art. VIII, sec. 2.
  - 255. 1907 S. L. ch. 117; 1930 O. C. Ann. sec. 60-1201.
  - 256. Const. art. VIII, sec. 4; 1907 S. L. ch. 117; 1930 O. C. Ann. sec. 60-1202, as amended 1935 S. L. ch. 22.
  - 257. L. 1862, p. 785; 1930 O. C. Ann. sec. 33-112.
  - 258. 1919 S. L. ch. 186; 1930 O. C. Ann. sec. 20-2317, as amended 1939 S. L. ch. 188.
  - 259. L. 1862, Deady, p. 366; 1930 O. C. Ann. sec. 28-1004.
  - 260. 1913 S. L. ch. 273; 1930 O. C. Ann. sec. 27-605.
  - 261. L. 1898, p. 9; 1930 O. C. Ann. sec. 27-3023.
  - 262. 1917 S. L. ch. 237; 1930 O. C. Ann. sec. 44-138.
  - 263. 1923 S. L. ch. 362; 1930 O. C. Ann. sec. 44-132.
  - 264. L. 1854, Deady, p. 928; 1930 O. C. Ann. sec. 27-1720.



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publishes a schedule of disbursements, showing the name of each claimant, itemizing the amounts and the article or service for which payment is being made, and indicating whether the claim has been approved or rejected. The treasurer redeems such warrants according to priority, depositing the redeemed orders with the county clerk. (265) Any approved warrant, unpaid for lack of funds, draws interest accruing from the date of presentation. (266)

The county treasurer is required to maintain county financial records in a prescribed manner. Receipts and expenditures from various separate funds are exhibited in separate accounts. (267) He makes a monthly accounting to the board of county commissioners, showing the amount of revenue on hand, the banks in which funds are deposited, the security furnished the county by the banks guaranteeing county deposits, interest rates received, outstanding warrant indebtedness, and the date up to which the county's indebtedness has been redeemed. (268)

The records of each county official responsible for the handling of county funds are given an official audit at the end of each calendar year. (269) Audits may be made oftener if deemed advisable by the board of county commissioners. Private citizens may call for an audit of the books of the county providing a deposit is made with the State Insurance Commissioner of a sum of money sufficient to cover the costs. (270)

Various phases of county activity may be financed by bond issues. The Oregon Constitution provided restrictions governing the bonded indebtedness of any county. The aggregate bonded indebtedness may not exceed the sum of \$5,000 except to suppress insurrection or repel invasion or to build or maintain permanent roads within the county. Debts for permanent roads may be incurred only on approval of a majority of those voting on the question, and may not either singly or in the aggregate, with previous debts and liabilities incurred for that purpose, exceed 6 percent of the assessed valuation of all property in the county. Bonds are issued upon the vote of a majority of the voters at a special election, called by the board of county commissioners. No bonds may be issued for a period exceeding 20 years. Upon being voted, the bonds are sold by the board of county commissioners, who are empowered to levy a special annual tax for payment of interest and for retiring the principal upon maturity. (271) The board of county commissioners causes public notice to be made of bond redemptions, redeeming them in order of priority.

School district boards, upon authorization by a majority of the legal voters of the district, may provide bond issues for financing the purchase

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265. L. 1854, Deady, p. 929; 1930 O. C. Ann. sec. 27-1722.  
266. L. 1854, Deady, p. 929; 1930 O. C. Ann. sec. 27-1720.  
267. L. 1854, Deady, p. 929; 1930 O. C. Ann. sec. 27-1718.  
268. 1921 S. L. ch. 225; 1930 O. C. Ann. sec. 27-715.  
269. L. 1862, Deady, p. 332; 1915 S. L. ch. 266; 1930 O. C. Ann. sec. 27-501.  
270. 1917 S. L. ch. 161; 1930 O. C. Ann. sec. 27-504.  
271. Const. art. XI, sec. 10.



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of school lands and for building schoolhouses. (272) Improvement districts, peoples' utility districts, and other municipal corporations, upon a majority vote of the qualified voters of the district, may issue bonds, their bonded indebtedness restricted to 5 percent of the total value of the taxable property in the district. (273)

Election Procedure. The organic laws adopted in 1845 provided that any free white male inhabitant of 21 years or over who was a resident of the Territory at the time of its organization, should be entitled to vote for any officer, civil or military, and be eligible to hold any office in the Territory. It was further provided that those of such qualifications emigrating to the Territory after its organization should be entitled to the rights of citizenship after six months residence. (274)

The Oregon Constitution adopted in 1859 provided that any white male citizen of the United States, 21 years or older, or any white male of foreign birth, who had declared his intention to become a citizen, should after six months residence be entitled to vote at all elections. (275) An exception was made at that time to Negroes, Chinese and mulattoes, who were allowed no right of suffrage. (276)

An initiative petition filed in December 1910 and adopted by a vote of the people in November 1912 extended the franchise to women. (277) An amendment adopted in 1914 specified that all voters be citizens of the United States. (278) Another amendment adopted in 1924 required that voters submit to a literacy test. (279) At a special election in June 1927 a further amendment prescribed that all voters be registered. (280) A constitutional amendment in 1932 provided that the Legislature or the people through the initiative may restrict the suffrage on special taxes or bond issues to taxpayers only. (281) At a special election held on June 28, 1927, the constitutional provision denying suffrage to Negroes, mulattoes and Chinese was repealed. (282) This provision had not been repealed previously, although it had not been in force since the adoption of the Fifteenth Amendment to the United States Constitution in 1870. (283) At present, to qualify as a voter, one must be 21 years of age or older, must fulfill the requirements of the law as to residence, must be duly registered, and must be able to read and write the English language. (284)

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272. 1913 S. L. ch. 172; 1930 O. C. Ann. sec. 35-1104, as amended 1939 S. L. ch. 192.
273. Const. art. XI, sec. 12.
274. Ar. p. 29.
275. Const. original art. II, sec. 2; see Carey, A History of the Oregon Constitution, pp. 404, 405.
276. Const. original art. II, sec. 2; see Carey, A History of the Oregon Constitution, pp. 404, 405.
277. Const. art. II, sec. 2, as amended 1912.
278. Const. art. II, sec. 2, as amended 1914.
279. 1925 S. L. p. 5.
280. 1929 S. L. p. 5.
281. Const. art. II, sec. 2, as amended 1932.
282. Const. art. II, sec. 6, repealed 1927.
283. U. S. Const., Amendment XV, March 1870.
284. Const. art. II, sec. 2, as amended 1933 S. L. ch. 5.



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To register as a voter, a citizen of Oregon must appear at the office of the county clerk and furnish proof of eligibility to vote. (285) No charge is made for registration.

It is the county clerk's duty to revise the registration list within 30 days after each biennial election. The clerk compares the poll books of all general, special and primary elections held during the preceding two years with the registration lists. The clerk removes the cards of those who are shown not to have voted at least once during that time, and the voter is notified of the removal by mail. These cards are retained for one year, at the expiration of which time they may be destroyed. (286)

Candidates for nomination to any office for which they constitutionally are eligible are required to be registered electors. (287)

In the preparation of election materials and the actual conduct of elections, the county clerk, the sheriff, and the county court or board of commissioners have specified duties. Preparation of election ballots must be undertaken by the county clerk not more than 25 days and not less than 20 days before an election is to be held. Ballots contain the names of nominees together with other information in the certificates of nomination. (288)

Since 1920, primary elections have been held on the third Friday of May of each even-numbered year. Although the Legislature in 1939 passed an act providing that such elections be held in September, a referendum petition of the people prevented the law from becoming effective. (289)

It is the duty of the county sheriff, under the direction of the county court, to secure and equip, not less than one day prior to each election, such places as are designated by the court to be used for voting. The sheriff must provide each polling place with such compartments, shelves, or tables as will insure privacy in the preparation of ballots by voters. (290) The county clerk is required to deliver to the sheriff for use at each polling place the number of ballots required, two poll books, a copy of election laws, tally sheets and necessary stationery supplies. (291)

The appointment of election officials is a duty of the county court. The clerk submits to the court a list of legal voters from each precinct, and, during the January term preceding a general election, the county court

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285. 1915 S. L. ch. 225; 1923 S. L. ch. 126; 1931 S. L. ch. 342;  
1930 O. C. Ann. sec. 36-103.
286. 1915 S. L. ch. 225; 1919 S. L. ch. 416; 1933 S. L. ch. 149;  
1930 O. C. Ann. sec. 36-110, as amended 1933 S. L. ch. 149.
287. 1915 S. L. ch. 124; 1930 O. C. Ann. sec. 36-501; 1933 S. L. ch. 77;  
1939 S. L. ch. 360.
288. L. 1891, p. 23; 1930 O. C. Ann. sec. 36-1401, as amended 1939 S. L.  
ch. 360.
289. 1919 S. L. ch. 283; 1939 S. L. ch. 360.
290. L. 1891, p. 26; 1935 S. L. ch. 40; 1930 O. C. Ann. sec. 36-1601.
291. L. 1891, p. 26; 1921 S. L. ch. 181; 1930 O. C. Ann. sec. 36-1409.



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appoints two judges and three clerks for each precinct to serve for two years. (292)

Preservation of order at the polls is in the hands of the election judges, who during election are invested with the jurisdiction and authority of justices of the peace. They may call on a sheriff, deputy, or policeman in any incorporated city or town to execute their orders, or they may deputize special constables. (293)

An absentee voter is defined as an elector who is absent from the county of his legal residence upon the day of any general, special or primary election, or one who is physically incapable of attending the election. The latter may secure a ballot by applying to the county clerk by letter, enclosing with the letter a certificate of illness from a physician. A person who resides more than 15 miles from the polling place may vote by absentee ballot. (294) Any time within 30 days prior to an election a person may secure ballots by applying to the county clerk. Application is made on a printed form as required by law and must be signed and sworn to. (295)

The precinct tally is made by the judges and clerks of the precinct, who thereafter send the ballot boxes, the ballots, and a set of tally sheets to the county sheriff, who delivers them to the county clerk. (296)

The county-wide canvass is then undertaken on the third day by the county clerk assisted by two justices of the peace, who are preferably of different political parties. These three officials open the returns, make abstracts of them and forward the abstracts immediately to the Secretary of State, who certifies the successful candidate. (297)

Education. When Multnomah County was created in 1854, the public school system of the Oregon Territory was in the process of development towards its present pattern. With the formation of the Territory, the Federal Government insured public education in the Territory through the provision for setting aside two sections of land in each township as a source of school funds. (298) The Territorial law of 1849 established the framework of the free public school system. The act provided for a common school fund, the proceeds of which were to be distributed among all school districts of the Territory in proportion to the number of school children; for the triennial election of a Territorial Superintendent of Common Schools to direct all the public schools in the Territory; and for the election by

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292. L. 1891, p. 9; 1925 S. L. ch. 207; 1930 O. C. Ann. sec. 36-202.  
293. L. 1891, p. 13; 1930 O. C. Ann. sec. 36-1513.  
294. 1919 S. L. ch. 361; 1923 S. L. ch. 53; 1925 S. L. ch. 125;  
1929 S. L. ch. 177; 1930 O. C. Ann. sec. 36-2201, as amended  
1939 S. L. ch. 159.  
295. 1919 S. L. ch. 361; 1923 S. L. ch. 53; 1930 O. C. Ann. sec. 36-2203,  
as amended 1939 S. L. ch. 156.  
296. L. 1891, p. 17; 1912 S. L. ch. 255; 1930 O. C. Ann. sec. 36-1518.  
297. 1905 S. L. ch. 1; 1919 S. L. chs. 283, 420; 1930 O. C. Ann.  
secs. 36-701, 36-702.  
298. 9 Stat. 323.



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the legal voters of the counties, at the annual county elections, of a school commissioner for each county. (299)

Earlier, during the period of the Provisional Government, education in the Oregon country had been a sporadic private enterprise. In 1843, the Provisional Legislature went on record for the encouragement of education, (300) but the only existing schools depended upon tuition fees and private donations. Church-sponsored schools expressed the democratic public school principle in their efforts to reduce the fees for those pupils of poor financial means. (301)

The first public school in the area which later became Multnomah County opened in 1851. (302) In the same year the Legislature abolished the office of Superintendent of Common Schools, turning over major responsibility for schools to the county courts. (303) When Multnomah County was created, the Legislature provided for the office of county school superintendent. (304)

The Oregon Constitution reaffirmed the provisions for public school finances from school lands and their distribution, and defined other sources of school revenue. (305) It also provided for the relationship between State and county administration of public education, creating the office of State Superintendent of Public Instruction (306) and requiring that a uniform system of common schools be established. (307)

Thus, the various school officials in the counties administer the Oregon laws concerning public education. The State Board of Education consisting of the Governor, the Secretary of State, and the Superintendent of Public Instruction, provides uniform administration of the school laws, (308) including the authorization of uniform textbooks as adopted by the State Textbook Commission. An additional aid toward coordination and uniformity exists in the annual State convention of county school superintendents, called by the State Superintendent of Public Instruction. (309)

The school district is a subdivision of the county provided for convenient school administration. (310) The three classes of districts are determined by the number of children of school age resident in them: The

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299. L. 1850, p. 67.

300. Ar. p. 28.

301. Charles N. Reynolds, "Portland Public Schools, 1845-71," Oregon Historical Quarterly, III, 334.

302. Oregonian, Dec. 6, 1851.

303. L. 1851 (including 1850), p. 76.

304. L. 1853-54, p. 458.

305. Const. art. VIII, secs. 2, 4, 5.

306. Const. art. VIII, sec. 1.

307. Const. art. VIII, sec. 3.

308. L. 1899, p. 212; 1930 O. C. Ann. sec. 35-201.

309. 1907 S. L. ch. 116; 1930 O. C. Ann. sec. 35-421.

310. L. 1899, p. 216; 1930 O. C. Ann. sec. 35-901.



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first class, or city school district, numbers 1,000 or more school children; second class districts number between 200 and 1,000 school children; while third class districts number less than 200 children. The district existed as an early form of organization, but it was not until 1899 that a special school district boundary board was created in the counties to determine the boundaries of the school districts. (311)

The school district, governed by a board of five directors, who are elected by the qualified voters of the district, (312) is a corporate body competent to transact any business coming under its jurisdiction. (313) Joint districts, formed of adjacent territory in two counties, have the same autonomy of administration, with responsibility of supervision divided between the respective county superintendents of schools. (314) The city school district is created by the consolidation of all districts within the limits of any incorporated city or town whose school population exceeds 1,000 children. (315) The authority of the directors of first-class school districts is somewhat greater than that of second class and third class district directors. The board of directors controls the course of study (316) and employs a city superintendent of schools. (317)

Multnomah County contains 30 school districts and 10 joint districts; two districts are in the first classification. (318) The Portland public school district operates under the laws governing city school districts, with a city school superintendent and a school clerk, employed by the district school board. (319) Directors of first class districts may provide free textbooks. (320)

School attendance in Oregon is compulsory for children between the ages of 8 and 16 years, (321) while for certain physically handicapped children provisions are made for district-financed special instruction. (322)

Public school finances in the county consist of two funds: elementary school funds, derived from a tax of two mills upon all taxable property in the state, (323) and the high school fund, provided by county levy. (324) All school funds are distributed through the county superintendent of schools.

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311. L. 1899, p. 216; 1930 O. C. Ann. sec. 35-601.  
312. 1921 S. L. ch. 265; 1930 O. C. Ann. sec. 35-806.  
313. 1921 S. L. ch. 265; 1930 O. C. Ann. sec. 35-805.  
314. L. 1899, p. 216; L. 1901, p. 36; 1930 O. C. Ann. sec. 35-906.  
315. L. 1901, p. 60; 1930 O. C. Ann. sec. 35-1301.  
316. L. 1901, p. 65; 1930 O. C. Ann. sec. 35-1332.  
317. L. 1901, p. 62; 1930 O. C. Ann. sec. 35-1315a.  
318. Oregon School Directory, 1938-39, pp. 46, 47.  
319. L. 1901, p. 62; 1930 O. C. Ann. sec. 35-1314.  
320. 1907 S. L. ch. 92; 1930 O. C. Ann. sec. 35-1605.  
321. L. 1907, ch. 79; 1930 O. C. Ann. sec. 35-2101.  
322. L. 1929, ch. 322; 1930 O. C. Ann. secs. 35-3101, 35-3105.  
323. 1920 S. L. Sp. S. ch. 38; 1930 O. C. Ann. sec. 35-1801.  
324. L. 1901, p. 147; 1930 O. C. Ann. sec. 35-3612.



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Extra-curricular instruction also finds place in the county school system. This is true of 4-H Club work, administered under the joint sponsorship of the United States Department of Agriculture, State Department of Agriculture, Oregon State College, and the Portland public school authorities. There is some 4-H Club activity in most schools in Multnomah County, sponsored in the schools by Parent Teachers' Association groups. (325)

The Portland Library Association, functioning cooperatively with the county, is another agency in public education. (326)

Public Health. Unlike many county governmental agencies, the public health service offices, beyond a limited scope, did not develop through local initiative. A Federal public health service was established as early as 1798, when an act of Congress authorized provisions for the care of sick and disabled seamen. (327) It was not until 1878 that the United States Public Health Service, a bureau of the Treasury Department, entered the field of disease prevention and health education. In 1901 Congress authorized further efforts in the control of communicable disease. (328)

A number of states subsequently passed legislation to forward the program being developed by the United States Public Health Service. Not until 1903, however, did the Oregon Legislature create the Oregon State Board of Health and provide for a State Health Officer to supervise all matters relating to the preservation of life and health of the people, to keep vital statistics for the state, and to make surveys of sanitation regarding cause and prevention of diseases. (329) Two years later, an enactment provided for county and local boards of health and health officers, to work under the direction of the State Board of Health and enforce its rules and regulations within the counties. (330)

Prior to 1905 health measures in the counties largely had been limited to medical attention for county charges, including indigents and persons incarcerated. The law of 1905, however, designated and empowered the county physician to act as county health officer. The enactments of 1903 and 1905 extended official responsibility in public health matters in the State and counties, respectively, and created agencies through which the United States Public Health Service program of public hygiene and disease control could be applied at State and local levels.

However, it was not until 1921 that steps were taken to establish more than nominal public health services within the counties. Beginning that year, the State Board of Health secured the cooperation and assistance of the Federal health agencies under the Treasury Department and Department of

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325. Portland Public Schools, Fifty-ninth Annual Report, p. 48.

326. See Library Association of Portland, pp.

327. Samuel Prescott and Murray P. Horwood, Sedgwick's Principles of Sanitary Science and Public Health, pp. 584, 585.

328. Ibid.

329. L. 1903, p. 82; 1930 O. C. Ann. sec. 59-101.

330. 1905 S. L. ch. 170; 1930 O. C. Ann. sec. 59-201.



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Labor. Funds received from the International Health Board of the Rockefeller Foundation were used to establish model, full-time health units in each of five counties. (331)

The Federal Social Security Act of 1935 provided for the allotment of matched funds to the states for extension of public health services through State and local agencies. (332) These appropriations included funds for maternal and child welfare activity, administered nationally by the Children's Bureau of the Department of Labor. Further appropriations have been made under the act for the establishment and maintenance of adequate State and local public health services, administered under the direction of the United States Public Health Service.

Thus, while Federal agencies initiated the public health program as it exists today, jurisdiction over matters of State and local public health is vested in the State Board of Health, under which county boards of health and health officers function. Since 1937 Multnomah County has had a public health officer, as well as a county physician. The county health unit also includes the assistance of the county physician, (333) and three county health nurses.

Prior to 1937, the county health officers cooperated with the Multnomah County Health Association, an unofficial body.

Relief and Social Welfare. Relief for the poor and the unemployed has developed from a purely local enterprise into a responsibility of correlated county, State, and Federal agencies. While early laws of Oregon provided public assistance for the indigent, (334) authorizing the county courts to maintain workhouses for paupers, (335) it was a general policy to emphasize the individual responsibility of citizens for the care of indigent relatives. (336)

Until 1932, when the first Federal appropriation for relief purposes was made, county responsibility for the care of the indigent increased. Separate legislation provided for the relief of various special groups, including indigent war veterans (337) and dependent children. (338)

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331. Full Time County Health Units, pamphlet, published by the Oregon State Board of Health, Portland, 1922; also Special Report, Oregon State Board of Health on Their Twenty-fifth Anniversary, Portland, 1928.

332. 49 Stat. 620.

333. Commissioners' Journal, vol. 2, p. 3 (old series).

334. L. 1843-49, p. 163.

335. L. 1853-54, p. 505; 1930 O. C. Ann. sec. 27-1408.

336. L. 1864, Deady, p. 847; 1930 O. C. Ann. sec. 27-1403.

337. L. 1889, p. 52; 1925 S. L. ch. 46; 1930 O. C. Ann. secs. 66-301, 66-302.

338. 1913 S. L. ch. 42; 1921 S. L. ch. 202; 1930 O. C. Ann. sec. 27-1301, as amended 1937 S. L. ch. 288.



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The Multnomah County Farm was established in 1870 by the county court, (339) following a period of the contract method of providing for the indigent. (340) Hospitalization and medical care for the county's indigent were also provided in Multnomah County, first by contracts let to private physicians (341) and later by the employment of a county physician. (342)

In 1932 widespread unemployment made welfare and relief needs a national problem. Congress appropriated funds for direct and work relief, to be apportioned among the states. In the following year the Oregon Legislature created the State and county relief committees (343) which were later designated the State and county public welfare commissions. (344) The Federal Social Security Act of 1935 further emphasized Federal responsibility toward welfare needs. As provided by this act Federal appropriations are apportioned among the states for relief of economic distress, for aid to the needy blind and dependent children, and for old age assistance and vocational rehabilitation. Funds so allocated to Oregon are administered by the public welfare commissions of the State and county. Thus, the county organization for relief and public welfare has become a part of a nation-wide organization, correlating in function with State and Federal agencies.

Involved in the welfare activity of Multnomah County are the following officials; the board of county commissioners, (345) the Multnomah County public welfare commission (346) and the superintendent of the county farm.

Public Works. The building and maintenance of county roads, bridges and buildings was originally a function of the county court. (347) Since 1913 the board of commissioners has performed these duties. (348) The authority of the various county courts and the Multnomah County board of commissioners relative to public works has been reaffirmed from time to time in more recent enactments. (349)

Application by petition for locating new roads or changing those already existing is made to the county commissioners, (350) who may levy an annual tax to provide a separate fund for the undertaking. (351) The county

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339. Commissioners' Journal, vol. 1, p. 439.  
340. Ibid., vol. 1, p. 213.  
241. Ibid., vol. 2, p. 254.  
342. 1905 S. L. ch. 170; 1933 S. L. ch. 15; 1935 O. C. Ann. Supp. sec. 59-207.  
343. 1933 S. L. ch. 15.  
344. 1939 S. L. ch. 241.  
345. 1933 S. L. ch. 15; 1930 O. C. Ann. sec. 68-2601.  
346. 1939 S. L. ch. 241.  
347. L. 1853-54, p. 486; 1930 O. C. Ann. sec. 44-1302.  
348. 1913 S. L. ch. 377; 1930 O. C. Ann. sec. 27-1704.  
349. L. 1903, p. 262; 1930 O. C. Ann. sec. 44-1302.  
350. L. 1903, p. 262; 1930 O. C. Ann. sec. 44-1306.  
351. L. 1866, p. 21; 1930 O. C. Ann. sec. 27-105.



Governmental Organization and Records System

surveyor, who assumed his duties in 1855, (352) made all necessary surveys for roads and bridges. (353) In 1901 the office of roadmaster was created (354) but further legislation in 1917 restricted its powers and duties to those of road building and maintenance. (355) The office of roadmaster exists as provided in the statute of 1917. (356) He has charge of all work on roads and bridges under the direction of the county commissioners. (357) In Multnomah County the roadmaster performs duties ordinarily performed in other counties by the county engineer.

Agriculture. In Multnomah County there are at present eight officials concerned with agricultural affairs; the Bang's disease inspector, the veterinarian, the stock (brand) inspector, the dairy herd inspector, the horticultural inspector, the agricultural agent, the club agent, and the home demonstration agent.

Since 1909 the board of commissioners has been authorized to appoint veterinarians, whenever the prevalence of animal disease in the county requires a veterinarian's services. (358) The first veterinarian was appointed in Multnomah County in 1912. (359)

A law of 1887 authorized the county courts of the various counties to appoint an experienced stockman to serve as stock inspector for an indefinite term. (360) The first appointment to this office in Multnomah County was made in February 1893. (361) For a time subsequent to 1915 the Governor appointed the stock inspectors. (362) The law of 1931 provides that the stock inspector be appointed by the Director of the State Department of Agriculture upon the recommendation of the Cattle and Horse Raisers' Association. (363)

The first provision for a county dairy herd inspector in Multnomah County was made by the Legislature in 1925. (364) An appointment was made by the board of commissioners in 1926. (365) At present, the appointment of the inspector must have the approval of the Director of the State Department of Agriculture. (366)

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352. L. 1853-54, p. 573; Commissioners' Journal, vol. 1, p. 6.  
353. L. 1855, Deady, p. 890; 1930 O. C. Ann. sec. 27-1801.  
354. L. 1901, pp. 105, 106.  
355. 1917 S. L. ch. 299; 1930 O. C. Ann. sec. 44-1404.  
356. 1917 S. L. ch. 299; 1930 O. C. Ann. secs. 44-1402, 44-1404.  
357. 1917 S. L. ch. 299; 1930 O. C. Ann. sec. 44-1404.  
358. 1909 S. L. ch. 213; 1930 O. C. Ann. sec. 20-901.  
359. Commissioners' Journal, vol. 4, p. 51 (old series), April 1, 1912.  
360. L. 1887, p. 101; 1930 O. C. Ann. sec. 20-1209.  
361. Commissioners' Journal, vol. 18, p. 4 (old series).  
362. 1915 S. L. ch. 33; 1930 O. C. Ann. sec. 20-1201.  
363. 1931 S. L. ch. 136; 1935 O. C. Ann. Supp. sec. 18-3807.  
364. 1925 S. L. ch. 366.  
365. Commissioners' Journal, vol. 23, p. 85.  
366. 1931 S. L. ch. 136; 1935 O. C. Ann. Supp. sec. 18-3805, as amended  
1939 S. L. ch. 15.



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In Oregon the first provision for control of Bang's disease was made by the Legislature in 1935, when appointments to the office of Bang's disease inspector were authorized. (367) It was not until January 1939 that an appointment to this office was made in Multnomah County. (368)

In 1905 the Oregon Legislature enacted a law providing for the appointment of a fruit inspector in the counties of the State. (369) The first appointment to this office was made in Multnomah County in 1906. (370) Since 1931 this officer has been designated as the county horticultural inspector. (371)

A statute of 1913 authorized the county courts of the various Oregon counties to appoint an agricultural agent to study agricultural problems and to promote better agricultural methods. (372) In Multnomah County the first appointment was made in 1916. (373) The work of the agricultural agent is carried on in collaboration with Oregon State College and the United States Department of Agriculture.

The work of the club agent is a comparatively recent development in governmental service. In Oregon the work was in part an outgrowth of the custom of holding juvenile fairs in several counties of the state. (374) In 1913 the Legislature appropriated money for the promotion of juvenile industrial work. (375) Since 1914, when Congress passed the Smith-Lever Act, club work has been an organized part of the regular extension program of land grant colleges under the direction of the United States Department of Agriculture. (376) A club agent was appointed in Multnomah County in 1921. (377)

Prior to 1930 all agricultural and home demonstration work in Multnomah County was performed by the club agent. In 1930 a home demonstration agent was appointed for Multnomah County. (378)

A legislative enactment of 1919 authorized the board of commissioners to create dog control districts. (379) The dog control board is composed of three resident supervisors, appointed by the board of commissioners to

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367. 1935 S. L. ch. 432; 1935 O. C. Ann. Supp. secs. 20-428 to 20-446.  
368. Commissioners' Journal, vol. 46, p. 9 (new series).  
369. 1905 S. L. ch. 222; 1935 O. C. Ann. Supp. sec. 18-2607.  
370. Commissioners' Journal, vol. 24, p. 442 (old series).  
371. 1931 S. L. ch. 232; 1935 O. C. Ann. Supp. sec. 18-2606.  
372. 1913 S. L. ch. 134; 1930 O. C. Ann. sec. 18-1101.  
373. Commissioners' Journal, vol. 6, p. 325 (new series).  
374. Oregon Blue Book, 1939-40, p. 160.  
375. 1913 S. L. ch. 110; 1930 O. C. Ann. sec. 20-2310, as amended 1931 S. L. ch. 155.  
376. 52 Stat. 31.  
377. Commissioners' Journal, vol. 11, p. 435; vol. 15, p. 218 (new series).  
378. Commissioners' Journal, vol. 32, p. 246 (new series); see p.  
379. 1919 S. L. ch. 186; 1930 O. C. Ann. sec. 20-2310.



Governmental Organization and Records System

serve for two years. (380) The first appointments to this board in Multnomah County were made in 1925. (381)

Fairs are held annually in Multnomah County under the direction of the Multnomah County Fair, a private corporation. (382)

Uniformity of Records. An analysis of the records system of Multnomah County must recognize that the county's larger population necessitates transaction of a greater volume of business by this county's officials than those of other counties. The increase in county business has apparently led officials to institute changes from time to time in the manner of keeping records. Thus, a new official might begin keeping a separate record of business which earlier had been recorded in a book containing other business, or he might discontinue a record kept by a predecessor (entries 77, 119, 749). Changes in the organization and relationships of offices have also affected the records system (auditor-clerk, county court-board of commissioners).

Because of its largely urban population Multnomah County records differ further from those of other counties. For example, vital statistics records (entries 856-858) maintained by the county health officer are relatively few in number as most of the births and deaths occur within the city of Portland, in which are most of the hospitals of the county.

A number of records for Multnomah County are not accounted for in this inventory. This is probably caused by discontinuance of records when new officials took charge of offices (entries 516, 757). Other records are somewhat difficult to trace because of changes of title or method of recording (entries 169, 188, 339).

The Commissioners' Journal (title varies) has been continuous and complete since 1855. This record has been kept in two series of volumes, designated as old and new series (entry 1). No separate index to the Commissioners' Journal was kept until 1878 and the system of indexing was changed from time to time. A separate index has been kept since 1922 (entry 2). Certain records now kept separately were formerly included in the Commissioners' Journal. Among these are the Commissioners' Journal and Warrant register, 1903-14 (entry 15) and the Jury Lists prepared by the commissioners, 1854-1925 (entry 1). Since 1929 these are kept in the circuit court records (entries 344 to 351). Jury lists 1926-28 are missing.

The Record of Roads, continuous since 1855 (entry 16), consists of surveyor's field notes submitted to the commissioners. The Record of Roads and Vacations (title varies), 1869-- (entry 26), contains a register of petitions and papers pertaining to roads. The record also contains the (County Court Criminal Register) 1869-91 (entry 317) and a record of liquor and ferry licenses issued and fees collected for such licenses.

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380. 1933 S. L. ch. 228, as amended 1939 S. L. ch. 317.

381. Commissioners' Journal, vol. 22, p. 59 (new series).

382. See Multnomah County Fair Association, p.



The record of Tax Levies 1903-30 for school districts (entry 38), and the record of School Tax Sales 1876-92 (entry 39) are now included in the tax collector's records of delinquent taxes (entry 683).

Reports of audits ordered by the board of commissioners are shown only from 1885 to 1891 (entry 44).

The records of the civil service commission begin in 1929 and are continuous (entries 54-63).

Deed records in Multnomah County are continuous since 1854. These records contain Power of Attorney 1854-1912 (entry 77). Since 1913 Powers of Attorney have been kept in a separate record (entry 119).

Records of mortgages, 1855--, also include Powers of Attorney 1855-1912 (entries 81, 119, 158). The record of maps and plats is complete, 1888--, as required by law (entry 92).

A law of 1901 (L. 1901, p. 124; 1930 O. C. Ann. sec. 54-202) described the recording of liens of various types; however, records of liens had been kept previously, 1855-72 (entry 192), 1873 to date (entry 109). When subsequent laws have required other liens to be recorded, such records have been kept.

A separate record of official bonds has been kept since 1888 (entry 122). Prior to 1888 the record of official bonds was kept in the Commissioners' Journal along with the commissioners' approval of bonds (entry 1).

The record of marriages performed is continuous since 1855 (entry 130), but the records of births and deaths date only from 1920 (entries 126, 127, 135, 136).

Certain election records are continuous only since 1908 (entry 140), while a number of election records have been discontinued. A record of Election Returns has been kept for 1862, 1878, 1890-1934 (entry 146).

A separate record of appointments of deputies has been kept since 1900 (entry 152) and of special deputy sheriffs since 1925 (entry 153). Previous records of appointments are presumably in the Commissioners' Journal (entry 1).

Reports of Coroner's Inquests are complete since 1890 (entry 186) but the index is complete only since 1902 (entry 187).

The County Clerk's Fee Book is continuous since 1894 (entry 188). Prior to that date fees were recorded in the circuit court fee book and the register and fee book of the probate court (entries 338, 381).

The auditor's system of keeping records has been changed from time to time since the establishment of the office in 1895. The records appear to be complete and continuous since that date although the Auditor's Journal



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began in 1894 and was discontinued in Jan. 1928 (entry 201). The Auditor's Claim Sheets (entry 230) contains the Warrant Register, 1902-28 (entry 232), which has been continuous from 1902 to 1928.

Probate records formerly kept by the county court (judicial) were transferred to the probate department (circuit court) in 1913. The Record of Bonds of Administrators, Executors, and Guardians has been kept since 1854 (entry 376) but other probate records are of later date: the Record of Wills, 1859 (entry 365); Probate of Estates, 1856 (entry 362); and the County Court Probate Journal (title varies), 1859 (entry 377).

The record of insanity cases is continuous since 1862 (entry 387) but the index to insanity cases dates only from 1873 (entry 384).

Divorce records of the department of domestic relations (circuit court) are continuous since 1914 (entry 392), but other records pertaining to domestic relations are not continuous (entries 391, 393). Juvenile records may be temporary or permanent in the discretion of the court (1913 S. L. ch. 249; 1937 S. L. ch. 316). Earlier records of domestic relations and juvenile cases are probably in the Journal of County Court Law (entry 333).

The civil and criminal case files of the district court are continuous since the creation of the court in 1913 (entries 414, 415), as is the District Court Docket (entry 417). The criminal docket is continuous only since 1927 (entry 423).

Certain records of former justice of the peace courts in Multnomah County are now kept among the records of the district court (entries 433-446, 451-470). The records of the present Multnomah (Gresham) district are not continuous, the justice docket dating from 1921 to 1933 (entry 447) and the Small Claim Docket from 1921 to 1935 (entry 450).

There are few legally required records for the office of sheriff. However, the sheriff of Multnomah County keeps a large number of records because of the relatively large volume of business conducted by his office as compared with other counties. The Sheriff's Docket begins in 1894 and is continuous since that date (entry 471), while record copies of Certificates of Sale to Satisfy Judgment are continuous since 1855 (entry 488). The record of permits to carry firearms has been kept since 1925; prior records were destroyed (entry 559).

The tax rolls kept by the tax collector are continuous and complete since 1871 (entry 676). Record copies of sale certificates for delinquent taxes were kept from 1859 until 1909 (entries 192, 687). Other delinquent tax records date from 1879 and are discontinuous (entries 682, 683, 684).

The records system of the treasurer has undergone change from time to time. While certain records have been discontinued (entries 749, 755), data pertaining to fiscal matters have been continuously recorded since 1864 (entries 749, 750, 764).



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The earliest continuous record of the county school superintendent is the record of district clerks' annual reports, beginning in 1876 (entry 808). However, the stub record of teachers' certificates issued by the county school superintendent began in 1855 and was discontinued in 1887 (entry 815).

The Multnomah County records are on the whole complete and in good condition. However, certain changes which have been made from time to time in the system of record keeping (changes apparently introduced in the interests of convenience or efficiency by a particular official) have made it difficult sometimes to trace a record or a type of record over a long period of years. Moreover, the titles used for designating a particular record or type of record frequently show several variations. Partly for this reason also it is not always easy to classify records or to determine the continuity of a particular record. In some instances, a lack of office space in the Multnomah County courthouse has necessitated the frequent moving of records from place to place, with the result that records functionally related become widely separated.



Governmental Organization and Records Management  
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the record of district clerk's annual reports to the Board of  
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of years. However, the files used for designing a particular record or  
type of record frequently show several variations. For this reason  
also it is not always easy to identify records or to determine the contin-  
uity of a particular record. In some instances, in fact, no office space in  
the Madison County courthouse has accommodated the permanent storage of rec-  
ords from place to place, with the result that records have occasionally  
been stored elsewhere.

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