

New Counties, Records Of. Records, of New Counties. Transcribing, of Records. Registration Book, Transcribing Of. Great Register, Transcribing Of.

Upon the creation of a new county the great register should be transcribed in the same manner as other records of the county and the county clerk of the old county has no authority to extract from the great register sheets containing names of electors within the new county.

July 26, 1912.

Hon. B. L. Blackstone,
County Attorney,
Chinook, Montana.

I acknowledge receipt of your letter of the 25th inst., with reference to the manner in which that portion of the Great Register of Chouteau county which contains the names of the electors of Blaine county recently created out of Chouteau county should be transcribed so as to become a record of Blaine county.

I note what you state in your letter to the effect that the county clerk of Chouteau county has extracted from the Great Register of Chouteau county the original leaves containing the registration applicable to what is now Blaine county and has forwarded the same to the clerk of your county as and for a permanent record of Blaine county; and I also note the opinion that you have expressed with reference to the matter to the effect that these entries are a permanent record of Chouteau county and that portion applicable to the territory now embraced within Blaine county should have been transcribed as other county records and certified to as being correct by the county clerk of Cheateau county. In this opinion I concur.

Sec. 1, Chap. 113, Laws of 1911, being the general registration law, speaking of the duties of the county clerk with reference thereto states:

"He shall have custody of all registration books and papers herein provided for and the Great Register hereinafter provided for, to be kept by said county clerk is hereby declared to be an official record of the office of the county clerk of each county."

The original entry contained in the Great Register at the time of registration and in the presence of the elector constitutes a permanent record of the county and of the office wherein made. The county clerk having custody of the Great Register would have no more authority in the event of the creation of a new county to extract from the Great Register any sheet or sheets containing original entries of registration then he would to extract from the records of his office the record of a deed pertaining to property within the newly created county.

I would advise that the records received by the county clerk of your county be immediately returned to the county clerk of Chouteau county and that that portion of the Great Register of Chouteau county

applicable to Blaine county be transcribed and certified to in the same manner as the other records of Chouteau county are being transcribed.

Yours very truly,

ALBERT J. GALEN,

Attorney General.