

Transcribing of Records, for New County. Contract, for Transcribing Records. Chattel Mortgages, Transcribing Records of. New County, Transcribing Records for.

In case of division of a county, the records are transcribed under contract. Section 11, Chapter 133, Laws of 1913, as to Prairie County, must govern.

May 4, 1915.

Hon. Frank Hunter,
County Attorney,
Miles City, Montana.

Dear Sir:

I am in receipt of your letter of April 19th, relating to transcribing of county records between Custer and Prairie County, especially in so far as the same has reference to chattel mortgages. Section 11, Chapter 133, Laws of 1913, is about the only one giving directions with reference to this matter, for the recent Act of 1915 does not have reference to Prairie County. The records are transcribed under a contract, and the direction of the contractor is contained in said Section 11, and while we admit that it is very indefinite as to chattel mortgages, we do not feel authorized to give specific instruction to the private contractor as to just how far back in point of time he shall go with reference to chattel mortgages. The purpose of filing a chattel mortgage at all is to give notice to third persons; the parties themselves already have the notice. Whether he should transcribe only those chattel mortgages which appear of record to be a lien on property as to third parties, or whether he should transcribe all chattel mortgages which he finds that are unreleased, is a question which the contractor himself must settle to his own satisfaction, for under his contract, he alone is responsible. I enclose herewith copy of an opinion given to Mr. Armstrong, which perhaps is the one referred to in your letter.

Yours very truly,

D. M. KELLY,
Attorney General.