

County Commissioners.

CHAPTER 33.

TO INCREASE NUMBER TO FIVE.

AN ACT Providing for the Division of Counties Into Five Commissioner Districts and the Appointment and Election of Commissioners therefor and Amending Section (15) Chapter (21) of the Political Code.

Be it Enacted by the Legislative Assembly of the Territory of Dakota :

§ 1. WHEN COMMISSIONERS TO DIVIDE COUNTY—PROVISO.] That whenever one-third of the legal voters of any organized county of this Territory, petition the county commissioners that they desire five county commissioners for said county, and that said county be divided into five commissioner's districts, it is hereby made the duty of such county commissioners to call the judge of probate and county clerk together within twenty (20) days. The said county commissioners, judge of probate and county clerk (provided said commissioners are not the commissioners appointed in organizing the county) are hereby constituted a commission and authorized to carry out the provisions of this act;

Provided, That [in] the counties of Yankton, Cass, Bon Homme, Minnehaha, Walsh, Pembina and Traill the number of county commissioners shall be, and the same is hereby increased to five members, and said counties shall each be divided into five commissioner districts as herein provided without the necessity of a petition from the legal voters therein, and at the first meeting of the respective county commissioners of said counties after the passage of this act or at some subsequent meeting, and as soon as practicable they shall divide their respective counties into five commissioner districts as herein provided, and otherwise carry out and put in force the provisions of this act, so far as it relates and applies to their counties respectively.

§ 2. MANNER OF DIVISION, ETC.] Upon the meeting of the commission herein provided for they shall take and subscribe an oath to perform their duty impartially and for the best interest of such county, and elect one of their number chairman and one secretary of the commission; their proceedings shall be reduced to writing and signed by all the members and filed with the county clerk. They shall then consider the petition of such legal voters

and if satisfied that at least one-third of the legal voters of such county as shown by the last election returns, has petitioned them, then such commission shall proceed to divide such county into five districts and so divide it that no two of the then acting commissioners shall reside in one district; they shall then appoint a commissioner for each of the two districts that have no commissioner residing therein who shall hold their office until the next general or annual election and until their successors are elected and qualified, the then acting commissioners to continue to hold their respective offices until the term for which they are elected expires. The districts shall be numbered one (1), two (2), three (3), four (4) and five (5), and the districts in which no acting commissioners reside shall be numbered four (4) and five (5) and at the first general or annual election the commissioner for district number four (4) shall be elected for two years and the commissioner for district number five (5) for three years, [and when] the terms of office of the commissioners who have been elected (or appointed to fill a vacancy of an elected commissioner) expires, their successors shall be elected for the term of three years, each of whom shall be a resident of the district he is to represent and to be voted for only by the electors of said district.

§ 3. ACT AMENDED.] That section (15), chapter (21) of the Political Code be amended as follows, viz:

After the words "who shall be chosen," strike out the words "as hereinafter provided" and insert in lieu thereof the words "by the electors of their respective districts and of which districts such commissioners shall be qualified electors and residents."

§ 4. All acts or parts of acts inconsistent with this act are hereby repealed.

§ 5. This act shall take effect and be in force from and after its passage and approval, provided that the provisions of this act shall not apply to Clay county and Lincoln.

Approved March 6, 1883.