

Sec. 2. All acts and parts of acts conflicting with this act, Conflicting acts repealed. are hereby repealed.

Sec. 3. This act shall take effect from and after its passage When to take effect. and approval by the governor.

APPROVED, January 7th, 1865.

COUNTY SEATS.

CHAPTER VIII.

AN ACT TO PROVIDE FOR THE LOCATION OF THE COUNTY SEAT OF UNION COUNTY.

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

Section 1. That a special election shall be held in the county of Union, in the Territory of Dakota, on the second Monday of April, A. D. 1865, at which election the legal voters of said county shall vote by ballot for the location of the county seat of said county; and the place having the highest number of votes shall be declared to be the permanent county seat of said county. Time of holding special elections.

Sec. 2. The board of county commissioners of said county shall, prior to said special election, set off and establish election precincts or districts, embracing the whole of said county, and shall appoint three judges of said election for each election precinct as is provided in case of a general election under the provisions of the existing election law. Duty of county commissioners.

Sec. 3. The register of deeds of said county shall make out and deliver to the sheriff of said county, immediately after Duty of register of deeds.

the appointment of said judges, a notice in writing thereof directed to the judges so appointed, and it shall be the duty of said sheriff within ten days after the receipt of the said notice, to serve the same upon each of the judges of said election.

Judges to appoint clerks.

Sec. 4. The judges of said election shall appoint clerks of election in the same manner as is provided by law in the case of election of civil officers.

Duty of register of deeds and of sheriff

Sec. 5. The register of deeds of said county shall make out and deliver notices of said special election to the sheriff of said county as is provided in the present election law in case of special elections, and the sheriff of said county shall post said notices in the several election precincts of said county in the same manner as is provided by law in case of special elections,

Register of deeds to notify legal voters.

Sec. 6. The register of deeds in his notices of said special election, shall notify the legal voters of said county in the several election precincts that at said special election they will vote by ballot for the location of the county seat of said county, and that they shall vote a printed or written ballot designating thereon the place of location of the county seat.

Judges to canvass vote.

Sec. 7. As soon as the poll of said special election shall be finally closed, the judges of the several election precincts shall immediately proceed to canvass the vote given at such election, and the canvass may be public and shall be continued without adjournment until completed, and said canvass shall be made in the same manner as is provided by law in case of special elections for civil officers.

Votes cast to be returned to register of deeds.

Sec. 8. That the vote cast for county seat in said county at said special election, shall be returned by the several judges of election in said county to the register of deeds of said county as is provided by law for the return of votes in other cases to the register of deeds, and canvassed by him as is provided for the canvass of votes by law and after said canvass he shall declare the place having the highest number of votes to be the county seat of said county.

Duty of register of deeds in case of a tie vote.

Sec. 9. If any two places should have the highest and an equal number of votes, then the register of deeds shall, within twenty days after the result of such election is known, give notice that within ten days from the time of giving such notice,

that an election will be held in said county, at which election the two places only having the highest and equal number of votes shall be voted for as the location of said county seat, after the result of which election the votes shall be canvassed as hereinbefore provided; and the place having the highest number of votes shall be declared to be the county seat of said county.

Sec. 10. All acts and parts of acts in conflict with the provisions of this act are hereby repealed. Conflicting acts repealed.

Sec. 11. This act shall take effect from and after its passage. When to take effect.

APPROVED, January 9th, 1865.

COUNTY SUPERINTENDENT.

CHAPTER IX.

AN ACT AUTHORIZING THE GOVERNOR TO APPOINT AND COMMISSION A COUNTY SUPERINTENDENT OF PUBLIC INSTRUCTION IN AND FOR THE COUNTY OF YANKTON.

WHEREAS, At the October election in 1864, Enos Stutsman was elected County Superintendent of public instruction in and for the county of Yankton, and

WHEREAS, The said Stutsman, so elected as aforesaid, is ineligible to said office, for that he was a member of the Legislative Assembly at the time of the passage of the act creating said office, therefore,