

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 All acts and parts of acts in conflict with the provisions of this act are hereby repealed. Conflicting acts repealed.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

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

Governor to
appoint.

Section 1. That the governor of the Territory of Dakota be authorized, and it is hereby made his duty, to appoint and commission a county superintendent of public instruction, in and for the county of Yankton aforesaid ; and the said person, having been so appointed and commissioned, shall qualify and enter upon the duties of said office, in all respects, the same as now provided by law, and as hereafter may be enacted, applying to said office. And said person, so qualifying, shall hold and perform the duties of said office during the term for which said Statesman was elected.

Conflicting acts
repealed.

Sec. 2. All acts and parts of acts inconsistent with this act, shall be so construed as not to conflict with the provisions of this act.

When to take
effect.

Sec. 3. This act shall take effect from and after its passage.
APPROVED, December 30th, 1864.

DISTRICT COURT.

CHAPTER X.

AN ACT PROVIDING FOR A TERM OF THE DISTRICT COURT IN THE COUNTY OF UNION.

*Be it enacted by the Legislative Assembly of the Territory of
Dakota.*

Section 1. That there shall be one term, in each year, of the district court held in the county of Union, in the first ju-