

*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repealed.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.

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## DISTRICT COURT.

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### 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-

judicial district. Said court shall be held at the county seat of said county; said term shall commence on the third Monday in November in each year. Term of district court to be held in Union county;

Sec. 2. It shall be the duty of said court to appoint a clerk of said court in and for said county of Union. Court to appoint clerk.

Sec. 3. All acts and parts of acts, so far as they conflict with the provisions of this act, are hereby repealed. Conflicting acts repealed.

Sec. 4. Nothing in this act shall be construed so as to prevent the holding of the district court, and the United States District Court, at Vermillion in Clay county, as provided by law. How construed.

Sec. 5. This act shall take effect from and after its passage. When to take effect.  
 APPROVED, January 11th, 1865.

CHAPTER XI.

AN ACT CHANGING THE TIME OF HOLDING THE DISTRICT COURT IN THE SECOND JUDICIAL DISTRICT.

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

Section 1. That section two of an act, entitled "An act changing the time of holding the United States District Court in the first and second judicial districts," approved January 15th, 1864, be amended to read as follows: That the counties of Yankton and Jayne shall constitute the second judicial district, and there shall be annually held therein two terms of the district court, at the town of Yankton, in the county of Yankton; the first term of each year to commence on the third Tuesday of April, and the second term of each year to commence on the third Tuesday of October; and all that portion of ceded land in this Territory, not embraced in any other judicial district, is hereby attached to said second district for judicial purposes. Time of holding court.

When to take  
effect.

Sec. 2. This act shall take effect from and after its passage.  
APPROVED, January 9th, 1865.

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## ELECTIONS

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### CHAPTER XII.

#### AN ACT CONCERNING VACANCIES AND SPECIAL ELECTIONS.

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

How an office  
may become va-  
cant.

Section 1. Every civil office shall be vacant upon the happening of either of the following events at any time before the expiration of the term of such office, to wit:

First, The resignation of the incumbent.

Second, His death.

Third, His removal from office.

Fourth, His refusal or neglect to take the oath of office, and also to give bond, when a bond is necessary, in the time prescribed by law.

Fifth, The decision of a competent tribunal declaring his election or appointment void, or his office vacant.

Sixth, His ceasing to be a resident of the Territory, district, county or precinct in which the duties of his office are to be exercised, or for which he may have been elected.

Seventh, A failure to elect at the proper election, or a forfeiture of office as provided by any law of this Territory.

Eighth, A conviction of an infamous crime, or of any public offense involving his oath of office.