

When to take
effect.

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

ELECTIONS

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.

Sec. 2. Resignations may be tendered as follows :

First, By councilmen and representatives in the legislative assembly, to the presiding officers of their respective houses, if in session, who shall immediately transmit information of the same to the governor. If not in session, to the governor, who shall take the proper measures for an election according to law.

How resignation may be made.

Second, By the county commissioners to the register of deeds; and,

Third, By all other county and precinct officers to the board of county commissioners.

Sec. 3. All such vacancies, except in the offices of members of the legislative assembly shall be filled by appointment as follows: In the territorial offices by the governor; in county and precinct offices, by the board of county commissioners.

How vacancies may be filled.

Sec. 4. If a vacancy occurs thirty days previous to an election day at which it may be filled, no appointment shall be made unless it be necessary to carry out said election, and the canvass of the same according to law; in that case an appointment may be made at any time previous to said election, to hold until after said election or until his successor is elected and qualified.

When no appointment shall be made.

Sec. 5. Appointments under the provisions of this act, shall be made in writing and made to continue until the next general election, at which the vacancy can be filled, and until a successor is elected and qualified, to be filed with the secretary of the territory, or in the proper county offices respectively.

Mode of appointment.

Sec. 6. Persons appointed to offices as herein provided, shall qualify in the same manner as is required of those elected, the time of which shall be prescribed in their appointment.

Appointee to qualify.

Sec. 7. When a vacancy occurs of the entire board of county commissioners, the register of deeds shall immediately call a special election to fill such vacancy; notice of such election must be given and conducted according to law in reference to special elections.

Register of deeds to call a special election

Sec. 8. *Provided further,* Should two of the members of said board of county commissioners become vacant by death, or resignation or otherwise, the judge of probate of the county is authorized, and it shall be his duty to immediately appoint re-

Judge of probate to appoint

sponsible men to fill such vacancy, whose duty it shall be to qualify according to law as in the case of the election of county commissioners.

Register of deeds to notify judge of probate.

Sec. 9. It is hereby made the duty of the register of deeds, upon the vacancies occurring as set forth in section eight of this chapter to notify the judge of probate as soon as possible, of such vacancy, and upon such notice the judge shall appoint.

Conflicting acts repealed.

Sec. 10. All acts and parts of acts, conflicting with this act, are hereby repealed.

When to take effect.

Sec. 11. This act shall [take] effect from and after its passage.

APPROVED, December 31st, 1864.

JURORS.

CHAPTER XIII.

AN ACT IN RELATION TO SUMMONING GRAND AND PETIT JURORS.

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

When duty of judge to order a venire facias to issue.

Section 1. That whenever at any term of any territorial district court of this Territory, a grand or petit jury shall not have been selected and drawn by the county commissioners and clerk of said district court, as provided by law for drawing said grand and petit jurors, then the judge of such district court may in his discretion at any time before or during the session of such district court, order a *venire facias* to issue to the proper officers to summon the required number of lawful persons to