

SEC. 2. That if any person elected to any territorial, county, precinct or district office shall fail to qualify and enter upon the duties of such office, for a longer time than ten days after the time provided by law for the person elected to qualify and enter upon the duties of such office, such office shall be declared vacant, and shall be filled by appointment by the authority provided for by law to fill such vacancy: *Provided, however,* That if there is a contest for such office, or if the person elected to such office, is prevented or obstructed in any manner from entering upon the duties of such office, the time provided for by this act for him to qualify and enter upon the duties of such office shall not govern.

When office may be declared vacant.

Proviso.

SEC. 4. That this act shall take effect and be in force from and after the date of its passage and approval.

When to take effect.

Approved, January 15, 1875.

REGISTRATION OF WARRANTS.

CHAPTER LXXIV.

TO PROVIDE FOR REGISTERING AND PAYING WARRANTS.

AN ACT to provide for the registration of warrants and regulating the order of paying the same.

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

SECTION 1. That all warrants upon the territorial treasurer, the treasurer of any county or any municipal corporation therein issued after January first, 1875, shall be paid in the order of their presentation therefor.

Warrants to be paid in the order of their presentation.

SEC. 2. The territorial treasurer, and the treasurer of every organized county and every incorporated city or town therein, shall provide himself with, and keep a warrant register, which register shall show in a column arranged for that pur-

Territorial and county treasurers to keep warrant register.

pose, the number, date and amount of each warrant presented, the particular fund upon which the same is drawn, the date of presentation, the name and address of the person, to whose name the same is registered, the date of payment when made, the amount of interest and the total amount paid thereon, with the date when notice to the person in whose name such warrant is registered is mailed as hereinafter provided.

Duty of treasurer to register warrants.

Fee therefor.

Proviso.

SEC. 3. It shall be the duty of every such treasurer, upon the payment of a fee of ten cents, when the amount is less than twenty-five dollars, and twenty-five cents if over that amount, by the holder of any warrant, or by any person presenting the same for registration, in the presence of such person, to enter such warrant in his warrant register for payment in the order of presentation for registration, and upon every warrant so registered he shall endorse "registered for payment" with the date of such registration, and shall sign such endorsement: *Provided*, That nothing in this act shall be construed to require the holder of any warrant to register the same, or to modify or repeal the law as it now is relating to presentation and endorsement if "not paid for want of funds" and interest thereafter.

Treasurer to set aside certain moneys for payment of registered warrants.

SEC. 4. It shall be the duty of every such treasurer to set aside in a special and sealed package the money for the payment of each registered warrant in the order of its registration as soon as money sufficient for the payment of such warrant is received to the credit of the particular fund upon which such warrant is drawn, such package shall be endorsed with the number and description of such warrant, and the name and address of the person to whose name the same is registered, and interest upon such warrant shall thereupon cease, and such treasurer shall by mail immediately notify the person in whose name the same is registered, and shall endorse the date of the mailing of such notice upon such sealed package, and shall pay over to the party holding such warrant such sum when called for.

Duty of treasurer in keeping cash book.

SEC. 5. Every such treasurer shall daily, as moneys are received, foot the several columns of his cash book, and of his register, and carry the amounts forward, and at the close of each year, in case the amount of money received by such treasurer is insufficient to pay the warrants so registered, he

shall close the account for that year in such register, and shall carry forward the excess.

SEC. 6. Any such treasurer who shall fail regularly to enter upon his cash book the amounts so received, or who shall fail to keep his cash book footed from day to day, as required by this act, for the space of three days, shall forfeit for each offense the sum of one hundred dollars, to be recovered in a civil action on his official bond, by any person holding a warrant drawn on such treasurer.

When treasurer liable to forfeit.

SEC. 7. The cash book and register of every such treasurer shall at all times be open to the inspection of any person in whose name any warrant is registered and unpaid.

Cash book and register open to inspection.

SEC. 8. Any treasurer who shall for the period of five days after moneys in amount sufficient to pay any registered warrant in its order have been received, fail to mail notice thereof to the person registering such warrant, shall forfeit to such person ten per cent. on the amount of such warrant, and ten per cent. additional for every thirty days thereafter during which such failure shall continue.

When treasurer liable to forfeit.

SEC. 9. Any such treasurer who shall fail to register any warrant in the order of its presentation therefor, or shall fail to pay the same in the order of its registration, shall be liable on his official bond to each and every person, the payment of whose warrant is thereby postponed in the sum of three hundred dollars, to be recovered in a civil action.

When treasurer liable on his bond.

SEC. 10. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Conflicting acts repealed.

SEC. 11. Nothing in this act shall be so construed as to prevent payment of taxes in warrants as now provided by law: *Provided further*, That this act shall not apply to the counties of Minnehaha and Union.

Act, how construed.

Counties exempt.

SEC. 12. This act shall take effect and be in force from and after its passage and approval.

When to take effect.

Approved, January 14, 1875.