

DISTRICT ATTORNEY.

CHAPTER 59.

APPOINTMENT OF SAME.

AN ACT to Amend Section 7, of Chapter 43, of the the General Laws of 1883, Entitled "An Act to Create the Office of District Attorney for the Several Counties of Dakota Territory, and for other Purposes."

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

§ 1. APPOINTMENT.] That section 7, of chapter 43, of the General Laws of 1883, entitled "An act to create the office of District Attorney for the several counties of Dakota Territory, and for other purposes" be and the same is hereby amended so as to read as follows: "Section 7. Each of the District Courts, whenever there shall be no district attorney for the county, or when the district attorney shall be absent from the court or unable to attend to his duties, may if the court shall deem it necessary, appoint by an order to be entered in the minutes of the court, some suitable person, an attorney at law, to perform, for the time being, the duties required by law to be performed by the district attorney, and the person so appointed shall thereupon be vested with all the powers of such district attorney for that purpose," and the judge of the court shall fix by order duly entered in the minutes of the court, his fee therefor which amount shall be allowed by the Board of the County Commissioners, and which amount shall be deducted from the salary of the district attorney. *Provided*, however, that nothing herein contained shall be construed as giving to the court the power to permanently fill vacancies in such office as to interfere with the powers invested by law in the Board of County Commissioners, to fill vacancies occurring in county offices, but such board shall possess and exercise such power in case of district attorneys.

§ 2. REPEAL.] All acts or parts of acts in conflict with this act are hereby repealed.

§ 3. EFFECT WHEN.] This act shall take effect and be in force from and after its passage and approval.

Approved, March 8th, 1889.