

21079
65

GENERAL STATUTES

OF THE

STATE OF MINNESOTA.

PREPARED BY THE COMMISSIONERS APPOINTED TO REVISE
THE STATUTES OF THE STATE, BY ACT OF THE
LEGISLATURE, PASSED FEBRUARY 17, 1863.

ONE HUNDRED COPIES ORDERED PRINTED.



SAINT PAUL:

FREDERICK DRISCOLL, STATE PRINTER.

(PRESS PRINTING COMPANY.)

1865.

29

D

1 SECT. 229. Every clerk shall procure at the expense of
2 his county and keep the following books :

3 *First.*—A register of actions, in which he shall enter the
4 title of each action, a minute of each paper filed in the
5 cause, and of all proceedings therein.

c 7
C. S. p. 630, Sect. 40;
C. S. p. 568, Sects. c 7
72 & 78 combined.

6 *Second.*—A judgment book, in which shall be entered
7 the judgment in each action.

8 *Third.*—A docket, in which he shall enter alphabetical-
9 ly, the name of each party to the judgment, the amount of
10 the judgment, and the precise time of his entry.

1 SECT. 230. Whenever any vacancy occurs in the office
2 of clerk of the district court, the judge of the district court
3 for the district in which such county is situate, shall ap-
4 point some suitable person to fill such vacancy, who shall
5 give such bond and take such oath as is by law required of
6 clerks of the district court, and who shall hold his office
7 until the next general election, and until his successor is
8 elected and qualified.

c 32
1861—p. 143, Sect. 1.

CHAPTER IX.

RESIGNATIONS, VACANCIES AND REMOVALS.

1 SECTION 1. Resignations shall be made—

2 *First.*—By all incumbents of elective offices, to the offi-
3 cer authorized by law to fill a vacancy in such office by ap-
4 pointment, or to order a special election to fill such vacancy.

c 10
C. S. p. 246, Sect. 1.
Amended.

5 *Second.*—By all officers holding their offices by appoint-
6 ment, to the body, board or officer that appointed them,
7 unless otherwise specially provided.

1 SECT. 2. Every office shall become vacant on the hap-
2 pening of either of the following events before the expira-
3 tion of the term of such office :

c 10
C. S. p. 247, Sect. 2.

4 *First.*—The death of the incumbent.

5 *Second.*—His resignation.

7 *Third.*—His removal.

8 *Fourth.*—His ceasing to be an inhabitant of the State, or
9 if the office is local, his ceasing to be an inhabitant of the
10 district, county, city, or village, for which he was elected
11 or appointed, or within which the duties of his office are
12 required to be discharged.

13 *Fifth.*—His conviction of any infamous crime, or of any
14 offence involving a violation of his official oath.

15 *Sixth.*—His refusal or neglect to take his oath of office,

16 or to give or renew his official bond, or to deposit or file
17 such oath or bond, within the time prescribed by law.

18 *Seventh.*—The decision of a competent tribunal declaring
19 void his election or appointment.

c/d
C. S. p. 247, Sects. 4
& 5 combined &
amended.

1 SECT. 3. The governor may remove from office any
2 clerk of the supreme or district court, judge of probate,
3 court commissioner, sheriff, coroner, register of deeds,
4 county attorney, or county commissioner, any collector or
5 receiver of public moneys, appointed by the legislature, or
6 by the governor, by and with the advice and consent of the
7 senate, or of both branches of the legislature, whenever it
8 appears to him by competent evidence that either of such
9 officers have been guilty of malfeasance or nonfeasance in
10 the performance of his official duties, first giving to such
11 officer a copy of the charges against him, and an opportu-
12 nity to be heard in his defence.

c/d
C. S. p. 247, Sect. 6.

1 SECT. 4. Whenever a vacancy occurs during the recess
2 of the legislature, in any office which the legislature, or
3 the governor, by and with the advice and consent of the
4 senate, or of both branches of the legislature, are author-
5 ized to fill by appointment, the governor, unless it is other-
6 wise specially provided, may appoint some suitable person
7 to perform the duties of such office for the time being.

c/d
C. S. p. 248, Sect. 8.

1 SECT. 5. Each of the persons appointed in pursuance
2 of the preceding section, shall, before proceeding to exe-
3 cute the duties assigned him, qualify in the same manner
4 as required by law of the officer in whose place he is ap-
5 pointed; and he shall continue to exercise and perform the
6 powers and duties of the office to which he is so appointed,
7 until such vacancy is regularly supplied, as provided by
8 law.

New Section.

1 SECT. 6. In all offices not otherwise provided for, when
2 a vacancy is authorized to be filled by appointment, such
3 appointment shall continue until the next general election
4 occurring after there is sufficient time to give notice pre-
5 scribed by law, and until a successor is elected and quali-
6 fied.