

THE
STATUTES AT LARGE
OF THE
STATE OF MINNESOTA

COMPRISING

THE GENERAL STATUTES OF 1866

As amended by subsequent Legislation to the close of the Session of 1873

TOGETHER WITH

ALL LAWS OF A GENERAL NATURE IN FORCE, MARCH 7, A.D. 1873

WITH REFERENCES TO

JUDICIAL DECISIONS OF THE STATE OF MINNESOTA, AND OF OTHER
STATES WHOSE STATUTES ARE SIMILAR

TO WHICH ARE PREFIXED

THE CONSTITUTION OF THE UNITED STATES, THE ORGANIC ACT,
THE ACT AUTHORIZING A STATE GOVERNMENT, AND THE
CONSTITUTION OF THE STATE OF MINNESOTA

VOL. I.

COMPILED AND ARRANGED BY

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1873

CHAPTER VIII.*

OF RESIGNATIONS, VACANCIES, AND REMOVALS.

(Chap. IX. of the Statutes of 1866.)

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| <p>SEC.
1. Resignations, how made.
2. When an office becomes vacant.
3. Governor may remove certain officers, when.</p> | <p>SEC.
4. Vacancy occurring during recess of legislature, how filled.
5. Appointees shall qualify, how.
6. Appointments shall continue how long.</p> |
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SECTION 1. *Resignations, how made.*—Resignations shall be made—

First. By all incumbents of elective offices, to the officer authorized by law to fill a vacancy in such office by appointment, or to order a special election to fill such vacancy.

Second. By all officers holding their offices by appointment, to the body, board, or officer that appointed them, unless otherwise specially provided.

SEC. 2. *Office becomes vacant, when.*—Every office shall become vacant on the happening of either of the following events before the expiration of the term of such office :

First. The death of the incumbent.

Second. His resignation.

Third. His removal.

Fourth. His ceasing to be an inhabitant of the state, or if the office is local, his ceasing to be an inhabitant of the district, county, city, or village, for which he was elected or appointed, or within which the duties of his office are required to be discharged.

Fifth. His conviction of any infamous crime, or of any offense involving a violation of his official oath.

Sixth. His refusal or neglect to take his oath of office, or to give or renew his official bond, or to deposit or file such oath or bond, within the time prescribed by law.

Seventh. The decision of a competent tribunal declaring void his election or appointment.

Eighth (ADDED BY ACT OF MARCH 3, 1869). The death of the person elected or appointed to fill a vacancy or for a full term before he qualifies, or his death before the time when by law he should enter upon the duties of the office to which he was elected or appointed, in which case the vacancy shall be deemed to take place at the time when the term of office of the predecessor of such deceased person would have expired if such death had not happened.

S. L. 1869, 97. *State ex rel Loring v. Benedict et al*, 15 Minn. 198. *Vide* also 17 Wis. 658; 19 Wis. 300; 21 Wis. 443; 22 Wis. 366.

SEC. 3 (AS AMENDED BY ACT OF FEBRUARY 4, 1868). *Governor may remove certain officers, when.*—The governor may remove from office any clerk of the

* *Vide* Act of March 4, 1872, providing payment for services of commissioners under this chapter, Pt. VI. *infra*.

supreme or district court, judge of probate, court commissioner, sheriff, coroner, auditor, register of deeds, county attorney, or county commissioner, any collector or receiver of public moneys, appointed by the legislature, or by the governor, by and with the advice and consent of the senate, or of both branches of the legislature, whenever it appears to him by competent evidence that either of such officers have been guilty of malfeasance or nonfeasance in the performance of his official duties, first giving to such officer a copy of the charges against him, and an opportunity to be heard in his defense.

S. L. 1868, 67.

SEC. 4. *Vacancy happening during recess of legislature, how filled.*—Whenever a vacancy occurs during the recess of the legislature, in any office which the legislature, or the governor, by and with the advice and consent of the senate, or of both branches of the legislature, are authorized to fill by appointment, the governor, unless it is otherwise specially provided, may appoint some suitable person to perform the duties of such office for the time being.

SEC. 5. *Appointees to qualify, how.*—Each of the persons appointed in pursuance of the preceding section, shall, before proceeding to execute the duties assigned him, qualify in the same manner as required by law of the officer in whose place he is appointed; and he shall continue to exercise and perform the powers and duties of the office to which he is so appointed, until such vacancy is regularly supplied, as provided by law.

SEC. 6. *Appointment how long to continue.*—In all offices not otherwise provided for, when a vacancy is authorized to be filled by appointment, such appointment shall continue until the next general election occurring after there is sufficient time to give the notice prescribed by law, and until a successor is elected and qualified.