

THE *J. Rogers*
GENERAL STATUTES

OF THE

STATE OF MINNESOTA:

REVISED BY COMMISSIONERS APPOINTED UNDER AN ACT APPROVED FEBRUARY 17, 1868, AND
ACTS SUBSEQUENT THERETO, AMENDED BY THE LEGISLATURE,
AND PASSED AT THE SESSION OF 1866.

TO WHICH

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

ARE PREFIXED;

AND A LIST OF ACTS PREVIOUSLY REPEALED,

A GLOSSARY, AND INDEX, ARE ADDED.

Edited and Published under the authority of Chapters 15 and 16 of
the Laws of 1866.

ST. PAUL.
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STATE PRINTERS, 170 THIRD STREET.
1872.

SEC. 230. Whenever any vacancy occurs in the office of clerk of the district court, the judge of the district court for the district in which such county is situate, shall appoint some suitable person to fill such vacancy, who shall give such bond and take such oath as is by law required of clerks of the district court, and who shall hold his office until the next general election, and until his successor is elected and qualified.

Vacancy, how filled.

CHAPTER IX.

RESIGNATIONS, VACANCIES AND REMOVALS.

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1. Resignations, how made.
2. When an office becomes vacant.
3. Governor may remove certain officers, when.

SECTION

4. Vacancy occurring during recess of legislature, how filled.
5. Appointees shall qualify, how.
6. Appointments shall continue how long.

SECTION 1. Resignations shall be made—

Resignations, how 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.

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

SEC. 2. Every office shall become vacant on the happening of either of the following events before the expiration of the term of such office:

Office becomes vacant, when.

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.

SEC. 3. The governor may remove from office any clerk of the supreme or district court, judge of probate, court commissioner, sheriff, coroner, 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

Governor may remove certain officers, when.

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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.

Vacancy happening during recess of legislature, how filled

SEC. 4. 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.

Appointees to qualify, how.

SEC. 5 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.

Appointment, how long to continue.

SEC. 6 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.

CHAPTER X.

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