

Time of filling
vacancies.

ten days ; in county offices, fifteen days ; and in all other public elective offices, thirty days prior to the day of a general election, shall be filled at such general election. *Provided*, that should a vacancy occur in the office of Representative in Congress, Senator or Representative in the General Assembly, member of the Board of Education, and the body in which the vacancy exists will convene in a general or extra session prior to such election, then it shall be the duty of the Governor to order a special election to fill such vacancy, to be held at the earliest practicable time ; and ten days notice of such election shall be given.

Conflicting acts
Repealed.

Sec. 36. All acts inconsistent with this act are hereby repealed.

Approved March 23d, 1858.

CHAPTER 160.

OFFICIAL ACTS EXAMINED.

AN ACT to authorize the Governor to appoint Commissioners to examine the accounts of the State Officers and to define the duties of the Governor in certain cases.

Commission appointed.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the Governor of said State be and he is hereby authorized and empowered and it is hereby made his duty to appoint a commission of three competent and safe accountants who shall examine the books, papers, vouchers, moneys, securities and other documents in the hands or possession or under the control of each and every executive officer of said State, to make out a full, complete and specific statement of the transactions of each of said officers with, for, or on behalf of the State showing the true balance or balances in each and every case and report the same to the Governor with such suggestions as they may deem proper on or before the first day of June, 1858.

Statement of
transactions.

Examination every
year.

Sec. 2. It shall further be the duty of the Governor to appoint similar commission and cause the examina-

tion provided in the foregoing section to be made in the month of June of each and every year and at such other times as in his judgment the public interest or safety may demand, who shall be required to report to him as in said foregoing section required.

Sec. 3. Whenever any commission of investigation appointed as aforesaid shall report to the Governor that any officer has been guilty of any defalcation, misapplication or misappropriation of public money, or that his accounts, papers and books are improperly or unsafely kept, and that the State is likely or liable to suffer loss thereby, it shall be the duty of the Governor to forthwith suspend such officer from the exercise of all the functions of his office and require him to deliver all the money, books, papers, documents, vouchers, furniture and other property of the State to the Governor, to be disposed of as shall hereinafter be provided.

Officer suspended for defalcation.

Sec. 4. From and after the date of the suspension of any officer under the provisions of this act, it shall be unlawful for such officer to exercise or attempt to exercise any of the functions of such office until such suspension shall be revoked, and any such exercise or attempt to exercise the rights, duties, or franchises of said office after such suspension, shall be deemed a misdemeanor and shall subject the offender for each and every such offence to the penalty of not more than one year imprisonment in the county jail, and not more than one thousand dollars fine, to be recovered and enforced as provided for by the laws of the State.

Unlawful acts punished.

Sec. 5. It shall be unlawful for any officer or person whatever to recognize the authority of any such suspended officer, after the date of such suspension, or to transact any public business with him for and on behalf of the State until such suspension shall be removed, and every person guilty of a violation of the provisions of this section, shall be deemed guilty of a misdemeanor and subject to a fine of not less than five hundred dollars, nor more than five thousand dollars, to be recovered as provided by law.

Suspended officers' authority not be recognized.

Sec. 6. In every case of suspension it shall be law-

Officer pro tem.
appointed.

ful and it is hereby made the duty of the Governor of the State to appoint some suitable person to fill the office *ad interim* for which such person has been suspended, and shall before he enters upon the duties of the office give bond as now required by law, to be approved by the Governor, and who when thus appointed and qualified shall have full power and authority to do and perform all the duties and enjoy all the rights and franchises to the said office appertaining and belonging, until the removal of the suspension of his predecessor or the election of a successor.

Suit begun for
losses.

Sec. 7. It shall be the duty of the Governor of the State, whenever he shall suspend the functions of any such public officer, to direct the proper legal steps to be taken to indemnify the State from loss by instituting suit upon the official bond of said officer or otherwise as the Governor may deem fit.

Pay of Com'r.

Sec. 8. The commissioners provided for in this act, shall each receive the sum of three dollars per day for each and every day they may be actually employed in the performance of their duties.

Pers'ns summon-
ed.

Sec. 9. Said commissioners shall have power when in session, to issue subpoenas to call any person or persons before them to testify in reference to any fact connected with their investigation, also to require such persons to produce any papers or books when by the laws of evidence the District Court might require by rule to be produced.

Papers produced

Sec. 10. This act shall take effect and be in force from and after its publication in the Iowa Weekly Citizen, Iowa Farmer and Iowa State Journal.

Approved March 23d, 1858.

I hereby certify that the foregoing Act was published in the Iowa Weekly Citizen on the 31st of March, 1858, in the Iowa Farmer April 8th, 1858, and in the Iowa State Journal on the 8d of April, 1858.

ELIJAH SELLS,
Secretary of State.