

opened at the hour of eight o'clock in the forenoon, and continue open until five o'clock in the afternoon of the same day, at which time the polls shall be closed. Thirty minutes before the closing of the polls proclamation shall be made that the polls will be closed in half an hour, but the board may, in their discretion, adjourn the polls at twelve (12) o'clock (noon), for one hour, proclamation being made."

§ 2. This act shall take effect and be in force from and after its passage.

Approved, February 20, 1879.

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## Evidence.

### CHAPTER 16.

AN ACT relating to the Rules of Evidence in Criminal Proceedings.

*Be it enacted by the Legislative Assembly of the Territory of Dakota :*

§ 1. PERSON CHARGED WITH CRIME TO BE COMPETENT WITNESS.] That in the trial of all indictments, information, complaints, and other proceedings against persons charged with the commission of any crime, offenses, and misdemeanors before any court or committing magistrate in this Territory, the person charged shall, at his own request, but not otherwise, be a competent witness, and his failure to make such request shall not create any presumption against him.

§ 2. This act shall take effect and be in force from and after its passage and approval.

Approved, February 10, 1879.

## CHAPTER 17.

**AN ACT to amend Section Four Hundred and Forty-six of the Code of Civil Procedure, concerning the examination of Husband and Wife as witnesses for and against each other.**

*Be it enacted by the Legislative Assembly of the Territory of Dakota:*

§ 1. HUSBAND OR WIFE NOT TO BE WITNESSES AGAINST EACH OTHER WITHOUT CONSENT.] Paragraph number 1 of section 446 of the Code of Civil Procedure, is hereby amended so as to read as follows: "1. A husband cannot be examined for or against his wife without her consent, nor a wife for or against her husband without his consent; nor can either, during the marriage or afterwards be, without the consent of the other, examined as to any communication made by one to the other during the marriage; but this subdivision does not apply to a civil action or proceeding by one against the other, nor to a criminal action or proceeding for a crime committed by one against the other."

Approved, February 20, 1879.