

COMMISSIONS—WHEN TO EXPIRE.

CHAPTER 114

AN ACT to Amend Chapter (30) Thirty, Section Fourteen of the Political Code. Revised 1877.

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

§ 1. COMMISSIONS EXPIRE.] That section fourteen of said chapter thirty be amended by striking out the words "except the quarter master general, adjutant general and paymaster general."

§ 2. This act shall take effect immediately after its passage and approval.

Approved, March 13, 1885.

New Trials.

CHAPTER 115.

AN ACT to Amend Sections Four Hundred and Twenty-three and Four Hundred and Twenty-four of the Code of Criminal Procedure of the Territory of Dakota.

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

§ 1. WHEN COURT MAY POSTPONE.] That section four hundred and twenty-three of the Code of Criminal Procedure of the Territory of Dakota, be and the same is hereby amended by adding thereto as paragraph seven : "When new evidence is discovered material to the defendant, and which he could not with reasonable diligence have discovered and produced at the trial when a motion for a new trial is made upon the ground of newly discovered evidence, the defendant must produce at the hearing, in support thereof, the affidavits of the witnesses by whom such evidence is expected to be given, and if time is required by the defendant

to produce such affidavits, the court may postpone the hearing of the motion for such length of time as, under all the circumstances of the case, may seem reasonable."

§ 2. APPLICATION—WHEN TO BE MADE.] That section four hundred and twenty-four of the Code of Criminal Procedure of the Territory of Dakota be and the same is hereby amended to read as follows:

§ 424. The application for a new trial must be made before judgment, but the court or judge thereof may upon good cause shown, allow such application to be made at any time within thirty days after the entry of such judgment. And motions for a new trial on the ground of newly discovered evidence, may be made after judgment at the term in which the cause is tried, or during vacation before the court or judge thereof, at any time before the next succeeding term or at such term.

Approved, February 27, 1885.

Normal School.

MADISON.

CHAPTER 116.

AN ACT to Repeal Section 4, Chapter 99 of the Session Laws of 1881 and for other purposes.

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

§ 1. REPEALED.] That section 4 of chapter 99 of the session laws of 1881 be and the same is hereby abrogated and repealed.

§ 2. HOW GOVERNED.] That the board of education for the Normal school for the Territory of Dakota located and established at Madison, Lake county, Dakota Territory, shall consist of five (5) members who shall be appointed by the Governor, and by and with the consent of the legislative council. Two of said members of the board shall hold their office for the term of two (2) years and three for the term of four (4) years. The territorial Treasurer by virtue of his office shall be treasurer of said board, and the board shall annually elect from their number a president and secretary. It shall be the duty of the secretary to keep an exact de-