

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 REPEALED.] That section 4 of chapter 99 of the session laws of 1881 be and the same is hereby abrogated and repealed.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

tailed account of the doings of said board, and he shall submit such reports to the legislature as are required by this act, and no member of said board of education shall, during his continuance in office as a member of said board, act as an agent of any publishers of school books and school library books, either directly or indirectly, and the Governor of the Territory is hereby authorized and required upon satisfactory evidence being produced to him that any member of said board is employed as such agent or interested as aforesaid, to remove such member of said board from office, and to appoint another in his place to fill such vacancy.

§ 3. All acts and parts of acts in conflict with this act are hereby repealed.

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

Approved, March 9, 1885.

Notice of Pendency of Action.

CHAPTER 117.

AN ACT to Amend Section One Hundred and One of the Code of Civil Procedure.

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

§ 1. EFFECT OF LIS PENDENS.] That section one hundred and one of the Code of Civil Procedure be and the same is hereby amended so as to read as follows :

§ 101.] In an action affecting the title to real property, the plaintiff at the time of filing the complaint, or at any time afterwards, or whenever a warrant of attachment of property shall be issued, or at any time afterwards, the plaintiff or defendant, when he sets up an affirmative cause of action in his answer, and demands substantive relief at the time of filing his answer, or at any time afterwards, if the same be intended to affect real property, may file for record with the Register of Deeds of each county in which the real property is situated, a notice of the pendency of the action, containing the names of the parties, the object of the action, and the description of the real property in that county affected thereby ; from the time of filing only shall the pendency of