

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 All acts and parts of acts in conflict with this act are hereby repealed.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

the action, be constructive notice to a purchaser or incumbrancer of the property affected thereby; and every person whose conveyance or incumbrance is subsequently executed or subsequently recorded, shall be deemed a subsequent purchaser or incumbrancer, and shall be bound by all proceedings taken after the filing of such notice to the same extent as if he were a party to the action. For the purpose of this section an action shall be deemed to be pending from the time of filing such notice, *Provided, however,* That such notice shall be of no avail unless it shall be followed by the first publication of the summons, or by the personal service thereof, on a defendant within sixty days after such filing. And the court in which the said action was commenced, may at any time on application of any person aggrieved and on good cause shown, and on such notice as shall be directed or approved by the court order the notice authorized by this section to be canceled of record in whole or in part by the Register of Deeds of any county in whose office the same may have been filed or recorded, and such cancellation shall be made by an endorsement to that effect on the margin of the record, which shall refer to the order, and for which the Register of Deeds shall be entitled to a fee of twenty-five cents.

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

Approved, March 13, 1885.

#### NOTICE OF PENDENCY OF ACTION.

#### CHAPTER 118.

AN ACT to Amend Section One Hundred and One (101), of Chapter Nine (9), of the Code of Civil Procedure.

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

§ 1. FILE FOR RECORD.] That section one hundred and one (101), of the Code of Civil Procedure of the Territory of Dakota be, and the same is, hereby amended by inserting after the words "may file," where they occur in said section, the following words: "for record."

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

Approved, February 19, 1885.