

charges and instructions shall be taken by the jury in their retirement and returned with their verdict into court and shall remain on file with papers of the case.

Approved March 10, 1937.

CHAPTER 43.

AN ACT

[S. B. 35]

To amend Section 3638, Compiled Laws of Alaska, 1933, relating to settling of bills of exceptions.

Be it enacted by the Legislature of the Territory of Alaska:

Amendment.

Section 1. That Section 3638, Compiled Laws of Alaska, 1933, be amended to read as follows:

Bill of exceptions may be signed by other than trial judge. When—for what cause and procedure.

Section 3638. Bill Of Exceptions May Be Signed By Other Than Trial Judge. A Bill of Exceptions allowed in any cause shall be deemed sufficiently authenticated if signed by the Judge of the District Court in which the cause was tried without any seal of the Court or Judge annexed thereto. And in case the District Judge before whom the cause has heretofore been or may hereafter be tried is, by reason of removal from office, death, sickness, or any other disability, unable to pass upon a motion for a new trial or to allow and sign a Bill of Exceptions, then the Judge who succeeds such trial Judge or any other District Judge designated by the Attorney General of the United States to pass upon such motion or to allow and sign such Bill of Exceptions, or any other Judge of the Court in which the cause was tried, holding such Court thereafter, if the evidence in such cause has been or is taken in stenogra-

phic notes, or if the said Judge is satisfied by any other means that he can pass upon such motion, or allow and sign a true Bill of Exceptions, shall pass upon said motion and allow and sign such Bill of Exceptions; and his ruling upon such motion and allowance and signing of such Bill of Exceptions shall be as valid as if such ruling and allowance and signing of such Bill of Exceptions had been made by the Judge before whom such cause was tried; but in case said Judge is satisfied that owing to the fact that he did not preside at the trial, or for any other cause, that he can not fairly pass upon said motion, and allow and sign said Bill of Exceptions, then he may in his discretion grant a new trial to the party moving therefor.

New trial
granted—when.

Approved March 10, 1937.

CHAPTER 44.

AN ACT

[S. B. 36]

To amend Section 3870, Compiled Laws of Alaska, 1933, relating to trials in actions of an equitable nature.

Be it enacted by the Legislature of the Territory of Alaska:

Section 1. That Section 3870 of the Compiled Laws of Alaska, 1933, be amended to read as follows: Amendment.

Section 3870. Findings of Fact by Court in Actions of an Equitable Nature. All issues of fact in actions of an equitable nature may be tried by the Court, and if tried by the Court, the evidence shall be presented and the trial conducted in the same manner as other actions; provided, the Court may, in its discretion,

Findings of
Fact in actions
of an equitable
nature.