

CHAPTER 37.

AN ACT

[S. B. 35]

To prohibit and punish falsification of evidence.

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

Offering fraudulent evidence at any trial, etc., a felony.

Section 1. Every person who upon any trial, proceeding, inquiry or investigation whatever, authorized or permitted by law, offers in evidence as genuine or true, any book, paper, document, record or other instrument in writing, knowing the same to have been forged or fraudulently altered or antedated, is guilty of a felony.

Preparing any fraudulent evidence to be used at any trial, etc., a felony.

Section 2. Every person guilty of preparing any false or antedated book, paper, record, instrument in writing, or other matter or thing with intent to produce it or allow it to be produced for any fraudulent or deceitful purpose as genuine or true upon any trial, proceeding or inquiry whatever, authorized by law, is guilty of a felony.

Penalty.

Section 3. Violation of any of the provisions of this Act shall be punished by imprisonment in the penitentiary for not more than two years or by fine of not more than ten thousand dollars or by both such fine and imprisonment in the discretion of the court.

Approved April 16, 1923.

CHAPTER 38.

AN ACT

[S. B. 36]

To amend Sections 1345, 1352 and 1360, Compiled Laws of Alaska, 1913, relative to the recovery of costs and disbursements in certain civil proceedings in court, and to make further provision concerning the same.

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

Section 1. That Section 1345, Compiled Laws of Alaska, be amended so as to read as follows:

"A party entitled to costs shall also be allowed for all necessary disbursements, including the fees of officers and witnesses, the necessary expenses of taking depositions by commission or otherwise, the expense of publication of the summons or notices, and the postage where the same are served by mail, the compensation of referees, and the necessary expense of copying any public record, book, or document used as evidence on the trial. The prevailing party may tax as costs the sum of \$20.00 when the case is dismissed before it is set for trial after appearance by the opposite party, and the sum of \$40.00 when not disposed of until after it is set for trial; for each deposition such sum as may be allowed by the court; the per diem actually paid the court reporter but not to exceed \$10.00 per day; witness fee for each day a witness is necessarily absent from his usual place of abode by reason of attendance upon court, with traveling expenses at 15 cents per mile actually and necessarily travelled; a party to the action, if a witness, shall be entitled to the same fee and travelling expense as any other witness; in the district court only, a reasonable attorneys' fee to be fixed by the court.

What disbursements party entitled to costs may be allowed.

What prevailing party may tax as costs.

In District Court only, a reasonable attorney's fee.

"Whenever in any civil action now pending or hereafter instituted the cause shall be set for trial though dismissed before trial the defendant shall recover as costs all the witness fees and other reasonable expenses which he has necessarily incurred or for which he has necessarily made himself liable in anticipation of a trial of all the issues raised by the pleadings."

Costs and disbursements may be recovered by defendant when case dismissed before trial.

Section 2. That section 1352, Compiled Laws of Alaska, be amended so as to read as follows:

"Upon an application to postpone a trial, the payment to the adverse party of such a sum as costs as may be imposed by the court as a condition of granting the postponement; and in all cases where this code authorizes a court or judge to allow a party to do any act in an action or proceeding upon terms, such court

Costs on postponement, etc.

or judge may, as a condition of such allowance, impose upon such party the payment of costs in such sum as the court may find proper."

Section 3. That Section 1360, Compiled Laws of Alaska, be amended so as to read as follows:

"A sum as costs may be allowed to the prevailing party on a motion, in the discretion of the court, and may be absolute or directed to abide the event of the action. In any action or proceeding as to which the allowance and recovery of costs may not be provided for in this act, costs may be allowed or not, according to the measure herein prescribed, and apportioned among the parties, in the discretion of the court."

Section 4. Whenever in any action for the recovery of money or property the defendant shall make to plaintiff an offer in writing to allow the latter to enter judgment for a specific sum of money or some specific property with costs and disbursements to date of offer and plaintiff shall recover no more than the sum of property offered, he shall be entitled to no costs, but defendant shall recover from the plaintiff those of his costs and disbursements which accrued since the offer was made.

Such offer of judgment shall not be pleaded nor shall it be filed unless accepted, nor shall the fact that such offer was made be made known to court or jury, and where plaintiff nevertheless does make such fact known to the jury, where the case is tried before a jury, plaintiff shall not recover costs though he recover more than the amount offered.

Approved April 16, 1923.

Costs on motion, etc.

What plaintiff entitled to when offer of settlement made.

Defendant may recover costs accrued since offer made.

Offer of settlement unless accepted shall not be used in trial.