

peace, health and safety that this law shall become effective without delay for the reason that at the present time there exists no law providing for adequate regulation and inspection of public places named herein resulting in wide-spread lawlessness and danger to life and limb; therefore, this Act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1919.

APPEALS

CHAPTER 7.

(H. B. No. 108—Patterson.)

ABSTRACTS AND BRIEFS UPON REPEAL.

An Act to Amend and Re-enact Section 7847 of the Compiled Laws of North Dakota for the Year 1913, Relating to Abstracts and Briefs Upon Appeal to the Supreme Court, and Repealing Acts or Parts of Acts in Conflict Therewith.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

Sec. 1. AMENDMENT.) That Section 7847 of the Compiled Laws of North Dakota for the year 1913, be and the same is hereby amended and re-enacted so as to read as follows:

Sec. 7847. PRINTING OF ABSTRACTS NOT REQUIRED. PREPARATION OF BRIEF, FILING THEREOF.) Upon any appeal to the Supreme Court it shall not be necessary to file or use any printed abstract or statement of the case, but in lieu thereof, the Appellant shall cause to be filed in the Lower Court and returned to the Supreme Court, with the other record, two copies in addition to the original, of the statement of the case as settled and certified. The Supreme Court shall prescribe by rule or regulation the manner in which, and the time within which, briefs shall be prepared and filed, and for the allowance of costs in respect to the same.

Sec. 2. REPEAL.) All Acts and parts of Acts in conflict therewith are hereby repealed.

Approved February 18, 1919.

CHAPTER 8.

(H. B. No. 38—Hardt.)

SUPREME COURT.

An Act to Amend and Re-enact Section 7846 of the Compiled Laws of North Dakota for the Year 1913, Providing that the Supreme Court May Secure Additional Evidence in Cases Tried Without a Jury.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

1. AMENDMENT.) That Section 7846 of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

Sec. 7846. APPEALS IN CASES TRIED WITHOUT JURY.) On appeal in the Supreme Court in any action tried by the Court, but without a jury, if it appear to the Court that any material evidence was excluded, the Court may issue a mandate to the Trial Court to take such evidence without delay and to certify and return it to the Supreme Court, and all proceedings in the Supreme Court shall be stayed pending the return of such evidence. A party desiring to appeal from a judgment in any such action, shall cause a statement of the case to be settled within the time and in the manner prescribed by Article 8 of Chapter 11 of the Compiled Laws of North Dakota for the year 1913, and shall specify therein the questions of fact that he desires the Supreme Court to review, and all questions of fact not so specified shall be deemed on appeal to have been properly decided by the Trial Court. Only such evidence as relates to the questions of fact to be reviewed shall be embodied in this statement. But if the appellant shall specify in the statement that he desires to review the entire case, all the evidence and proceedings shall be embodied in the statement. The Supreme Court shall try anew the question of fact specified in the statement or in the entire case, if the appellant demands a retrial of the entire case, and shall finally dispose of the same whenever justice can be done without a new trial, and either affirm or modify the judgment or direct a new judgment to be entered in the District Court; the Supreme Court may, however, if it deem such course necessary to the accomplishment of justice, order a new trial of the action. In actions tried under the provisions of this Section, failure of the Court to make findings upon all the issues in the case shall not constitute a ground for granting a new trial or reversing the judgment; provided that the provisions of this Section shall not apply to actions or proceedings properly triable with a jury.

Approved February 26, 1919.