

1 IN THE HOUSE

BY MR. STEWART

2 HOUSE BILL NO. 91

3 IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

4 TWENTY-SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act to amend Sections 4 and 5 of
7 Chapter 89, Session Laws of Alaska, 1953,
8 relating to payment of costs and jury
9 findings of presumptive death."

10 BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF ALASKA:

11 Section 1. Section 4, Chapter 89, Session Laws of Alaska
12 1953, is amended to read as follows:

13 Section 4. After having heard all evidence presented,
14 the jury shall retire to agree upon a verdict. If the jury,
15 by their unanimous verdict in writing find that sufficient
16 evidence has been presented to them from which it fairly
17 may be presumed that such missing person has met death, and
18 if the Commissioner approve such finding, then ^{after} AFTER A
19 PERIOD OF SIX MONTHS ^{have} [HAVE] ELAPSED,] such person shall be
20 presumed to be dead and the Commissioner shall enter an
21 order to that effect, ^{provided, -}

22 Sec. 2. Section 5, Chapter 89, Session Laws of Alaska 1953,
23 is amended to read as follows:

24 Section 5. The Commissioner, members of the jury and
25 witnesses shall be entitled to the same compensation as in
26 civil actions in a justice's court, and such compensation
27 and other incidental expenses shall be audited and allowed
28 as in the case of other similar expenses incurred by Com-
29 missioners and now audited and allowed. When the Com-

p. 1, line 18: retain deleted matter in lines 18 and 19, except
insert word "has" in lieu of "have" in line 19

p. 1, line 21: after word "effect" insert following: ", provided,
that in cases where there is clear and convincing
evidence of the presumed death the Commissioner,
in his discretion, may sooner enter the order therein"

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Commissioner himself has submitted the petition in compliance
with Section 1 of this Act and there is no interested party
nor an estate from which the costs of such proceedings can
be audited and allowed, then the costs shall be paid from
the "Relief Fund" for lost persons designated by Section
40-8-2, Alaska Compiled Laws Annotated, 1949, upon vouchers
properly made out, signed and sworn to by the Commissioner.