

CHAPTER 15.

(H. B. NO. 35.)

AN ACT to amend Section Two Hundred and Seventy-seven of the Code of Civil Procedure of Alaska. (Compiled Laws of Alaska, Sec. 1109.)

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

That, Section Two Hundred and Seventy-seven of Title Two, Chapter Thirty-one, of the Act of June 6, 1900 entitled "An Act making further provision for a civil government for Alaska and for other purposes" be amended by adding to said section the following:

Claim of third person to property taken by attachment, etc.

"If any property levied upon or taken by the marshal by virtue of a writ of execution, attachment, or other process, is claimed by any other person than the defendant, and such person, his agent or attorney, makes affidavit of his title thereto, or right to the possession thereof and the ground of such title or right, stating the value thereof, the marshal may release such levy or taking, unless the plaintiff, on demand, indemnify the marshal against such claim, by bond executed by two sufficient sureties who shall justify in double the value of said property and otherwise as in case of attachment bonds; and notwithstanding such claim, when so made, the marshal may retain such property under levy a reasonable time to demand such indemnity. If in such case, the person claiming the ownership of said property, or the right to the possession thereof, commences an action against the marshal for the taking thereof, the obligors on said indemnity bond and the plaintiff in such execution, attachment or other process shall, on motion of such marshal be impleaded with him in such action, and if judgment be rendered against the marshal and his co-defendants, execution shall issue thereon and the property of such co-defendants shall be first exhausted before that of the marshal or of the sureties on his official bond is sold to satisfy such execution."

Bond to be furnished by plaintiff, or property released

Plaintiff and bondsmen to be impleaded on motion of Marshal

Approved, April 21, 1913.