

jail not less than ten days nor more than six months, or by both such fine and imprisonment.

Approved, April 30, 1913.

### CHAPTER 73.

(S. B. No. 69.)

AN ACT to amend Chapter 19, of the Compiled Laws of Alaska relating to Escheats.

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

Section 1. That sections 608, 609, 610, 611, 612, 613, 614 and 615, of Chapter 19, of the compiled laws of Alaska be amended to read as follows:

When property  
escheats to the  
Territory

Sec. 608. When any person shall die without heirs, having any real or personal property in the Territory, the same shall escheat to and become the property of the Territory of Alaska.

Procedure on  
behalf of  
Territory

Sec. 609. The Territory of Alaska may maintain any action or proceeding necessary to recover the possession of any such property, or for the enforcement and protection of its rights thereto or on account thereof, in like manner and with like effect as any natural person. Such action or proceeding shall be prosecuted by the Territory of Alaska, by and through the United States Attorney.

Governor must  
take steps to  
recover

Sec. 610. When the Governor is informed or has reason to believe that any real or personal property has escheated to the Territory of Alaska, he shall direct the United States Attorney to file an information on behalf and in the name of the Territory of Alaska in the district court, setting forth a description of the estate, the name of the person last seized, the name of the occupant or the

person in possession and claiming such estate, if known, and the facts and circumstances in consequence of which the estate is claimed to have been escheated, with an allegation that by reason thereof the Territory has right by law to such estate. Upon such information a summons must issue to such person, requiring him to appear and answer the information within the time allowed by law in civil actions, and the court must make an order setting forth briefly the contents of the information and requiring all persons interested in the estate to appear and show cause, if any they have, within such time as the court making such order may fix, why the title should not vest in the Territory of Alaska, which order must be published for at least six consecutive weeks from the date thereof, in a newspaper published in the precinct, if one be published therein, and in case no newspaper is published in the precinct, then in such newspaper in the division in which the escheated property is located as the court by order may direct.

Publication of  
Order to Show  
Cause

Sec. 611. The court upon information being filed, with and upon the application of the United States Attorney, either before or after answer, upon notice to the party claiming such estate, if known, may, upon sufficient cause therefor being shown, appoint a receiver to take charge of such estate, and receive the rents and profits of the same, until the title to such estate is finally settled.

Court may  
appoint  
receiver

Sec. 612. All persons named in the information may appear and answer, and may traverse or deny the facts stated in the information, the title of the Territory of Alaska to the lands and tenements therein mentioned, at any time before the time for answering expires; and any other person claiming an interest in such estate may appear and be made a defendant by motion for that purpose in open court within the time allowed for answering; and if no person appears and answers within the time, then judgment must be rendered that the Territory

Interested persons may  
appear and answer

Proceedings  
before Court,  
judgment and  
sale

of Alaska be seized of the lands and tenements in such information claimed. But if any person appears and denies the title set up by the Territory of Alaska, or traverses any material fact set forth in the information, the issue of the fact must be tried as issues of fact are tried in civil actions. If after the issues are tried, it appears from the facts found that the Territory of Alaska has good title to the estate in the information mentioned, or any part thereof, judgment must be rendered that the Territory of Alaska be seized thereof, and recover costs of action against the defendant. In any judgment rendered, or that has heretofore been rendered, by any court of competent jurisdiction, escheating real property to the Territory of Alaska, on motion of the United States Attorney, the court shall make an order that the real property be sold by the marshal at public sale, and upon such terms, whether for cash or credit, or both, as shall be deemed for the best interests of the Territory of Alaska, and if such court shall deem it most advantageous for the Territory of Alaska, it may direct that the lands be surveyed into lots and sold in specific portions, upon such terms as to payments therefor as may be deemed best for the Territory of Alaska. After giving such notice of the time and place of sale as may be prescribed by the court in the order, the marshal shall, within ten days after such sale, make a report thereof to the court, and, upon hearing the report, the court may examine the same and witnesses in relation thereto, and if the proceedings of such sale are unfair, or the sum or sums bid are disproportionate to the value of the portion sold, and if it appear that a greater sum can be obtained for the property, or any portion thereof, exceeding such bid at least ten per centum, exclusive of the expense of a new sale, the court may vacate the sale and direct another sale to be had, and the new sale shall be conducted in all respects as if no previous sale had taken place. But if it appears to the court that the sale was legally made and

When sale to  
be vacated

fairly conducted, and the sum bid is not disproportionate to the value of the property sold, and that a greater sum than ten per centum, exclusive of the expense of a new sale cannot be obtained, the court must make an order confirming the sale and directing the marshal in the name of the Territory of Alaska to execute to the purchaser or purchasers a conveyance of the property sold, and the conveyance shall vest in the purchaser or purchasers all the right and title of the Territory of Alaska herein; and also directing that the purchaser or purchasers shall execute and deliver to the marshal his or their note or notes, payable to the Territory of Alaska for the deferred payments with a first mortgage upon the property conveyed, to secure the deferred payments. And the marshal shall, out of the proceeds of such sale, pay the cost of the proceedings incurred on behalf of the Territory of Alaska, including the expense of making such sale, and the remainder, together with the notes and mortgages, he shall deliver to the United States Attorney, taking his receipt therefor, and the United States Attorney shall deposit the sum with the clerk of the district court, who shall pay the same into the Treasury of the Territory of Alaska.

Conveyance to be made

Sec. 613. Within ten years after the judgment in any proceeding had under this chapter, a person not a party or privy to such proceeding, may file a petition in the district court, showing his claim or right to the property or the proceeds thereof. A copy of such petition must be served upon the United States Attorney at least twenty days before the hearing of the petition, who must answer the same; and the court thereupon must try the issue as issues are tried in civil actions, and if it be determined that such person is entitled to the property or the proceeds thereof, it must order the property, if it has not been sold to be delivered to him; or if it has been sold and the proceeds paid into the Treasury of the Territory of Alaska, then it must order that a copy of the

Persons may claim proceeds, when; proceedings thereon

judgment be forwarded to the Treasurer of the Territory of Alaska. All persons who fail to appear and file their petitions within the time limited by law are forever barred, saving, however, to infants, and persons of unsound mind, the right to appear and file their petitions at any time within the time limited, or one year after their respective disabilities cease.

Proceedings in  
case of personal  
property

Sec. 614. In all cases of personal estate, the court shall direct by order that the same be sold by the marshal, as upon execution, and the proceeds be applied to the payment of the costs incurred by the Territory of Alaska, and the costs and charges of making such sale, and the residue to the district attorney, who shall pay the same to the clerk of the court as hereinbefore provided.

Escheated  
property held  
by bank

Sec. 615. When the Governor is informed or has reason to believe that any bank, banker, or banking institution in the Territory now has or holds on deposit or otherwise any fund, funds or other property of any kind or nature which has escheated to the Territory, he shall direct the United States Attorney to file in the District Court an information or bill of discovery, with proper interrogatories to be answered by the owner, agent, or manager of such bank or banking institution, and upon the filing of such information or bill the court shall order and direct, at a time to be designated in the bill that the owner, agent, or manager of such bank or banking institution, shall, under oath, file an answer to the information and interrogatories, and shall specially answer each and every interrogatory contained in such information or bill. If it appears to the court from such answer that the bank, banker, or banking institution has any property in its possession which has or may escheat to the Territory of Alaska, it shall direct the bank, banker, or banking institution forthwith to bring the same into such court, and the court shall proceed to dispose of the property as provided elsewhere in this chapter.

Sec. 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved April 30, 1913.

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## CHAPTER 74.

(S. B. No. 11.)

AN ACT to supplement the mining laws of the United States in their application to the Territory of Alaska; providing for the location and possession of mining claims in Alaska and repealing all acts and parts of acts in conflict herewith to the extent of such conflicts.

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

### GENERAL PROVISIONS CONCERNING LODGE AND PLACER MINING CLAIMS.

Section 1. That no person shall hereafter locate any mining claim in the Territory of Alaska as attorney for another unless he is duly authorized thereto by a power of attorney in writing, which shall be witnessed by two witnesses but need not be acknowledged, and recorded in the office of the recorder in whose precinct such location is made, previous to the date of the initiation of such location.

Power of Attorney to locate mining claims; requisites

Sec. 2. That the value of work or labor done under the provisions of this act shall be computed on the basis of the wage for similar work current in the precinct wherein the claim is situate.

Basis of value of labor

Sec. 3. That during each year and until patent has been issued therefor, not less than one hundred dollars

Annual assessment work