

CHAPTER 42.

AN ACT

[H. B. 51.]

To prescribe the procedure to establish claim by third persons to personal property taken under execution.

Be It Enacted by the Legislature of the Territory of Alaska:

Section 1. When personal property shall be seized by virtue of any execution, and any person, other than the defendant shall claim such property, or any part thereof, and shall give notice thereof in writing, the United States Marshal or his deputy or other lawful officer making such said seizure, may summon from his division six persons, qualified as jurors between the parties, to try the validity of the claim, giving five days' notice of the time and place of the trial to the plaintiff in the execution or his attorney.

How claims of 3rd person to property under execution to be tried

Section 2. The United States Marshal, or his deputy, at the request of either party, shall subpoena witnesses, and compel them to attend and give testimony, and he shall administer the necessary oaths to the jurors and witnesses. On the trial, the defendant and the claimant may be examined by the plaintiff as witnesses, and the verdict of such jury being rendered in writing, and signed by the foreman, shall be a full indemnity to the United States Marshal proceeding in accordance therewith, but shall not preclude the claimant from maintaining an action at law for the recovery of the possession of such property, or for damages for taking the same.

Proceedings on trial

Section 3. The claimant, at any time before the jury retire, may withdraw his claim, or the plaintiff in the writ may, within the same time, direct the United States Marshal, or his deputy, to discharge the property from the execution, and thereupon the trial shall proceed no further. The costs and disbursements of the trial shall be paid by the party against whom the verdict is given, or if no verdict be given, as in this section provided, then by the party who withdrew his claim, or directed the

Costs and disbursements

property to be discharged, as the case may be. The United States Marshal, or his deputy, shall collect all such costs and disbursements, if not paid immediately, by levying on the property of the party liable for them, as on execution, and pay the same to the jurors, witnesses and others entitled to receive them.

Verdict of jury
may be dis-
regarded—
When

Section 4. Notwithstanding the verdict of the jury be for the claimant, yet the United States Marshal, or his deputy, shall proceed to sell the property seized in satisfaction of the execution, if the plaintiff tender him a written undertaking, executed with two or more good and sufficient sureties, residents of the Territory of Alaska and householders or freeholders therein, in double of the value of the property, to the effect that he will indemnify the United States Marshal against all damages and costs which he may sustain in consequence of the seizure and sale of such property, and moreover, that he will pay to the claimant of such property all damages which he may sustain in consequence of such seizure and sale. If such undertaking be given, it shall be returned by the United States Marshal, with the execution. If 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 first be exhausted before that of the Marshal or the sureties on his official bond is sold to satisfy such execution.

Judgment
debtor may re-
tain property
until day of
sale—How

Section 5. When the United States Marshal, or his deputy, shall levy upon personal property by virtue of an execution, he may permit the judgment debtor to retain the same, or any part thereof, in his possession until the day of sale upon the defendant executing a written undertaking to the United States Marshal, with sufficient

surety, in double the value of such property, to the effect that it shall be delivered to the United States Marshal, or his deputy, at the time and place of sale, and for non-delivery thereof an action may be maintained upon such undertaking by the United States Marshal or the plaintiff in the execution; but the United States Marshal shall not thereby be discharged from his liability to the plaintiff for such property.

Section 6. That all acts or parts of acts inconsistent with the provisions of this act, or in conflict therewith, are hereby repealed. Repealing
clause

Approved, April 28, 1915.

CHAPTER 43.

AN ACT

[H. B. 87.]

To amend Section 7, of Chapter 84, of the Session Laws of Alaska, 1913, entitled "An Act to regulate the practice of dentistry in the Territory of Alaska, and to provide for the examination, regulation, licensing and registration of persons engaged in the practice of dentistry, and for the punishment of offenders against this act," approved April 30, 1913.

Be It Enacted by the Legislature of the Territory of Alaska:

Section 1. That Section 7, of Chapter 84, of the Session Laws of Alaska, 1913, entitled "An Act to regulate the practice of dentistry in the Territory of Alaska, and to provide for the examination, regulation, licensing and registration of persons engaged in the practice of dentistry, and for the punishment of offenders against this act," approved April 30, 1913, be amended by inserting after the word "filed" in the third line and before the words "with the clerk" the words "for record" so as to read as follows:

Sec. 7. Every person who shall receive a certificate of registration as set forth shall within sixty days after Certificate of
registration of