

## CHAPTER 11.

## AN ACT

(H. B. 25)

To provide for the construction, maintenance and protection of public roads, bridges, trails and ferries and property pertaining to public roads in the Territory of Alaska, to provide funds, regulations and penalties; to carry the provisions and purposes of this Act into effect; to provide for the appointment of a Territorial Board of Road Commissioners and defining their duties; to provide for a Board of Divisional Road Commissioners for the First, Second, Third and Fourth Judicial Divisions in the Territory of Alaska; to provide for a Divisional Treasurer in each Division; to provide for co-operation between the Territorial Board of Road Commissioners and the federal road authorities; to provide for the appointment of a Divisional Road Commissioner after February 28, 1921; to repeal all laws and parts of laws in conflict herewith; and for other purposes; and to declare an emergency.

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

Section 1. There is hereby created a Territorial Board of Road Commissioners for the Territory of Alaska, for the construction and maintenance of roads, trails, bridges and ferries in the Territory of Alaska. This Board shall consist of the Governor of the Territory, the Surveyor-General, and the Territorial Treasurer, and shall be known as the Territorial Board of Road Commissioners.

Territorial Board of Road Commissioners created and personnel thereof

Section 2. The Territorial Board of Road Commissioners shall have authority to enter into co-operative agreements, with the Board of Road Commissioners for Alaska, and the Secretary of Agriculture of the United States, or other federal authority, for the construction, repair and maintenance of any public road, bridge or ferry, within the Territory of Alaska. In the case of co-operative work, the Territorial Treasurer is authorized to deposit in the United States Treasury, the funds agreed upon to cover the share of the Territorial Road Commission in such co-operative projects as are entered into, in accordance with the provisions of this

Authority to co-operate with Federal Board Road Commissioners

Deposit by Treasurer of Territorial funds, etc.

Act. Such funds shall be expended by the Disbursing Officer of the federal authority designated in the cooperative agreement, and a detailed statement of expenditures from such funds so deposited shall, upon the completion of the project for which they were deposited, be furnished to the Territorial Treasurer. Any unexpended balance of such Territorial funds shall be returned.

Territorial Board to receive and disburse road funds

Section 3. The said Territorial Board of Road Commissioners is empowered to act for the Territory in the receipt, allotment and disbursement of any federal funds that may be turned over to the Territory for the building and maintenance of roads, bridges and trails unless otherwise provided for.

Territorial Board to furnish Legislature estimates

Section 4. It shall be the duty of the Territorial Board of Road Commissioners to furnish the Legislature of the Territory, while in session, with an estimate of the amount required to construct and maintain roads, bridges and trails, in each of the Territorial Road Divisions, and to apportion and to transfer to the Treasurers of the various Divisional Road Commissions such funds as shall be available as hereinafter provided, and to appoint a treasurer who shall be an officer of a Ter-

Territorial Board to appoint Divisional Treasurers

ritorial or National Bank in the Division for which he is appointed, for each of the four Road Divisions. The Treasurer shall be the custodian and disbursing officer of all moneys appropriated for the building and maintenance of roads, bridges and trails in the Division for which he is appointed, when the same is transferred to him from the Territorial Treasurer on the order of the Territorial Board of Road Commissioners. The term of office of the Divisional Road Treasurer shall be for two years, but he may be removed for cause by the Territorial Board of Road Commissioners, and he shall be required by the Territorial Board of Road Commissioners to give a bond, good and sufficient in amount, to well protect the Territory.

Qualifications, powers and duties of Treasurers

Section 5. That in the apportionment of funds to the Divisional Boards of Road Commissioners, the Territorial Board of Road Commissioners shall so arrange the apportionments that no division shall, during any biennium, receive a less amount of the combined amounts of Territorial appropriations and co-operative funds than one quarter of the total amount appropriated to carry in effect the provisions of this Act. Provided, however, that the Territorial Board of Road Commissioners may, in their discretion, apportion all or any part of the total apportionment to any division in either year of the biennium, and provided further that where co-operative funds are available in any one division and not in others, that they may reduce the Territorial apportionment to such division and increase the apportionment to other divisions where such co-operative funds are not available.

Apportionment of road funds to several divisions

Section 6. The Territory of Alaska shall be divided into four territorial road divisions corresponding and coinciding with the four judicial divisions in the Territory with one office in each division. Until March 1, 1921, in each Territorial Road Division there shall be a Divisional Road Commission consisting of three members, two of whom shall be appointed by the Territorial Board of Road Commissioners for a term of two years, or until their successors are appointed and qualified, and who shall serve without pay or emolument, except that on all official trips connected with road work, which are authorized by the Territorial Board of Road Commissioners, they shall be allowed their necessary traveling expenses, the third member shall be the Commissioner elected as heretofore provided by law. He shall be Chairman and Secretary of the Commission and shall perform such duties as are hereinafter provided, and shall receive as salary two thousand five hundred dollars (\$2,500.00) per annum, payable in monthly installments. He shall have such charge of the location, construction, improvement and maintenance

Territory divided in four road divisions

Divisional Road Commission established in each division

Elected member chairman, salary, powers, duties,

nance of public roads, trails, bridges and ferries in the Division as hereinafter provided, unless otherwise provided for under co-operative agreements with the federal road authorities. He shall be the custodian of such property and records of the Division concerning roads and bridges as hereinafter provided. He shall execute a good and sufficient bond in an amount fixed by the Territorial Board of Road Commissioners, which amount shall not be less than one thousand dollars (\$1,000.00).

Bond of elected member

Duties Divisional Commissioner

Section 7. It shall be the duty of the Divisional Road Commission to meet at a specified time and recommend the apportionment of road funds to the credit of the aforesaid division, so that such funds will not conflict with the apportionment allotted by the Federal Board of Road Commissioners for Alaska.

Annual reports by Divisional Commission

Section 8. It shall be the duty of each Divisional Commission to make an annual report on January 1st of each year, to the Territorial Board of Road Commissioners, stating for the Division, the number of miles of road of each classification, and the number of bridges constructed during the year, the number of miles of road of each classification maintained; the total expenditures on each road and bridge during the year, with unit cost, the number of miles of road and number of bridges under construction; number of miles of road and number of bridges to be constructed, together with probable cost of construction and maintenance of said roads and bridges; also, probable tonnage and vehicle traffic over said roads and bridges. The Territorial Board shall make for the Territory a like report to the Territorial Legislature.

Divisional Commission to recommend contemplated work

Section 9. Before any work is done on the construction of any contemplated road or bridge, except special emergency repair work; the Divisional Commission shall submit, on January first of each year, their recommendations for the projects within their divisions for

the approval of the Territorial Board of Road Commissioners. Such recommendation will be accompanied by a statement showing the termini of the proposed work, the number of people benefited, the probable annual tonnage, general worth to the community, the length in miles, and whether advisable to do the work by contract or administration. The Territorial Board of Road Commissioners will authorize the proper authority to proceed with the work and direct the manner in which the work is to be done. If the work is to be done by contract the Chairman will be instructed to advertise for bids. In such case the Chairman shall advertise for bids in a newspaper published near the place where the work is to be done, should there be such a newspaper within fifty (50) miles of the proposed work, and by posting a copy of the advertisement at the Post Office nearest the proposed work. The said advertisement shall state the general character of the work to be done, the amount of bond required, and the time and place at which the bids will be opened. The Territorial Board of Road Commissioners will furnish each Divisional Commission blank forms for bids. Each bid shall be sealed and accompanied by cash or a certified check for five (5) per cent. of the amount of the bid, which shall be forfeited to the Territorial Board of Road Commissioners if for any reason the bidder shall fail to enter into a contract within ten days after notice of acceptance of his proposal. If reasonable bids are received for doing the work, the contract will be awarded to the lowest responsible bidder. Provided, however, the Divisional Commission may reject any or all bids.

Territorial Board  
to authorize  
work—and  
how done

When done un-  
der contract bids  
to be secured

Section 10. Any contractor employed to construct or maintain any road, bridge, ferry or any appurtenance thereto, shall, before entering upon the execution of such work, execute a bond payable to the Territory of Alaska for fifty per cent. of the amount of the contract price; said bond to be made by a reliable surety company, or a good personal bond signed by at least two

Contractor to  
furnish bond

sureties, approved by the Divisional Commission; the form of bond to be approved by the Territorial Board of Road Commissioners, and conditioned upon the faithful performance of the contract, and the discharge of his duties thereunder.

Purchase of supplies, hire of laborers—how authorized

Section 11. The Territorial Board of Road Commissioners shall authorize the Divisional Road Commission to purchase such material, equipment and supplies, and purchase or hire such teams and other equipment, to hire such foremen and laborers as may be necessary for properly carrying on the work of construction and maintenance of such public roads, trails, bridges and ferries of the Territory. In making purchases of materials, supplies, and equipment there shall be obtained, as far as practicable, quotations from at least two dealers on each class of articles required.

Duties Chairman Divisional Commission

Section 12. For work under his charge the Chairman of the Divisional Road Commission shall require all bills, vouchers, and contracts, including estimates allowed contractors and allowances for salary and expenses, to be made in duplicate and filed in the office of the Chairman. This file shall be preserved as a public record and shall be open to reasonable inspection by any citizen during usual business hours. The Chairman shall certify to the correctness of each bill and will issue a warrant on the Treasurer of the Divisional Road Commission for the amount of each bill certified by him, the bills and warrants to bear the same serial number. The warrants issued in accordance with the provisions of this Act shall be paid by the Treasurer of the Divisional Commission, and charged to the divisional road and bridge fund. All original bills, vouchers, and contracts shall be forwarded to the Territorial Road Commission.

Treasurer of Divisional Commissions to report monthly

Section 13. The Treasurer of the Divisional Commission shall make to the Territorial Board of Road Commissioners each calendar month a complete statement

of all warrants paid by him, and the Chairman of each Divisional Commission shall mail the original of all bills and vouchers, for which he has issued warrants, to the Territorial Board of Road Commissioners for each calendar month. Said original to be mailed within ten days after the end of each calendar month, unless the Chairman is away from his office; in which event he shall mail them at his earliest opportunity.

Section 14. The Divisional Commission shall classify Classification of roads—signs, etc. all public Territorial roads and trails in the division as wagon roads, sled roads, or trails and shall by appropriate signs or notices posted on each public bridge and ferry in the division, prescribe the maximum load which may be hauled thereon. The lawful width of right-of-way of all roads or trails shall be sixty (60) feet. The width of traveled ways, the grade and character of improvement of each road or trail, shall be determined by the Territorial Board of Road Commissioners in view of the requirements of the traffic on each road.

Section 15. Whoever shall, on any public road in the Territory of Alaska, haul or cause to be hauled, on any Regulations covering use of roads, etc. wagon, cart or other wheeled vehicle, any load which exceeds 400 pounds per inch width of tire, including weight of vehicle and counting all wheels; or whoever shall obstruct, injure or destroy any of the works, property or material used or intended to be used in the building of any public road, bridge or ferry in the Territory of Alaska, constructed or in the process of construction, pursuant to law; or whoever shall haul on any bridge or ferry any load in excess of the maximum prescribed by the Divisional Commissioner for such bridge or ferry, shall be guilty of a misdemeanor, and upon conviction, shall be fined not more than three Penalty hundred dollars (\$300.00) or imprisoned not more than six (6) months, or both. The destruction of any portion of any road constructed under the provisions of this Act, or other laws, by the opening of any waste

gate of any ditch, shall be deemed a violation of the provisions of this section. Provided, however, that any person desiring to haul a load in excess of the provisions of this Act, shall apply to the Chairman of the Divisional Road Commission, or authority having such road in charge, for a permit for such purpose, stating the necessity for such permit, and if it appears to the satisfaction of said Chairman of the Commission or authority, that the applicant for such permit is justified in hauling such load, he shall be granted a permit to do so, provided that a good and sufficient guarantee may be required by the responsible authority, to make good any damage resulting from such excess loading before granting the permit. All fines collected under the provisions of this section shall be paid to the Clerk of the United States Court, and be covered into the Territorial treasury. It shall be the duty of each member of the Divisional Commission to make complaint, to the proper authority, of all violations of this section, which may come under his observation.

Permits for  
excess loads

Fines to be  
covered into the  
Territorial  
Treasury

Action for  
damages to roads

Section 16. In addition to the punishment herein provided, the Territory of Alaska shall have a right of action for all damage caused by the violation of the provisions of preceding section, or for any damages caused by the breaking or overflowing of any ditch or flume, which action shall be brought by the Divisional Road Commission for the benefit of the Territory. All expenses incurred under the provisions of this section shall be paid by the Territorial Treasurer from any funds not otherwise appropriated, upon vouchers approved by the Divisional Road Commission.

After March 1,  
1921, Divisional  
Commission  
consist two  
elective and one  
appointive  
member

Section 17. On and after March 1, 1921, in each Territorial Road Division there shall be a Divisional Road Commission consisting of three members, two of whom shall be elected as provided by law, and one shall be appointed by the Territorial Board of Road Commissioners for a term of two years, or until his successor

is appointed and qualified, who shall serve without pay or emolument. The appointed member shall be Chairman and Secretary of the Commission; receive and account for all funds and property turned over to him as provided by law. He shall be a competent civil engineer, qualified by training and practical experience in highway engineering, and, when authorized by the Territorial Board of Road Commissioners, be empowered to hire the necessary office and field forces, and subject to the general direction of the Territorial Board of Road Commissioners, he shall have charge of the location, construction, improvement and maintenance of public roads, trails, bridges and ferries in the Division. He shall be the custodian of the property and records of the Division, concerning roads and bridges. He shall prepare and approve all plans and specifications, and none of his orders or directions shall be countermanded except by special resolution of the Territorial Board of Road Commissioners duly entered on the minutes. He shall execute a good and sufficient bond with approved sureties in an amount fixed by the Territorial Board of Road Commissioners, which amount shall not be less than one thousand dollars (\$1,000.00). The premium for such bond shall be paid by the Divisional Treasurer, and the amount so paid shall be charged to the Road Division. The two elective members shall receive a per diem of ten (10) dollars in lieu of all other salary, pay, expenses or emolument of such time as they may actually serve on road work under instructions of the Territorial Board of Road Commissioners, and provided that such per diem paid to each member shall not exceed the sum of one thousand (1,000) dollars in any one calendar year. It shall be the duty of the Divisional Road Commission to receive petitions or requests for road work within their Divisions, to make investigations and reports on such proposed work, and to attend the annual meeting of the Divisional Road Commission for the purpose of submitting their recom-

Appointed member chairman Commission and secretary of

Qualification, powers, duties, etc., of appointed member

Elected members — powers, duties and per diem

Duties Divisional Commission

mendations to the Territorial Board of Road Commissioners. Should there be no candidate for appointment who can qualify to the satisfaction of the Territorial Board of Road Commissioners, the Board may authorize the Divisional Board to act jointly in place of the appointed member in all matters, subject to the approval of the Territorial Board of Road Commissioners.

Printed copies of  
act to be distrib-  
uted

Section 18. It shall be the duty of the Territorial Board of Road Commissioners to have this Act printed, and to furnish 200 copies to each Divisional Commission in the Territory of Alaska. Such printing to be paid by the Territorial Treasurer out of funds not otherwise appropriated, upon vouchers approved by the Territorial Board of Road Commissioners.

Repeal conflict-  
ing acts

Section 19. All other laws or parts of laws not in conflict with this Act shall remain in full force and effect, and all laws and parts of laws in conflict with the provisions of this Act, are hereby repealed.

Emergency

Section 20. An emergency is hereby declared to exist, and this Act shall take effect immediately upon its approval.

Approved April 21, 1919.

## CHAPTER 12.

### AN ACT

(S. B. 33)

To amend Section 1648, Section 1649, Section 1650, and Section 1651, of Chapter 18, of the Compiled Laws of Alaska, relative to the support of the widow and minor children of decedents, and providing for a summary method of closing insolvent small estates.

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

Section 1648  
Compiled Laws  
amended

Section 1. That Section 1648, of Chapter 18, of the Compiled Laws of Alaska, be amended to read as follows:

“Section 1648. After the filing of the inventory, should the deceased have died leaving a widow or minor