

for which the Territorial Council of Defense was organized.

Emergency
clause

Section 3. An emergency is hereby declared to exist, and this Act shall take effect immediately upon its passage.

Approved April 28, 1919.

CHAPTER 20.

AN ACT

(S. B. 41)

To enjoin and abate houses of lewdness, assignation and prostitution, to declare the same to be nuisances, to enjoin the person or persons who conduct or maintain the same, and the owner, lessee or agent of any building used for such purposes.

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

Definition of
terms

Section 1. The term "person" as used in this Act shall be deemed and held to mean and include individuals, corporations, associations, partnerships, trustees, lessees, agents and assignees. The term "building" as used in this Act shall be deemed and held to mean and include so much of any building or structure of any kind as is or may be entered through the same outside entrance.

Houses of prosti-
tution and as-
signation and
contents nu-
sances

Section 2. Whoever shall erect, establish, continue, maintain, use, own or lease any building, erection or place used for the purpose of lewdness, assignation or prostitution or any other immoral act, is guilty of maintaining a nuisance, and the building, erection or place, or the ground itself, either public or private, in or upon which, or in any part of which such lewdness, assignation or prostitution is conducted, permitted or carried on, continued or exists, and the furniture, fixtures, musical instruments and contents are also declared a nuisance, and shall be enjoined and abated as hereinafter provided.

Section 3. Whenever there is reason to believe that a nuisance is kept, maintained or exists as defined in this Act, the District Attorney shall or any citizen of the Judicial Division may maintain a suit in equity in the name of the Territory of Alaska to perpetually enjoin such nuisance, the person or persons conducting or maintaining the same, and the owner, lessee or agent of the building or ground upon which said nuisance exists. No preliminary injunction or restraining order shall issue without notice, but when such order is prayed for in the complaint and it shall appear from the facts shown by affidavits or by the complaint that a nuisance as herein defined exists and that the public interest and good morals require its prompt abatement, the court or judge thereof shall make an order fixing the time for the hearing of such application not less than three nor more than thirty days after service of notice on the defendant. Upon such hearing the court shall inquire into and dispose of the matter and for that purpose may receive evidence in the form of affidavits, oral or documentary testimony, and if it shall appear to the satisfaction of the court that such nuisance exists and that public morals and good order require that it be promptly abated the court shall issue the preliminary injunction as prayed for. No continuance of a hearing on such application shall be granted at the instance of a defendant except for good cause shown, and in no event for a longer period than 10 days in the aggregate unless on consideration the restraining order issue as a matter of course, which order shall be enforced pending the hearing. When an injunction has been granted, it shall be binding on the defendant throughout the judicial district in which it was issued, and any violation of the provisions of injunction herein provided shall be a contempt as hereinafter provided.

Action for
abatement—who
may maintain

Injunctions, pro-
cedure for

Trial of action
for abatement
and evidence
therein

Section 4. The suit when brought under the provisions of this act shall be promptly tried, and in such suit common fame shall be competent evidence in support of the complaint. If the complaint is filed by a citizen, it shall not be dismissed except upon a sworn statement made by the complainant and his attorney setting forth the reasons why the suit should be dismissed, and the dismissal approved by the District Attorney in writing or in open court. If the court is of the opinion that the suit ought not to be dismissed, he may direct the District Attorney in writing to prosecute said suit to judgment, and if the suit is continued more than one term of court, any citizen of the Division or the District Attorney may be substituted for the complaining part(y), and prosecute said suit to judgment. If the suit is brought by a citizen and the court finds that there was no reasonable ground or cause for said suit, the costs may be taxed to such citizen.

Dismissal only
with consent of
district attorney

Violation of in-
junction a con-
tempt

Section 5. In case of the violation of any injunction granted under the provisions of this act, the court, or in vacation, a judge thereof, may summarily try and punish the offender. The proceedings shall be commenced by filing with the clerk of the court an information under oath, setting out the alleged facts constituting such violation, upon which the court or judge shall cause a warrant to issue, under which the defendant shall be arrested. The trial may be had upon affidavits, or either party may demand the production and oral examination of witnesses. A party found guilty of contempt under the provisions of this section shall be punished by a fine of not less than \$200 nor more than \$1,000, or by imprisonment in the federal jail not less than three months nor more than six months, or by both fine and imprisonment.

Procedure in con-
tempt proceed-
ings—penalty

Order of abate-
ment—what to
provide for.

Section 6. If the existence of the nuisance be established in a suit as provided in this act, an order of

abatement shall be entered as a part of the judgment in the case, which order shall direct the removal from the building or place of all fixtures, furniture, musical instruments or movable property used in conducting the nuisance, and shall direct the sale thereof in the manner provided for the sale of chattels under execution, and the effectual closing of the building or place against its use for any purpose, and so keeping it closed for a period of one year, unless sooner released. If any person shall break and enter or use a building, erection or place so directed to be closed, he shall be punished as for contempt as providing (provided) in the preceding section. For removing and selling the movable property, the officer shall be entitled to charge and receive the same fees as he would for levying upon and selling like property on execution, and for closing the premises and keeping them closed a reasonable sum shall be allowed by the courts.

Section 7. The proceeds of the sale of the property, as provided in the preceding section, shall be applied as follows:

- 1st. To the fees and costs of such removal and sale:
- 2nd. To the allowances and costs of so closing and keeping closed such buildings or places;
- 3rd. To the payment of plaintiff's costs in such action;
- 4th. The balance, if any, shall be paid to the owner of the property so sold.

If the proceeds of such sale do not fully discharge all such costs, fees and allowances, the said building and place shall then also be sold under execution issued upon the order of the court or judge and the proceeds of such sale applied in like manner; Provided that the building or realty in which such nuisance

sance is conducted, or real estate on which it stands shall not be subject to any lien, judgment or costs under the terms of this Act, unless the owner thereof, his agent or representative, shall have been duly served with process in the action and been given an opportunity to show his good faith and to immediately abate such nuisance.

How owner may
secure release of
building

Section 8. If the owner of the building or place has not been guilty of any contempt of court in the proceedings, and appears and pays all costs, fees and allowances which are a lien on the building or place and files a bond in the full value of the property, to be ascertained by the court, with sureties, to be approved by the court or judge conditioned that he will immediately abate any such nuisance that may exist at such building or place and prevent the same from being established or kept thereat within a period of one year thereafter, the court, or judge thereof, may, if satisfied of his good faith, order the premises, closed under the order of abatement, to be delivered to said owner, and said order of abatement canceled so far as the same may relate to said property. The release of the property under the provisions of this section shall not release it from any judgment, lien, penalty or liability to which it may be subject by law.

Fine for con-
tempt to be lien
on realty

Section 9. Whenever the owner of a building or place upon which the act or acts constituting the contempt shall have been committed, or of any interest therein, has been guilty of a contempt of court and fined therefor in any proceedings under this act, such fine shall be a lien upon such building and place to the extent of the interest of such persons therein, enforceable and collectible by execution issued by the order of the court.

Repealing clause
and limitation

Section 10. All acts and parts of acts in conflict with the provisions of this act are hereby repealed; Provided, that nothing herein shall be construed as

repealing any law for the suppression of lewdness, assignation or prostitution.

Approved April 28, 1919.

CHAPTER 21.

AN ACT

(S. B. 42)

Relating to the filing for record of mortgages of personal property and providing for renewal affidavits and repealing Sections 553, 554 and 744 of the Compiled Laws of Alaska, in so far as they are in conflict.

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

Section 1. Every mortgage of personal property or conveyance intended to operate as a mortgage of personal property shall be void as against creditors of the person making the same, and against subsequent purchasers or mortgagees in good faith after the expiration of one year from the filing thereof, unless, within thirty days next preceding the expiration of one year after the filing of the same or a copy thereof, the mortgagee, his agent, attorney or assignee shall make, file and annex or cause to be annexed to the mortgage on file an affidavit setting forth the interest which the mortgagee or assignee has, by virtue of such mortgage, in the property described in such mortgage, at the time such affidavit is made; the recorder of the precinct in which such mortgage is filed shall endorse upon such renewal affidavit the time when the same was filed; the effect of such renewal affidavit shall be to extend the lien of the mortgage as against the creditors, purchasers and incumbancers of the property for the further term of one year from the time when such mortgage would otherwise cease to be valid.

Mortgages void after one year unless renewed

How and when renewal may be made

Section 2. The effect of such affidavit shall not continue beyond one year from the time when such

Successive renewals each year