

Section 6. Chapter 28, Session Laws of 1919, "An Act to provide for the maintenance of schools in incorporated towns, and incorporated school districts," is hereby repealed.

Approved May 5, 1921.

CHAPTER 38.

AN ACT

[S. B. 60]

Providing for liens of laborers, material men and contractors doing work on, or furnishing material for the construction, altering, digging, drilling, boring, operating, completing or repairing gas wells, oil wells, or other wells, gas pipe lines or oil pipe lines, and making provision for the foreclosure thereof.

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

Section 1. Every person, corporation, firm, association, or co-partnership, material man, artisan, laborer, or mechanic who does work or labor upon, or furnishes material, machinery or fuel for constructing, altering, digging, drilling, boring, operating, completing or repairing of any gas well, oil well or other well, or for altering, repairing, or constructing any oil derrick, oil tank, oil or gas pipe line, by virtue of a contract expressed or implied, with the owner, part owner, or lessee of any interest in real estate or with the authorized agent of the owner or part owner or lessee of such owner, and every person who shall as subcontractor, laborer or material man perform any labor or furnish material, machinery or fuel to such original or principal contractor or any subcontractor in carrying forward, performing or completing such contract shall have a lien to secure the payment thereof upon said

Liens of laborers, contractors and material men provided for.

Property to
which lien
attaches.

gas well, oil well or other well, or upon said oil derricks, oil tanks, oil or gas pipe line and upon the drills, apparatus, tools, machinery, materials or equipment so furnished for or used in the construction, alteration or repairing of said oil, gas or other wells, and all buildings and appurtenances thereof and the interest, leasehold or otherwise of the owner, part owner or lessee in the plot or tract of land upon which said improvement may be located, and any person, firm or corporation or material man who shall furnish such materials, machinery or supplies to a contractor or subcontractor, or any person who shall perform labor of any kind under a subcontractor, with a contractor, or who, as an artisan or day laborer in the employ of such contractor or subcontractor, shall perform any such labor, shall have a lien upon the land or real estate or other interest therein or the oil pipe line or gas pipe line or the lease for oil or gas prospects, the buildings, structures, and appurtenances and upon the drills, apparatus, tools, materials, machinery and equipment so furnished for or used in the construction, alteration or repairing of said oil, gas or other well, and upon said oil well, gas well or oil or gas pipe line for which the same were furnished, including the land used in the operating for oil or gas in the same manner and to the same extent as the original contractor for the amount due for such materials, machinery or supplies furnished or for labor performed.

Priority.

Provisio.

Section 2. The lien herein provided for shall attach to the material, machinery and supplies and specific improvements made in preference to any prior lien or incumbrance or mortgage upon the land or leasehold interest upon which said materials, supplies or specific improvements were used, placed or located; Provided, however, that any lien, incumbrance or mortgage upon the leasehold or interest at the time of the inception of the lien provided for shall not be affected.

Section 3. The liens provided for in this Act shall bind the right, title and interest of the person or persons referred to in Section 1, at whose instance or request, or for whom the work or labor was done to the full extent of the interest which such person or persons had in the lienable property at the commencement of the work for which the lien is claimed and upon the materials, machinery or supplies subsequently acquired up to the time of foreclosure, and in the event that the ownership of the land, drills, apparatus, machinery, tools and equipment upon which the liens of laborers, mechanic and artisans may be claimed as hereinbefore in section one provided, is in other than the person or persons at whose instance or request or for whom the work or labor was done or there is a mortgage on such property, the liens provided for herein shall bind the interests of such owner or mortgagee therein unless within ten days after the commencement of work or labor by the possessor thereof with such drills, apparatus, tools, machinery, materials and equipment, such owner or mortgagee shall post a notice in a conspicuous place where said machinery, drills, apparatus, tools and equipment are used, setting forth his interest and title in the same and that he and the same will not be responsible for claims of laborers employed in and about the same.

Interests subject to lien.

Attaches to mortgagee's interest, when.

Section 4. Every person claiming the benefit of this Act shall, within thirty (30) days after the rendition of the services or suspension of the work or labor or the completion of the furnishing of the machinery, supplies or fuel mentioned in Section 1 of this Act, file for record in the recorder's office in the Precinct in which the oil well, gas well or other well or other property on which the lien is claimed was situated or used, his claim of lien which claim of lien shall contain a statement of his demand and the amount thereof after deducting all just credits and offsets; the name

Lien claimant to record statement, when.

Contents of
statement.

of the person by whom he was employed and, if employed, by a contractor or subcontractor, a statement to that effect. Also, the terms and conditions of his contract of employment, if any, together with a description of the property upon which the lien is claimed, sufficient for identification, and the name of the owner or reputed owner or lessees thereof. The claim of lien shall be verified by the lien claimant or someone on his behalf having personal knowledge of the facts and in case there is no express contract the claimant shall state what the work, labor, services, materials, machinery or supplies were reasonably worth.

Record.

Section 5. The Recorder shall record the lien claimed in a record book kept for that purpose which record shall be indexed and said recorder shall receive the same fees as are allowed by law for recording deeds.

Suit to be
brought within
six months,
unless.

Section 6. No lien provided for by this Act shall bind any oil well, gas well or other property subject to a lien under the provisions of this Act, for a longer period than six (6) months after the same has been filed for record, unless suit be brought before the proper court within that time to enforce the same, or if credit be given then within six (6) months after the expiration of such credit. But no lien shall continue in force for a longer period than one (1) year from the time of cessation of work or labor or from the time of furnishing of material, machinery, or supplies by any agreement to give credit.

Continuation of
period of lien.

Section 7. The lien provided for in this Act shall be enforced by an action in the district courts of the Territory of Alaska having jurisdiction to enforce liens, and the pleadings, processes, practice and other proceedings shall be governed by the laws of the Territory regulating the trial of actions for the enforcement of liens and said actions shall be governed and said liens shall be construed in accordance with the provisions of

Procedure for
foreclosure.

Chapter 13 of the laws of the Territory of Alaska, 1915, providing for the liens of laborers and miners working in and about mines in the Territory of Alaska.

Section 8. Where several liens are filed upon the same property those filed for work and labor performed in and about said oil wells, gas wells, or other property subject to the lien shall take precedence over the liens filed by contractors, sub-contractors or material men.

Priority of laborers lien.

Approved May 5, 1921.

CHAPTER 39.

AN ACT

[S. B. 55]

Providing for the purchase of the Seward Peninsula Railroad for operation as a public tram and highway.

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

Section 1. That the Federal Board of Road Commissioners for Alaska, with the consent and approval of the Territorial Board of Road Commissioners, are hereby authorized and empowered to purchase in the name of and for and in behalf of the Territory of Alaska, the Seward Peninsula Railroad extending from the City of Nome, Alaska, to Shelton, Alaska, a distance of approximately eighty-six miles, together with the road bed, rails, switches, spurs, lateral and other side lines, stations, round-houses and rights-of-way, and all realty owned or used by and in connection with the operation of said road; and all or any part of the equipment of said road which in their judgment is deemed advisable to purchase, including locomotives, freight and passenger cars, and other cars of all and every kind, and tools of every nature and kind per-

Federal Board of Road Commissioners authority to purchase.