

CHAPTER 40.

AN ACT

[S. B. 25]

Providing for the escheat of certain estates to the Territory of Alaska and providing for their disposal, and repealing former laws on that subject, and declaring an emergency.

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

Section 1. When any person shall die intestate, without heirs, leaving real or personal property in the Territory, the same shall escheat to and become the property of the Territory of Alaska.

Property of
intestate dying
without heirs
to escheat.

Section 2. The Territory of Alaska may maintain an 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 Attorney-General.

Territory may
maintain action
to recover
escheated
property.

Section 3. Whenever the administrator of any estate shall find that his intestate left no heirs, or shall, after due search fail to find that his intestate left heirs, such facts shall be certified by the administrator to the probate court, and it shall then be the duty of the latter, as soon as the administrator's final account is settled, to enter a decree adjudging that all the balance of the estate, whether real or personal property, has escheated to and become the property of the Territory of Alaska. The administrator shall immediately thereupon transmit a certified copy of such decree to the Treasurer of the Territory, together with the money and other personal property so escheated.

Administrator
of estates to
certify fact no
heirs to probate
court.

Probate Court
to enter decree
of escheat.

Certified copy
of decree to be
transmitted to
Treasurer.

Section 4. Whenever the Attorney-General shall be informed or shall have reason to believe that any real

Duties of Attorney General with reference to estates liable to escheat.

or personal property has escheated to the Territory, and no administrator has been appointed for such estate, the Attorney-General shall, on behalf of the Territory, file an information in the District Court setting forth a description of the estate, the name of the person last seized, the name of the occupant or person in possession of the estate or any part thereof, if known, and of the person, if any such be known, claiming the estate or any part thereof, 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 become the owner and entitled to the possession of the estate. Upon

Summons and orders of court for service.

such information a summons must issue to such person or persons, requiring him or them 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, 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 a newspaper published in the division in which the escheated property is located, as the court by order may direct.

Court may appoint receiver of estate.

Section 5. The court, upon information being filed, and upon the application of the Attorney-General either before or after answer, after 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.

Section 6. All persons named in the information may appear and answer and may traverse or deny the facts stated in the information, and deny the title of the Territory of Alaska to the lands and tenements or other property 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, judgment must then be rendered that the Territory of Alaska is seized of the lands, tenements and personal property in such information claimed. But if any person appears and denies the title set up by the Territory of Alaska or traverses any material facts 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 is seized thereof, and the Territory shall recover the costs of action against the defendant. Any personal property in such judgment decreed or adjudged to be the property of the Territory shall be ordered by the court transmitted to the Treasurer of the Territory, and any person in possession of any real property in such proceeding adjudged or decreed to be the property of the Territory shall be ordered to deliver possession thereof to the Treasurer of the Territory.

Appearance of
defendants and
procedure.

Judgment and
decree.

Property to be
in custody of
Treasurer after
decree.

Section 7. Within ten years after the judgment in any proceeding had under this act, 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, and that he had no knowledge of the proceeding provided for in the fore-

Petition to
vacate escheat
proceedings.

going sections. A copy of such petition must be served upon the Attorney-General at least twenty (20) days before the hearing of the petition, and the Attorney-General must answer the same, and the Court thereupon must try the issues as issues are tried in civil actions; and if it be determined that such person is entitled to the property or the proceeds thereof, the Court must order a copy of the judgment to be forwarded to the Treasurer of the Territory of Alaska. If the judgment of the Court be that the claimant is entitled to the property or the proceeds thereof, it shall be the duty of the Treasurer to deliver such property to such claimant, if such property has not been sold or otherwise disposed of, but not until claimant pays to the Treasurer the costs of the escheat proceedings; and, if the property has been sold or otherwise disposed of, it shall be the duty of the Treasurer to pay to such claimant, out of the general fund of the Territory, the amount received for such property, less the cost of the escheat proceedings, the cost of sale and other expenses connected with the conversion of the property to cash, and less any interest or dividends collected by the Territory upon such property which consists of bonds, stocks or other negotiable instruments. All persons who fail to appear and file their petitions within the time limited by law are forever barred, saving, however, infants and persons of unsound mind, from the right to appear and file their petitions at any time within the time limited, or one year after their respective disabilities ceased.

Section 8. Whenever personal or real property has escheated to the Territory and the same has been either by the probate court or by the district court, in the manner above provided, adjudged or decreed the property of the Territory, the Treasurer shall have authority to sell such property at such time and place as he deems of the greatest advantage to the Territory

Judgment of
vacation of
escheat.

Delivery of
property by
Treasurer or
payment.

Authority
vested in
Treasurer to
sell escheated
property at
public auction.

and to execute the proper conveyance therefor. But no such property shall be sold by the Treasurer except at public auction to the highest and best bidder and after public notice of the time and place of such sale has been given by publication in one or more newspapers for a period of not less than three weeks, in case of sale of real property, and for a period of not less than ten days in case of sale of personal property; PROVIDED, however, that personal property of the value of not more than fifty dollars (\$50) may be sold at private sale, and stocks, bonds, notes or other negotiable instruments may be held by the Treasurer until paid in due course, and provided, further, that no sale shall be made except with the approval of the Governor, who shall, as such, endorse such approval upon the instruments of conveyance, in cases where such instruments are required by law to be executed; but this provision shall not require the Governor to endorse his approval of sale upon negotiable instruments.

Property not exceeding value of \$50 may be sold at private sale.

Section 9. It shall be the duty of every bank, banker or banking institution in the Territory who holds on deposit or otherwise any fund, funds or other property of any kind or nature which has escheated to the Territory, to inform the Attorney-General of that fact; and each bank, banker or banking institution in the Territory who has on deposit or otherwise any fund, funds or other property to which no owner is known to such bank, banker or banking institution, or the owner of which has not been heard from by such bank, banker or banking institution for more than seven (7) years, shall in writing notify the Attorney-General of that fact; and if upon investigation the Attorney-General shall conclude, or have reason to believe, that such funds or other property have been escheated to the Territory, he shall institute the proper proceedings under the provisions of this act

Banks and bankers to report deposits unclaimed, when.

Attorney General may institute escheat proceedings.

to have such funds or property adjudged the property of the Territory and transmitted to the Treasurer.

Provisions of act to apply to property heretofore escheated.

Section 10. The provisions of this act shall apply, as nearly as practicable, to all property or assets heretofore escheated to the Territory, and to all property or funds heretofore delivered to a Clerk of Court or the Treasurer of the Territory by order of any probate court as escheated property, and such property, heretofore so delivered to the Treasurer, may be by him sold or otherwise disposed of under the provisions of this act, and shall be held by him subject to the rights of any legal heir under the provisions of Section 7 of this act.

Repeal of Secs. 608 to 615 Compiled Laws and Chapter 73, Session Laws 1913.

Section 11. Sections 608, 609, 610, 611, 612, 613, 614 and 615 of the Compiled Laws of Alaska, and Chapter 73 of the Session Laws of 1913, are hereby repealed.

Emergency.

Section 12. An emergency is hereby declared to exist, and this act shall take effect and be in force from and after its passage and approval.

Approved May 5, 1921.

CHAPTER 41.

AN ACT

[S. B. 59]

Providing for a commission to collect exhibits for the National Exposition of Mines to be held in Chicago, Illinois, Oct. 17, to Oct. 22, 1921, and declaring an emergency.

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

Section 1. That there be, and is hereby created, a Commission consisting of the Governor and four other members, one from each Judicial Division of the Ter-