

This amount is made available for payment of the foregoing claims, whenever the same shall be properly authenticated by affidavit of the claimants, or someone having knowledge of the facts, and upon such other evidence, as the Governor of the Territory shall require to satisfy himself of the justice of the claims, and upon the approval of such claims by the Governor, he is hereby authorized to pay the same, out of this appropriation.

National Exposition of Mines:

For expenditure for mining and other Alaska exhibits at Chicago, Illinois Oct. 17, to 22nd, 1921, under direction of the Governor	\$ 1,000.00	For National Exposition of Mines.
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EMERGENCY APPROPRIATION.

For expenses necessarily incurred in carrying out provisions of the laws of the Territory and not otherwise provided for, to be expended under direction of the Governor	\$ 15,000.00	For emergencies.
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Section 2. An emergency is hereby declared to exist, and this Act shall be in full force and effect on and after its passage and approval. Emergency.

*NOTE: The following is the message of the Governor, with reference to the foregoing act "The foregoing appropriations are approved, except that item under the heading 'Fish and Fisheries,' reading as follows: 'For the establishment and maintenance of a fish hatchery and experiment station at Ketchikan, Alaska, to be expended under the direction of J. R. Heckman, \$10,000.00,' which is not approved."

(Signed) THOMAS RIGGS,
Governor.

May 7, 1921.

CHAPTER 47.

AN ACT

[S. B. 52]

To provide for the alteration of the boundaries of Incorporated cities, towns and villages and repealing Chapter 76 Session Laws of 1913 relating to the annexation of territory to incorporated towns, and declaring an emergency.

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

Section 1. Any territory within the corporate limits of any city, town or village may be excluded there-

Contiguous territory may be excluded from or annexed to municipality.

From, and any territory not heretofore incorporated as a municipal corporation lying contiguous to any city, town or village may become annexed to such city, town or village under the provisions of this Act, and when so annexed shall become a part of such city, town or village, and be subject to all of its laws and ordinances. Provided, that whenever any such unincorporated territory is separated from any city, town or village by water, or by tide or shore lands on which no bona fide residence is maintained by any person, said unincorporated territory shall be deemed contiguous for all of the purposes of this act.

Provisions for vacating incorporated towns or excluding territory.

Notice of hearing to be given by publication or posting.

Commissioner and Recorder to hear and determine.

Section 2. Whenever the common council or trustees of any town, city or village incorporated under the laws of the Territory of Alaska, or the owner or owners of any town site, or of any territory within the corporate limits of any city, town or village shall desire to have the same vacated or to have any territory excluded from the boundaries of the city, town or village where-in situated, he or they shall give public notice by publication once a week* for four consecutive weeks in a newspaper of general circulation in the city, town or village sought to be vacated or from which territory is sought to be excluded, or if there be no newspaper of general circulation in such city, town or village then by posting written or printed notices in three public places in such city, town or village; which notice shall state, that a petition has been filed in the office of the commissioner and ex-officio Recorder for the Recording District in which the city, town or village is situated, praying for such vacation or exclusion, setting forth by metes and bounds the territory sought to be excluded, and giving the place and date after the completion of such publication, fixed by the Commissioner for hearing said petition, and that at such times and place all persons interested can appear and be heard thereon; And if, upon hearing such petition and

other testimony offered, the commissioner is satisfied from the proofs and evidence that due and legal notice has been given as required by this act, that no private rights are injured; that all municipal taxes and assessments have been paid or that the payment thereof has been waived by the Common Council or Trustees by an ordinance duly passed; that the public will suffer no loss or inconvenience by such vacation or exclusion, and that in justice the petitioner's prayer ought to be granted, said commissioner shall order that such vacation or exclusion be made and shall cause such order to be recorded in the Record for deeds in the Recording District at the expense of the petitioner, and that the land so vacated or excluded shall be as though it had never been a part of such city, town or village: Provided that no territory shall be excluded from any incorporated city, town or village unless the mayor and common council, or the trustees thereof shall recommend that such petition be granted.

Findings by
Commissioner.

Section 3. The streets, alleys and other public reservations which may be so vacated or excluded shall revert to the owners of the real estate immediately abutting thereon, holding title derived from the owners of the lands from which such streets, alleys, and other public reservations were originally platted, according to the frontage of such real estate thereon.

Streets to re-
vert to abut-
ting owners.

Section 4. Whenever the common council, or trustees of any city, town or village, shall desire to enlarge the limits thereof by annexing territory contiguous thereto, they shall present a petition to the commissioner and ex-officio Recorder of the Recording District in which such city, town or village is situated setting forth by metes and bounds the territory sought to be annexed and praying that said territory be annexed to said city, town or village. Notice of hearing of said petition shall be given as required in Sec. 2 of this Act, and, if upon such hearing the Commissioner is satisfied that due and

Procedure for
annexation of
territory.

proper notice has been given as required by this Act, and that the annexation of such territory to the city, town or village will be to its interest, and will cause no manifest injury to the persons owning real estate in the territory sought to be annexed, he shall so find and shall make an order declaring such territory a part of the corporate limits of such city, town or village, and shall also cause such order to be recorded in the Record of Deeds in the Recording District at the expense of the petitioner, and the territory so ordered to be annexed shall thereupon become a part of such city, town or village;

Fees of officers
and witnesses.

Section 5. The Commissioner, Marshal, and Witnesses shall be entitled to the same fees as are allowed in the trial of civil actions in the Justice's court, and subpoenas may be issued and served as in the Justice's Court. The petitioner shall be liable for all cost of the proceedings, whether the prayer of the petition be allowed or not, and upon filing the petition with the commissioner there shall be deposited the sum of Twenty-five Dollars (\$25) and the commissioner shall require such subsequent deposits as in his opinion are necessary to secure probable costs in the proceedings, and no actions shall be taken on the proceedings while the petitioner is in default of making the deposits herein provided.

Order for
change of
boundaries to
be recorded by
ordinance.

Section 6. Whenever the commissioner shall by order exclude, or annex any territory to a city, town or village he shall order that the boundaries of such city, town or village be changed to exclude or to include such territory, and said Commissioner shall certify a copy of the order in full to the Mayor and Common Council or to the trustees of such city, town or village, who shall by proper ordinance record such change.

Continuation
of hearing.

Section 7. If from any cause the petitions provided for in Section 2 and Section 4 of this act can not be

heard by the Commissioner at the time specified in the notice, the hearing thereon may be continued from time to time without further notice.

Section 8. The Common Council or Trustees or any person feeling himself aggrieved by the order of such commissioner may appeal from such order to the United States District Court for the Division in which such city, town or village is situated in the manner provided for appeals from the Justice's Court in civil cases by filing a good and sufficient bond conditioned for the payment of all of the costs of said hearing. Appeals.

Section 9. The terms "manifest injury," "private rights," and "public loss or inconvenience" shall not be construed to extend to taxes that may be levied upon the land annexed or excluded. Definitions.

Section 10. Chapter 76 Session Laws of 1913 relating to the annexation of new territory to incorporated town is hereby repealed. Repealing
Chapter 76,
Session Laws
1913.

Section 11. An emergency is hereby declared to exist and this act shall take effect immediately on its passage and approval. Emergency.

Approved May 7, 1921.