

CHAPTER 39.

AN ACT

[S. B. 70]

To amend Section 880, Compiled Laws of Alaska, 1913, relative to service of summons in certain cases and providing form of such summons.

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

Section 1. That Section 880, Compiled Laws of Alaska, 1913, be, and the same hereby is, amended to read as follows:

“Section 880. The order shall direct the publication to be made in a newspaper to be designated by the court or judge or clerk as the most likely to give notice to the person to be served, and for such length of time as may be deemed reasonable, not less than once a week for four weeks. In case of publication the court or judge shall also direct a copy of the summons and complaint to be forthwith deposited in the post office, directed to the defendant at his place of residence, unless it shall appear that such residence is neither known to the party making the application nor can with reasonable diligence be ascertained by him. When publication is ordered, personal service of a copy of the summons and complaint out of the District shall be equivalent to publication and deposit in the post office. In case of publication, the defendant shall appear and answer within thirty days after the date of the last publication prescribed by the order of the court or judge, for example, within thirty days after the fourth successive weekly publication if the order of the court or judge provides that the summons shall be published once a week for four weeks. In case of personal service out of the District, the defendant shall appear and answer within forty days after the date of such personal service. In either case the summons shall specify the time within which the defendant is so required to appear and answer. The summons may be in the following form:

Publication,
how made.

Personal serv-
ice out of
District.

IN THE DISTRICT COURT FOR THE TERRITORY OF ALASKA DIVISION.

(Here insert title of cause.) } NO. ____ SUMMONS.

THE PRESIDENT OF THE UNITED STATES OF AMERICA,

TO THE ABOVE-NAMED DEFENDANT, GREETING:

You are hereby required to appear in the District Court for the Territory of Alaska, Division, within thirty days after the last publication of this summons, namely, within thirty days after the day of, 19....., in case this summons is published, or within forty days after the date of its service upon you, in case this summons is served upon you personally, and answer the complaint of the above-named plaintiff on file in the said court in the above-entitled action.

Form of Summons.

The said plaintiff in said action demands the following relief: (Here set forth a succinct statement of the relief demanded by the plaintiff, including a brief description of any property attached or otherwise brought within the jurisdiction of the court).

And in the event you fail to so appear and answer, the plaintiff will take judgment against you for want thereof, and will apply to the court for the relief demanded in his complaint and as hereinabove stated.

WITNESS, The Honorable Judge of said Court, and the Seal of said Court hereunto affixed, on this day of, 19.....

(OFFICIAL SEAL)

Clerk

By

Deputy Clerk.'"

*[Date of order for service by publication.....]

Approved April 16, 1923.

*Note: The date of the order for service by publication should also appear on the above form to comply with Section 879 C. L. A. 1913.

CHAPTER 40.

AN ACT

[S. B. 79]

To amend Section 482, Compiled Laws of Alaska, 1913, relating to estates by the curtesy, and providing for conveyance of real property by a wife without her husband joining in the conveyance.

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

Section 1. That Section 482, Compiled Laws of Alaska, 1913, be, and the same hereby is, amended to read as follows:

“Section 482. When any man and his wife shall be seized in her right of any estate of inheritance in lands, the husband shall, on the death of his wife, hold for his life as tenant thereof by the curtesy, all such lands not previously sold or conveyed by the wife, although such husband and wife may not have had issue born alive. The wife may sell or convey such property without her husband’s joining in the conveyance, and when so sold or conveyed such property shall not be subject to any estate by the curtesy either as herein defined or as known to the common law.”

Husband's life estate.

Wife's right to convey and effect of same.

Approved April 16, 1923.