

safekeeping of such property as may be entrusted to his care, and the faithful performance of his duties as such officer, such bond to be filed in the office of the Auditor of the Territory and the same shall not be cancelled until the receipt of his successor for the property delivered over to him shall be filed with the Treasurer of Alaska, and until payment for all deficiencies which may exist has been made. In addition to acting as Secretary of the Territorial Historical Library and Museum Commission, the Librarian and Curator shall perform such duties as may be prescribed by said Commission. For such services the Librarian and Curator shall be paid a salary of not to exceed Three Thousand Dollars (\$3,000.00) per annum payable in monthly installments."

Additional
duties.

Salary.

Emergency.

Section 2. An emergency is hereby declared to exist and this Act shall take effect from and after its passage and approval.

Approved April 21, 1931.

CHAPTER 30.

AN ACT

[H. B. 33]

To provide liens for making, altering, repairing or bestowing labor upon personal property; providing penalties for violations thereof; and repealing Section 705 of the Compiled Laws of Alaska.

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

Liens on per-
sonal property.

Section 1. Any person, firm or corporation who shall make, alter, repair, or bestow labor on any article of personal property at the request of the owner or lawful possessor thereof, shall have a lien upon such property so made, altered or repaired, or upon which labor has been bestowed for his just and reasonable charges for the labor performed and/or the material furnished for such purpose, and such person, firm or corpora-

tion may hold and retain in possession such personal property until such just and reasonable charges shall be paid, provided, however, that no such lien shall continue, after the delivery of such chattel to its owner, as against the rights of third persons, who, prior to the filing of the lien notice as hereinafter provided, may have acquired the title to such chattel in good faith, for value and without actual knowledge of the lien.

Proviso.

In order to make such lien effectual the lien claimant shall, within sixty (60) days from the date of delivery of such chattel to the owner, file in the office of the recorder of the recording district in which said chattel is kept, a lien notice, which notice shall state the name of the claimant, the name of the owner, a description of the chattel upon which the claimant has performed labor or furnished material, the amount for which a lien is claimed, the date upon which such expenditure of labor or material was completed, which notice shall be signed by the claimant or someone in his behalf, and may be substantially in the following form:

Filing of lien notice.

CHATTEL LIEN NOTICE

CLAIMANT

vs.

OWNER

NOTICE IS HEREBY GIVEN that
has and claims a lien upon (here insert description of chattel) owned by for the sum of dollars for and on account of labor, skill and material expended upon the said which was completed upon the day of 19.....

Form of chattel lien notice.

CLAIMANT

Who deemed owner.

Every person who is in possession of a chattel under an agreement for the purchase thereof, whether the title thereof be in him or his vendor, shall for the purposes of this Act, be deemed the owner thereof. The liens created by this Act are preferred to any lien, mortgage or other encumbrance which may attach subsequently to the time of commencement of the performance of the labor, or the furnishing of the materials, for which the right of lien is given in this Act, and are also preferred to any lien, mortgage or other encumbrance which may have attached previously to that time, and which was not filed or recorded so as to create constructive notice of the same prior to that time, and of which lien, mortgage or other encumbrance claimant has no notice.

What constitutes preferred lien.

Foreclosure of lien.

Section 2. If the claim for labor and for material bestowed on any chattel, and for which there is a right of lien as herein provided, shall not be paid within three (3) months after the same is furnished or bestowed, and the lien claimant has not parted with possession of the chattel, he may foreclose such lien and sell such chattel as provided by Section 707 of the Compiled Laws of Alaska. In cases where the lien claim has been filed as above provided, such lien may be enforced against all persons having an interest in any such chattel, by suit in equity in the District Court to foreclose such lien and by sale of the chattel in such manner as the court may decree. Such suit shall be commenced within six (6) months after the filing of such lien notice, and if no such suit shall be commenced within such time such lien shall cease. When such suit has been commenced the plaintiff shall be entitled to the possession of the property subject to the lien, and may recover possession of said property in the lien foreclosure suit in the manner, under the conditions and subject to the limitations prescribed in Chapter 13 of the Code of Civil Procedure, Compiled Laws of Alaska; and if the plaintiff recover possession

Suit for foreclosure.

of said property, and the same be not delivered to any other person pursuant to the provision of said Chapter 13, the plaintiff shall hold said property to abide the judgment rendered by the court in said foreclosure suit.

In every case originating in or removed to a court Rank of lien. of competent jurisdiction in which different liens are claimed against the same property, the court, in the judgment must declare the rank of such lien or class of liens, which, where otherwise equal, shall be in the following order:

- A: All persons performing labor;
- B: All persons furnishing material.

And the proceeds of the sale of the property pursuant to such decree must be applied to each lien or class of liens in the order of its rank; and personal judgment may be rendered in an action brought to foreclose a lien, against all parties personally liable for any debt for which the lien is claimed, and if the lien be established, the judgment shall provide for the enforcement thereof upon the property liable as in the Judgment. case of foreclosure of mortgages; and the amount realized by such enforcement of the lien shall be credited upon the proper personal judgment, and the deficiency, if any, remaining unsatisfied, shall stand as a personal judgment, and may be collected by execution against the party liable therefor. The court may allow as part of the costs of the action, the moneys paid for filing or recording the claim, and a reasonable attorney's fee in the action. The liens provided for by this Act are assignable. Any number of persons claiming liens against the same property may join in the same action, May join in same action. and when separate actions are commenced the court may consolidate them, and in the judgment decree the amounts due upon the several liens and the rank thereof.

Recording. Section 3. Upon presentation of such lien notice to the recorder of any recording district, and the payment to him of the same fees as are required for filing and indexing a chattel mortgage, he shall file the same, and indorse thereon the time of the reception and the number thereof, and shall enter the same in a suitable book or file (but need not record the same). Such book or file shall have therewith an alphabetic index, in which the recorder shall index such notice by noting the name of the owner, name of lien claimant, description of property, date of lien (which shall be the date upon which expenditure of labor, skill or material was completed) date of filing and when released, the date of release.

Penalty for violation.

Section 4. Any person, firm or corporation who shall file a claim of lien as herein provided for without in fact being entitled to such lien, or who shall refuse to discharge such lien of record after the same is paid, shall be guilty of a misdemeanor and shall be punished by a fine of not more than Five Hundred Dollars (\$500.00), and in addition thereto shall be liable for damages to the party injured thereby in a sum equal to three times the damages sustained.

Sec. 705, C.L.A., repealed but rights acquired thereunder valid.

Section 5. That Section 705 of Compiled Laws of Alaska is hereby repealed, but all rights acquired thereunder shall remain valid and enforceable as if this Act has not been passed.

Approved April 21, 1931.