

CHAPTER 31.

AN ACT

[H. B. 35]

To amend Sections 879 and 880 as amended, of Compiled Laws of Alaska relative to publications of summons and orders therefor.

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

Section 1. That Section 879 of the Compiled Laws of Alaska is hereby amended so as to read as follows: Sec. 879, C.L.A., amended.

“When service of summons can not be made as prescribed in the last preceding section and the defendant after due diligence can not be found within the Territory, and when that fact appears by affidavit to the satisfaction of the Court or Judge thereof or Clerk of the Court or his deputy, or justice of the peace in an action in a justice’s court, and it also appears that a cause of action exists against the defendant, or that he is a proper party to an action relating to real or personal property in the Territory, the Court or Judge thereof or Clerk of the Court or his deputy, or a justice of the peace in an action in a justice’s court, shall grant an order that the service be made by publication of the summons in either of the following cases: Publication of summons, when.

First. When the defendant is a foreign corporation, and has property within the Territory, or the cause of action arose therein;

Second. When the defendant, being a resident of the Territory, has departed therefrom with intent to defraud his creditors or to avoid the service of the summons, or with like intent keeps himself concealed therein, or has departed from the Territory and remained absent therefrom six consecutive weeks;

Third. When the defendant is not a resident of the Territory, but has property therein, and the court has jurisdiction of the subject of the action;

Fourth. When an action is to have a marriage declared void, or for a divorce in the cases prescribed by law;

Fifth. When the subject of the action is personal property in the Territory, and the defendant has a claim or lien, of interest, actual or contingent, therein, or the relief demanded consists wholly or partly in excluding the defendant from any interest or lien therein;

Sixth. When the action is to foreclose, satisfy, or redeem from a mortgage, or to enforce a lien of any kind on real estate in said Territory, or satisfy or redeem from the same. The summons published shall contain the name of the court and the title of the cause, a succinct statement of the relief demanded, and the time within which the defendant is required to answer the complaint."

Sec. 880, C.L.A.,
as amended
by Chap. 39,
S.L.A. 1923,
amended.

Section 2. That Section 880 of the Compiled Laws of Alaska as amended by Chapter 39 of the Laws of Alaska for 1923, is hereby amended so as to read as follows:

Publication,
how made.

"The order shall direct the publication to be made in a newspaper to be designated by the court or judge or clerk or justice of the peace 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 thereof or Clerk of Court or his deputy, or the Justice of the Peace, as the case may be, 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 Territory 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 thereof or Clerk of Court or Justice of the Peace. In case of personal service out of the Territory, 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:

Personal serv-
ice out of
Territory.

‘IN THE DISTRICT COURT FOR THE TERRITORY
OF ALASKA.....DIVISION.
(Here insert title) NO.....
of cause.) S U M M O N S .

‘THE PRESIDENT OF THE UNITED STATES OF
AMERICA,

‘TO THE ABOVE-NAMED DEFENDANT, GREET-
ING:

‘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.....

.....
Clerk

(OFFICIAL SEAL)

By.....
Deputy Clerk.' "

Approved April 21, 1931.

CHAPTER 32.

AN ACT

[H. B. 49]

Authorizing the Territorial Board of Road Commissioners to rehabilitate and maintain the old abandoned U. S. Signal Corps telegraph line between Eureka Creek and Rampart to be used as a public telephone line and authorizing the Board to make such expenditures under and from the general road appropriations for the Fourth Division, providing that during the biennium the total expenditures for such work shall not exceed six hundred (\$600.00) dollars, and declaring an emergency.

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

Appropriation to rehabilitate telephone line between Eureka Creek and Rampart.

Section 1. The sum of six hundred dollars (\$600.00) is hereby allotted out of the moneys appropriated at this Session of the Legislature for the construction and maintenance of roads, trails, bridges and ferries which may be allotted to the Fourth Division of Alaska; or so much thereof as may be required, to be expended by the Territorial Board of Road Commissioners, in cooperation with the Alaska Road Commission, for the purpose of rehabilitating and maintaining the old abandoned U. S. Signal Corps telegraph line between Eureka

Expense paid out of Fourth Division road fund.