

CHAPTER 46.

AN ACT

[S. B. 20]

To provide for the Disposition of unclaimed property left with consignees or bailees, and to repeal Sections 725 to 738, both inclusive, of Chapter 30, Compiled Laws of Alaska, 1913.

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

Section 1. Whenever any personal property shall be consigned to or deposited with any forwarding merchant, wharf, warehouse, or tavern keeper, or the keeper of any depot for the reception and storage of trunks, baggage, merchandise, or other personal property, such consignee or bailee shall immediately cause to be entered in a book kept by him a description of such property, with the date of reception thereof.

Consignee to keep record of property received.

Section 2. If such property shall not have been left with such consignee or bailee for the purpose of being forwarded, disposed of, or kept according to directions received by such consignee or bailee, at or before the time of the reception thereof, and if the name and residence of the owner of such property be known to the person having such property in his possession, he shall immediately notify the owner, by letter directed to him and deposited in the post office, of the reception of such property.

When bailee to notify owner of property.

Section 3. If any such property shall not be claimed and taken away within one year after the time it shall have been so received, the person having possession thereof may, at any time thereafter, proceed to sell the same in the manner provided in this Act.

When bailee may sell property.

Section 4. Before any such property shall be sold, the person having possession thereof shall request the Commissioner of the precinct within which said property is located to inventory said property, whereupon the Commissioner or some competent, reliable person,

Notice of sale, when to be given and how.

other than the holder of said property or his agent, appointed by the Commissioner, shall attend and, in the presence of the holder, or his agent, shall open, examine and inventory said property, which inventory shall be made in duplicate, one copy whereof shall be filed with the Commissioner and one copy retained by the holder of the property. After said property is so inventoried, the holder thereof, or his agent, may give notice of his intention to sell it in the following manner: If the name and residence of the owner of said property is known, by serving such notice upon said owner either personally, or at his place of residence or business, or by registered mail; but, if the name and residence of said owner is unknown to said holder, then the latter may serve said notice by publication once a week for two successive weeks in a newspaper of general circulation published in the territory nearest to where said property is held. Said notice shall contain a reasonably correct description of said property, the name and residence of the owner, if known, the name and residence of the holder, the amount of the charges accrued and costs incurred, and a statement that the holder on a certain date, which shall be specified and shall not be less than three weeks after the day on which said notice is served or, if published, on which said notice is first published, will apply to the Commissioner for an order to sell said property to satisfy all charges and costs that have accrued or been incurred to that date.

Contents of
notice.

Proceeding
when property
not claimed.

Section 5. Should the owner or person entitled to the possession of said property, prior to the date so specified in said notice, fail to redeem it as hereafter provided, the Commissioner, upon verified proof of said service or publication being filed with him, shall enter an order directing the sale of said property at public auction on a date not less than ten days thereafter, to satisfy all such charges and costs. The holder, or his agent, shall give public notice of such sale by

posting, within five miles of the place of sale, in three public places of which one shall be the nearest post-office if within said distance, a notice that said property will be sold at public auction, which notice shall also contain a reasonably correct description of said property, the name and residence of the owner if known, the name and residence of the holder, and the time and place of sale.

Section 6. It shall be the duty of the Marshal to sell such property at public auction to the highest bidder in the manner provided for the sale of personal property on execution. The sale of said property shall convey good title thereto, superior to all liens, encumbrances, and mortgages, and without right of redemption; but, the owner, or mortgagee at any time before said sale, may redeem said property by claiming it and paying all charges of the holder against it and all costs incurred or accrued hereunder up to and including the date on which he so redeems it. The proceeds derived from said sale shall be applied in payment, first, of all reasonable costs of sale, inventory and publishing, posting, serving and preparing notices, including the Commissioner's and Marshal's fees, and second, of the holder's charges, with interest at the legal rate, against said property.

Public auction
by Marshal.

Distribution of
proceeds of
sale.

Section 7. The Marshal, upon completion of the sale of said property, shall make and file with the Commissioner a verified, written return of the conduct of said sale and of the application of the proceeds derived therefrom, and shall forthwith pay all monies in excess of said costs and charges to the Commissioner, who shall hold the same in trust for the owner of said property and shall pay it to said owner upon the latter's making written, verified claim thereto, with proof of his ownership, within six months after the date of said sale; but, if no such claim be made within six months after the date of said sale, he shall there-

Return of
Marshal.

Proceeding
when proceeds
not claimed.

upon immediately pay such excess proceeds to the Territorial Treasurer who shall cover the same into the territorial treasury, and said owner, within seven years thereafter, may recover said money from the Territory.

Sale of perishable property.

Section 8. Property of a perishable kind and subject to decay by keeping, if not taken away within thirty days after it shall have been left, may be sold by giving ten days' notice of such sale; and in such case the notice provided in Section Four shall not be required to be given. Such sale to be conducted and the proceeds of the same to be applied in the manner heretofore provided: PROVIDED, That any property in a state of decay, or that is manifestly liable immediately to become decayed, may be summarily sold by order of a Commissioner, after inspection thereof, as provided within this Act. The return of said sale shall be made and the proceeds derived therefrom shall be applied in the manner provided in Sections 6 and 7 hereof.

Fees of Commissioner and Marshal.

Section 9. The fees allowed to any Commissioner under the provisions of this Act shall be three dollars (\$3.00) and to any Marshal the same fees as are allowed by law for sales upon execution, and ten cents a folio for making an inventory of property.

Repeal.

Section 10. That Sections 725 to 738, both inclusive, of Chapter 30, Compiled Laws of Alaska, 1913, be, and the same are, hereby repealed.

Approved April 25, 1933.