

## CHAPTER 29.

## AN ACT

[H. B. 31]

To prescribe the form and condition of bonds of Territorial officers and employees; to define liability thereunder; to provide for their enforcement and declaring that any informality therein shall not avoid liability thereunder or defeat recovery thereon.

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

Bonds of  
Territorial  
employees,—  
Form and  
contents.

Section 1. FORM AND CONDITIONS OF: The official bond of any officer, deputy, assistant, clerk or employee in any Territorial department, office or service from whom a bond is required under any statute of the Territory now or hereafter enacted, or any rule or regulation made under express or implied authority of law by any order or direction of the head of a Territorial department, office or service shall be in a form joint and several, and made payable to the Territory of Alaska in such penal sum and with such conditions as may be required by law.

Requirements,  
and effect  
thereof.

Section 2. EFFECT OF: All bonds required of Territorial officers and employees shall be deemed and taken to be in force and shall be obligatory upon the principal and sureties therein for any and all breach of the condition or conditions thereof committed during the time such officer or employee shall continue to discharge any of the duties of or hold his office or appointment and every such bond shall be deemed to be in force and obligatory upon the principal and sureties therein for the faithful discharge of all duties which may be required of such officer or employee by any law enacted subsequent to the execution of such bond and such condition shall be expressed therein.

Actions, when  
and by whom.

Section 3. ACTION ON: Every official bond executed

by any Territorial officer, or employee in any Territorial department, office or service pursuant to law or any rule or regulation made under the express or implied authority of law by any order or direction of the head of a department, office or service in which the obligor in such bond is engaged or employed, shall be in force and obligatory upon the principal and sureties therein to and for the Territory of Alaska, and to and for the use and benefit of all persons who may be injured or aggrieved by the wrongful act or default of such officer or employee in his official capacity or employment and any person so injured or aggrieved may bring suit on such bond in his or her name without an assignment thereof.

Section 4. DEFECTIVE BOND; RECOVERY ON: Defective Bonds, recovery on.  
Whenever any such bond shall not contain the substantial matter or condition or conditions required by law, or there shall be any defect in the approval or filing thereof, such bond shall not be void so as to discharge the obligor or his sureties, but they shall be bound to the Territory or party interested, and the Territory or such party may, by action instituted in any court of competent jurisdiction, suggest the defect of such bond or such approval or filing and recover, his, her or its proper and equitable demand from the obligor and the person, persons or corporation who intended to become and were included in such bond as sureties.

Section 5. PROCEDURE WHEN BOND BECOMES Procedure to increase insufficient bond.  
INSUFFICIENT: Whenever any surety in the bond of any of the officers or employees in this Act mentioned shall die, remove from the Territory, become insolvent or insufficient, or the penalty of such bond shall become insufficient on account of recoveries had thereon or otherwise, it shall be the duty of the Board of Administration, on its own motion or on the showing of any person supported by an affidavit, to summon any such officer or employee to appear before it at a stated time, not less than fifteen days after service of such summons

and show cause why he should not execute a new bond with good and sufficient sureties.

Should such officer or employee after due notice, fail to appear at the time appointed, the Board of Administration shall hear and determine the matter in his absence; if after consideration the Board shall be of the opinion that the bond of such officer or employee has become insufficient from any cause whatever, it shall require a new bond with such sureties and in such amount as may be deemed necessary, and such new bond shall be executed and filed within such time as the Board may order; and if any such officer or employee fail to execute and file such new bond within the time prescribed by such order, his office or appointment shall become vacant as provided by section ten of this Act. Every such new bond shall be of like force and obligation upon the principal and sureties therein and shall subject the officer and his sureties to the same liabilities as are prescribed respecting the original bonds of officers and employees.

**Sureties.**

Section 6. NUMBER OF SURETIES: Unless otherwise expressly provided there shall be at least two sureties upon the official bond of every Territorial officer or employee or one corporate surety.

**Justification  
of sureties.**

Section 7. JUSTIFICATION OF SURETIES: In all cases where official bonds are required or may be hereafter required from any Territorial officer, his deputy, assistant, clerk or employee, the officer whose duty it is or may be to approve such bond shall not accept or approve any such bond, except it be that of a surety company, duly qualified to do business in the Territory, unless the sureties thereon shall severally justify before an officer authorized to administer oaths as follows: (1) that he is a resident and freeholder within this Territory; (2) that he is worth double the amount for which he becomes surety over and above all his debts and liabilities in property situated within this Territory which is not

exempt from any seizure and sale under execution.

Section 8. SURETY MAY BE RELEASED, WHEN:

Release of sureties.

Any surety on the official bond of any Territorial officer or on the bond of any person employed by the Territory of whom, by law, rule, or regulation a bond is required may be released from all liability thereon accruing from and after proper proceedings had therefor as herein provided.

Section 9. PROCEEDINGS TO OBTAIN RELEASE:

Sureties released, how.

Any surety desiring to be released from liability on such bond shall file with the Auditor a statement in writing, duly signed by himself or some one on his or its behalf, setting forth the name of the person for whom he is surety and his office, position or appointment, the amount for which he is liable as such, and his desire to be released from further liability on account thereof. A notice containing a copy of such statement shall be served personally on the officer or employee unless he shall have left the Territory, in which case the same may be served by publication for thirty days in some newspaper printed at the capitol, to be designated by the Auditor.

Section 10. FAILURE TO FILE NEW BOND VACATES OFFICE:

Effect of failure to file new or sufficient bond.

If any Territorial officer or employee shall fail to file within fifteen days from the date of personal service or within thirty days from the date of the first insertion of a publication a new bond the office or appointment of the person or officer so failing shall become vacant and such person or officer shall forfeit his office or appointment, and the same shall be filled as in other cases of vacancy, and in manner provided by law; the person or corporation applying to be released from liability on such bond shall not be holden or liable thereon after the date herein provided for the vacating and forfeiting of such office or employment.