

2122, 2123, 2124, 2125, 2126, 2127 and 2142, Compiled Laws of Alaska, 1933, and all of Chapter 24, Session Laws of Alaska, 1941, as well as all other provisions of law in conflict with this Act.

Emergency.

Section 18. An emergency is hereby declared to exist and this Act shall take effect immediately upon its passage and approval.

Approved March 24, 1945.

CHAPTER 49

AN ACT

[S. B. 8]

To require declaration of the ownership of land, to impose a penalty for noncompliance, and to dispose of the proceeds of such penalties.

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

Section 1. It shall be the duty of each owner of land, other than of land to which the United States, or an agency or instrumentality thereof holds title, or which is owned by the Territory or a subdivision, agency or instrumentality thereof, or by an Indian Nation, tribe, band or a member thereof, or is located within an incorporated town, to file in the United States Land Office for the District in which the land is situated, on or before June 30, 1946, a sworn statement, or a statement signed by two witnesses when it is impossible to obtain a sworn statement, giving his name, his post office address, a description of the tract of land, its acreage, use, character, and any other information necessary for the purposes of this Act. Upon a transfer of title to a tract of land on or after January 1 of any year, a statement in the form required by this section must be filed by the owner of

Statement of
ownership to
be filed.

Transfer filed.

such newly acquired tract of land on or before December 31 of that year, unless such owner is within one of the classes exempted by this section from filing such a statement. The owner of a tract of land who has made a proper return as to such land in any year, as prescribed by this section, need not thereafter file a statement under this section. Upon failure to file a statement, as required by this section, the owner shall be subject to a penalty of \$5 which shall be a lien against the land as of January 1 of the ensuing year and subject to collection as hereinafter provided.

Penalty lien
against.

Section 2. An error in the description of a parcel or portion of real property shall not invalidate the assessment of the penalty against such parcel or portion if such description is sufficiently accurate to identify the parcel or portion. The description of a parcel in terms of an approved plat of a survey filed in the district land office shall be a sufficient description thereof. The entry of the name of the owner, last known owner, or reputed owner of a separate parcel or portion of real property shall not be regarded as part of such assessment but merely as an aid to identify such parcel upon the roll.

What
constitutes
description

Section 3. The register shall collect and receive all penalties due and payable under this Act and hold the same in a separate account entitled "Real Property Registration Fund." Such penalties may be paid until June 30 of the year in which due without payment of interest, but shall include interest at the rate of 6 per cent per annum from January 1 if unpaid on or after July 1 of that year. Within fifteen days after the end of each month he shall mail a statement to the Territorial Treasurer as to the collections made under this Act for that month accompanied by the remittance of such collections. A copy of this statement shall be forwarded at the same time to the Commissioner of the General Land Office.

Disposition
Penalties Fund.

Transmit to
Territorial
Treasurer.

Section 4. The Commissioner of the General Land Of-

Commissioner
of Land Office
make rules.

fice shall make such rules and regulations as he deems proper to carry out the foregoing provisions of this Act, except as to the powers vested in the Territorial Treasurer. Such rules and regulations, when made, shall be held to be Territorial rules and regulations. In the performance of their duties under this Act, the registers of the district land offices shall be deemed to be acting only as agents of the Territory.

Territorial
Treasurer
to make
estimate.

Section 5. The Territorial Treasurer, immediately upon the passage of this Act, shall submit to the Legislature his estimate of the sum needed to execute its provisions including the expenditures of the register of each district land office necessary under this Act for the period July 1, 1945 to June 30, 1947. A similar estimate for each succeeding two-year period shall be submitted by the Territorial Treasurer to the Board of the Budget, pursuant to Section 833, Compiled Laws of Alaska, 1933. The Territorial Treasurer shall advance to each register from any appropriation made by the Legislature for the purposes of this Act funds to make the expenditures necessary in the execution of his duties hereunder. The register shall not be entitled to any compensation for services rendered by him under this Act. Each register shall submit to the Territorial Treasurer, not later than January 15th of each year, a report of all expenditures incurred by him under this Act for the preceding calendar year. He shall also send a copy of this report to the Commissioner of the General Land Office.

Register not
compensated.

Territorial
Treasurer to act
if Congress de-
nies power to
Commissioner of
General Land
Office.

Section 6. If the Congress of the United States, within six months after the termination of the 1945 regular session of the Legislature, has not authorized the Commissioner of the General Land Office, through the registers of the district land offices in Alaska, to execute the functions assigned by this Act upon the terms hereinbefore set forth or if the Congress shall revoke such authority, after granting the same, then the Territorial

Treasurer is authorized, by his appointed representatives, to execute all functions previously assigned to the Commissioner of the General Land Office and the registers of the district land offices.

Section 7. Whenever a penalty shall have been due and unpaid for a period of at least four years, the lien therefor shall be summarily foreclosed by appropriate proceedings by the Territorial Treasurer on behalf of the Territory in the manner herein provided without the necessity of holding a sale prior to such foreclosure. The certificate of the Treasurer that such penalties remain unpaid shall be evidence of the fact that they have not been paid.

Lien after four years foreclosed.

Section 8. The division of the District Court of Alaska in which such property is situated is hereby given jurisdiction of actions authorized by this Act. Any such action shall be given preference over all other causes and actions.

District Court jurisdiction.

Section 9. On the first day of August 1948, and on each August 1 thereafter, the Territorial Treasurer, by the Attorney General of Alaska, shall file in the office of the Clerk of the division of the District Court in which the property subject to such liens is situated, a list of all parcels of property affected by unpaid liens, which on such date have been unpaid for a period of at least four years or more after the date the penalties and other legal charges represented thereby became due and payable. Such parcels shall be numbered serially. The treasurer shall post a certified copy of such list in his office and in the office of the register of the District Land Office. Such list shall be known and designated as the "List of Delinquent Penalties" and shall be captioned as an action in the appropriate division of the District Court. The action shall be entitled: "In the matter of foreclosure of liens pursuant to Section 8 of the Alaska Real Property Registration Law by the Territory of Alaska. List of delinquent penalties for 19....." Such list of delinquent

Attorney General file with Clerk of Court unpaid liens.

List of delinquent penalties.

penalties shall be verified by the affidavit of the Treasurer. The filing of such list of delinquent penalties in the office of the Clerk of the District Court of the division in which the property subject to such liens is situated shall constitute and have the same force and effect as the filing and reporting in said office of an individual and separate notice of pendency of action and as the filing in such court of an individual and separate complaint against the real property therein described to enforce the payment of delinquent penalties which have become liens against such property.

May redeem.

Section 10. Every person having any right, title or interest in or lien upon any parcel described in such list of delinquent penalties may redeem such parcel by paying to the Treasurer all of the sums mentioned in such list of delinquent penalties within sixty days from the date of the filing of the list in the office of the Clerk of the Court, or may serve a duly verified answer upon the Attorney General, setting forth in detail the nature, character and amount of his interest and any defense or objections to the foreclosure of the lien. The caption of such answer shall contain a reference to the serial number of each parcel concerned. Such answer must be served on the Attorney General or filed in the office of the Clerk of the district within twenty days after the last day for redemption. In the event of failure to redeem or answer by any person having the right to redeem or answer, such person shall be in default and shall be barred and forever foreclosed of all his right, title and interest in the parcels described in such list of delinquent penalties, and a judgment of foreclosure may be taken as herein provided. Upon redemption as permitted by this section, the person redeeming shall be entitled to a certificate from the Treasurer describing the property in the same manner as it is described in such list of delinquent penalties. Upon the filing of such certificate with the Clerk of the Court, the Clerk shall note the word "redeemed" and the date of such filing opposite the description of said parcel on such

Procedure.

list. Such notice shall operate to cancel the notice of pendency of action with respect to such parcel.

Section 11. All affidavits of filing, publication, posting, mailing or other acts required by this statute in connection with an action to foreclose liens shall be filed in the office of the clerk of the district court for the division in which the property subject to such lien is situated and shall, together with all other documents required by this statute to be filed in the office of such clerk, constitute and become a part of the judgment roll in such foreclosure action.

All documents connected part of foreclosure action.

Section 12. If a duly verified answer is served upon the Attorney General within the period specified in Section 10, the court shall forthwith hear and determine the issues raised by the complaint and answer in the same manner and under the same rules as it hears and determines other actions, except as in this Act otherwise provided. Upon such trial, proof that the report required by Section 1 of this Act was filed when due or that the penalty was paid, together with any interest which may have been due, shall constitute a complete defense. Whenever an answer is interposed as herein provided, the defendant shall have an absolute right to the severance of the action as to any parcel or parcels of land in which he has an interest, upon written demand therefor filed with or made a part of his answer.

Answer served.

Procedure.

Defendant right of severance on parcel of land.

Section 13. It shall not be necessary for the plaintiff to plead or prove the various steps, procedures and notices for the assessment of the penalties or other lawful charges against the lands set forth in the list of delinquent penalties and all such penalties or other lawful charges and the lien thereof shall be presumed to be valid. A defendant alleging any irregularity in the lien must particularly specify in his answer such irregularity and must affirmatively establish such defense. The provisions of this Act shall apply to and be valid and effective with respect

Not necessary for plaintiff to prove various steps.

to all defendants even though one or more of them be infants, incompetents, absentees or nonresidents of the Territory of Alaska.

Court power
priority, several
parties.

Section 14. The court shall have full power to determine and enforce in all respects the priorities, rights, claims and demands of the several parties to said action as the same shall exist according to law, including the priorities, rights, claims and demands of the defendants as between themselves, and in a proper case to direct a sale of such lands and the distribution or other disposition of the proceeds of the sale. Where an answer has been interposed by a party as to any parcel included in the list of delinquent penalties, if the court shall determine that such party has any right, title, interest, claim, lien or equity of redemption in such parcel, the court shall make a final judgment directing the sale of such parcel. Any sale directed by the court shall be a public auction by the Treasurer. Public notice thereof shall be given once a week for at least three successive weeks in a newspaper published in the judicial division, and shall be posted in a conspicuous place at the United States post office nearest the land to be sold. The description of the parcel offered for sale in such notice shall be that contained in the list of delinquent penalties with such other description, if any, as the court may direct. In directing any conveyance pursuant to this Act, the judgment shall direct the Treasurer to prepare and execute a deed conveying title to the parcel or parcels concerned. Upon the execution of such deed, the grantee shall be seized of an estate in fee in such parcel and all persons including the Territory of Alaska, infants, incompetents, absentees and nonresidents who may have had any right, title, interest, claim, lien or equity of redemption in or upon such parcel shall be barred and forever foreclosed of all such right, title, interest, claim, lien or equity of redemption.

Sale by public
auction.

Treasurer to
execute deed.

Section 15. The court shall make a final judgment awarding to the Territory of Alaska the possession of any parcel described in the list of delinquent penalties not redeemed as provided in this Act and to which no answer is interposed as provided herein. In addition, such judgment shall contain a direction to the Treasurer to prepare, execute and cause to be recorded a deed conveying to the Territory full and complete title to such lands. Upon the execution of such deeds, the Territory shall be seized of an estate in fee in such land and all persons including infants, incompetents, absentees and nonresidents who may have had any right, title, interest, claim, lien or equity of redemption in or upon such lands shall be barred and forever foreclosed of all such right, title and interest, claim, lien or equity of redemption.

Award to Territory.

Section 16. Any party acquiring title to premises under and pursuant to the terms and provisions of this Act shall be entitled to be put into possession as if such party had obtained a judgment in action for forcible entry and detainer of such property.

Entitled to put into possession.

Section 17. Whenever the Territory shall become vested with the title to lands by virtue of a foreclosure proceeding brought pursuant to this Act, it may sell, lease and administer such lands so acquired pursuant to the provisions of the Act of January 21, 1929 (45 Stat. 1091, 48 U.S.C. Sec. 354a), except that notice of public auction need only be advertised in a newspaper of general circulation regularly published in the judicial division where the land is located, excepting further, that no lease shall be granted except on full compliance with the provisions relating to advertisement and public auction. The proceeds derived from such sales, leases and administration shall be credited to the General Fund of the Territory.

Territory may sell, lease and administer.

Notice of public auction.

Section 18. In lieu of prosecuting an action to foreclose a lien on any parcel pursuant to this Act, the Territory may accept a conveyance of the interest of any person

In lieu of prosecuting action.

having any right, title, interest, claim, lien or equity of redemption in or to such parcel.

Treasurer to
make rules—
Public notice.

Section 19. The Territorial Treasurer may make all rules necessary in connection with the preparation and publication of notice of foreclosure of liens as herein provided and such other rules and regulations as he may deem proper and necessary to carry out the provisions of this Act.

Saving clause.

Section 20. The powers granted and the duties imposed by this Act and the applicability thereof to any persons or circumstances shall be construed to be independent and severable and if any one or more sections, clauses, sentences or parts of this Act, or the applicability thereof to any persons or circumstances shall be adjudged unconstitutional or invalid, and such judgment shall not affect, impair or invalidate the remaining provisions thereof or the applicability thereof to other persons and circumstances, but shall be held confined in its operation to the specific provisions so held unconstitutional or invalid and to the persons and circumstances affected thereby.

Approved March 24, 1945.

CHAPTER 50

AN ACT

[S. B. 39]

To amend Chapter 4 of the Extraordinary Session Laws of Alaska, 1937, as amended by Chapters 1 and 51, Session Laws of Alaska, 1939, as amended by Chapter 40, Session Laws of Alaska, 1941, relating to the Unemployment Compensation Law by amending Section 2 (i) (1), 2 (n), 2 (n) (1), 6 (e), 8 (a), 8 (b), repealing 8 (c) (1), 8 (c) (2) and amending 11 (e), 14 (a), 14 (b), 14 (c), 14 (d), and adding Subsections 14 (e), 14 (f), 14 (g), 14 (h), 14