

Saving clause.

Section 6. If any provisions of this Act, or the application thereof to any person or circumstance, is held invalid, the remainder of this Act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

Emergency clause.

Section 7. An emergency is hereby declared and this Act shall take effect immediately upon its passage and approval.

Approved April 3, 1946.

CHAPTER 28

AN ACT

[S. B. 11]

To amend Sections 5573, 5577, 5579 and 5581 of Chapter CCV, Compiled Laws of Alaska, 1933 on the subject of Forcible Entry and Detainer.

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

Section 1. That Section 5573, Compiled Laws of Alaska, 1933, is hereby amended to read as follows:

Sec. 5573. NECESSARY AVERMENTS AND COMPLAINT. In such action it shall be sufficient to state in the complaint a description of the premises with convenient certainty, that the defendant is in possession thereof, that he entered upon the same with force, or unlawfully holds the same with force, as the case may be, and that the plaintiff is entitled to the possession thereof. Provided, however, that the plaintiff may unite a cause of action for arrears of rent on the property in

Contents of averment and complaint.

question or for damage, if any, to the premises; and all such causes shall be deemed to arise out of the same transaction.

Section 2. That Section 5577, Compiled Laws of Alaska, 1933, is hereby amended to read as follows:

Sec. 5577. TRIAL BY COMMISSIONER. If the action be tried by the Commissioner without a jury, and after hearing the evidence he shall conclude that the complaint is wholly untrue, he shall enter judgment against the plaintiff for costs; if he find the complaint true, either wholly or in part, or if the defendant default, he shall render judgment on the merits against the defendant and in favor of the plaintiff for restitution of the premises and arrears of rent, together with damages, if such be found, and costs of action; if he find the unlawful detainer cause of action true in part, he shall render judgment for the restitution of the applicable part of the premises only, and for such other relief as may be found forthcoming, as above mentioned.

Commissioner,
manner of
judgment.

Section 3. That Section 5579, Compiled Laws of Alaska, 1933, is hereby amended to read as follows:

Form of
execution.

Sec. 5579. FORM OF EXECUTION. The execution, should judgment of restitution be rendered, may be in the following form:
Territory of Alaska.

To the Marshal of the District of Alaska,
Division Number

Whereas a certain action for the forcible entry and detention (or the forcible detention,

as the case may be) of the following described premises, to-wit:, lately tried before me, wherein was plaintiff and was defendant, judgment was rendered on the day of, that the plaintiff, have restitution of said premises; and also that he recover costs and other moneys found to be due him in the aggregate sum of

In the name of the United States you are therefore hereby commanded to cause the defendant to be forthwith removed from said premises, said plaintiff to have restitution of the same; also, that you levy of the goods and chattels of said defendant to make the costs, accruing costs and other moneys aforesaid due the said plaintiff: and of this writ make legal service and due return.

Witness my hand this day of

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Commissioner.

Section 4. That Section 5581, Compiled Laws of Alaska, 1933, is hereby amended to read as follows:

Unlawful holding
by force.

Sec. 5581. UNLAWFUL HOLDING BY FORCE, WHAT DEEMED TO BE. The following shall be deemed cases of unlawful holding by force within the meaning of this chapter:

First: When the tenant or person in possession of any premises shall fail or refuse to pay any rent due on the lease or agreement under which he holds or deliver up the possession of the premises for ten days after demand made in writing for such possession;

Second. When, after a notice to quit as provided in this chapter, any person shall continue in the possession of any premises at the expiration of the time limited in the lease or agreement under which such person holds, or contrary to any condition or covenant thereof, or without any written lease or agreement therefor;

Third: When, after a notice to terminate the tenancy, as provided in Section 2864, any person shall continue in possession of the premises after expiration of the time for determining said tenancy.

Approved April 3, 1946.

CHAPTER 29

AN ACT

[S. B. 20]

To amend Sections 1771 and 1772, Compiled Laws of Alaska, 1933, relating to the Pioneers' Home; transferring funds now appropriated for the Pioneers' Home and abolishing existing Board of Trustees.

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

Section 1. Sections 1771 and 1772, Compiled Laws of Alaska, 1933, are hereby amended to read as follows:

Sec. 1771.

(a) PIONEERS' HOME. The Territory shall maintain an institution for the care of such needy persons as shall be entitled to the