

CHAPTER 79

AN ACT

[S. B. 17]

Establishing lien rights to secure wages in certain employments; prescribing procedure for filing and for foreclosure; and declaring an emergency.

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

Section 1. LIEN PRESCRIBED. Whenever any clerk, accountant, bookkeeper, waiter, waitress, cook, maid, porter, servant, employee, artisan, craftsman, factory operator, mill operator, mechanic, quarryman, common laborer, farm hand, either male or female, labors or performs any service in any office, store, hotel, rooming house, boarding house, restaurant, cafe, shop, newspaper plant, factory, quarry, or mill, of any character, or upon any farm, under or by virtue of any contract or agreement, written or verbal, with any person, employer, firm or corporation, or his, her or their agent, receiver or trustee, in order to secure the payment of the amount due or owing under such contract or agreement, written or verbal, the hereinbefore mentioned employees shall have a first lien upon all products, machinery, tools, fixtures, appurtenances, goods, wares, merchandise, chattels, wagons, carts, or thing or things of value, of whatsoever character, that may be created in whole or in part by the labor or that may be used or useful by such person or persons or necessarily connected with the performance of such labor or service, which may be owned by the aforesaid employer, person, firm, corporation, or his or their agent or agents, receiver or receivers, trustee or trustees. ^{Who may secure liens.}

Section 2. LIENS: HOW FIXED. Whenever any person, employer, firm, corporation, his, her or their

agent or agents, receiver or receivers, trustee or trustees, shall fail or refuse to make wage payments as prescribed by law or agreement between the parties, the said clerk, accountant, bookkeeper, waiter, waitress, cook, maid, porter, servant, employee, farm hand, artisan, craftsman, operative mechanic, quarryman or laborer who shall have performed service of any character shall make or have made an account of such service, showing amount due him or her for the same, and present or have presented to aforesaid employer, person, firm or corporation, his, her or their agent or agents, receiver or receivers, trustee or trustees, one of the aforesaid duplicate accounts within thirty days after the said indebtedness shall have accrued. Within ninety days after termination of the rendition of services there shall be filed with the Recorder of the recording district in which said services were rendered, a lien notice verified by the claimant which shall be indexed by the Recorder in a book kept for that purpose. The claim of lien, shall contain a description of the property to be charged with the lien sufficient for identification, and shall be verified by the oath of the lien claimant or of some other person having knowledge of the facts. A compliance with the foregoing requirements in this section shall be necessary to fix and preserve the lien given under this Act, and the liens of different persons of the same class shall have equal priority with each other. Provided that all persons claiming the benefit of this Act shall have six months from the date of filing said lien within which to bring suit to foreclose the aforesaid lien, or, if a credit be given, then six months after the expiration of such credit; and, Provided further, that a substantial compliance with the provisions of this section shall be deemed sufficient diligence to fix and secure the lien hereinbefore given; Provided, that any purchaser of products covered by such lien from the owner thereof shall acquire a good title thereto unless he has at the time of the purchase actual or constructive notice of the claim of such lien holder upon such products, said con-

Conditions
for lien.

Recording of
lien notice.

Time limit.

Purchase of
goods after lien.

structive notice to be given by the filing and indexing of such claim as provided for in this Act or by suit filed.

Section 3. DURATION OF LIEN. Any lien hereby created shall cease to be operative for a longer period than six months after the same shall have been filed and indexed as hereinbefore provided unless suit be brought before the proper court within that time to enforce the same, or if a credit be given, then six months after the expiration of such credit; but no lien shall be continued in force for a longer time than one year from the time of cessation of the work or labor by any agreement to give credit.

Maximum period
of lien.

Section 4. EMERGENCY. An emergency is hereby declared to exist, and this Act shall be in full force and effect immediately upon its passage and approval.

Emergency
clause.

Approved March 22, 1949.

CHAPTER 80

AN ACT

[S. B. 44]

Providing for the disposition of property where there is no sufficient evidence that persons have died otherwise than simultaneously, and to make uniform the law with reference thereto, and fixing effective date.

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

Section 1. NO SUFFICIENT EVIDENCE OF SURVIVORSHIP. Where the title to property or the devolution thereof depends upon priority of death and there is no sufficient evidence that persons have died otherwise than simultaneously, the property of each per-

Presumption of
simultaneous
death.