

in connection with the practice of the religious beliefs of any person in caring for another person of the same religious beliefs, so long as the persons do not engage in the practice of nursing as defined by this Act.

Severability.

Section 13. If any section of this Act, or any portion thereof, shall for any reason be held invalid, such decision shall not affect the validity of the remaining portions of the Act.

Repeals.

Section 14. Sections 35-3-111 to 35-3-122, inclusive, ACLA 1949, and Chapter 28, Session Laws of Alaska 1949, are repealed.

Emergency clause.

Section 15. An emergency is declared to exist, and this Act shall take effect immediately upon its passage and approval.

Approved March 27, 1953.

CHAPTER 89

AN ACT

[S. B. 104]

Relating to missing persons; creating presumption of death; and providing for presumptive death certificates.

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

Procedure upon disappearance.

Section 1. Whenever a petition is presented by any interested person to the United States Commissioner of any precinct alleging that a certain designated person has disappeared and after due and diligent search cannot be found, and when it appears to the satisfaction of the Commissioner that the circumstances surrounding such disappearance afford reasonable grounds for the belief that such person has suffered death from accidental or other violent means, the Commissioner shall summon and impanel a jury of six qualified persons, residents of the community in which such missing person resided immediately prior to his disappearance, or of the community

Jury.

where he disappeared, to inquire into the facts surrounding and the presumption to be raised from such disappearance. If no one submits such a petition within 40 days, the Commissioner himself may submit the petition from any knowledge he has of the case.

Section 2. The members of the jury, before entering upon the discharge of their duties, shall each take an oath to diligently inquire into and justly consider all the facts and circumstances concerning the disappearance of such person, and from a fair consideration thereof to determine whether the Commissioner is justified in entering an order declaring that such person is presumed to be dead.

Oath of jurors.

Section 3. All witnesses that may be offered shall be heard and shall be permitted to testify under oath in such matter. Depositions may be accepted where the Commissioner feels that travel time and costs do not warrant a personal appearance. For the purpose of subpoenaing witnesses and compelling them to attend and testify and punishing them for disobedience, the Commissioner shall have the power and authority conferred upon justices of the peace with respect to examinations in civil and criminal cases.

Witnesses.

Section 4. After having heard all evidence presented the jury shall retire to agree upon a verdict. If the jury, by their unanimous verdict in writing find that sufficient evidence has been presented to them from which it fairly may be presumed that such missing person has met death, and if the Commissioner approve such finding, then, after a period of six months have elapsed, such person shall be presumed to be dead and the Commissioner shall enter an order to that effect.

Verdict.

Order of presumptive death.

Section 5. The Commissioner, members of the jury and witnesses shall be entitled to the same compensation as in civil actions in a justice's court, and such compensation and other incidental expenses shall be audited and

Expenses.

allowed as in the case of other similar expenses incurred by Commissioners and now audited and allowed.

Presumptive death certificate: recording and filing.

Section 6. After the Commissioner has entered an order declaring that such person is presumed to be dead, either under this section or under Section 62-1-15, ACLA 1949, the Commissioner shall make out and sign a certificate entitled "Presumptive Death Certificate" in the form and manner, and containing such information, as may be required by the Territorial Bureau of Vital Statistics. Such certificate shall be recorded by the Commissioner and then filed with the Bureau of Vital Statistics. Upon the entry of the order and the recording and filing of the "Presumptive Death Certificate" as herein provided, such missing person shall be presumed to be dead, and his estate may be administered in accordance with the then existing provision of law applicable to the administration of the estates of deceased persons.

Correction of certificate.

Section 7. The Bureau of Vital Statistics shall make provisions for the correction, substitution or removal of such certificates where the body of such person is later found, where additional facts are brought to light, or where the person is later discovered to be alive.

Approved March 27, 1953.

CHAPTER 90

AN ACT

[S. B. 89]

To provide for obtaining possession of lands taken for public highway purposes by eminent domain through the use of a declaration of taking, under prescribed circumstances; and declaring an emergency.

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

Declaration of taking by Territory.

Section 1. **AUTHORITY TO FILE DECLARATION OF TAKING.** In any proceeding instituted by and in the name of the Territory of Alaska involving the acquisi-