

ties, provided, however, it shall not acquire or take over any airport or air navigation facility owned or controlled by a municipality or person without the consent of such municipality or person. The Commission shall also have the authority to match available funds with those of municipalities, Federal agencies or other Territorial agencies, for the purpose of assisting to construct, enlarge or improve airports. Also, the Commission is authorized to

assist persons (including firms, corporations and associations, as well as individuals) in the construction, enlargement and improvement of airports and air navigation facilities, provided, that such airports and facilities, until they are abandoned as such, shall be at all times available for the use of and accessible to the general public, and thus maintain as public airports and facilities.

Approved March 23, 1955

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## CHAPTER 69

### AN ACT

**Enabling town councils to establish small claims courts under city magistrates for processing civil actions based on contract for recovery of sums not exceeding \$300.00 with allowance of appeal to the District Court, filing judgments with the Clerk of the District Court, docketing thereof, and creation of judgment liens as a result thereof; and amending Sec. 68-2-8 ACLA 1949.**

(S. B. 67)

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

Section 1. Sec. 68-2-8 ACLA 1949 is hereby amended to read as follows:

Sec. 68-2-8. The town council of any incorporated city or town

in Alaska is hereby empowered to confer by ordinance upon the municipal magistrate of such town the jurisdiction to try civil actions arising on contract where the amount involved is not in excess of \$300.00, and to prescribe the procedure and schedule of costs in such court; Provided,

however, that any such ordinance enacted by a town council shall substantially conform to the provisions of law applicable to the practice and procedure in civil cases in the Justice's Courts, to-wit:

(a) The mode of proceedings and rules of evidence and provisions as to records and court docket shall conform substantially to the requirements set forth in Secs. 67-1-3 through 67-1-5 and Sec. 68-1-1 ACLA 1949, except that there will be no jury, and reference to provisional remedies shall pertain only to attachments of personal property or money, including garnishments.

(b) Jurisdiction of the magistrate's court shall be limited to claims based on contract not exceeding the amount above specified in this Section, and jurisdiction in a particular case shall depend upon service being had upon the defendant within the municipality wherein the action is commenced without regard to where the cause arose. The magistrate may be empowered to allow costs to the prevailing party and an attorney fee not exceeding the rates set forth in Sec. 68-7-16 ACLA 1949.

(c) An appeal may be taken by either party to the District Court where the amount in controversy is in excess of \$50.00 in the mode and manner set forth in Sec. 68-2-9 ACLA 1949.

(d) Formal pleadings are not

to be required and proof of instruments may be made as set forth in Secs. 68-3-1 through 68-3-3 ACLA 1949.

(e) Summons shall issue by the magistrate in the manner denoted in Secs. 68-4-1 and 68-4-2 ACLA 1949, requiring the appearance of the defendant in not less than 6 nor more than 20 days from date thereof.

(f) Service of summons accompanied by a true copy of the complaint or claim must be served within the incorporated limits of the municipality wherein the case was started, and such service of process may be made in the time and manner set forth in Secs. 68-4-3 and 68-4-4 ACLA 1949, by any police officer of the municipality or adult disinterested citizen, or by any suitable person appointed by the magistrate in the manner set forth in Sec. 68-4-5 ACLA 1949.

(g) The time allowed for the appearance of the defendant shall be the same as set forth in Sec. 68-4-6 ACLA 1949.

(h) Such ordinance as a town council may enact hereunder may include proper provision for the attachment of personal property and money within the town and of money or property in the hands of third persons within the town, any such attachment writ to be returnable in 30 days from date of issue.

(i) Postponement of trial for

good cause shown shall be governed by the provisions of Sec. 68-6-3 ACLA 1949.

(j) A magistrate shall have power to issue subpoenas for the attendance of witnesses and any such subpoena will have full force and effect if served within the jurisdiction of the court, and depositions of witnesses would be governed by the provisions of Sec. 68-6-5 ACLA 1949.

(k) After trial by the magistrate, which may be conducted in an informal manner without a jury, he may render judgment generally as the law and the evidence may require as outlined in Sec. 68-7-1 ACLA 1949, and the magistrate may thereafter issue a writ of execution returnable in 30 days for levy upon personal property and money within the municipality in like manner as attachments prior to judgment.

(l) Whenever a judgment is given in such magistrate's court for the sum of \$10.00 or more, exclusive of costs, the prevailing party may, within one year after entry of same, file a certified

transcript thereof with the Clerk of the District Court and thereupon the Clerk shall docket same in like manner as provided for the docketing of Justice Court judgments in Sec. 68-7-2 ACLA 1949, upon payment of such fee, if any, for such service as may be charged by such Clerk in conformity with the fee schedule under which his office is operated.

(m) From the time of such docketing, as provided in the last subsection, such judgment shall be a lien upon the real property of defendant the same as other judgments denoted in Sec. 68-7-3 ACLA 1949.

(n) When a judgment of a magistrate has been duly docketed in the District Court, it shall become enforceable as a District Court judgment as provided for other judgments referred to in Sec. 68-7-10 ACLA 1949, and with further regard to collecting upon any such magistrate's judgment, the provisions of Secs. 68-7-12 through 68-7-14 ACLA 1949 shall apply.

Approved March 23, 1955

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## CHAPTER 70

### AN ACT

Relating to meetings of the Territorial Board of Education; amending Section 37-2-5 ACLA 1949 as previously amended by Chapter 34 SLA 1951