

division and, when appropriate to the context, relates to the process of subdividing or to the land or area subdivided.

Section 4. Section 1 of Chapter IV of Chapter 115, Session Laws of Alaska, 1953, is hereby amended so as to read as follows:

Sec .1. There is hereby appropriated out of any monies in the Territorial Treasury not otherwise appropriated the sum of One Thousand (\$1,000.00) Dollars allocated in equal portions to each

board established, organized, and active on April 1, 1955, for the period beginning April 1, 1955 and ending March 31, 1956; and the further sum of One Thousand (\$1,000.00) Dollars allocated in equal portions to each board established, organized, and active on April 1, 1956, for the period beginning April 1, 1956 and ending March 31, 1957. Payment of the sums so allocated shall be made on vouchers certified by the officer authorized by each such board.

Approved March 25, 1955

CHAPTER 96

AN ACT

To amend Section 58-2-2 ACLA 1949 and Section 29-1-12 ACLA 1949, relating to the Statute of Frauds.

(S. B. 59)

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

Section 1. Section 58-2-2 ACLA 1949 is hereby amended to read as follows:

Sec. 58-2-2. Agreements Required to be in writing.

1. Except as otherwise provided in this Section, an agreement,

promise or undertaking shall not be enforceable by action unless it or some note or memorandum thereof be in writing and subscribed by the party to be charged, or by his lawful agent, if such agreement, promise or undertaking is one of the following:

(a) An agreement that by its

terms is not to be performed within a year from the making thereof;

(b) An agreement the performance of which is not to be completed by the end of a lifetime. This provision shall include a contract to bequeath property or make a testamentary disposition of any kind, a contract to assign or an assignment, with or without consideration to the promisor, of a life or health or accident insurance policy, or a promise, with or without consideration to the promisor, to name a beneficiary of any such policy. But this provision shall not include an insurer's promise to issue a policy of insurance, or any promise or assignment with respect to a policy of industrial life or health or accident insurance.

(c) A special promise to answer for the debt of another person;

(d) An agreement by an executor or administrator to pay the debts of his testator or intestate out of his own estate;

(e) An agreement made upon consideration of marriage except mutual promises to marry;

(f) An agreement for leasing for a longer period than one year, or for the sale of real property, or of any interest therein, or to charge or encumber the same;

(g) An agreement concerning real property made by an agent of the party sought to be charged,

unless the authority of the agent be in writing;

(h) An agreement entered into subsequent to the taking effect of this Act, authorizing or employing an agent or broker to sell or purchase real estate for a compensation or commission; provided, however, that if the note or memorandum of such agreement be in writing and subscribed by the party to be charged, or by his lawfully authorized agent, and contains a description of the property sufficient for identification, and authorizes or employs the agent or broker named therein to sell such property, and expresses with reasonable certainty the amount of the commission or compensation to be paid such agent or broker, such agreement of authorization or employment shall not be unenforceable for failure to state a consideration;

(i) A contract to establish a trust;

(j) A conveyance or assignment of a trust in personal property;

(k) A subsequent or new promise to pay a debt discharged in bankruptcy;

(l) A contract to pay compensation for services rendered in negotiating a loan, effecting the procurement of a business opportunity, or the purchase and sale of a business, its good will, inventory, fixtures or an interest therein, including a majority of

the voting stock interest in a corporation and including the creating of a partnership interest. This provision shall not apply to a contract to pay compensation to an auctioneer, or an attorney at law.

2. If goods be sold at public auction, and the auctioneer at the time of the sale, enters in a sale book, a memorandum specifying the nature and price of the property sold, the terms of the sale, the name of the purchaser, and the name of the person on whose account the sale was made, such memorandum is equivalent in effect to a note of the contract or sale, subscribed by the party to be charged therewith.

3. A contract or promise which is subject to Subdivision 1 of this Section which does not satisfy the requirements of that subdivision, but which is otherwise valid, is enforceable if either:

(a) There has been full performance on one side, accepted by the other in accordance with the contract, or

(b) There is a memorandum which would satisfy the requirements of Subdivision 1 of this Section except for error or omission in the recital of past events; or

(c) There is a memorandum which would satisfy the requirements of Subdivision 1 of this Section except for error or omission which would be corrected by reformation if it occurred in

a formal contract: or

(d) The party against whom enforcement is sought admits, voluntarily or involuntarily, in his pleadings or at any other stage of this or any other action or proceeding, the making of an agreement, or

(e) It is a contract of employment for a period not exceeding one year from the commencement of work thereunder.

4. It shall not be permissible to raise the defense of Statute of Frauds unless the party raising the same denies the existence of an agreement, or a material part thereof, in his verified answer or reply, provided, that if the original party to an agreement be deceased, this requirement shall not apply as against his personal representative.

5. It shall not be permissible to raise the defense of Statute of Frauds by motion to dismiss unless said motion is supported by an affidavit denying an agreement or a material part thereof.

Section 2. Section 29-1-12 ACLA 1949 is hereby amended to read as follows:

Sec. 29-1-12. Statute of Frauds.

1. Requirement of writing, etc. A contract to sell or a sale of any goods or choses in action of the value of five hundred dollars or upwards shall not be enforceable by action unless the buyer shall accept part of the goods or choses in action so contracted to be sold

or sold, and actually receive the same, or give something in earnest to bind the contract, or in part payment, or unless some note or memorandum in writing of the contract or sale be signed by the party to be charged or his agent in that behalf. Provided, however, that it shall not be permissible to raise the defense of Statute of Frauds unless the party raising the same deny the existence of an agreement or a material part thereof in his verified answer or reply, provided that if the original party to an agreement be deceased, this requirement shall not apply as against his personal representative. Provided further, that it shall not be permissible to raise the defense of Statute of Frauds by motion to dismiss unless said motion is supported by an affidavit denying an agreement or a material part thereof.

2. Application of section. The

provisions of this section apply to every such contract or sale, notwithstanding that the goods may be intended to be delivered at some future time or may not at the time of such contract or sale be actually made, procured, or provided, or fit or ready for delivery, or some act may be requisite for the making or completing thereof, or rendering the same fit for delivery; but if the goods are to be manufactured by the seller especially for the buyer and are not suitable for sale to others in the ordinary course of the seller's business, the provisions of this section shall not apply.

3. Acceptance of goods defined.

There is an acceptance of goods within the meaning of this section when the buyer, either before or after delivery of the goods, expresses by words or conduct his assent to becoming the owner of those specific goods.

Approved March 25, 1955

CHAPTER 97

AN ACT

To authorize co-operative business corporations to amend their articles of incorporation by mail ballot; extending their term of corporate existence; amending Sections 36-3-2 and 36-3-3, **ACLA 1949**; and declaring an emergency.

(S. B. 72)