

payer shall have the right to bring suit against the political subdivision for a recovery of such taxes. If judgment for such recovery is rendered against the political subdivision, or if in the absence of such suit it shall become obvious to the political subdivision that judgment for the recovery of such taxes would be obtained if legal proceedings were brought, then it shall be the duty of the political subdivision to pay the amount of such taxes to the taxpayer. Any such legal action or suit may be brought against the political subdivision in its official or governmental name.

**Sec. 3. Overpayment of Taxes Legally Due.** Whenever, in payment of taxes legally imposed, a remittance by the taxpayer through error, or otherwise, exceeds the amount due, and the political subdivision, on audit of the account in question, is satisfied that such is the case, then it shall be the duty of the political subdivision to refund the proper amount of such taxes to the taxpayer. Provided, however, that a claim for refund must be filed with the political subdivision within three years after the due date of the tax or be forever barred.

Approved March 30, 1957

## CHAPTER 136

### AN ACT

**Relating to causes for the dissolution of marriage contracts; amending certain subsections of Sec. 56-5-7, ACLA 1949, and adding new subsection Ninth.**

(H. B. 169)

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

Section 1. Sec. 56-5-7, ACLA 1949 is hereby amended to read as follows:

**Sec. 56-5-7. Causes for Dissolution of Marriage Contract.** For what causes marriage contracts may be dissolved.

First: Impotency existing at the time of the marriage and continuing at the commencement of the action.

Second: Adultery.

Third: Conviction of a felony.

Fourth: Wilful desertion for a period of one year.

Fifth: Either (a) cruel and inhuman treatment calculated to impair health or endanger life, or

(b) personal indignities rendering life burdensome, or

(c) incompatibility of temperament.

Sixth: Habitual gross drunkenness contracted since marriage and continuing for one year prior to the commencement of the action.

Seventh: Wilful neglect of the

husband for a period of twelve months to provide for his wife the common necessities of life, he having the ability to do so, or his failure to do so by reason of idleness, profligacy or dissipation.

Eighth: Incurable mental illness when the spouse has been confined to an institution for a period of at least eighteen months immediately preceding the com-

mencement of the action. The status as to the support and maintenance of the mentally ill person shall not be altered in any way by the granting of the divorce.

Ninth: Addiction of either party, subsequent to the marriage, to the habitual use of opium, morphine, cocaine or other like drug.

Approved March 30, 1957

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## CHAPTER 137

### AN ACT

**Relating to the law of trespass; amending Sections 65-5-110, 65-5-112 and 65-5-113, ACLA 1949.**

(H. B. 177)

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

Section 1. Sec. 65-5-110, ACLA 1949, is hereby amended to read as follows:

Sec. 65-5-110. **Trespassing on Improved Lands.** That if any person shall willfully enter upon the garden, orchard, or other improved lands of another, or in his possession, with intent to cut, take, carry away, destroy, or injure the trees, grain, grass, hay, fruit, or vegetable products there growing and being, such person, upon conviction thereof, shall be punished by imprisonment in jail not more than six months, or by fine not more than two hundred fifty (\$250.00) dollars, or by both such fine and imprisonment.

Sec. 2. Sec. 65-5-112, ACLA 1949, is hereby amended to read as follows:

Sec. 65-5-112. **Trespass.** That if any person other than an officer on lawful business shall go or trespass on any lands or premises in the lawful occupation of another, and shall fail, neglect, or refuse to depart therefrom immediately and remain away until permitted to return upon the verbal or printed or written notice of the owner or person in the lawful occupation of said lands or premises, such trespasser shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by fine not more than two hundred fifty (\$250.00) dollars, and shall be committed, in default of payment of the fine and costs imposed, one day for