

## CHAPTER 112.

## AN ACT

[S. B. 122]

To amend Section 6, Chapter 111, Session Laws of Alaska, 1929, providing for holding examinations for admission to the bar.

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

Section 1. That Section 6 of Chapter 111 of the Session Laws of Alaska, 1929, be, and the same is, hereby amended to read as follows:

“Section 6. The Board of Law Examiners shall hold examinations at such places and at such times as the Attorney General may direct; Provided, that examinations may be held in each judicial division under the supervision of the resident law examiner and without the presence of any other member of the board; the questions submitted to any applicant at such examination shall first be approved by the board, or a majority of its members, and the answers thereto shall be graded by the board, or a majority of its members acting separately and certified to the District Court of the Division in which the examination is held.”

Approved May 4, 1933.

## CHAPTER 113.

## AN ACT

[S. B. 119]

To amend, supplement and codify the laws of this Territory providing for:

- (a) Liens of Laborers in and about mines;
- (b) Liens on chattels for work or repair;
- (c) Liens of carriers and warehousemen;

- (d) Liens for labor upon logs, piles and other timber and timber products;
- (e) Liens of cannery and saltery workers and fishermen;
- (f) Liens of watchmen, and to repeal all acts in conflict herewith.

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

Section 1. DEFINITIONS. The term "MINE" or "MINING CLAIM" whenever used in this article, shall <sup>Definitions.</sup> be construed to mean a block or parcel of mining ground, consisting of a part of a mining location, a mining location, or to include two or more contiguous mining locations, oil, gas or other well or claim possessed and held under one ownership, or mined under one management and worked through a common shaft, tunnel, incline, pit, well or other opening, or over one tram; and all valuable mineral deposits, including coal, oil, gas or other fluid, and all lodes, veins or rock in place containing minerals; and all shafts, tunnels, stopes, ways, and other openings, roads, appliances, machinery, timbering and structure below the surface of the ground; and all structures, buildings, mills and machines on the surface of the ground and affixed thereto and used in the working, mining and development thereof; and all ditches, water rights, pipe lines, roads, trams, flumes and other appurtenances thereto.

The term "MINERAL" shall be construed to include coal, oil, gas and all inorganic substances subject to location, appropriation, acquisition or enjoyment under the laws of the United States or the Territory of Alaska.

The term "MILL" or "MACHINE" shall be construed to include any dredge, steam, internal combustion or electric shovel, dragline, tractor, scraper, hoist, engine and boiler, derrick, drill, roasting or reduction works, stamp, roller or other mill, concentrator, conveyor, elevator or other machinery used in or about a mine in digging, hoisting, conveying, washing or blocking

out mineral contents therein, or reducing the same to a commercial value, while the said mill or machine is used in connection with the operation of the mine, and is not a fixture and included in the term "MINE" as hereinbefore defined.

The term "DUMP" or "MASS" shall be construed to mean the mineral bearing sands, gravel, earth, ore, stone, coal, oil, gas, other fluids or minerals extracted, hoisted and raised from a mine or mining claim, while in mass at the mine or on the mining claim or adjacent thereto, whether the same be deposited in dumps or piles, or placed in hoppers, tanks or reservoirs, or in sluice boxes or bunkers or other receptacles and whether partially or wholly reduced from its primary state or not.

Whenever the phrase "DIFFERENT CLASSES OR KINDS OF PROPERTY SUBJECT TO LIEN" is used the same shall refer to MINES as hereinbefore designated as one class; MILLS AND MACHINES as another class; and the DUMP OR MASS as a third class.

Liens on mines  
and oil wells.

Section 2. LIENS ON MINES AND OIL WELLS. Every person, who at the instance of the owner performs any work or labor in, on or about a mine, or mining claim, oil, gas, or other well, in opening up, developing, sinking, drilling, drifting, stopping, mucking, stripping, shoveling, mining, hoisting, firing, cooking, teaming, or performs any other class or kind of work necessary or convenient to the development, operation, working or mining thereof; or who performs any work or labor tending to or assisting in the development, extraction, separation or reduction to a commercial value of the minerals contained therein or separated therefrom; or who performs work or labor on any water right, ditch, flume, pipe line, tramway, tram, road or trail, used in connection with the opening up, or to facilitate the opening up, operation or development thereof, or the extraction of the minerals

therefrom, shall have a lien on such mine or mining claim, oil, gas or other claim or well as security for the payment of such work or labor.

Section 3. LIEN ON MILL OR MACHINE. Every <sup>Mill or machine.</sup> person who, at the instance of the owner performs work or labor in any capacity on, in or about a mill or machine, either in the alteration or repair thereof, or in the operation or working thereof, while the same is used in or about a mine, or mining claim, oil, gas or other claim or well, as a means of opening up, developing, or mining, or as a means of separating, extracting or reducing to commercial value any minerals, shall have a lien on such mill or machine, to secure the payment of the amount due for such work or labor.

Section 4. LIENS SUPERIOR TO SUBSEQUENT <sup>Lien to be preferred.</sup> MORTGAGES. The liens provided in Sections 2 and 3 of this Article shall be preferred liens, prior and superior to any mortgage, conditional sale agreement, attachment, claim or demand, unless the same be in writing and be filed for record, in the recorder's office of the precinct wherein the property subject to the lien may be situate, prior to the commencement of the work or labor for which such liens are claimed, and no sale, transfer, mortgage, assignment, or attachment made or filed for record subsequent to the commencement of such work or labor shall have the effect of postponing such liens.

Section 5. LIEN ON PRODUCT. Every person, who at the instance of any person having the right of possession of any mine, or mining claim, oil or gas well, performs upon, in or about such mine or well any of the kinds of work or labor mentioned in Section 2 of this Article, or who performs any other kind of work in the production, piling up or storing of a dump or mass of mineral, shall have a lien on such dump or <sup>Lien on dump or mass of mineral.</sup> mass, and the gold, gold dust or other minerals contained therein or extracted therefrom, to secure the

amount due the said laborer in the production of the same. Such lien shall attach to the dump or mass, and to the gold, gold dust or other mineral therein, whether the same be deposited on the ground in a mass, or dumped into bunkers or hoppers, or stored in tanks or reservoirs, or placed in sluice boxes at the mine, and shall attach to the gold, gold dust and other minerals extracted therefrom so long as the same is in one mass and can be identified as being produced by the labor of the lienor.

The lien provided for in this Section shall be prior and preferred over any deed, mortgage, bill of sale, attachment or other claim whether given prior or subsequent to the commencement of the work or labor for which such lien is claimed.

Preferred.

Liens bind property for work or labor performed during nine months immediately preceding cessation. Liens bind right, title, etc. of person for whom work performed.

Section 6. EXTENT OF LIENS. The liens provided in Section 2, 3 and 5 of this article shall be security for payment for the work and labor performed within a period of nine months immediately preceding the cessation of such work or labor; such liens shall bind all the right, title and interest in the property mentioned, of the person, firm or corporation at whose instance or request or for whom the work or labor was performed, to the full extent of the interest which such person, firm or corporation has at the commencement of the work or labor for which the lien is claimed, or subsequently acquired in such property, up to the time of the foreclosure of such lien.

Work deemed done at instance of owner.

Section 7. LABOR DEEMED PERFORMED AT INSTANCE OF OWNER OR MORTGAGEE UNLESS NOTICE POSTED. When the work or labor mentioned in Section 2, 3 and 5 of this Article is performed at the instance of any person, firm or corporation, having the right of possession under a written or verbal lease, bond, option or other contract of sale from the owner, or executed by his authority, such work shall be deemed to have been done at the instance

of the owner, and at the instance of any mortgagee or lien claimant, and such owner's, mortgagee's or claimant's interest therein shall be subject to any lien filed in accordance with the provisions of this Article, unless such owner, mortgagee or claimant shall, within ten days after he shall have obtained knowledge of such work or labor being performed, give notice that he will not be responsible for the same, by posting notices to that effect in three conspicuous places on such mine, mining claim, oil, gas or other well, or in one conspicuous place on such dredge, steam shovel, derrick, mill or machine, and, in the case of a mortgagee or other lien claimant, give additional notice of the nature of the lien, the amount due thereon, and refer to the volume and page where his claim of lien is recorded.

Owner's notice  
of interest.

Section 8. LIEN TO ATTACH TO DIFFERENT KINDS OF PROPERTY. The liens provided for in this Article shall not be deemed one exclusive of the other, but the lien shall attach and may be claimed by the same labor upon the Mine, Mining Claim, Mill or Machine used in mining or working, and the DUMP or MASS of MINERAL, GOLD or GOLD DUST, should the facts relative to the labor warrant the same; and it shall be optional with the lienor to claim a lien on one or more of the different classes of property subject to his lien for the same labor; PROVIDED that the amount claimed against each class of property be separately stated; the property sought to be charged be described so that it can be identified, and the name of the owner or reputed owner be given.

Liens may attach upon all kinds of property.

Amounts must be stated separately.

Section 9. LIEN CLAIM WHEN AND WHERE TO BE FILED; CONTENTS. Every person claiming the benefit of this Article, shall within ninety days after the rendition of the services or the cessation of the work or labor mentioned in this Article, file for record in the recorder's office of the precinct in which the mine or mining claim, or other property on which the

Claims of Liens —when and where filed— contents.

lien is claimed was situated or used his claim of lien, which claim of lien shall contain a true statement of his demand and the amount thereof, after deducting all just credits and offsets, with the name of the person by whom he was employed and a statement of the terms and conditions of his contract of employment, giving the date of the commencement and the date of the cessation of the work or labor, together with a description of the property on which the lien is claimed sufficient for identification, and the name of the owner or reputed owner thereof. The lien claim shall be verified by the oath of the lien claimant or someone in his behalf having personal knowledge of the facts, and in case there is no express contract of employment, the claim shall state what the work, labor and services were reasonably worth.

Lien binds property no longer than six months unless—

Section 10. LIEN TO BIND PROPERTY HOW LONG. No lien provided for in this Article shall bind any property for any longer period than six months after notice of the same shall have been filed for record, unless suit be brought before the proper court within that time to enforce the same, or if credit is given, then within six months after the expiration of such credit; but no lien shall be continued in force for a longer period than one year from the time of cessation of the work or labor by any agreement to give credit.

## ARTICLE II

### LIENS ON CHATTELS FOR WORK, LABOR OR MATERIAL

Liens on personal property.

Section 11. LIEN ON CHATTEL FOR WORK, LABOR OR MATERIAL, SALE WHEN POSSESSION RETAINED. Any person who shall make, alter, repair or bestow labor on any article of personal property at the request of the owner or lawful possessor

thereof, shall have a lien on such property so made, altered or repaired, or upon which labor has been bestowed, for his just and reasonable charges for the labor he has performed and material he has furnished and such person may hold and retain possession of the same until such just and reasonable charges shall be paid. If such just and reasonable charges be not paid within three months after such labor and materials, or labor or materials, shall have been performed or bestowed upon such article, then the person having such lien may proceed to sell such article at public auction and apply the proceeds of such sale; First, to the payment of the expenses of said sale; second, to the discharge of said lien; and third, the balance, if any, to be paid to the owner of such article. Such sale must be held in the precinct where said article was left to be altered or repaired, and before any such sale is made notice thereof must be given to the debtor by registered letter directed to him at his last known place of residence, if his residence is known, and also by posting notice thereof in three public places in said precinct, one of which shall be at or near the front door of the post office nearest the place of sale, for ten days prior to the day of sale; such notice shall contain a particular description of the article to be sold, the name of the owner or reputed owner thereof, the amount due on said lien, and the time and place of said sale.

Property may be sold after three months—application of proceeds notice of sale.

Section 12. LIEN WHEN POSSESSION SURRENDERED. Every person, firm or corporation who has expended labor, skill or materials upon any chattel, at the request of its owner, reputed owner, or authorized Agent of the owner, or lawful possessor thereof, shall have a lien upon said chattel for the contract price for all such expenditure, or in the absence of such contract price, for the reasonable worth of such expenditure for a period of six months from and after such expenditure, notwithstanding the fact that the posses-

Lien to exist for six months.

sion of such chattel has been suspended to the owner, or lawful possessor thereof.

Lien notice to  
be filed before  
delivery—con-  
tents—form.

Section 13. NOTICE OF LIEN. FORM. In order to make such lien effectual the lien claimant shall before delivery of such chattel to the owner thereof, or his duly authorized agent, file in the office of the recorder of the precinct wherein said chattel is situated, and in which said labor, skill, and materials were expended on such chattel a lien notice, which notice shall state the name of the claimant, the name of the owner, or reputed owner, a description of the chattel, sufficient for identification, upon which the claimant has expended labor, skill and material, the amount for which the lien is claimed, and the date upon which such expenditure was completed, which notice shall be verified by the oath of the claimant, or by some one in his behalf, having personal knowledge of the facts, and may be substantially in the following form:

....., Claimant, V. ...., Defendant

Notice is hereby given that ..... claims a lien upon ..... (describe the property) for, and on account of labor, skill, and materials expended upon the ..... (property); that the name of the owner, or reputed owner is, .....: that the said labor, skill and materials were expended upon the said property between the ..... day of ....., and the ..... day of ....., and the rendition of the labor, skill, and materials so expended by the claimant above named was closed on the ..... day of .....; that the amount claimant demands for said labor, skill, and materials so expended is \$.....; that no part thereof has been paid except \$....., and there is now due and remaining unpaid thereon, after deducting all just credits and offsets, the sum of \$....., in which amount he claims a lien upon said property.



furnishing the material or performing the services had no notice and/or which had not been duly recorded or filed in the manner provided by law.

Lien binds property no longer than six months unless—

Section 16. FORECLOSURE SUIT. No lien shall bind any property for a longer period than six months after the filing thereof, unless suit be brought in the District Court to enforce the same, or if credit be given, then within six months after the expiration of such credit; but no lien shall be continued in force for a longer period than one year from the time of cessation of the work or services or after the material was furnished, by any agreement of the parties.

Pleadings, process etc., to foreclose.

The pleadings, process, practice and proceedings to enforce such lien shall be governed by the law applicable to the foreclosure of mechanics' and materialmen's liens.

Discharge.

Section 17. DISCHARGE OF LIEN: REFUSAL: PUNISHMENT. The lien provided for in this article may be released and discharged by the lien claimant, or his agent, by an entry upon the "Index of Liens upon Chattels."

Penalty.

Any person, firm or corporation who shall refuse to discharge a lien after the same is paid shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than Five Hundred Dollars (\$500.00) and in addition thereto shall be liable in damages to the party injured thereby in an amount equal to three times the damage sustained.

### ARTICLE III

#### LIENS FOR TRANSPORTATION, OR STORAGE OR CARE OF STOCK

Liens of carriers, warehousemen, and agisters of live-stock—who entitled.

Section 18. CARRIERS, WAREHOUSEMEN, ETC., ENTITLED TO LIEN. Any person who is a common carrier, or who shall, at the request of the owner or

lawful possessor of any personal property, carry, convey, or transport the same from one place to another, and any person who shall safely keep or store any grain, wares, merchandise, and personal property at the request of the owner or lawful possessor thereof, and any person who shall pasture or feed any horses, cattle, hogs, sheep, or other live stock, or bestow any labor, care, or attention upon the same at the request of the owner or lawful possessor thereof, shall have a lien upon such property for his just and reasonable charges for the labor, care, and attention he has bestowed and the food he has furnished, and he may retain possession of such property until such charges be paid.

Section 19. PROCEEDING TO ENFORCE SUCH LIEN. If such just and reasonable charges be not paid within three months after the care, attention and labor shall have been performed or bestowed or food shall have been furnished, the person having such lien may proceed to sell at public auction, as provided in section 16 Article II of this chapter, the property mentioned in the preceding section, or a part thereof, sufficient to pay such just and reasonable charges. Nothing herein contained shall be construed as to authorize any warehouseman to sell more of any wool, wheat, oats, or other grain than sufficient to pay charges due the warehouseman on such wool, wheat, oats, or other grain. If any such warehouseman shall sell, loan, or dispose of in any manner, contrary to the provisions of this chapter, without the consent of the owner thereof, any such wool, wheat, oats, or other grain, he shall, for each and every offense, forfeit and pay to the owner of such wool, wheat, oats, or other grain a sum equal to the market value thereof, and fifty per centum of the market value in addition as a penalty, the market value to be the price such article or articles bore at the time the owner thereof made demand on the warehouseman for the same.

Proceedings to enforce liens.

Limitation on sale.

## ARTICLE IV

## LOGGERS' LIENS

Liens on logs,  
piles and other  
timber—who  
entitled.

Section 20. WHO ENTITLED TO LIEN ON LOGS, PILES AND OTHER TIMBER. Every person performing labor upon, or who shall assist in obtaining or securing saw-logs, spars, piles, cordwood, fuel-wood, shingle bolts, or other timber, and owner or owners of any tugboat, or towboat which shall tow or assist in towing from one place to another within this Territory, any saw-logs, spars, piles, cordwood, fuel-wood, shingle bolts, or other timber, and the owner of any team or any logging or traction engine which shall haul or assist in hauling from one place to another within this Territory, any saw-logs, spars, piles, cordwood, fuelwood, shingle bolts or other timber, and the owner or owners of any logging road over which saw-logs, spars, piles, cordwood, fuel-wood, shingle bolts, or other timber, shall be transported and delivered, shall have a lien upon the same for the work or labor done upon, or in obtaining or securing, or for services rendered in towing, transporting, hauling, or driving, the particular saw-logs, spars, cordwood, fuelwood, shingle bolts, or other timber in the claim of lien described herein, whether such work, labor or services was done, rendered or performed at the instance of the owner of the same or his agent. The cook and other laborers in and about the logging or wood camp, and the teamsters transporting said saw-logs, spars, piles, cordwood, fuelwood, shingle bolts or other timber, the laborers on roads and trails (not public roads or trails) used for the transportation of the aforesaid saw-logs, spars, piles, cordwood, fuelwood, shingle bolts, or other timber, shall be regarded as persons who assisted in obtaining, securing and delivering the timber herein mentioned.

Section 21. OWNER OF LAND HAS LIEN ON Owner of land  
—lien.  
TIMBER CUT THEREON. Any person who shall permit another to go upon his land and cut thereon saw-logs, piles, cordwood, fuelwood, shingle bolts, or other timber, has a lien upon the same for the price agreed to be paid for such privilege, or for the price such privilege would be reasonably worth in case there was no express agreement fixing the price.

Section 22. LIENS HEREINABOVE PROVIDED Lien preferred—  
FOR HAVE PRIORITY. The liens provided for in this article are preferred liens and are prior to any other liens and no sale or transfer of any saw-logs, spars, piles, cordwood, fuelwood, shingle bolts, or other timber shall divest the lien thereon as herein provided for, and as between liens provided for herein those for work and labor shall be preferred: PROVIDED, That Proviso.  
as between liens for work and labor claimed by several laborers on the same logs, spars, piles, cordwood, fuelwood, shingle bolts, or other timber, the claim or claims for work or labor done or performed on the identical logs, piles, spars, cordwood, fuelwood, shingle bolts or other timber proceeded against to the extent that the same can be identified, shall be preferred as against the general claim of liens for work and labor recognized and provided for herein. The person rendering the service or doing the work or labor named in section 20 is only entitled to the liens provided herein for services, work or labor for the period of six calendar months, or any part thereof next preceding the filing of the claim, as hereinbefore provided for, and the person granting the privilege mentioned in section 21 is only entitled to the lien as provided therein for saw-logs, spars, piles, cordwood, fuelwood, shingle bolts and other timber cut during the six months next preceding the filing of the claim, as hereinafter in the next succeeding section provided.

Section 23. CLAIM OF LIEN WHEN AND WHERE Claim of Lien  
to be recorded,  
when and where.  
RECORDED. Every person within sixty days after

the close of the rendition of the service, or after the close of the work or labor mentioned in section 20 of this article, claiming the benefit hereof, must file for record with the recorder of the recording district in which such saw-logs, spars, piles, cordwood, fuelwood, shingle bolts, or other timber were cut, a claim containing a statement of his demand and the amount thereof, after deducting as nearly as possible all just credits and offsets, with the name of the person by whom he was employed, with a statement of the terms and conditions of his contract, if any, and in case there is no express contract, the claim shall state what such service, work or labor is reasonably worth; and it shall also contain a description of the property to be charged with the lien sufficient for identification with reasonable certainty, which claim must be verified by the oath of himself or some other person having knowledge of the facts, to the effect that affiant believes same to be true, which claim shall be substantially in the following form:

General form  
of lien.

### CLAIM OF LIEN

..... Claimant, vs. ....

Notice is hereby given that .....,  
residing at ....., Territory of Alaska, claims  
a lien upon a ..... of ....., being  
about ..... in quantity, which were cut in  
..... Precinct, Territory of Alaska, and are  
now lying or being at ....., for labor per-  
formed and assistance rendered in ..... said  
.....; that the name of the owner or reputed  
owner is .....; that ..... employ-  
ed said ..... to perform such labor and  
render such assistance upon the following terms and  
conditions, to-wit:—

That said ..... agreed to pay the  
..... for labor and assistance .....

that said contract has been faithfully performed and fully complied with on the part of said ..... , who performed labor and assisted in ..... for the period of ..... ; that said labor and assistance were so performed and rendered upon said ..... , between the ..... day of ..... , and forty-five days have not elapsed since that time; that the amount of claimant's demand for said service is ..... ; that no part thereof has been paid except ..... ; and there is now due and remaining unpaid thereon, after deducting all just credits and offsets the sum of ..... , in which amount he claims a lien upon said ..... . The said ..... also claims a lien on all said ..... now owned by said ..... in said Precinct, to secure payment for the work and labor in obtaining or securing the said saw-logs, spars, piles, cordwood, fuel-wood, shingle bolts or other timber herein described.

.....  
(Signature)

UNITED STATES OF AMERICA)

) ss.

TERRITORY OF ALASKA )

..... being first duly sworn on oath says that he is ..... named in the foregoing Claim of Liens, has heard the same read, knows the contents thereof and believes the same to be true.

.....  
(Signature)

Subscribed and sworn to before me this ..... day of .....

.....  
(Signature)

Owner of land to record claim of lien.

Section 24. OWNER OF LAND TO FILE LIEN CLAIM, WHEN. Every person mentioned in section 21 claiming the benefit thereof must file for record, within ninety days from the cutting of the same, with the recorder of the precinct in which such saw-logs, spars, piles, cordwood, fuel-wood, shingle bolts or other timber were cut, a claim in substance the same as provided in the preceding section and verified as therein provided.

Recorder to record.

Section 25. RECORD OF CLAIM; FEES THEREFOR. The recorder of the precinct must record any claim filed under this article in a book kept by him for this purpose, which record must be indexed as deeds and other conveyances are required by law to be indexed, and for which he may receive the same fees as are allowed by law for recording deeds and other instruments.

Lien binds property no longer than six months unless—

Section 26. LIEN TO BIND PROPERTY HOW LONG. No lien provided for in this article shall bind any property for a longer period than six months after notice of the same shall have been filed for record, unless suit be brought before the proper court within that time to enforce the same, or if credit be given then within six months after the expiration of such credit; but no lien shall be continued in force for a longer period than one year from the time of cessation of the work or labor or by any agreement to give credit.

Lien not lost by manufacture of product.

Section 27. LIEN ATTACHES TO LUMBER AND SHINGLES CUT; LIMITATION. The lien herein provided for on saw-logs and shingle bolts shall not be released or lost by the manufacture of such saw-logs or shingle bolts into lumber or shingles, but such lien may be enforced against such lumber and shingles so manufactured therefrom. No lien of any kind shall be acquired upon or enforced against any lumber or logs after the same shall have been used in the construction of any building or other structure, or upon

Not enforceable when.

any spars, piles or other timber herein mentioned after the same shall have been put to the use for which it was intended.

Section 28. UNITED STATES MARSHAL APPOINTED RECEIVER; WHEN. The United States Marshal of the division in which the lien is filed shall be the receiver, when one is appointed, and the district court upon a showing made, shall appoint such receiver, without notice, who shall be allowed such fees as may seem just to the court, which fees shall be accounted for by such marshal as other fees collected by him in his official capacity; PROVIDED, That at any time when any property, subject to the liens herein provided, is in the custody of such marshal under the provisions of such act, any person claiming any interest therein may deposit with the clerk of the court in which such action is pending a sum of money equal in amount to the claim sued upon, together with one hundred dollars, to cover costs and interest, (unless the court shall make an order fixing a different amount to cover such costs and interest), and shall have the right to demand and receive forthwith from such marshal the possession and custody of such property.

Marshal to be receiver.

Claimant may release property, when.

Section 29. BONA FIDE PURCHASERS. It shall be conclusively presumed by the court that a party purchasing the property liened upon within sixty days given to claimants wherein to file their liens, is not an innocent third party, nor that he has become a bona fide owner of the property liened upon, unless it shall appear that he has paid full value for the property and the purchase money has been applied to the payment of such bona fide claims as are entitled to liens upon the said property under the provisions of this article according to the priorities herein established.

Purchasers not deemed bona-fide owner—when.

Section 30. ENFORCEMENT AGAINST ALL OR PART OF PROPERTY. Any person who shall bring

May be enforced against whole or part of property.

an action to enforce the lien herein provided for or any person, having a lien as herein provided for, who shall be made a party to any such action has the right to demand that such lien be enforced against the whole, or any part, of the saw-logs, spars, piles, cordwood, fuelwood, shingle bolts or other timber or lumber or shingles manufactured therefrom upon which he has performed labor or which he has assisted in securing or obtaining, or which has been cut on his land during the six months next preceding the filing of his lien for all his labor upon, or for all his assistance in obtaining or securing for such saw-logs, spars, piles, cordwood, fuelwood, shingle bolts, or other timber, lumber or shingles manufactured therefrom, during the whole, or any part of the six months mentioned in section 26 or for timber cut during the whole or any part of the six months above mentioned. Where proceedings are commenced against any lot of saw-logs, spars, piles, cordwood, fuelwood, shingle bolts, or other timber or lumber or shingles manufactured therefrom, and some of the lienors claim liens against specific saw-logs, spars, piles, cordwood, fuelwood, shingle bolts or other timber or lumber or shingles manufactured therefrom and others against the same generally to secure their claims for work and labor, the priority of the liens shall be determined as hereinbefore provided.

Priorities.

Section 31. CONTRACTORS' LIEN; RANK. Any person who, as a contractor, supplies saw-logs, spars, piles, cordwood, fuelwood, shingle bolts, or other timber, or lumber or shingle manufactured therefrom, under a contract shall be entitled to the lien hereinabove provided for, to the amount due on his contract, but such contractor's lien shall be subject and subsequent to the liens of the laborers, hereinabove provided for, for the amounts due them for labor thereon.

Contractors lien subsequent to liens of laborers.

Section 32. PROPERTY LIABLE TO LOSS MAY BE SOLD BEFORE JUDGMENT. The court or judge, may in vacation, upon motion supported by affidavit,

Property may be sold before judgment, when.

showing that the property is liable to loss or destruction, order any property subject to a lien as herein provided, to be sold by the marshal as personal property is sold under execution before judgment is rendered and the proceeds of such sale must be paid into court to be applied as herein provided.

Section 33. PENALTY FOR DESTROYING MEANS OF IDENTIFICATION. Any person, firm or corporation who shall eloin, injure or destroy or who shall render difficult, uncertain or impossible of identification any saw-logs, spars, piles, cordwood, fuelwood, shingle bolts, or other timber upon which there is a lien as herein provided, without the express consent of the person entitled to such lien, shall be liable to the lien-holder for the damages to the amount secured by his lien, together with costs and charges of drawing and recording such lien and reasonable attorneys' fees for the foreclosure thereof, and the same being shown to the court in the action to enforce said lien it shall be the duty of the court to enter a personal judgment for the amount of said damages in such action against the said person, provided he be a party to such action, or the damages may be recovered in a civil action against such person.

Action for damages against party eloining or injuring property.

Section 34. LIEN ON LUMBER. Every person performing work or labor or assisting in manufacturing saw-logs, and other timber into lumber has a lien upon such lumber while the same remains at the mill where the same was manufactured, or in the possession or under the control of the manufacturer, whether such work or labor was done at the instance of the owner of such logs or his agent or any contractor or subcontractor of such owner. The term "LUMBER", as used in this section, shall be held, and be construed to mean all logs or other timber sawed or split for use, including beams, joists, planks, bolts, shingles, rails, stays, hoops, and every article of whatsoever

Lien on lumber.

nature, kind or description manufactured from saw-logs or other timber.

Lien notice to be filed, when.

Section 35. CLAIM OF LIEN TO BE FILED, WHEN. Every person desiring to claim the benefit of the preceding section shall, within sixty days after the close of the service mentioned therein, file for record with the recorder of the precinct where said lumber was manufactured, a notice of his claim of lien, containing a statement of his demand or the amount thereof, in substance and form similar to that provided for and set forth in section 23, and the provisions of this article relative to the liens of persons performing labor upon, or assisting, obtaining and securing saw-logs, spars, piles, cordwood, fuelwood, shingle bolts or other timber shall apply in all respects, where applicable, to the liens of persons performing work or labor in manufacturing lumber, as set forth in the preceding section.

Lien may be released on filing bond, when.

Section 35. (a) RELEASE UPON FILING BOND. At any time after a lien has attached upon any property mentioned in this Article, the owner of such property, or any person in his behalf, may file with the clerk of the District Court of the Division in which such property is situated, a bond in a sum double the amount claimed in the lien notice, executed by two sureties having the qualifications of bail upon arrest, to be approved by the Clerk of such District Court, running to the claimant in such lien notice and conditioned for the payment of all damages, costs, charges and disbursements that may be recovered by the lien claimant against the owner, or that may be found to be a lien upon or against the property described in the lien notice; the said clerk shall issue to the owner or other person a certificate stating that the bond is substituted in lieu of such property and that the lien on such property is forever released and discharged, and a marginal entry of such release and substitution of bond shall be made in the lien docket in the office

of the United States Commissioner where such lien statement is recorded, and if the lien claimant establishes the validity of his lien by a suit to enforce the same, he shall be entitled to judgment or decree against the principal and sureties in said bond; Provided, that nothing in this section shall deprive any person of any defence which he would have had if such bond had not been given. The filing of the bond as in this section provided, shall in no way affect the time within which the foreclosure suit must be commenced.

Section 36. PROVISIONS HEREOF TO BE LIBERALLY CONSTRUED. The purpose of this article being remedial to secure laborers, contractors and subcontractors the amount due them for labor performed in producing, or furnishing saw-logs, spars, piles, cordwood, fuelwood, shingle bolts and other timber, or lumber or shingles manufactured therefrom, its provisions shall be liberally construed to effect such purposes.

Act to be liberally construed.

## ARTICLE V

### LIENS OF CANNERY WORKERS AND FISHERMEN

Section 37. WHO ENTITLED TO LIEN. Any person who contributes to the preparation of fish or aquatic animals, for food, fish meal, fertilizer, oil or other article of commerce, by furnishing material and labor, or either, therefor, shall have a lien upon the product or output of the cannery, saltery or other plant or establishment, for which such material or labor was furnished, as well as upon such plant or establishment itself, including the houses, wharves, machinery and equipment thereunto belonging, for the value of such labor and material; this provision shall not be construed as to give a lien to any officer of a corporation or of an association for labor or material furnished by him to such corporation or association; nor shall

Liens on fish, fish products, etc., who entitled.

it be construed to give a lien to a superintendent, manager, foreman, contractor or sub-contractor in charge of any cannery, saltery or other plant or establishment for labor or material which he shall have furnished to such plant or establishment; nor shall it be construed to give a lien to the owner or lessor of a plant or the equipment thereof for the use or rental of the same.

Section 38. LIEN FOR WORK OR LABOR PERFORMED OR MATERIAL FURNISHED DURING WHAT TIME. The person rendering the service or doing the work or labor or furnishing the material mentioned in the preceding section is only entitled to the liens as provided herein for service, work or labor or material furnished for the period of six months or any part thereof, next preceding the filing of the claims as provided in the following section.

Lien binds property no longer than six months.

Lien notice to be filed, when.

Section 39. LIEN NOTICE WHEN TO BE FILED; CONTENTS. Every person claiming the benefit of this article shall, within ninety days after the rendition of the work or labor or the furnishing of material mentioned in section 37, file for record in the recorder's office of the precinct in which the product or output of the plant, cannery, saltery or other establishment for which such material or labor was furnished, and/or in which such cannery, saltery or other plant or establishment on which the lien is claimed, is situated, his claim of lien, which claim of lien shall contain a true statement of his demand and the amount thereof, after deducting all just credits and offsets, with the name of the person by whom he was employed or at whose request the material was furnished, and a statement of the terms and conditions of his contract of employment or under which the material was furnished, with a description of the property on which the lien is claimed sufficient for identification, and the name of the owner or reputed owner thereof. The lien claim shall be verified by the oath of the lien claimant or

Contents.

someone in his behalf having knowledge of the facts; in case there is no express contract of employment or for furnishing the material the claim shall state the reasonable value of such work, labor or material.

Section 40. PRIORITIES. The liens provided for in this article shall bind all the right, title and interest of the person, firm or corporation at whose instance or request or for whom the work or labor was performed or material furnished, to the full extent of the interest which such person, firm or corporation had at the commencement of the work or at the time the material was furnished, for which the lien is claimed, or subsequently acquired up to the time of foreclosure of such lien, in and to all of the product or output of the cannery, saltery or other plant or establishment for which such material or labor was furnished, and in and to the plant or establishment itself, including the houses, wharves, machinery and equipment therein or thereunto belonging.

Lien binds all right, title, etc., of party for whom work done.

Such liens shall be preferred liens and prior and superior to any mortgage, attachment, claim or demand made or filed, or filed for record in the recorder's office of the precinct wherein the property subject to such liens may be situate, subsequent to the commencement of the work or labor for which such liens are claimed, or subsequent to the time the material was furnished for which such liens are claimed, and no sale, transfer, mortgage, assignment or attachment filed, or filed for record subsequent to the commencement of such work or labor, or furnishing of such material, shall have the effect of postponing such liens; PROVIDED, HOWEVER, That the liens in this article created shall not be prior or paramount to any valid prior lien for labor performed or material furnished in the construction, alteration or repair of the houses, wharves or other shore property.

Priorities.

Proviso.

Lien binds property no longer than six months unless—

Section 41. LIENS TO BIND PROPERTY HOW LONG. No lien provided for in this article shall bind any property for a longer period than six months after the same shall have been filed for record, unless suit be brought before the proper court within that time to enforce the same, or if credit be given, then within six months after the expiration of such credit; but no lien shall be continued in force for a longer period than one year from the time of cessation of the work or labor or the furnishing of the material, by any agreement to give credit.

Marshal to be receiver.

Section 42. MARSHAL TO BE RECEIVER; WHEN; UNDERTAKING FOR DISCHARGE. The United States marshal of the division in which the lien is filed shall be the receiver, when one is appointed, and the district court upon a showing made may appoint such receiver without notice, who shall be allowed such fee as may seem just to the court, which fees shall be accounted for by such marshal as other fees collected by him in his official capacity: PROVIDED, That at any time when any property subject to the lien herein provided is in the custody or about to be taken into custody of such marshal under the provisions hereof, any person claiming any interest therein may deposit with the clerk of the court in which such action is pending a sum of money equal to the value of the property, but not greater than the amount of the claims sued upon together with one hundred dollars to cover costs and interest (unless the court shall make an order fixing a different amount to cover such costs and interest) and shall have the right to demand and receive forthwith from such marshal the possession and custody of such property.

Proviso.

Purchasers not deemed bona-fide owners—when.

Section 43. BONA FIDE PURCHASER; PRESUMPTION AGAINST. It shall be conclusively presumed by the court that a party purchasing any property on which a lien may be claimed, within the time allowed for the filing of such lien, is not an innocent purchaser

for value, nor that he has become a bona fide owner of the property subject to such lien, unless it shall appear that such purchaser has paid the reasonable value of the property and that the purchase price for the same has been applied to the payment of such bona fide claimants as are entitled to liens upon such property as herein provided.

Section 44. ENFORCED AGAINST PART OF PROPERTY; PRIORITY BETWEEN CLAIMANTS. Any person who shall bring a suit to enforce the lien herein provided for, or any person having a lien as herein provided for, who shall be made a party to any such action, has the right to demand that such lien be enforced against the whole or any part of the property upon which he has performed labor or for which he has furnished material. Where there are several lien claims against the same property or partly against the same property and partly against separate property, and it shall appear to the court that the property which may legally be held for the claims is insufficient to satisfy all the claims, the court shall, as nearly as practicable, determine what particular item of the property subject to the lien is the product in whole or in part of the labor or material furnished by each of the several claimants and for which each claims a lien, and shall give preference accordingly.

May be enforced against whole or part of property.

Priorities.

Section 45. PROPERTY SUBJECT TO LOSS OR DESTRUCTION; SALE BEFORE JUDGMENT. When it is made to appear, during the term or in vacation that the property is liable to loss or destruction, the court shall order it sold, free of the lien, by the marshal, in the manner provided for the sale of personal property or execution, before the judgment is rendered, and the proceeds of such sale must be paid into court to be applied as in the judgment directed.

Property may be sold before judgment, when.

Section 46 LIABILITY FOR INJURY, ETC. TO PROPERTY. Any person, firm or corporation who

Action for damages against party cloining or injuring property.

shall eloin, injure or destroy, or who shall render difficult, uncertain or impossible of identification any property on which there is a lien as provided in this article, without the written consent of the person entitled to such lien, shall be liable to the lien holder for the damages to the amount secured by his lien together with costs and charges of drawing and recording such lien and reasonable attorneys' fees for the foreclosure thereof, and the same being shown to the court in the suit to enforce said lien, it shall be the duty of the court to enter a personal judgment for the amount of the said damages in such action against the said person, provided he be a party to such action, or the damages may be recovered in some other civil action against such person.

Liens may be released on filing bond, when.

Section 47. RELEASE UPON FILING BOND. At any time after a lien has attached upon any property mentioned in this Article, the owner of such property, or any person in his behalf, may file with the clerk of the District Court of the Division in which such property is situated, a bond in a sum double the amount claimed in the lien notice, executed by two sureties having the qualifications of bail upon arrest, to be approved by the Clerk of such District Court, running to the claimant in such lien notice and conditioned for the payment of all damages, costs, charges and disbursements that may be recovered by the lien claimant against the owner, or that may be found to be a lien upon or against the property described in the lien notice; the said clerk shall issue to the owner or other person a certificate stating that the bond is substituted in lieu of such property and that the lien on such property is forever released and discharged, and a marginal entry of such release and substitution of bond shall be made in the lien docket in the office of the United States Commissioner where such lien statement is recorded, and if the lien claimant establishes the validity of his lien by a suit to enforce

the same, he shall be entitled to judgment or decree against the principal and sureties in said bond; Provided, that nothing in this section shall deprive any person of any defence which he would have had if such bond had not been given. The filing of the bond as in this section provided, shall in no way affect the time within which the foreclosure suit must be commenced.

Section 48. REMOVING LIENABLE OR LIENED PROPERTY FROM TERRITORY; PUNISHMENT; UNLESS BOND IS GIVEN. Any person who shall remove or cause to be removed from the Territory any fish, fish products or the products of any aquatic animal, or any fishing appliances, upon which there shall be a lien or right of lien under the provisions of this article, unless a bond as provided in the foregoing section has been fully approved and filed, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than two thousand dollars or by imprisonment for not more than six months, or by both such fine and imprisonment in the discretion of the court.

Penalty for removing lienable or liened property, when.

Bond on removal.

Section 49. SELLER OF LIENABLE PROPERTY TRUSTEE FOR LIEN CLAIMANTS; FAILURE TO ACCOUNT FOR PROCEEDS; PUNISHMENT. Any person who shall sell or otherwise dispose of any fish or the products of any fish or aquatic animals or any other property upon which there shall be a lien under the provisions of this article, shall be deemed a trustee for the lien claimants of the consideration received for or promised to be paid for such property and shall account to the lien claimants therefor, and any such trustee who refuses or fails to so account for all of such trust funds, or refuses or fails to apply the same in payment of the lien claims, shall be deemed guilty of embezzlement and shall upon conviction be punished accordingly. PROVIDED, HOWEVER, If it be made to appear, in any prosecution hereunder, that

Seller of lienable property trustee—when.

Accounting for proceeds.

Proviso.

the defendant has paid all claims of lien upon the property so removed from the Territory or that the full value of such property has been distributed among the persons entitled to such liens, the defendant shall be discharged and no further proceedings shall be brought against him.

Section 50. STATEMENT TO BE FURNISHED WORKERS WHEN PLANT IS ENCUMBERED; CONTENTS; PUNISHMENT FOR FAILURE TO FURNISH. Any person who employs another or others to perform work or labor at any cannery, saltery, or other plant or establishment in this Territory for the catching or preparation of fish or aquatic animals for food, fish meal, fertilizer, oil, or other articles of commerce, which plant or establishment, at the time of such employment, is subject to any lien, mortgage, encumbrance, or the provisions of any transfer or conditional sale, or who is not the owner of such plant or establishment, or of the boats or fishing gear therewith connected, shall furnish to each person so employed at the time of his employment, or, in any event, not later than the time at which the person so employed is brought within the Territorial boundaries of Alaska, a written statement showing:

(a) The name of the owner or owners of the plant or establishment at or in connection with which the person so employed is to work or labor;

(b) A general description of such plant or establishment as to buildings, boats and other gear and material;

(c) Whether any of such property is subject to any lien, mortgage, encumbrance, assignment or conditional sale and, if so, the amount thereof.

Failure to furnish a statement by this section required, shall be a misdemeanor and any person guilty thereof may be prosecuted therefor in the courts of

Employer to furnish employees statement of encumbrances on plant, when.

Contents of statement.

Penalty for failure to furnish statement.

the Territory and upon conviction shall be punished by a fine of not more than two thousand dollars or by imprisonment for not more than six months or by both such fine and imprisonment in the discretion of the court, PROVIDED, HOWEVER, upon any prosecution brought under this section, the person so prosecuted may show in defense that the claims for labor of all persons so employed but to whom such statements were not furnished, have been paid in full, whereupon he shall be discharged. Proviso.

## ARTICLE VI

### WATCHMEN'S LIEN

Section 51. LIEN ON PROPERTY WATCHED. Any person employed as watchman for any property, whether real or personal, shall have a lien upon such property for the wages or salary earned by him as such watchman for such property. Who entitled to lien as watchman.

Section 52. LIEN FOR SERVICES DURING WHAT TIME. The person rendering the services or doing the work or labor named in the preceding section is only entitled to the lien as provided herein for services, work or labor for the period of nine months or any part thereof, next preceding the filing of the claim of lien as hereafter provided. Lien for period of nine months.

Section 53. VERIFIED CLAIM WHEN FILED; CONTENTS. Every person claiming the benefit of this article shall within ninety days after the rendition of the services or the cessation of the labor mentioned in the preceding section, file for record in the recorder's office of the precinct in which the property on which the lien is claimed is situated, his claim of lien, which claim shall contain a true statement of his demand and the amount thereof after deducting all just credits and offsets, with the name of the person by whom he was employed and a statement of the terms and conditions Claim of lien, when and where filed.  
Contents of lien claim.

of his contract of employment, together with a description of the property on which the lien is claimed sufficient for identification and the name of the owner or reputed owner thereof. The lien claim shall be verified by the oath of the claimant or some one in his behalf having personal knowledge of the facts and in case there is no express contract of employment the claim shall state what the work, labor or services were reasonably worth.

Recorder to record lien.

Section 54. RECORD AND INDEX; FEES. The recorder shall record the lien claim in a record book kept for that purpose, which record shall be indexed and for which he shall receive the same fees as are allowed by law for recording deeds and other instruments.

Liens bind property no longer than six months, unless—

Section 55. HOW LONG IN FORCE. No lien provided for in this article shall bind any property for a longer period than six months after the same shall have been filed for record, unless suit be brought before the proper court within that time to enforce the same, or if credit be given, then within nine months after the expiration of such credit; but no lien shall be continued in force for a longer period than one year from the time of cessation of the work or services by any agreement to give credit.

Lien binds all right, title, etc., of party for whom work done.

Section 56. PRIORITY OVER OTHER LIENS. The lien provided for in this article shall bind all the right, title and interest of the person or persons at whose instance or request or for whom the work or services were performed, to the full extent of the interest which such person or persons had at the commencement of the work or services for which the lien is claimed; or subsequently acquired up to the time of the foreclosure of such lien, in or to the property upon or about which the work or services were performed. Such lien shall be preferred and prior and superior to any mortgage, attachment, claim or demand made or filed for record

Priorities.

in the recorder's office of the precinct wherein the property subject to such lien may be situated, subsequent to the commencement of the work or services for which such lien is claimed, and no sale, transfer, mortgage, assignment or attachment filed, or filed for record subsequent to the commencement of such work or services shall have the effect of postponing such lien; PROVIDED, That such lien shall be of equal rank with other liens filed or claimed against such property, for work, labor or services performed or bestowed thereon in the erection, construction, repair or preservation of the same.

## ARTICLE VII

### GENERAL PROVISIONS CONCERNING ALL LIENS

Section 57. EMPLOYMENT DEEMED CONTINUOUS; WHEN. The fact that any lien claimant may have been employed at different kinds of labor or at different rates of wages during the period of his general employment, shall not be deemed an interruption of the continuity of his employment; and no temporary cessation of employment of the lien claimant under an understanding of resumption thereof within a reasonable time, shall be considered an interruption of the continuity of employment so as to cause the time to run within which the notice of the lien is required to be filed for record.

Employment  
continuous,  
when.

Section 58. JOINDER IN LIEN STATEMENT. Any number of persons claiming liens under this chapter against the same property, may join in one statement of lien; in such case the consolidated statement of liens shall be verified by the oath of one or more of the claimants having knowledge of the facts.

Any number  
lien claimants  
may join—  
verified, how.

Section 59. FORECLOSURE IN DISTRICT COURT; COSTS AND ATTORNEY FEES; PREFERENCE ON TRIAL CALENDAR. Whenever an action is required

Actions to foreclose in District Court.

to enforce any of the liens provided for in this chapter, such action shall be commenced in the district court of the division in which the property upon which such lien attaches is situate; the pleadings, practice and other proceedings, except as in this article otherwise provided, shall be governed by the laws of the Territory regulating the mode and manner of trial of actions to secure property so as to hold it for the satisfaction of any lien against it.

Costs and Attorneys fees allowed.

In all such actions the court, in entering judgment shall allow as part of the costs all moneys paid for drawing the lien; also all moneys paid for filing and recording of the lien claim and a reasonable attorney fee for the foreclosure thereof.

Trials to have preference on civil calendar.

All actions to enforce any lien created by this chapter shall have preference upon the calendar of civil actions before the court and shall be tried without unnecessary delay.

Any number lien claimants may join in foreclosure.

Section 60. JOINDER IN FORECLOSURE SUIT. Any number of persons claiming liens against the same property may join in the same action, and when separate actions are commenced the court may consolidate them.

No mistake or error to invalidate lien or pleading.

Section 61. MISTAKES IN NOTICE OR PLEADINGS TO BE DISREGARDED. No mistake in formality or lack of statement, either in the lien notice or the pleadings, shall be ground for dismissal or unnecessary delay in the action to foreclose a lien. Substantial compliance with the provisions of law, relative to the contents of the lien notice shall be deemed sufficient, provided that such notice shall satisfactorily show the name of the claimant, the amount of his demand, the time of his employment, the property sought to be charged with the lien sufficient for identification and the name of the owner or reputed owner thereof. The inclusion of non-lienable items in the amount of the claimant's demand or error in the terms and conditions of the contract of employment, if there be any contract

of employment, or other error in the lien notice, made in good faith, shall not be deemed material, unless such error shall affect the substantial rights of the adverse party, acquired in good faith without notice; and the lien notice and pleadings may be amended at any time before judgment. If it be shown that a material statement or averment has been omitted or misstated it shall be ground for a reasonable delay or continuance to enable opposing parties to meet such amendment, and no nonsuit or dismissal shall be entertained in such action except upon the merits of the cause.

Section 62. PARTIES DEFENDANT. In all actions to foreclose any lien created by this chapter, all persons personally liable and all lien holders whose claims have been filed, and all other persons interested in the matter in controversy or the property sought to be charged with the lien may be made parties and such as are not made parties shall not be bound by the proceedings.

Interested parties to be joined in proceedings.

Section 63. JUDGMENT WHEN LIENED PROPERTY IS CLAIMED BY DIFFERENT PARTIES. Should a lien claim be filed for the same labor against two separate kinds of property owned or claimed by different persons, the court shall adjudge the liability of each kind of property and designate which shall be sold first to discharge the amount of the lien claim.

Court to adjudge liability of kinds of property.

Section 64. SEVERAL JUDGMENT FOR EACH CLAIMANT. In every suit for the enforcement of liens judgment must be rendered in favor of each person having a lien for the amount due him, and the court shall order any property subject to the lien to be sold by the marshal in the same manner that property is sold on execution, or in such other manner as the court may deem proper, and the proceeds of such sale shall be apportioned to the payment of each judgment pro rata, if the amount be insufficient to pay them in full.

Judgment for each lienor—proceeds of sale to be apportioned by court.

Court to declare  
rank of several  
lienors.

Section 65. JUDGMENT TO DECLARE PRIORITY. In every case in which different liens are asserted against any property, the court in its judgment must declare the rank of each lien or class of liens, which shall be in the following order:

1: All laborers other than contractors or subcontractors;

2: All material men other than contractors or subcontractors;

3: Subcontractors;

4: The original contractor;

and in case the proceeds of sale of such property shall be insufficient to pay all lienholders under it:

1: The liens of all laborers other than the original contractor and subcontractor, shall first be paid in full, or pro rata if the proceeds be insufficient to pay them in full;

2: The lien of material men, other than the original contractor or subcontractor shall be paid in full or pro rata if the proceeds be insufficient to pay them in full;

3: Out of the remainder, if any, the subcontractors shall be paid in full, or pro rata if the remainder be insufficient to pay them in full, and the remainder, if any, shall be paid to the original contractor, and he shall be entitled to execution for any balance due him after such distribution.

Lien claimant  
to acknowledge  
satisfaction—  
penalty for  
failure.

Section 66. Whenever any lien has been paid and satisfied it is the duty of the lien claimant to acknowledge satisfaction thereof and if any lien claimant fail to acknowledge satisfaction thereof as aforesaid, he shall be liable to any person injured by such failure equal to the amount of such injury and the costs of any action brought to recover the same.

Section 67. ACTION AT LAW NOT BARRED. Except as herein otherwise expressly provided, nothing in this Act contained shall be construed to prevent any lienor under any contract from maintaining an action at law thereon in like manner as if he had no lien for the security of his debt and the bringing of such action shall not prejudice his rights under the provisions of this Act. Ex-Action at Law not barred.

Section 68. RIGHT TO LIEN CANNOT BE WAIVED BEFORE ACCRUAL. No agreement or contract by any person mentioned in Articles 1, 2, 4, 5 and 6 of this Act to waive his or her right to acquire a lien as in said Articles provided, shall be valid, but every such contract or agreement shall be absolutely void. Waiver of lien rights not valid.

Section 69. PROVISIONS OF ACT TO BE LIBERALLY CONSTRUED. The intent of this Act is hereby declared to be remedial and its provisions shall be liberally construed. Act to be liberally construed.

Section 70. REPEALS. All Acts or parts of Acts in conflict herewith are hereby repealed.

Approved May 4, 1933.

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## CHAPTER 114.

### AN ACT

[S. B. 118]

To further define the powers and authority of the Territorial Board of Education; to repeal all Acts and parts of Acts in conflict with any of the provisions of this Act and to declare an emergency.

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

Section 1. The Territorial Board of Education is hereby charged with the administration of the public school system in this Territory and in order to reorgan- Powers and authority of Board of Education defined.