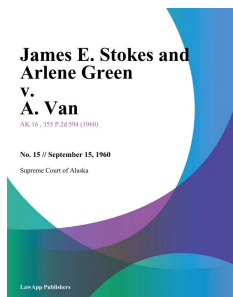


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JAMES E STOKES AND ARLENE GREEN V A VAN EBOOKS 2019



Author: Supreme Court of Alaska

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AREND, Associate Justice. The basic problem here is whether the courts of Alaska may by interlocutory order or provisional remedy require the defendants in an ejection action to pay into the registry of the court, pending judgment, a reasonable monthly rental for their use of the property in litigation. We say, no. Before elaborating on our answer, however, we need to consider first a procedural question involved, and that is whether such an order is an appealable order. A brief summary of the facts of the case will simplify our treatment of the problems presented. On October 10, 1958, the plaintiffs-appellees started an action in ejection in the District Court for the District (Territory) of Alaska, Third Judicial Division against the defendants who are the appellants herein. The complaint contains the usual allegations of ownership, ouster and damage, followed by a prayer that the plaintiffs be restored to possession with damages for the withholding of such possession. In addition the plaintiffs set forth what they consider to be the reasonable rental value of the subject property and ask the court to require the defendants to pay such rent pendente lite.

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