

Original

Mining

IN THE HOUSE

BY MESSRS. EASTAUGE AND
HENDRICKSON

HOUSE BILL NO. 94

IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

TWENTY-FIRST SESSION

A BILL

For an Act entitled: "An Act to provide for the marking of, and the use of a brand on logs, and making it a misdemeanor to falsely or fraudulently use the brand of another person or to sell, dispose, convert or appropriate branded logs of another person, and prescribing penalties therefor."

BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF ALASKA:

Section 1. Any owner of logs, poles, piles, or timbers, which he puts, or causes to be put, or intends to put into any coastal water, lake, river, creek or other waterways of Alaska for the purpose of rafting or transporting by floating or towing may apply to the Territorial Auditor for the right to exclusively use a distinctive mark or brand with which to identify them, by making written application to the Auditor and submitting therewith a diagram or design on paper of the proposed mark or brand, and paying a fee of \$5.00 to the Auditor, who shall promptly register such mark or brand in his office and issue a certificate to such owner granting the owner the exclusive use of such mark or brand for a period of five years; provided, no identical mark or brand or so similar in design as not to be clearly distinguished therefrom has been previously registered in the name of another person. ~~Should two or more persons simultaneously apply for an identical or similar mark or brand,~~

1 the Auditor shall award exclusive use thereof to the applicant
2 who is equitably best entitled thereto. The records in the
3 Auditor's office pertaining to such marks or brands shall be
4 open to public inspection.

5 Section 2. The right to the exclusive use of any such
6 registered mark or brand shall cease at the end of five years
7 after it is so registered, unless renewed by the Auditor upon
8 application, together with the payment of a fee of \$5.00, to
9 him within said five year term. Renewals may be so made
10 successively for five year terms.

11 Section 3. Every log, pole, pile or timber, which displays
12 upon at least one of its ends such a registered mark or brand,
13 shall be presumed to be the sole property of the person in whose
14 name such mark or brand is registered by the Auditor.

15 Section 4. Each registered mark or brand shall be the sole
16 property of the person in whose name it is registered. It may
17 be sold, hypothecated, assigned, and otherwise transferred ~~as~~
18 *and* in the same manner as, and shall constitute, personal
19 property.

20 Section 5. Every person holding in his name a registered
21 mark or brand shall within not less than thirty days after the
22 Auditor issues him said certificate for its exclusive use, file
23 such certificate, or a certified copy thereof, for record with
24 the recorder of the Recording District or Districts wherein he
25 intends to use such mark upon logs, poles, piles or timbers.
26 Every conveyance, mortgage, assignment, and other transfer of
27 any such mark or brand shall be registered with the Auditor, who
28 shall charge and collect a fee of \$5.00 therefor; and, a true
29 copy thereof shall also be filed for record with the Recorder of

1 the recording district wherein such person intends to use such
2 mark or brand upon logs, piles, poles or timbers.

3 Section 6. The Auditor shall, biennially as of December 31
4 of even numbered years, publish a current list of log brands;
5 such lists shall show the design of each such brand, the name
6 and address of the owner, the date the brand was registered, and
7 any assignment of any brand during the past biennium. Copies of
8 the list shall be available to the public upon request.

9 Section 7. Any person, who shall fraudulently mark any log,
10 pole, pile or timber with any mark or brand which he knows or has
11 reasonable cause to know is the registered mark or brand of
12 another person, or who knowingly alters, defaces, obliterates or
13 destroys any such registered mark or brand impressed or displayed
14 upon any log, pole, pile or timber, or who shall knowingly sell
15 or dispose of, or attempt to sell or dispose of, or to convert or
16 appropriate to his own use, without the written consent of the
17 owner, any log, pole, pile or timber impressed with or displaying
18 upon it any such registered mark or brand of another person, shall
19 be guilty of a misdemeanor and, upon conviction, shall be subject
20 to a fine of not more than \$1,000.00, or to imprisonment for not
21 more than six months in jail, or to both such fine and imprison-
22 ment.

23 Section 8. Upon request and payment of a fee of \$5.00, the
24 Auditor shall furnish to any person requesting it a certified
25 copy of any registered mark or brand and of any sale, assignment,
26 hypothecation, or other transfer thereof. Such certified copy
27 of any such registered mark or brand and of any sale, assignment,
28 or other transfer thereof shall constitute prima facie evidence
29 in any court in the Territory of the ownership of any log, pole,
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1 pile or timber impressed with or displaying any such recorded
2 mark or brands. Registration by the Auditor and filing for
3 record in the records of the recording district shall constitute
4 constructive notice of the ownership of such mark or brand, and
5 of sales, assignments, hypothecations, and other transfers
6 thereof.

7 Section 9. All fees payable to and collected under this
8 act by the Auditor shall be promptly converted by him into the
9 general fund of the Territory.

10 *passed 1/25/55*

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