

lature, the sum of five thousand dollars, or so much thereof as may be necessary.

Approved, April 30, 1913.

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## CHAPTER 79.

(H. B. No. 91.)

AN ACT to create, establish and provide for liens on mines in favor of laborers and materialmen, and repealing all acts and parts of acts in conflict herewith.

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

Who are lienors  
and what prop-  
erty subject to  
lien

Section 1. Every person who shall perform labor upon, or furnish material for the working or development of any mine, lode, mining claim or deposit yielding or containing coal, metal or mineral of any kind, or for the working or development of any such mine, lode, mining claim or deposit in search of any coal metal or mineral; and any person who shall do work upon or furnish materials for any shaft, tunnel, incline, adit, drift or other excavation designated for the use, or working, or draining of any such mine, lode, mining claim or deposit; and any person who aids or assists in the kind of work hereinbefore described by his labor as cook, engineer, fireman, or in cutting or delivering wood used or intended to be used in such work; and any person who shall do work on or furnish material for any road, tramway, trail, flume, ditch or pipe line, building, structure or superstructure, dredge, steam shovel or machinery, used for, or in connection with the working or development of any such mine, lode, mining claim, deposit, shaft, tunnel, incline, adit, drift or oth-

er excavation; and any person who shall perform labor or service in freighting or packing any material or supplies for the use, working, or development of any such mine lode, mining claim, deposit, road, tramway, trail, dredge, steam-shovel, machinery, flume, ditch, or pipe line, building, structure or superstructure, shall have a lien upon such mine, lode, mining claim, deposit, road, tramway, trail, flume, ditch or pipe line, building, structure, superstructure, dredge, steam shovel or machinery to secure to him the payment for the work or labor done, or material furnished, which lien shall attach in every case to such mine, lode, mining claim, deposit, and the ore, gold bearing earth, rock, gravel, sand, gold, gold dust or other precious mineral mined, taken and extracted from such mine, lode, mining claim, deposit, shaft, tunnel or other excavation, road, tramway, trail, flume, ditch or pipe line, building, structure, superstructure, dredge, steam shovel or machinery owned or used in connection with the operation and development of the same.

Sec. 2. When two or more mines, lodes, mining claims or deposits are owned or claimed by the same persons and worked through a common shaft, tunnel, incline, adit, drift, or other excavation, or over one tram, or at one mill or other reduction works, then all the mines, lodes, mining claims or deposits so worked, and all roads, tramways, trails, flumes, ditches or pipe lines, buildings, structures, superstructures and all machinery, used or worked in connection therewith, shall, for the purpose of this act, be deemed one mine.

Sec. 3. The provisions of this act shall not be deemed to apply to the owner or owners of any mine, lode, mining claim, or deposit, shaft, tunnel, incline, adit, drift or other excavation, road, tramway, trail, flume, ditch, pipe line, building, structure, superstructure, dredge, steam shovel or machinery when the same shall be worked by a lessee or lessees, or by any person or persons other than the owner; provided, the lessor or lessors or other person or

When lien extends to adjoining mine

Provisions where mine is worked under lease

persons other than the owner of any such mine, lode, deposit, shaft, tunnel, incline, adit, drift or other excavation, millsite or mill, shall have recorded in the office of the recorder wherein any such mining property is situated, a copy of such lease or any other instrument, before the work shall have begun on such property; Provided further, that the owner or owners of any such mine or mines, lodes, deposits, shaft tunnel, incline, adit, drift or other excavation, mill or millsite, before the work shall have begun on such property, shall have posted at not less than three conspicuous places upon such mine, lode, deposit, shaft, tunnel, incline, adit, drift, or other excavation, mill or millsite, at or near the place thereon where the same is being worked or developed, a notice in writing, signed by the owner or owners of such property, stating the name or names of the lessee or lessees or other person or persons other than the owner operating said property, and that the owner or owners thereof will not be responsible for any debt or debts contracted by the lessee or lessees or other person or persons other than the owner, in connection with the working, operation or development of such property, or for any work, improvement or development thereon under such lease or other instrument. The failure of any owner or owners of such property to post the notices above provided for, shall be deemed conclusive proof of the consent of such owner or owners that his or their interest in such mine shall be subject to any lien filed under the provisions of this act; provided, however, that the person entitled to a lien under the provisions of this act for labor performed shall have a lien on the leasehold interest and on all of the ores and mineral bearing rock, earth, dirt, gold and gold dust and other precious minerals mined, taken and extracted by the lessee.

Lien preferred

Sec. 4. The lien provided for in this act is a preferred lien, and is prior to any lien, and no sale, transfer, mortgage or assignment of any mine, mining claim or other

property, the subject of the lien under this act, shall divert or defeat the lien thereon, except as hereafter provided, but no lien provided for in this act shall bind any such mine, lode, deposit, shaft, tunnel, incline, adit or other excavation, or any road, tramway, trail, flume, ditch, pipe line, building, structure, superstructure, dredge, steam shovel or machinery used for or in connection with the working and development of any such mine, lode, mining claim or deposit for a period longer than six months after the same shall have been filed, unless suit be brought in a proper court within that time to enforce the same; or, if a credit be given, within six months after the expiration of such credit; but no lien shall be continued in force for a longer time than one year from the time work is completed by any agreement to give credit.

Sec. 5. The lien provided for in this act shall not be prior to a mortgage executed in good faith and for a valuable consideration and recorded in the office of the recorder for the precinct in which the property covered by said lien is situated, in accordance with the recording laws now in force in the Territory of Alaska; Provided, however, that the mortgagee shall post or cause to be posted upon the mining premises or property, notices of his said mortgage, in the same manner as notices of non-liability are to be posted under the provisions of this act, which notices shall contain and state the date and amount of the mortgage, the volume and page of the records where recorded, and a description of the property mortgaged, but the priority of such mortgage shall only attach from the time that notice thereof is posted upon the mine or mining premises or property, and then only as to such labor performed or material furnished after the date of such posting and recording. The provisions in this act as to priority of liens therein mentioned, shall not apply to any leasehold interest, or to the ore, earth, rock, gravel, sand, gold, gold dust or other precious minerals extracted from any mine, lode, mining claim, de-

Expiration of  
lien

When mort-  
gage prior to  
lien

posit, shaft, tunnel, incline, adit, drift or other excavation by any lessee or lessees or other person or persons not the owner of such property; and such lien shall be prior to and preferred over any deed, mortgage, attachment or any other lien whatsoever, whether the same was given or made prior to the performance of such labor or not.

Sec. 6. All acts and parts of acts in conflict herewith are hereby repealed to the extent of such conflict.

Approved, April 30, 1913.

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## CHAPTER 80.

(H. B. No. 94.)

AN ACT to provide for the acceptance and use of the United States Marine Barracks buildings at Sitka, Alaska, as a home for indigent prospectors and others who have spent their years in Alaska and become dependent, and to create a commission for the government of the same.

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

Section 1. Trustees. The Marine Barracks buildings at Sitka, Alaska, having been made available as a home for indigent prospectors and others who have spent their years in Alaska and become dependent, shall hereafter be known as the Alaska Pioneers' Home and shall be under the management and control of a board of trustees consisting of the Governor of the Territory and two citizens to be selected and appointed by the Governor, the said appointed members to serve without compensation. The governor of Alaska shall be chairman of said board of trustees, one member, to be designated by the governor,