

## CHAPTER 8.

(S. B. NO. 19.)

AN ACT to regulate the purchase of ore.

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

Section 1. Any person, copartnership, association or corporation in the actual and peaceable possession of any mining claim, under claim or color of title, and engaged in the mining, shipment and treatment, or sale of ores therefrom, shall, as to all persons purchasing such ore or ores in good faith and without notice as herein provided, of the title or claim of title, or ownership of any other person, copartnership, association or corporation thereto shall be deemed to be the lawful owner or owners of such ore or ores.

Possessor of claim deemed to be owner

Sec. 2. Any person who, or copartnership, association or corporation which shall in good faith and in the usual course of business and without notice, as hereinafter provided, purchase and obtain delivery of any ore or ores from any person, copartnership, association or corporation in possession of the mines, mining claim or claims, from which such ore or ores shall have been mined or extracted, shall be deemed the owner or owners of such ores except as herein provided; and he or they shall not be liable to, or subject to any action at law or in equity, for the recovery of the same or the value thereof by any person, copartnership, association or corporation who or which may thereafter be adjudged to be the owner or owners of such mine, mines, mining claim or claims.

Not to be liable to persons thereafter adjudged to be owner

Sec. 3. If any person, copartnership, association or corporation shall be or shall claim to be the owner or owners, or entitled to the possession or enjoyment of any mine, mines, mining claim, claims or premises, then in the possession of some other person, copartnership, association or corporation claiming to be the owner or owners or entitled to the possession thereof, and mining, shipping or treating or selling the ore therefrom, may, if he, they,

Liability of purchasers of ore established

or it shall intend or desire to hold purchasers of or those intending to purchase such ore or ores, responsible for the value thereof, serve or cause to be served upon such purchaser or purchasers, or intending purchaser or purchasers, a notice in writing, which shall contain the name of the mine, mines, mining claim, claims or premises, the name of the person, copartnership, association or corporation claiming or asserting ownership or right to the possession or enjoyment thereof, the name or names of the person, copartnership, association or corporation in possession of and mining, shipping and selling ore therefrom, and warning such purchaser or purchasers, or intending purchaser or purchasers, that he, they or it will be held liable and responsible for all ore or ores by him, them, or it purchased and delivered or to be purchased and delivered from such mine, mines, mining claim, claims or premises by such person, copartnership, association, or corporation, or his, their or its heirs, assigns or agents subsequent to the service of such notice. Within thirty days from and after the service of such notice, the person, copartnership, association or corporation serving or causing to be served the same, shall institute an action to enforce his, their or its title in some court of competent jurisdiction against the person, copartnership, association or corporation in possession of and mining and shipping ore from such mine, mines, mining claim, claims, or premises, and to enjoin him, them or it from the mining or shipment and sale of ores taken therefrom, pending such action, and at once notify such purchaser or purchasers or intending purchaser or purchasers of such ore or ores of the pendency of such action: Provided, that if the notice hereinabove required shall be served after such an action shall have been instituted, it shall not be necessary to commence another under the provisions hereof.

Action must be begun in thirty days

Sec. 4. If any person, copartnership, association or corporation claiming the title to or right of possession of

such mine, mines, mining claim, claims or premises, not having before then brought action, shall serve notice upon any purchaser or purchasers or intending purchaser or purchasers of ore or ores, as provided in section three of this Act, and shall fail or neglect to institute an action as herein required, such notice shall be deemed to have been waived, and the party or parties serving such notice shall be liable to the parties injured thereby in full damages including costs, and such purchaser or purchasers or intending purchaser or purchasers shall not be bound by anything therein contained.

Failure to sue  
constitutes  
waiver of notice

Sec. 5. Any purchaser of ore or ores, who or which shall have received the notice herein provided for, and followed or preceded by the commencement of an action, as herein set forth, and who or which shall purchase or continue to purchase and receive ores taken from the mine, mines, mining claim, claims or premises named therein, shall be liable and responsible for the value thereof to the person, copartnership, association or corporation who or which shall be ultimately adjudged or decreed to be the owner or entitled to the possession thereof.

Purchasers li-  
able to true  
owners after  
notice

Sec. 6. All acts and parts of acts in conflict with the provisions of this Act are hereby repealed.

Approved, April 18, 1913.