

## CHAPTER 10.

## AN ACT

[H. B. 48.]

To supplement the mining laws of the United States in the Territory of Alaska and to repeal an Act, entitled, "An Act to supplement the mining laws of the United States in the application to the Territory of Alaska; providing for the location and possession of mining claims in Alaska and repealing all acts and parts of acts in conflict herewith to the extent of such conflicts," approved April 30, 1913.

*Be It Enacted by the Legislature of the Territory of Alaska:*

Section 1. Any person qualified under the laws of the United States, who discovers upon the public domain within the Territory of Alaska, a placer deposit of gold, or other mineral which is subject to entry and patent under the mining laws of the United States, may locate a mining claim thereon in the following manner, to-wit:

Who may locate placer claims.

1st. He shall post, or write upon the initial post, stake, or monument on the claim, a notice of location containing:

Notice of location—Contents.

- a. The name or number of the claim.
- b. The name of the locator or locators.
- c. The date of discovery and of posting notice on the claim.
- d. The number of feet in length and width of the claim.

This notice shall be known as the location notice.

2nd. He shall distinctly mark the location on the ground so that its boundaries can be readily traced, by placing at each corner or angle thereof substantial stakes, or posts, not less than three feet high above the ground and three inches in diameter, hewed on four sides; or by placing at each corner or angle thereof mounds of earth or rock not less than three feet high and three feet in diameter and the stakes, posts or monuments so used must be marked with the name or number of the claim and the designation, by number, of the corner or angle. The initial stake or monument, shall be one of the corner

Marking location of ground.

stakes, posts or monuments of the claim located.

Brush or trees shall be cut or blazed.

If the claim is located on ground that is covered wholly or in part with brush or trees, such brush or trees shall be cut or blazed along the lines of such claim, so as to be readily traced.

Line stakes or monuments to be used in open country.

If located in an open country, the boundary lines shall be located by placing line stakes or line monuments so as to be readily traced from corner to corner of said claim.

Certificate of location to be recorded.

Section 2. Within ninety days after the discovery and posting of the notice aforesaid, the locator shall record with the Recorder of the District wherein such claim is situated, a certificate of location. Such certificate shall contain:

Contents.

- (a) The name or number of the claim.
- (b) The name of the locator or locators.
- (c) The date of discovery and of posting of the location notice.
- (d) The number of feet in length and width of claim.
- (e) It shall set forth the description with reference to some natural object, permanent monument, or well known mining claim, together with a description of the boundaries thereof so far as applied to the numbering of stakes or monuments.

Failure to record deemed abandonment

A failure to record a certificate of location of claim as herein provided shall operate as and be deemed abandonment thereof, and the ground so located shall be open to re-location; provided, that if a full compliance with the preceding provisions of this act shall have been made before any location by another, such compliance shall operate to prevent the abandonment or forfeiture of such claim and save the rights of the original locator.

Association placer claims not over forty acres.

Section 3. No association placer mining claim shall hereafter be located in Alaska in excess of forty acres, and on every individual or association placer mining

claim located in Alaska after August 1st, 1912, and until patent has been issued therefor, not less than One Hundred (\$100.00) Dollars worth of labor shall be performed or improvements made during each calendar year, including the year of location for each and every twenty acres or fraction thereof and where the title of two or more contiguous placer claims has become vested in the same person or persons, or corporation, the said annual assessment work or improvements may be done or made at any place or places on said contiguous placer claims; provided, that such work or improvements inures to, and is for the benefit of the entire area of such placer claims. In computing the value of assessment work or improvements, the rate of wages paid in the vicinity for similar work, shall be allowed.

Assessment  
work thereon.

Proviso.

Section 4. And it is further provided, that a survey of the claim or claims by a United States Mineral Surveyor may be credited to annual assessment work, but in no case shall the credit for such survey and its attendant expense, exceed the required assessment for one year on the claim or claims surveyed. When credit is sought for such work or improvement, the claimant must file in the Recorder's office in the district in which the claim is situated the field notes of the survey, together with a voucher showing the cost of such survey, properly attested by the surveyor, incorporated into the proof of annual labor as in case of other class of labor or improvements, as provided for in Section Seven (7) of this Act.

Survey may  
be credited to  
assessment  
work—Limit-  
ation—Re-  
quirements.

Section 5. That no individual placer mining location hereafter made shall be more than thirteen hundred twenty (1320) feet in its greatest length; and no association placer mining claim hereafter located shall be more than two thousand six hundred forty (2640) feet in its greatest length.

Great st  
length of plac-  
er claim.

Any location made containing an excess of ground beyond the limits prescribed in this Act, either in area or length, may be re-located as to such excess, but such re-

Excessive lo-  
cation.

location shall be upon that end of the claim farthest from the initial stake, post or monument.

Power of attorney to locate placer mining claims—Requisites.

Section 6. That no power of attorney for the location of placer mining claims in Alaska shall be valid or have any force or effect whatsoever, nor shall any locations made thereunder be valid or have any force or effect unless such power of attorney be duly executed and acknowledged before an officer authorized to administer oaths and recorded in the office of the Recorder for the district in which such claim is located, prior to the date of the filing for record of any location thereunder. And no person shall be authorized to act as agent or attorney for the location of placer mining claims except under written power of attorney duly executed and acknowledged, and no person shall be competent to act as agent or attorney in fact for the location of placer mining claims for more than one individual in any one Recording District during the same calendar month. That no person shall hereafter locate, or cause to be located for himself, more than two placer mining claims in any one calendar month, in any one Recording District, one or both of which locations may be included in association claims.

Not more than two claims may be located by same person in one month.

Affidavit of annual assessment work—Contents.

Section 7. In order to hold a claim or claims after the annual assessment work has been done thereon, the owner of such claim or claims, or some other person having knowledge of the facts, shall make and file an affidavit of the performance of such assessment work with the Recorder of the district in which such claim or claims is or are located, not later than ninety (90) days after the close of the calendar year in which such work was done. or the improvements made, which affidavit shall set forth the following:

- (a) The name and number of the claim and where situated.
- (b) The number of the days work and the character and value of the improvements made thereon.

- (c) The date of the performance of such labor and the making of such improvements.
- (d) The place where such work was done and improvements made with reference to the boundaries of such claim.
- (e) At whose instance the work was done and improvements made.
- (f) The actual amount paid for such work and improvements and by whom paid, when such work was not done or improvements made by the owner.

The failure to file for record the proof of assessment work as herein provided, shall be deemed an abandonment of the location and the claim shall be subject to re-location by any other person, provided, however, that a compliance with the provisions of this section before any re-location, shall operate to save the rights of the original locator, and further provided, that if said placer claim or claims have not been re-located by any other person or persons within one year after such forfeiture, the last locator, claimant or owner of such forfeited claim may return to said forfeited claim or claims and re-locate the same as though the same had never been located.

Failure to file proof of assessment work deemed abandonment.

Proviso.

Section 8. Any person who shall make or subscribe any affidavit required to be made under the provisions of this Act, knowing the statements therein contained, or any of them, to be false, in whole or in part, or without knowing the statements therein contained to be true, shall be deemed guilty of perjury, and upon conviction thereof shall be punished by imprisonment in the penitentiary not less than one year nor more than five years. Any person who shall induce or procure, or shall aid in inducing or procuring another to commit perjury as herein defined, shall be guilty of subornation of perjury and upon conviction thereof shall be punished as herein provided for perjury.

False affidavit —Perjury— Penalty.

Section 9. That any placer mining claim located or attempted to be located in violation of any of the provisions

Claim located in violation

hereof null  
and void.

of this Act, shall be null and void and revert to the public domain and may be located by any qualified locator as if no such prior attempt had been made.

#### LODE CLAIMS.—HOW LOCATED.

Lode claims  
—By whom  
and how locat-  
ed.

Section 10. Any person who discovers upon the public domain of the United States, within the Territory of Alaska, a vein, lode, or ledge of rock in place, bearing gold, silver, cinnabar, lead, tin, copper, or other valuable mineral deposit, which is subject to entry and patent under the mining laws of the United States, may, if qualified by the laws of the United States, locate a lode mining claim upon such vein, lode, or ledge by defining and marking the discovery point and the boundaries of the claim, in the manner hereinafter described, and by posting a notice of such location at the point of discovery.

#### NOTICE OF LOCATION.—Contents of

Notice of loca-  
tion— Con-  
tents of.

Section 11. The notice of location posted upon the claim must contain the following:

First: The name of the lode or claim.

Second: The name of the locator or locators.

Third: The number of linear feet claimed in length along the center line of the claim, each way from the point of discovery, with the width on each side of center line of the claim at the surface, and the general course of the vein or lode, as near as can be determined.

#### DISCOVERY.—How Defined.

Discovery—  
how defined.

Section 12. The discovery upon which the location is based must, at the time of location, be defined upon the ground by the removal of so much of the surface material as may be necessary clearly to expose to view the discovery claimed, and in such manner as to perpetuate its identity, and preserve it, so far as practicable, from obliteration; also its locus must be witnessed by erecting a substantial monument or post, bearing the notice of location, as near the discovery as practicable.

## BOUNDARIES AND EXTENT OF LODE CLAIMS.

Section 13. The locator must so define the boundaries of his claim upon the ground that they may be readily traced, and in no case shall the claim extend more than fifteen hundred (1500) feet along the center line of the claim, nor more than three hundred (300) feet on either side of the center line of the claim, at the surface thereof, as near as can be determined.

Boundaries  
and extent of  
lode claims.

In no case shall the markings of the boundaries of the claim upon the ground consist of less than the following: The erection at each corner of the claim and at each angle in the side lines, if such there be, of a substantial monument or stake, or the blazing of a tree, at least three inches in diameter, each of which shall bear the initial of the lode or claim and a designation as to the point upon the boundaries of the claim which the said monument represents. The center line and both end lines shall be marked by blazing trees or by cutting brush, or the erecting of line monuments, as the nature of the country requires so that the lines of the location may be readily traced upon the ground.

Boundaries—  
how marked

Where the true point for a corner or angle corner is for any reason inaccessible or the erection of a monument thereat is impracticable, a witness monument may be erected as near to the true point as practicable, which witness monument must be so marked as to indicate with reference thereto the position of the true point for the corner or angle point. Such witness corner or monument shall not be of lesser size than is prescribed for other corners.

Witness mon-  
uments

The completion of the marking of the boundaries of the claim upon the ground shall follow the posting of the notice of location within a reasonable time, not to exceed thirty (30) days.

Boundaries to  
be marked  
within thirty  
days from  
date of loca-  
tion.

## RECORD OF LOCATION.

Section 14. Within ninety (90) days of the posting of the location notice upon the claim, a certificate of location

Record of  
location.

shall be recorded with the Recorder of the District within which the claim is located. Such certificate must contain date of location, name or names of locator or locators, and such a description of the claim, with reference to some natural object or permanent monument, as will identify the claim located, and may also contain such further matter as will serve to more completely describe the boundaries and locus of the claim.

#### AMENDED LOCATIONS AND CERTIFICATES.

Amended locations and certificates.

Section 15. A locator or claimant may at any time, subject to intervening rights, amend his location and make any desired change in his boundaries, by marking the location, as amended, upon the ground, and by filing an amended certificate of location, such marking and certificate to conform to the requirements of this Act with reference to an original location.

A defect in a recorded certificate of location may be cured by filing an amended certificate.

#### TUNNEL RIGHT.—Location of.

Tunnel right—location of.

Section 16. Any person who possesses the qualifications necessary for the locator of a lode may locate a tunnel right or location by posting a notice of location at the portal of the tunnel, which notice must contain:

Notice of location—Contents

First: The name of the locator or locators.

Second: The date of location.

Third: The proposed course or direction of tunnel.

Fourth: Such a description of the tunnel, with reference to some natural object or permanent monument as will serve to identify it.

Boundaries of tunnel locations.

Boundaries of the Tunnel Location: The boundaries of the tunnel location shall be marked upon the ground by means of stakes or monuments placed along the proposed course or direction of the tunnel at intervals of not more than six hundred (600) feet from the portal of the tunnel to the terminus of three thousand (3000) feet therefrom, and the line blazed as required under lodes.

Record of Location: Shall be performed as required under lodes. Record of location.

Assessment Work on Tunnel Sites: During each year, including the year of location, five hundred (\$500.00) dollars worth of labor shall be performed or improvements made on each tunnel site heretofore or hereafter located; and proof of such annual labor shall be made and recorded in the manner required under the provisions of this Act relating to lode claims; provided, that the cost of making survey of such tunnel site shall NOT be counted toward such annual expenditure. Assesment work on tunnel sites.  
Proviso: Cost of survey not counted as assessment work.

### LOCATION OF MILLSITE CLAIMS.

Section 17. The proprietor of a lode claim (or the owner of a quartz mill or a reduction works situate upon the land proposed to be located), may locate not more than five acres of non-mineral land as a millsite, by posting thereon a notice of location and by marking the boundaries thereof as hereinafter provided. Millsite claims—Location of

The notice of location must contain:

First: The name of the locator or locators. Notice of location—Contents of.

Second: The name of the lode claim or claims to which the millsite is appurtenant, or of the quartz mill or reduction works, owned by the locator or locators.

Third: The date of location.

Fourth: The amount of surface ground claimed.

Fifth: Such a description of the millsite with reference to some natural object or permanent monument as will identify it.

The boundaries and corners of the millsite must be marked upon the ground in the same manner as required by the Act for lode locations. Boundaries to be marked

Recording shall be performed as required under lodes. Recording

Assessment Work on Millsites: During each calendar year after the year of location and until patent has been issued therefor, at least twenty-five (\$25.00) dollars worth of labor shall be performed or improvements made Assessment work on mill-sites.

upon each millsite claim heretofore or hereafter located in the Territory of Alaska.

Affidavit of annual assessment work.

And the locator or owner of such claim, or some person having knowledge of the facts, shall make and file with the Recorder of the District in which the claim is situate an affidavit showing the performance of labor or making of improvements to the amount of twenty-five (\$25.00) dollars as aforesaid, and specify the character and extent of such work in the manner set forth in this Act under the provisions relating to proof of labor on lode claims.

Fee for filing proof of labor.

And the Recorder shall collect a fee for filing, indexing and recording each such proof of annual labor on millsites, of the same amount and in a similar manner as hereinafter provided under the section of this Act relating to proofs of labor on lode claims.

Proviso: Payment of money in lieu of improvements.

PROVIDED, that the claimant or owner of any millsite claim in the Territory of Alaska shall have the privilege of paying on or before the 31st day of December of the current year to the Territorial Treasurer of Alaska the sum of twenty-five (\$25.00) dollars, lawful money of the United States in lieu of expending the said amount on labor or improvements on the said millsite claim in said current year.

Territorial Treasurer to issue receipt.

The Territorial Treasurer shall issue a receipt therefor, which receipt shall bear upon its face the name of the said millsite claim, the name of the claimant thereto, the name of the person making the payment, and such description of, or reference to the location notice of the said claim as will positively identify it; and the recording of such receipt with the Recorder of the District in which such claim is situate, within ninety (90) days after the issue thereof, shall be deemed the equivalent of the performance of twenty-five (\$25.00) dollars worth of annual labor or making of improvements on or for the benefit of said millsite claim.

Proviso: Cost of survey of millsite claim deemed an im-

PROVIDED, also, that the cost of making a survey of such millsite claim by a United States Mineral Surveyor shall be deemed to fall within the meaning of the term

“making of improvements” as hereinbefore used; the procedure in such case to follow the requirements of this Act relating to the survey of lode claims in all respects. improvement of claim.

SURVEY OF MINING CLAIMS.

Section 18. Where a locator or owner of a lode, tunnel site or millsite claim has all the exterior lines, or the boundaries of his claim surveyed, and the corners established by a United States Mineral Surveyor; corner No. 1 of the location should be connected by course and distance with the nearest corner of the public survey or with a United States Monument, if the claim lies within two miles of such corner or monument. In case the claim is situated in a district where there are no corners of the public survey and no monuments within the prescribed limits, the United States Mineral Surveyor will proceed to establish such mineral monument in accordance with the requirements of the United States Mining Laws. The locator will incorporate into his amended location notice the field notes of said survey which shall contain a certificate by said Mineral Surveyor, setting forth:

First: That such survey was actually made by him in his own proper person, giving the date thereof, and the name of all assistants. Survey of mining claims.  
Certificate of Mineral Surveyor— Contents of.

Second: The name of the claim and locator or locators thereof.

Third: That the description incorporated into the amended location notice is sufficient to identify the locus of the claim.

An amended location notice, including said field notes and accompanying certificate, is prima facie evidence of the facts therein contained, and shall be recorded with the Recorder of the district within which the claim is located. To be recorded

ANNUAL ASSESSMENT WORK.

Section 19. On each location one hundred (\$100.00) dollars worth of labor shall be performed or improvements made during each calendar year until the Register’s final certificate therefor has been issued. Annual assessment work.

Proviso

PROVIDED, that the period within which the work required to be done annually on all unpatented lode claims shall commence on the first day of January succeeding the date of location of such claim; and if the claim includes more than one location, under one ownership, and the locations are contiguous the annual assessment work, to an amount of one hundred (\$100.00) dollars for each included location, may be done in common, provided such work and improvement tends to the benefit of the entire group, in accordance with a systematic plan therefor.

Surveys may be credited as assessment work—Limitation.

Section 20. And it is further provided, that a survey of the claim or claims by a United States Mineral Surveyor may be credited to annual assessment work, but in no case shall the credit for such survey and its attendant expense, exceed the required assessment for one year on the claim or claims surveyed. When credit is sought for such work or improvement, the claimant must file in the Recorder's Office in the district in which the claim lies, the field notes of the survey, together with a voucher showing the cost of such survey, properly attested by the surveyor, incorporated into the proof of annual labor, as in case of other classes of labor or improvements, as provided for in Section 19 of this Act.

#### RECORDING OF AFFIDAVIT OF ANNUAL LABOR.

Affidavit of assessment work to be recorded

Section 21. The owner of a lode claim or claims, or some other person having a knowledge of the facts, shall record with the Recorder of the District wherein such lode claim or claims is or are situated, an affidavit showing the performance of annual labor or the making of improvements to the value of one hundred (\$100.00) dollars upon or for the benefit of each claim.

Proviso: Single affidavit on contiguous lode claims—Contents

PROVIDED, that the owner of a group of contiguous lode claims may incorporate within a single affidavit his proof of labor performed or improvements made upon or for the benefit of each, any or all of the locations embraced within such groups.

In all cases the affidavit shall set forth the following:

First: The name of the claim or claims, and where situated.

Second: A detailed description of the work done or improvements made upon, or for the benefit of each claim, together with the location of the same with reference to the boundaries of the claim.

Third: The date of performance of such labor or of making of improvements.

Fourth: The number of days work done on or for the benefit of the claim, and the character and value of the improvements made.

Fifth: At whose instance the work was done and improvements made.

Sixth: The actual amount paid for such work and improvements, and by whom paid.

Seventh: The wages charged which shall be at the customary daily rate prevailing in the district in which the work is done.

Eighth: A declaration that the time or expense of traveling to and from the claims has not been included in computing the cost of such assessment work.

Ninth: That not more than eight hours work per man in any one day has been charged to such assessment work.

Such affidavit shall be filed with the Recorder of the District within which the claim or claims are located, not later than ninety (90) days from the close of the calendar year during which the work was done or improvements made. <sup>To be filed with recorder</sup>

For the filing, recording and indexing of such affidavit <sup>Fee</sup> the Recorder shall receive the customary fee for the filing of a notice of location of a mining claim in the district wherein he is Recorder, and in addition thereto, the sum of twenty-five (25c) cents for each and every claim included in the affidavit above a single claim, when such affidavit covers a group of contiguous locations.

Should the locator of a lode claim, tunnel site or mill-site, (or his heirs or assigns) fail to comply with any of the provisions of Sections ten (10) to twenty-one (21) <sup>Failure to comply with provisions hereof places burden</sup>

of proof upon  
owner of claim

inclusive of this Act, the burden of proof shall be upon the owner of such claim or claims as to the compliance with the provisions hereof. In the event of any failure, a re-location of the lands involved shall be void if made directly by or indirectly in the interest of, such delinquent locator or his successors in interest, until one calendar year shall have elapsed since the failure obtained.

Ch. 74, Session  
Laws, 1913, Re-  
pealed.

Section 22. That Chapter 74, Alaska Session Laws, 1913, and all other Acts or parts of Acts in conflict with this Act are hereby repealed.

Approved, April 20, 1915.

## CHAPTER 11.

### AN ACT

[H. B. 50.]

To provide for local self-government in certain native villages in the Territory of Alaska.

*Be It Enacted by the Legislature of the Territory of Alaska:*

Self-govern-  
ment in certain  
native villages  
authorized.

Section 1. That any village in the Territory of Alaska, whose inhabitants are members, or descendants of members, of the Thlinget, Tsimpsean, or Hydah Indian Tribes, or other native tribes of Alaska, having not less than forty permanent inhabitants above the age of twenty-one years, may form a self-governing village organization for the purpose of governing certain local affairs, as hereinafter described and in the manner hereinafter provided.

Petition for or-  
ganization—  
Contents of.

Section 2. A petition praying for such village organization shall first be presented to the commissioner, ex-officio probate judge, for the recording district in which such village is situated, which petition shall be signed by at least fifteen adult members or descendants of members of said Thlinget, Tsimpsean, or Hydah Indian Tribes, or other native tribes of Alaska, who are bona fide residents of such village, and shall specify the boundaries and the