

or stream, in the absence of any prior location and appropriation of the waters of said river, creek or stream, shall be entitled as against all subsequent locators of the waters of such stream, to the use of all of the waters of said stream for mining purposes, or as much thereof as are necessary for his use in mining said claim.

Provided: That any person locating the waters of said stream at any point above said mining claim and subsequent to the date of his location, may divert all or any part of the waters of said stream, but whenever the locator of the mining claim shall make demand therefor, such subsequent locator must turn back into the natural channel as much of the waters of the stream as may be necessary for the use of the claim owner in mining his said claim.

Approved May 3, 1917.

CHAPTER 58.

AN ACT

(H. B. 65)

Defining legal fences in the Territory of Alaska and the law of damages for trespass on lands legally fenced.

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

Section 1. LEGAL FENCE DEFINED:

Legal fences defined.

Any one of the following, if not less than four feet in height, shall be a legal fence in the Territory of Alaska.

1. All fences constructed of at least two barbed, horizontal, well-stretched wires, and one (1) board 1 in x 6 in. or pole of equal strength, the lowest of which must be not more than one and a half feet from the ground, securely fastened as nearly equidistant as possible, to substantial posts firmly set in the ground or to well-supported leaning posts not exceeding sixteen feet apart, or twenty-four feet apart where a stay or picket is used midway between posts.

2. All fences constructed of any standard woven wire not less than twenty-eight inches in height, securely

fastened to substantial posts not more than twenty-four feet apart.

Provided, one barbed wire shall be placed above the same at a height of not less than forty-eight inches from the ground.

3. All other fences made of barbed wire which shall be as strong and as well calculated to protect enclosures as those above described, shall be considered legal fences.

4. All other fences consisting of four one inch by six inch boards, or rails not less than two and a half inches in diameter, such boards or rails to be securely fastened to substantial posts not over eight feet apart, and all other fences of equal height and strength.

5. All rivers, hedges, mountain ridges and bluffs or other barriers over or through which it is impossible for stock to pass.

Section 2. That the owners of all cattle or other domestic animals or those persons having possession and control of them shall be liable for all damage done by such cattle or animals to the lands and crops enclosed by a legal fence as defined in this act, which shall be collected by the person entitled thereto, the same as damages in other cases are collected by law, and such person shall have a lien on the cattle or other domestic animals for all damage done by them.

Owners of cattle and domestic animals injuring crops enclosed by legal fence to be liable in damages.

Approved May 3, 1917.

CHAPTER 59.

AN ACT

(S. B. 58)

To amend Chapter 67 of the Session Laws of Alaska, 1915, entitled; "An act regulating the method of choosing jurors in criminal and civil causes in the District Court, and repealing all acts or parts of acts in conflict herewith" approved April 29th, 1915, and repealing all acts or parts of acts in conflict herewith.

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

Section 1. That Chapter 67 of the Session Laws of Alaska, 1915 entitled; "An Act regulating the method of

Amends Ch. 67 S. L. 1915.