

CHAPTER 99.

AN ACT

[S. B. 110]

To compel owners of reindeer to brand or mark such animals; to provide for the recording of brands and marks; to make brands and marks prima facie evidence of ownership; and to declare certain offenses and to provide punishment therefor.

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

Owners of reindeer to make application to Secretary of Alaska for use of brands.

Section 1. All owners of reindeer in Alaska may, on or before January first, 1924, and thereafter from the date of becoming the owner of such animals adopt, own and have an artificial, separate and distinct ear mark or brands with which to mark or brand such reindeer to identify and distinguish them from reindeer owned by others; no earmark however to be such as to require the removal of more than one-fifth of the ear; and they, or their duly authorized agent, may make application therefor, in writing, to the Secretary of Alaska, and if such mark or brand shall be practical in form and distinguishable with reasonable certainty from all other marks and brands already recorded, the said Secretary of Alaska shall record and approve such application, PROVIDED, such application shall contain the name, residence and post office address of the applicant and a facsimile imprint or drawing of the ear mark or brand proposed, adopted or claimed by the applicant, and shall contain a designation of the species of the animals on which and of the position on the animals on which the mark or brand is to be used. If the application or the proposed marks or brands do not conform to the requirements hereof, the same may be amended or changed to conform thereto, and, when found conformable to the provisions of this Act, the said Secretary, upon the payment of the fees therefor, [shall] duly approve said application and record the same in a suitable book kept for such purpose in his office. A button or tag properly marked may be used as a sec-

Secretary to approve and record application.

What application to contain.

Secondary mark may be used.

ondary ear mark and in conjunction with other ear marks may be recorded.

Section 2. The person, firm, association or corporation in whose name any mark or brand is of record as in this Act provided, is entitled to the exclusive use of such mark or brand, or both, on the species of animal and in the position thereon designated in such record; and the said record or a certified copy thereof with the approval aforesaid shall be prima facie evidence of the right to such use, and shall likewise be prima facie evidence that the person, firm, association or corporation entitled to such use is the owner of the animals bearing the marks or brands aforesaid.

Recorded brand to be evidence of ownership.

Section 3. Any ear mark or brand recorded in compliance with the requirements of this Act shall be the property of the person, firm, association or corporation in whose name the same appears of record, and shall be subject to sale, assignment, or transfer as personal property, PROVIDED, that such sale, assignment or transfer shall be evidenced by a written instrument and recorded with the Secretary of Alaska in whose office the record of the mark or brand may be. The record of such instrument, or a certified copy thereof shall, together with the record of the mark or brand sold, assigned, or transferred, be prima facie evidence of the right to use said mark or brand and of the ownership of the animals marked therewith in the assignee in like manner and to the same effect as provided in Section Two hereof.

Assignment of brands, how made.

Section 4. It shall be the duty of the Secretary in whose office ear marks or brands, or the assignment or transfer thereof are recorded, to mail or deliver on the first day of July, 1924, and annually thereafter, to each United States Commissioner in the Territory in whose precinct there may be reindeer, a list of all the marks and brands recorded in his office, which list shall contain a facsimile imprint or drawing of such marks or brands together with the name or names of the

Secretary to annually mail list of brands to Commissioner in precincts where there may be reindeer.

owners thereof and of their residence or residences, if known, and the date of recording such marks or brands and of the assignment thereof, if any; and the said United States Commissioners shall on receipt of such list promptly, securely and conspicuously post the same in his office. A similar list shall at all times be suitably posted in the office of said Secretary, additions being made thereto from time to time as records of marks or brands, or the assignment thereof, if any, are made.

List to be posted.

Section 5. All persons, firms, associations and corporations owning marks or brands recorded as aforesaid shall as soon as may be after the recordation thereof, if not already marked or branded with such mark or brand, mark or brand all reindeer owned by them, with his, their or its said mark or brand, or with both such mark or brand, and on or before August first, 1924, shall have marked, or caused to be marked, all such animals over one year old.

All owners of recorded brands to mark animals by August 1, 1924.

Brand of oldest recorded date in office of Secretary to have preference.

Section 6. If any dispute shall arise about any ear mark or brand, it shall be decided by reference to the record thereof in the office of the Secretary, and the ear mark or brand of the oldest date, as the case may be, shall prima facie have the preference, PROVIDED, that where it shall appear in the application for ear marks or brands that the applicant has for a number of years used a certain ear mark or brand and is the owner of reindeer marked or branded therewith, the Secretary shall approve the application of the applicant whose marks or brands have been in longest use by such applicant or his predecessor in interest as owner.

Proviso.

Fees of Secretary and Commissioner.

Section 7. The Secretary of Alaska shall charge and collect for recording each application for or assignment of, any brand or ear mark, the sum of five dollars, which fee shall include payment for all other services rendered by him in connection therewith, except for certified copies thereof made by him for which copies the same fee shall be charged as for certified copies

made by him generally. The United States Commissioner shall be entitled to charge and collect for certified copies of said lists received by him the usual fee for making certified copies of records in his office; and when such lists, or a certified copy thereof is admitted in evidence in any case in his court, he shall make and file in the case a certified copy of the original list and return the original to its place in the office, and shall collect the fee therefor from the person in whose behalf said list was used.

Certified copies
of list to be
evidence in
court.

Section 8. The list posted in the office of the United States Commissioner may in all cases before him, be used in like manner and to the same effect, as a certified copy of the application and approval of marks or brands may be used as hereinbefore provided.

Section 9. Any person who shall wilfully and knowingly mark or brand, or cause to be marked or branded with his mark or brand any animal not his own, or with any mark or brand not the property of the owner of such animal, or who shall wilfully and knowingly efface, deface or obliterate any mark or brand upon any animal not his own, or shall kill such animal maliciously or with the intent to appropriate the same to his own use, shall be guilty of a misdemeanor and on conviction thereof shall be fined for each offense not exceeding five hundred dollars or be imprisoned in the federal jail not exceeding one year, or punished by both such fine and imprisonment.

Penalty for
misuse of
brands or
marks.

Section 10. Any person, firm, association or corporation the owner of reindeer who shall wilfully violate any of the other provisions of this Act shall be guilty of a misdemeanor and shall be punished by a fine not exceeding two hundred dollars.

Penalty for
violation of
act.

Approved May 4, 1923.