

CHAPTER 82.

AN ACT

[S. B. 81]

To amend Section 1 of Chapter 51, Session Laws of 1925, entitled "An Act to provide for stocking public lands in the Territory of Alaska with certain valuable game and fur-bearing animals which do not already frequent such lands, providing for the protection of such animals, making an appropriation to carry out the provisions hereof, and declaring an emergency," as amended by Chapter 76 Session Laws of 1931.

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

Section 1. That Section 1 of Chapter 51, Session Laws of 1925, be, and the same hereby is, amended by adding thereto an additional project reading as follows:

"32. Chinese, ringneck or mongolian pheasants to Baranof and/or Kruzof Islands."

Approved May 3, 1933.

CHAPTER 83.

AN ACT

[S. B. 92]

To supplement the laws of the United States relating to the location and holding of Mining Claims.

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

Section 1. Location of Mining Claim: Any person who discovers upon the public domain in Alaska any lode or vein of rock in place, or any placer deposit which is open to location under the Mining Laws of the United States, may locate a lode mining claim or placer mining claim thereon by posting a notice of location and by marking the boundaries as herein provided. Any at-

Location of
Mining claim.

tempted location of a mining claim that does not fully comply with the provisions of this Act shall be null and void.

Notice of location what to contain. Lode.

Section 2. Notice of Location of Lode Claim; Boundaries: The discoverer of a lode claim shall designate the location as follows:

(1) By posting on the surface at or adjacent to the point of discovery a plain sign or notice containing:

- (a) The name of the lode claim;
- (b) The name of the locator or locators;
- (c) The date of the location;

(d) The number of feet in length claimed along the vein each way from the point of discovery, and the width on each side of the center of such lode or vein, and

(2) By erecting on the vein at the center of each end line and at each corner or angle of the claim substantial monuments of stone or setting posts, not less than three feet in height nor less than three inches in diameter hewn and marked with the name of the claim, the position or number of the monument and the direction of the boundary lines, and by cutting out, blazing or marking the boundary lines so that they can be readily traced. Where it is impracticable to place a monument in its true position, a witness monument shall be erected and marked so as to indicate the true position of the corner or angle.

Notice of Location, what to contain. Placer.

Section 3. Notice of Location of Placer Claim; Boundaries: The discoverer of a placer claim shall designate the location as follows:

(1) By posting on one of the posts or monuments marking the boundaries of the claim a plain sign or notice containing:

- (a) The name or number of the claim;
- (b) The name of the locator or locators;
- (c) The date of the location;
- (d) The number in feet in length and width claimed, and

(2) By erecting at each corner or angle of the claim substantial monuments or posts not less than three feet in height, nor less than three inches in diameter, hewn and marked with the name of the claim, the position or number of the monument and the direction of the boundary lines and by cutting out, blazing or marking the boundary lines so that they can be readily traced.

Section 4. Recording Certificate of Location: The locator or locators of any lode claim or placer claim shall within ninety (90) days after the date of posting the notice of location on the claim, cause such claim to be recorded by filing with the Recorder of the Recording District in which the claim is located, a Certificate of Location which shall contain:

Recording notice of location, contents.

- (a) The name or number of the claim;
- (b) The number of feet in length and width of the claim;
- (c) The date of discovering and of posting the notice of location;
- (d) The name of the locator or locators;
- (e) A description of the claim with such reference to some natural object or permanent monument that an intelligent person, with a knowledge

of the prominent natural objects and permanent monuments in the vicinity, could identify the claim.

Abandonment,
what consti-
tutes.

Failure to file for record the Certificate of Location, within the ninety (90) days as herein provided, shall constitute an abandonment of the claim and the ground shall be open to location. PROVIDED, HOWEVER, That full compliance with the provisions of this Section, after the ninety (90) day period has elapsed but before the ground has been located by another, shall operate to renew the location and save the rights of the original locator.

Amended
location.

Section 5. Amended Location: Notices may be amended at any time and monuments changed to correspond with the amended location but no change shall be made which will interfere with the rights of others. Whenever monuments are changed or an error has been made in the notice or in the Certificate of Location, an amended Certificate of Location shall be filed for record in like manner and with like effect as the original Certificate.

Requirements
for annual
labor.

Section 6. Annual Labor; Forfeiture: During each year beginning at noon on the first (1st) day of July, and until patent has been issued therefor, annual labor shall be performed or improvements made on, or for the benefit or development of each mining claim in the Territory of Alaska to the extent required by the laws of the United States applicable to Alaska. Upon failure of the owner of any mining claim to perform the annual labor or make the improvements required by the laws of the United States such claim shall become forfeited and open to location by others as if no location of the same had ever been made.

Forfeiture
for failure.

Proof of annual
labor, when and
how filed.

Section 7. Affidavit of Annual Labor: Within ninety (90) days after the first (1st) day of July of each year the owner of such mining claim, or some other person having knowledge of the facts, shall make and

file for record with the Recorder for the District in which the claim is located, an affidavit showing the performance of such labor or the making of improvements. The affidavit shall contain:

Contents of affidavit.

(a) The name or number of the mining claim and where situated;

(b) The number of day's work done and the character and value of the improvements made;

(c) The date of the performance of such labor and of the making of improvements;

(d) At whose instance the work was done of the improvements made;

(e) The actual amount paid for such work and improvements, and by whom paid, when the work was not done by the owner or his lessee.

Section 8. Same; Effect of Recording: The affidavit when recorded as provided in this Act shall be prima facie evidence of the performance of the work or of making the improvements therein stated, but if such affidavit be not filed within the time fixed by this Act the burden of proof shall be upon the claimant to establish the performance of such work or the making of such improvement.

Affidavit prima-facie evidence of performance.

Section 9. Failure of Co-owner to Contribute; Notice of Forfeiture: Upon the failure of any one of several co-owners to contribute his proportion of the expenditures required for annual labor, the co-owners who have performed the labor or made the improvements may, at the expiration of the annual labor year, give such delinquent co-owner personal notice in writing, or notice by publication in the newspaper published nearest the claim for at least once a week for ninety (90) days, and, if at the expiration of ninety (90) days after the service of such notice in writing, or ninety (90) days after the completion of such publication, such delinquent should

Contribution by co-owner, how enforced.

fail or refuse to contribute his proportion of the required expenditures, his interest in the claim shall be forfeited to his co-owners who have made such expenditures.

Notice of forfeiture to be recorded, when and where.

Section 10. Same; Recording Notice of Forfeiture: Within one hundred and twenty (120) days after the personal service of such notice in writing, or within one hundred and twenty (120) days after the completion of publication, the co-owner who claims such forfeiture shall file for record in the office of the recorder of the Recording District in which the claim is located a copy of such notice with the following affidavits attached thereto:

Affidavits for filing.

- 1st. An affidavit of the person serving such notice giving the time, place and manner of service and by whom and upon whom such service was made or, if service was made by publication in a newspaper, an affidavit of the editor, publisher, printer or foreman of such newspaper giving the name of the newspaper, the place where, and the time during which the notice was published and the number of insertions.
- 2nd. An affidavit of the co-owner who claims such forfeiture stating that neither the delinquent co-owner nor any person acting for him has paid or tendered to the affiant such delinquent's proportion of such expenditures for annual labor or improvements.

The record of such notice and affidavits or a certified copy thereof shall be prima facie evidence of the facts therein contained.

Approved May 3, 1933.