

be included within the scope of all of the provisions of this Act.

Section 14. An emergency is hereby declared and this Act shall take effect immediately upon its passage and approval. <sup>Emergency.</sup>

Approved February 16, 1939.

CHAPTER 14.

AN ACT

[S. B. 16]

To amend Sections 636, 637, 638, 639, 640, 642 and 643, and to repeal Section 641, Compiled Laws of Alaska, 1933 relating to reindeer and other livestock brands and marks.

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

Section 1. That Section 636, Compiled Laws of Alaska, 1933, be and the same is hereby amended to read as follows: <sup>Amended.</sup>

“Sec. 636. Application for brand or mark. Any owner of domesticated animals other than reindeer desiring to adopt a brand or mark shall make and sign an application setting forth a facsimile of the brand or mark, giving definitely its location on the animal, and file such application with the Auditor; the Auditor shall record the brand or mark and issue a certificate to the applicant adopting the brand or mark indicated and from and after the issuance of such certificate the firm, corporation, or person designated therein shall have the exclusive rights to use such brand or mark within this Territory. For the filing of the brand or mark the Auditor shall charge a fee of \$2.50, which he shall cover <sup>Brand or mark application, contents.</sup> <sup>Recorded.</sup> <sup>Filing fee.</sup>

- Priority. into the general fund. If two or more apply for the same brand or mark, the one who has used such brand or mark for the greatest length of time shall be entitled to have such brand or mark filed and recorded in his favor; the Auditor shall not file or record any brand or mark if the same has been filed or recorded in favor of some other person, firm or corporation, but shall return the fee and application to the sender."
- Amended. Section 2. That Section 637, Compiled Laws of Alaska, 1933, be and the same is hereby amended to read as follows:
- Renewal. "Sec. 637. Renewal. Every owner of a brand or mark recorded with the Auditor must, five years after date of recording, renew said brand or mark by making application for renewal in the office of the Auditor.
- Fee. The fee for renewal shall be \$1.00. If the owner of any brand or mark shall fail or refuse to make renewal within thirty days after same becomes due, such brand shall no longer be carried on the record of brands and marks in said office."
- Amended. Section 3. That Section 638, Compiled Laws of Alaska, 1933, be and the same is hereby amended to read as follows:
- Certified Copy. "Sec. 638. Certified copy. At any time after the recording of any brand or mark with the Auditor as provided in this article, the owner thereof may procure from the Auditor a certified copy of the record of such brand or mark by paying therefor the sum of \$1.00."
- Amended. Section 4. That Section 639, Compiled Laws of Alaska, 1933, be and the same is hereby amended to read as follows:
- Transfer permitted requirements. "Sec. 639. Ownership of brand personal property. Any brand or mark recorded in compliance with the requirements of this article shall be the property of the person, firm, or corporation causing such a record to

be made and shall be subject to sale, assignment, devise and descent as personal property. Instruments of writing evidencing any such sale, assignment, or transfer, shall be acknowledged, and shall, if such brand or mark is for use on domestic animals other than reindeer, be recorded in the office of the Auditor in a book kept <sup>Fee for recording.</sup> for that purpose, upon the payment to him of a fee of \$1.00; and if such brand or mark is for use on reindeer, instruments of writing evidencing sale, assignment, or transfer of same may be recorded with the General Reindeer Supervisor at Nome, Alaska. The recording of any such instrument shall have the same <sup>Effect of Recording</sup> force and effect as to third parties as the recording of instruments affecting real estate, and a certified copy of the record of any such instrument may be introduced in evidence as is now provided for certified copies of instruments affecting real estate."

Section 5. That Section 640, Compiled Laws of Al-<sup>Amended.</sup>aska, 1933, be and the same is hereby amended to read as follows:

"Sec. 640. Brand to identify ownership of animal. <sup>Brand is prima facie evidence of ownership.</sup> In all suits at law or in equity or in any criminal proceeding when the title or right of possession is involved, the brand or mark of any reindeer shall be prima facie evidence that the reindeer belongs to the owner of the brand or mark, and that such owner is entitled to the possession of the said animal at the <sup>Proviso.</sup> time of the action; provided such brand or mark has been approved by, and recorded with, the General Reindeer Supervisor; and marks shall be understood to include earmarks, earbuttons, or any other marks used on reindeer to designate ownership thereof."

Section 6. That Section 641, Compiled Laws of Al-<sup>Repealed.</sup>aska, 1933, be and the same is hereby repealed.

Amended.

Section 7. That Section 642, Compiled Laws of Alaska, 1933, be and the same hereby is amended to read as follows:

List of brands and marks to be posted.

"Sec. 642. List of brands and marks to be posted. On the first day of July in each year the Auditor shall forward to each United States Commissioner in whose precinct there may be domesticated livestock other than reindeer, a list of all brands and marks recorded in his office; such list shall contain the facsimile of such marks, brands, and earmarks, with the name and residence of the owner and the date of recording the same and of any assignment thereof; the Commissioner shall promptly, securely, and conspicuously post such list in his office; additions thereto shall be made of new brands, or marks, or assignments thereof, as the same are recorded."

Amended.

Section 8. That Section 643, Compiled Laws of Alaska, 1933, be and the same is hereby amended to read as follows:

Lists may be used in evidence.

"Sec. 643. List may be used in evidence. Such list may be used in evidence in any proceeding in any court where the ownership of domesticated livestock other than reindeer is involved and shall have the same force and effect as if a certified copy of the record of brands or marks of reindeer or other domesticated livestock were introduced."

Approved February 16, 1939.