

## CHAPTER 51

## AN ACT

[H. B. 94]

To provide for the marking of, and the use of a brand on logs, and making it a misdemeanor to falsely or fraudulently use the brand of another person or to sell, dispose, convert or appropriate branded logs of another person, and prescribing penalties therefor.

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

Section 1. Any owner of logs, poles, piles, or timbers, which he puts, or causes to be put, or intends to put into any coastal water, lake, river, creek or other waterways of Alaska for the purpose of rafting or transporting by floating or towing, may apply to the Territorial Auditor for the right to exclusively use a distinctive mark or brand with which to identify them, by making written application to the Auditor and submitting therewith a diagram or design on paper of the proposed mark or brand, and paying a fee of \$5.00 to the Auditor, who shall promptly register such mark or brand in his office and issue a certificate to such owner granting the owner the exclusive use of such mark or brand for a period of five years; provided, no identical mark or brand or so similar in design as not to be clearly distinguished therefrom has been previously registered in the name of another person.

Application  
for brand  
registration.

Fee for  
registration.

Period covered.

Section 2. The right to the exclusive use of any such registered mark or brand shall cease at the end of five years after it is so registered, unless renewed by the Auditor upon application, together with the payment of a fee of \$5.00, to him within said five year term. Renewals may be so made successively for five year terms.

Renewal.

Fee.

Section 3. Every log, pole, pile, or timber, which displays upon at least one of its ends such a registered mark or brand, shall be presumed to be the sole property of the

Presumption  
of ownership.

person in whose name such mark or brand is registered by the Auditor.

Mark or brand  
constituted  
personal property.

Section 4. Each registered mark or brand shall be the sole property of the person in whose name it is registered. It may be sold, hypothecated, assigned, and otherwise transferred in the same manner as, and shall constitute, personal property.

Recording of  
registration  
certificate.

Section 5. Every person holding in his name a registered mark or brand shall within not less than thirty days after the Auditor issues him said certificate for its exclusive use, file such certificate, or a certified copy thereof, for record with the recorder of the Recording District or Districts wherein he intends to use such mark upon logs, poles, piles, or timbers. Every conveyance, mortgage, assignment, and other transfer of any such mark or brand shall be registered with the Auditor, who shall charge and collect a fee of \$5.00 therefor; and, a true copy thereof shall also be filed for record with the Recorder of the recording district wherein such person intends to use such mark or brand upon logs, piles, poles, or timbers.

Brand transfer  
fee.

Publication of  
log brand list.

Section 6. The Auditor shall, biennially as of December 31 of even numbered years, publish a current list of log brands; such lists shall show the design of each such brand, the name and address of the owner, the date the brand was registered, and any assignment of any brand during the past biennium. Copies of the list shall be available to the public upon request.

Fraudulent  
branding.

Section 7. Any person, who shall fraudulently mark any log, pole, pile, or timber with any mark or brand which he knows or has reasonable cause to know is the registered mark or brand of another person, or who knowingly alters, defaces, obliterates or destroys any such registered mark or brand impressed or displayed upon any log, pole, pile, or timber, or who shall knowingly sell or dispose of, or attempt to sell or dispose of, or to

convert or appropriate to his own use, without the written consent of the owner, any log, pole, pile, or timber impressed with or displaying upon it any such registered mark or brand of another person, shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine of not more than \$1,000.00, or to imprisonment for not more than six months in jail, or to both such fine and imprisonment.

Unlawful sale of  
branded logs.

Penalty.

Section 8. Upon request and payment of a fee of \$5.00, the Auditor shall furnish to any person requesting it a certified copy of any registered mark or brand and of any sale, assignment, hypothecation, or other transfer thereof. Such certified copy of any such registered mark or brand and of any sale, assignment, or other transfer thereof shall constitute prima facie evidence in any court in the Territory of the ownership of any log, pole, pile, or timber impressed with or displaying any such recorded mark or brands. Registration by the Auditor and filing for record in the records of the recording district shall constitute constructive notice of the ownership of such mark or brand, and of sales, assignments, hypothecations, and other transfers thereof.

Fee for certified  
copy of brand.

Certified copy  
as evidence.

Registration  
constitutes  
constructive  
notice.

Section 9. All fees payable to and collected under this act by the Auditor shall be promptly converted by him into the general fund of the Territory.

Deposit of fees.

Approved March 24, 1953.

## CHAPTER 52

### AN ACT

[H. B. 104]

To provide for the sale at public auction, by the Territorial Highway Patrol, of vehicles found abandoned in the Territory.

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

Section 1. It shall be the duty of Territorial Highway