

Territorial Organic Act

(37 Stat. 512)
August 24, 1912
ch. 387

Editor's notes. — The sections of the Territorial Organic Act as set out below correspond to the sections formerly set out in the United States Code, 48 U.S.C. 21 et seq., but the numbering system was not the same as that in the United States Code. The

following table provides a cross reference from the section number in this volume to the former section in the United States Code. All United States Code sections cited below have either been omitted or repealed.

Act	USC	Act	USC
Sec. 1	48 U.S.C. 21	Sec. 10	48 U.S.C. 81
2	48 U.S.C. 22	11	48 U.S.C. 82, 83
3	48 U.S.C. 23, 24, 80	12	48 U.S.C. 84
4	48 U.S.C. 67-72	13	48 U.S.C. 85
5	48 U.S.C. 73	14	48 U.S.C. 86
6	48 U.S.C. 74	15	48 U.S.C. 87
7	48 U.S.C. 75	16	48 U.S.C. 88, 89
8	48 U.S.C. 76	17	48 U.S.C. 145
9	48 U.S.C. 44, 45, 77-79	20	48 U.S.C. 90

Collateral references. — 81A C.J.S., States, § 5;
56 C.J.S., Territories, § 4.

§ 1. Territory of Alaska organized. That the Territory ceded to the United States by Russia by the treaty of March thirtieth, eighteen hundred and sixty-seven, and known as Alaska, shall be and constitute the Territory of Alaska under the laws of the United States, the government of which shall be organized and administered as provided by said laws.

§ 2. Capital and seat of government. That the capital of the Territory of Alaska shall be at the city of Juneau, Alaska, and the seat of government shall be maintained there.

§ 3. Constitution and laws of the United States extended; limitation on legislative powers. That the Constitution of the United States, and all the laws thereof which are not locally inapplicable, shall have the same force and effect within the said Territory as elsewhere in the United States; that all the laws of the United States heretofore passed establishing the executive and judicial departments in Alaska shall continue in full force and effect until amended or repealed by Act of Congress; that except as herein provided all laws now in force in Alaska shall continue in full force and effect until altered, amended, or repealed by Congress or by the Legislature: *Provided*, That the authority herein granted to the Legislature to alter, amend, modify, and repeal laws in force in Alaska shall not extend to the customs, internal revenue, postal or other general laws of the United States or to the game, fish and fur-seal laws and laws relating to fur bearing animals of the United States applicable to Alaska, or to the laws of the United

States providing for taxes on business and trade, or to the Act Entitled "An Act to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane persons in the District of Alaska, and for other purposes," approved January twenty-seven, nineteen hundred and five, and the several Acts amendatory thereof: Provided, further, That the provision shall not operate to prevent the Legislature from imposing other and additional taxes or licenses. And the legislature shall pass no law depriving the judges and officers of the district court of any authority, jurisdiction, or function exercised by like judges or officers of district courts of the United States.

§ 4. The legislature. (a) The legislative power and authority of the Territory shall be vested in a legislature, which shall consist of a senate and a house of representatives. The senate shall consist of sixteen members, four from each of the four judicial divisions into which Alaska is now divided by Act of Congress, each of whom shall have at the time of his election the qualifications of an elector in Alaska, and shall have been a resident and an inhabitant in the division from which he is elected for at least two years prior to the time of his election. The term of office of each member of the senate shall be four years, except that at the general election in Alaska in 1944 one member for each division, other than a member elected to fill the unexpired term of a senator previously elected, shall be elected for a term of two years.

(b) The house of representatives shall consist of twenty-four members elected from the four judicial divisions into which Alaska is now divided by Act of Congress. Each such division shall be entitled in the seventeenth to the twentieth legislatures, inclusive, to the following number of representatives:

First judicial division, eight representatives;

Second judicial division, four representatives;

Third judicial division, seven representatives; and

Fourth judicial division, five representatives.

The United States Director of the Census shall, with[in] one week after the first meeting of the twentieth legislature and of each fifth legislature thereafter, certify to such legislature, and to the Secretary of Alaska, the number of representatives to which each judicial division is entitled under an apportionment, according to the method of equal proportions, of the total number of representatives among the various divisions on the basis of the total population (exclusive of members of the military or naval forces of the United States and members of their families not actual and bona fide residents of Alaska) of each division, as determined under the latest United States Decennial Census. Each judicial division shall in the five legislatures succeeding the legislature to which such certification is made be entitled to the number of representatives so certified. The term of office of each representative shall be two years, and each representative shall possess the same qualifications as are prescribed for members of the senate.

(c) (1) The legislature is authorized to establish, and to adjust from time to time, legislative districts within the several judicial divisions for the election of the members of the senate and house of representatives for such divisions. Districts separate from those established for the election of members of the house of representatives may be established for the election of members of the senate. All districts in any division for the election of members of the same body shall be as nearly equal in population and shall be established with as great a degree of geographical unity and cohesiveness, as is reasonable and practicable, and shall elect the same number of members, unless it shall be found desirable to provide districts around municipalities of a multiple size in which case proportionate representation shall be provided.

(2) Whenever the representation of any division shall increase or decrease by reason of a reapportionment under subsection (b), the legislature shall cause such division to be redistricted in accordance with the provisions of subdivision (1) of this subsection. If the

legislature to which such certification of reapportionment is made fails to so redistrict, the representatives of such division shall be elected at large from such division in the manner provided in subsection (d) for the election of representatives prior to the establishment of legislative districts, until such time as such division is so redistricted.

(3) Whenever the legislature shall have established legislative districts for the election of members of the senate, the terms of office of all members of the senate in the legislature immediately preceding the legislature to which the members of the senate are first to be elected by district shall, regardless of the term for which such members were elected, expire with the expiration of such preceding legislature. As soon as the members of the senate shall have assembled as a consequence of such first election they shall, by lot or drawing, be divided in each division into two classes. The seats of the members of the first class shall be vacated at the end of two years, and the seats of members of the second class shall be vacated at the end of four years, so that two members of the senate from each division shall, after such first election, be elected biennially at the regular election.

(d) In any election held prior to the establishment of legislative districts pursuant to subsection (c) the electors in each judicial division shall be entitled to vote for as many senators and representatives as are to be elected to such office from such division. The candidates for each such office in the number to be so elected receiving the highest number of votes for such office shall be elected. In any election for senator or representative held after the establishment of legislative districts pursuant to subsection (c) the candidates in the number to be elected from each district for such office, receiving the highest number of votes of the electors of such district for such office, shall be elected. In case of a tie vote in any election for senator or representative, the candidates affected shall settle the question by lot.

(e) In case of a vacancy in either branch of the legislature the Governor shall order an election to fill such vacancy, giving due and proper notice thereof.

(f) Each member of the legislature shall be paid by the United States the sum of \$15 per day for each day's attendance while the legislature is in session, at each regular biennial session thereof, and mileage, in addition, for each such session, at the rate of 15 cents per mile for each mile from his home to the capital and return by the nearest traveled route. All other legislative expenses, including salaries and mileage of the members at other than regular biennial sessions, shall be paid by the Territory. (Amended November 13, 1942, 56 Stat. 1016)

Editor's notes. — The Act of November 13, 1942, 56 Stat. 1018, also provided as follows:

take effect only with respect to the seventeenth and succeeding legislatures of the Territory of Alaska.

§ 4. (a) The amendments made by this Act shall

§ 5. Election of members of the legislature. That the first election for members of the Legislature of Alaska shall be on the Tuesday next after the first Monday in November, nineteen hundred and twelve, and all subsequent elections for the election of such members shall be held on the Tuesday next after the first Monday in November biennially thereafter; that the qualifications of electors, the regulations governing the creation of voting precincts, the appointment and qualifications of election officers, the supervision of elections, the giving of notices thereof, the forms of ballots, the register of votes, the challenging of voters, and the returns and the canvass of the returns of the results of all such elections for members of the legislature shall be the same as those prescribed in the Act of Congress entitled "An Act providing for the election of a Delegate, to the House of Representatives from the Territory of Alaska," approved May seventh, nineteen hundred and six, and all the provisions of said Act which are applicable are extended to said elections for members of the legislature, and shall govern the same, and the canvassing board created by said Act shall canvass the returns of such elections and issue certificates of election to each member elected to the said legislature; and all the penal provisions contained in section fifteen of the said Act shall apply to elections for

members of the legislature as fully as they now apply to elections for Delegate from Alaska to the House of Representatives.

Editor's notes. — Act of March 26, 1934, 48 Stat. 465, quoted in the amendments following § 20 of this Act, provided that the election of members of the legislature be held on the second Tuesday in September in 1934 and every second year thereafter.

§ 6. Convening of legislature; sessions. The Legislature of Alaska shall convene at the capitol at the city of Juneau, Alaska, on the fourth Monday in January in the year 1941 and on the fourth Monday in January every two years thereafter; but the said legislature shall not continue in session longer than sixty days in any two years unless again convened in extraordinary session by a proclamation of the Governor, which shall set forth the object thereof and give at least fifteen days' notice in writing or by telegram or radiogram to each member of said legislature, and in such case shall not continue in session longer than thirty days. The Governor of Alaska is hereby authorized to convene the legislature in extraordinary session for a period not exceeding thirty days when requested to do so by the President of the United States, or when any public danger or necessity may require it. (Amended April 18, 1940, 54 Stat. 111)

§ 7. Organization of legislature. That when the legislature shall convene under the law, the senate and house of representatives shall each organize by the election of one of their number as presiding officer, who shall be designated in the case of the senate as "president of the senate" and in the case of the house of representatives as "speaker of the house of representatives," and by the election by each body of the subordinate officers provided for in section "eighteen hundred and sixty-one of the United States Revised Statutes of eighteen hundred and seventy-eight," and each of said subordinate officers shall receive the compensation provided in that section, which shall be paid by the Territory. (Amended November 13, 1942, 56 Stat. 1018)

Editor's notes. — See editor's note to § 4.

§ 8. Enacting clause; title and subject of act. That the enacting clause of all laws passed by the legislature shall be "Be it enacted by the Legislature of the Territory of Alaska." No law shall embrace more than one subject, which shall be expressed in its title.

§ 9. Legislative power; limitations. The legislative power of the Territory shall extend to all rightful subjects of legislation not inconsistent with the Constitution and laws of the United States, but no law shall be passed interfering with the primary disposal of the soil; no tax shall be imposed upon the property of the United States; nor shall the lands or other property of nonresidents be taxed higher than the lands or other property of residents, nor shall the legislature grant to any corporation, association, or individual any special or exclusive privilege, immunity, or franchise without the affirmative approval of Congress; nor shall the legislature pass local or special laws in any of the cases enumerated in the Act of July thirtieth, eighteen hundred and eighty-six [48 U.S.C. § 1471]; nor shall it grant private charges or special privileges, but it may, by general act, permit persons to associate themselves together as bodies corporate for manufacturing, mining, agriculture, and other industrial pursuits, and for the conduct of business of insurance, savings banks, banks of discount and deposit (but not of issue), loans, trust, and guaranty associations, for the establishment and conduct of cemeteries, and for the construction and operation of railroads, wagon roads, vessels, and irrigating ditches, and the colonization and improvement of lands in connection therewith, or for colleges, seminaries, churches, libraries, or any other benevolent, charitable, or scientific association, but the authority embraced in this section shall only permit the organization of corporations and associations whose chief business shall be in the Territory of Alaska; no divorce shall be granted by the legislature nor shall any divorce be granted by the courts

of the Territory unless the applicant therefor shall have resided in the Territory for two years next preceding the application, which residence and all causes for divorce shall be determined by the court upon evidence adduced in open court; nor shall any lottery or the sale of lottery tickets be allowed; nor shall the legislature or any municipality interfere with or attempt in any wise to limit the Acts of Congress to prevent and punish gambling, and all gambling implements shall be seized by the United States marshal or any of his deputies, or any constable or police officer, and destroyed; nor shall any public money be appropriated by the Territory or any municipal corporation therein for the support or benefit of any sectarian, denominational, or private school, or any school not under the exclusive control of the government; nor shall the Government of the Territory of Alaska or any political or municipal corporation or subdivision of the Territory make any subscription to the capital stock of any incorporated company, or in any manner lend its credit for the use thereof; nor shall the Territory, or any municipal corporation therein, have power or authority to create or assume any bonded indebtedness whatever; nor to borrow money in the name of the Territory or of any municipal division thereof; nor to pledge the faith of the people of the same for any loan whatever, either directly or indirectly; nor to create, nor to assume, any indebtedness, except for the actual running expenses thereof, and no such indebtedness for actual running expenses shall be created or assumed in excess of the actual income of the Territory or municipality for that year including as a part of such income appropriations then made by Congress, and taxes levied and payable and applicable to the payment of such indebtedness and cash and other money credits on hand and applicable and not already pledged for prior indebtedness; *Provided*, That all authorized indebtedness shall be paid in the order of its creation; all taxes shall be uniform upon the same class of subjects and shall be levied and collected under general laws, and the assessments shall be according to the true and full value thereof, except that unpatented mining claims and nonproducing patented mining claims, which are also unimproved, may be valued at the price paid the United States therefor, or at a flat rate fixed by the legislature, but if the surface ground is used for other than mining purposes, and has a separate and independent value for such other purposes, or if there are improvements or machinery or other property thereon of such a character as to be deemed a part of the realty, then the same shall be taxed according to the true and full value thereof. No tax shall be levied for Territorial purposes in excess of 2 per centum upon the assessed valuation of the property therein in any one year; nor shall any incorporated town or municipality levy any tax, for any purpose, in excess of 3 per centum of the assessed valuation of property within the town in any one year; *Provided*, That the Congress reserves the exclusive power for five years from the date of the approval of this Act to fix and impose any tax or taxes upon railways or railway property in Alaska, and no acts or laws passed by the Legislature of Alaska providing for a county form of government therein shall have any force or effect until it shall be submitted to and approved by the affirmative action of Congress; and all laws passed, or attempted to be passed, by such legislature in said Territory inconsistent with the provisions of this section shall be null and void; *Provided, further*, That nothing herein contained shall be held to abridge the right of the legislature to modify the qualifications of electors by extending the elective franchise to women. (Amended June 3, 1948, 62 Stat. 302)

Editor's notes. — See § 2 of Act of April 13, 1934, Act, for authorization of legislation concerning intoxicating liquor.
48 Stat. 583, quoted following the provisions of this

§ 10. Selection of officers of legislature; rules; journal; quorum; adjournments; compelling attendance of members. That the Senate and House of Representatives shall each choose its own officers, determine the rules of its own proceedings not inconsistent with this Act, and keep a journal of its proceedings; that the ayes and noes of the members of either house on any question shall, at the request of one-fifth of

the members present, be entered upon the journal; that a majority of the members to which each house is entitled shall constitute a quorum of such house for the conduct of business, of which quorum a majority vote shall suffice; that a smaller number than a quorum may adjourn from day to day and compel the attendance of absent members, in such manner and under such penalties as each house may provide; that for the purpose of ascertaining whether there is a quorum present the presiding officer shall count and report the actual number of members present.

§ 11. Legislators holding other office; persons commissioned or appointed under United States. That no member of the legislature shall hold or be appointed to any office which has been created, or the salary or emoluments of which have been increased, while he was a member, during the term for which he was elected and for one year after the expiration of such term; and no person holding a commission or appointment under the United States shall be a member of the legislature or shall hold any office under the government of said territory.

§ 12. Privileges of legislators. That no member of the legislature shall be held to answer before any other tribunal for any words uttered in the exercise of his legislative functions. That the members of the legislature shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest during their attendance upon the sessions of the respective houses, and in going to and returning from the same; *Provided*, That such privilege as to going and returning shall not cover a period of more than ten days each way, except in the second division, where it shall extend to twenty days each way, and the fourth division to fifteen days each way.

§ 13. Passage of bills. That a bill in order to become a law shall have three separate readings in each house, the final passage of which in each house shall be by majority vote of all members to which such house is entitled, taken by ayes and noes, and entered upon its journal. That every bill, when passed by the house in which it originated or in which amendments thereto shall have originated, shall immediately be enrolled and certified by the presiding officer and the clerk and sent to the other house for consideration.

NOTES TO DECISIONS

Applied in *Plumley v. Georgia E. Hale, M.D., Inc.*,
Sup. Ct. Op. No. 1847 (File Nos. 4014, 4017), 594 P.2d
497 (1979).

§ 14. Approval or veto of bills by Governor; reconsideration after veto; effective date of act. That, except as herein provided, all bills passed by the legislature shall, in order to be valid, be signed by the Governor. That every bill which shall have passed the legislature shall be certified by the presiding officers and clerks of both houses, and shall thereupon be presented to the Governor. If he approves it, he shall sign it and it shall become a law at the expiration of ninety days thereafter, unless sooner given effect by a two-thirds vote of said legislature. If the Governor does not approve such bill, he may return it, with his objections, to the legislature. He may veto any specific item or items in any bill which appropriates money for specific purposes, but shall veto other bills, if at all, only as a whole. That upon the receipt of a veto message from the Governor each house of the legislature shall enter the same at large upon its journal and proceed to reconsider such bill, or part of a bill, and again vote upon it by ayes and noes, which shall be entered upon its journal. If, after such reconsideration, such bill or part of a bill shall be approved by a two-thirds vote of all the members to which each house is entitled, it shall thereby become a law. That if the Governor neither signs nor vetoes a bill within three days (Sundays excepted) after it is delivered to him, it shall become a law without

his signature, unless the legislature adjourns sine die prior to the expiration of such three days. If any bill shall not be returned by the Governor within three days (Sundays excepted) after it shall have been presented to him, the same shall be a law in a like manner as if he had signed it, unless the legislature, by its adjournment, prevents the return of the bill, in which case it shall not be a law.

§ 15. Legislative expenses. There shall be annually appropriated by Congress a sum sufficient to pay the salaries and mileage of members of the legislature for each regular biennial session. All other legislative expenses, including the salaries and mileage of the members of the legislature for other than the regular biennial sessions, the salaries of the employees of the legislature, the printing of the laws, and all other incidental expenses of the legislature, shall be appropriated and paid by the Territory. All of the sums so appropriated by Congress shall be disbursed by the Governor of Alaska, under sole instructions of the Secretary of the Treasury, and the Governor shall report quarterly to the Secretary of the Treasury for the manner in which said funds have been expended. No expenditure, to be paid out of money to be appropriated by Congress, shall be made by the Governor or by the legislature for objects not authorized by the acts of Congress making appropriations nor beyond the sum thus appropriated for such objects. (Amended November 13, 1942, 56 Stat. 1018)

Editor's notes. — See editor's note to § 4.

§ 16. Transmitting laws and resolutions to President and Secretary of State; printing. That the Governor of Alaska shall, within ninety days after the close of each session of the Legislature of the Territory of Alaska, transmit a correct copy of all the laws and resolutions passed by the said legislature, certified to by the Secretary of the Territory, with the seal of the Territory attached; one copy to the President of the United States, and one to the Secretary of State of the United States; and the legislature shall make provisions for printing the session laws and resolutions within ninety days after the close of each session and for their distribution to public officials and sale to the people of the Territory.

§ 17. Election of delegates. That after the year nineteen hundred and twelve the election for Delegate from the Territory of Alaska, provided by "An Act providing for the election of a Delegate to the House of Representatives from the Territory of Alaska," approved May seventh, nineteen hundred and six, shall be held on the Tuesday next after the first Monday in November in the year nineteen hundred and fourteen, and every second year thereafter on the said Tuesday next after the first Monday in November and all of the provisions of the aforesaid Act shall continue to be in full force and effect and shall apply to the said election in every respect as is now provided for the election to be held in the month of August therein; *Provided*, That the time for holding an election in said Territory for Delegate in Alaska to the House of Representatives to fill a vacancy, whether such vacancy is caused by failure to elect at the time prescribed by law, or by the death, resignation, or incapacity of a person elected, may be prescribed by an act passed by the legislature of the Territory of Alaska; *Provided: further*, That when such election is held it shall be governed in every respect by the laws passed by Congress governing such election.

§ 18. Commission to examine transportation question. That an officer of the Engineer Corps of the United States Army, a geologist in charge of Alaska surveys, an officer in the Engineer Corps of the United States Navy, and a civil engineer who has had practical experience in railroad construction and has not been connected with any railroad enterprise in said Territory be appointed by the President as a commission hereby authorized and instructed to conduct an examination into the transportation

question in the Territory of Alaska; to examine railroad routes from the seaboard to the coal fields and to the interior and navigable waters; to secure surveys and other information with respect to railroads, including cost of construction and operation; to obtain information in respect to the coal fields and their proximity to railroad routes; and to make a report of the facts to Congress on or before the first day of December, nineteen hundred and twelve, or as soon thereafter as may be practicable, together with the conclusions and recommendations in respect to the best and most available routes for railroads in Alaska which will develop the country and the resources thereof for the use of the people of the United States; *Provided, further,* That the sum of twenty-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated to defray the expenses of said commission.

§ 19. Codifying United States laws applicable to Alaska. That the Committee on Territories of the Senate and the Committee on Territories of the House of Representatives are hereby authorized, empowered, and directed to jointly codify, compile, publish, and annotate all the laws of the United States applicable to the Territory of Alaska, and said committees are jointly authorized to employ such assistance as may be necessary for that purpose; and the sum of five thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to cover the expenses of said work, which shall be paid upon vouchers properly signed and approved by the chairman of said committees.

§ 20. Laws to be submitted to Congress for approval. That all laws passed by the Legislature of the Territory of Alaska shall be submitted to the Congress by the President of the United States, and, if disapproved by Congress, they shall be null and of no effect.

Amendment to Organic Act

AN ACT to amend an Act entitled "An Act creating a legislative assembly in the Territory of Alaska and conferring legislative powers thereon, and for other purposes," approved August twenty-fourth, nineteen hundred and twelve.

That nothing in that Act of Congress entitled "An Act creating a legislative assembly in the Territory of Alaska and conferring legislative power thereon, and for other purposes," approved August twenty-fourth, nineteen hundred and twelve, shall be so construed as to prevent the courts now existing or that may be hereafter created in said Territory from enforcing within their respective jurisdictions all laws passed by the legislature within the power conferred upon it, the same as if such laws were passed by Congress, nor to prevent the legislature passing laws imposing additional duties, not inconsistent with the present duties of their respective offices, upon the governor, marshals, deputy marshals, clerks of the district courts, and United States Commissioners acting as justices of the peace, judges of probate courts, recorders, and coroners, and providing the necessary expenses of performing such duties, and in the prosecuting of all crimes denounced by Territorial laws the cost shall be paid the same as is now or may hereafter be provided by Act of Congress providing for the prosecutions of criminal offenses in said Territory, except that in prosecutions growing out of any revenue law passed by the legislature the costs shall be paid as in civil actions and such prosecutions shall be in the name of the Territory. (August 29, 1914, 38 Stat. 710)

Amendment to Organic Act

Schools. That the Legislature of Alaska is hereby empowered to establish and maintain schools for white and colored children and children of mixed blood who lead a

civilized life in said Territory and to make appropriations of Territorial funds for that purpose; and all laws or parts of laws in conflict with this Act are to that extent repealed. (March 3, 1917, 39 Stat. 1131)

Amendment to Organic Act

An act fixing the date for holding elections of a Delegate from Alaska to the House of Representatives and of members of the Legislature of Alaska; fixing the date on which the Legislature of Alaska shall hereafter meet; prescribing the personnel of the territorial canvassing board, defining its duties, and for other purposes.

§ 1. **Date for election of delegate.** That the election of a Delegate from the Territory of Alaska to the House of Representatives provided for by the Act of Congress entitled "An Act providing for the election of a Delegate to the House of Representatives from the Territory of Alaska", approved May 7, 1906, as amended, and the election of the members of the Legislature of the Territory of Alaska, provided for by the Act of Congress entitled, "An Act to create a legislative assembly in the Territory of Alaska, to confer legislative powers thereon, and for other purposes", approved August 24, 1912, shall hereafter be held on the second Tuesday in September in the year 1934, and every second year thereafter on the said second Tuesday in September. (March 26, 1934, 48 Stat. 465)

§ 2. **Sessions of legislature.** (March 26, 1934, 48 Stat. 465; Repealed April 18, 1940, 54 Stat. 111)

§ 3. **Territorial canvassing board.** That the canvassing board for the Territory of Alaska created by the Act of Congress entitled, "An Act providing for the election of a Delegate to the House of Representatives from the Territory of Alaska", approved May 7, 1906, shall hereafter consist of the Governor, the secretary of the Territory, and the collector of customs for Alaska. It shall be the duty of the said canvassing board to canvass and compile in writing the vote specified in the certificates of election returned to the Governor from the several election precincts in the Territory and to keep an accurate record of each voting precinct in the Territory and the date of its creation.

The said canvassing board shall commence the performance of its duties at the office of the Governor within ten days after the second Tuesday in October in each year in which an election is held as hereinabove provided, and shall continue with such work from day to day until the same is completed. No packages containing election returns shall be opened until the canvass commences, at which time they shall be opened in public and in such manner and under such conditions, as nearly as possible, as to give all parties interested an opportunity to see the returns. In case it shall appear to the board that no election return, as herein prescribed, has been received by the Governor from any precinct in which an election has been held, the said board may accept in place thereof the certified copy of the certificate of election for such precinct received from the clerk of the court, and may canvass and compile the same with the other election returns. The canvassing board shall terminate the canvass and issue the certificates of election as soon as it is satisfied that no missing return would, if received, change the result of a canvass based upon the returns at hand, but when the board has information that an election was held at any precinct from which no return has been received and which return, if received, the board has reason to believe will affect the result of the election, it shall be the duty of the board to await the arrival of such return until 4 o'clock post-meridian on the 10th day of December in the year during which the election is held, but no longer, and any return received after that time shall not be counted by the board.

Upon the completion of the said canvass as herein provided, the said board shall declare the person who has received the greatest number of votes for the office for which

he is a candidate elected to such office for the term for which he is elected and shall issue and deliver to him in writing, under their hands and seals, a certificate of his election. It shall be the duty of the Governor to preserve all election returns carefully and inviolate, and, after the certificates of result have been canvassed, to replace the returns into the packages from which they were taken and carefully seal the same and preserve all such returns inviolate for at least two years thereafter, unless sooner called upon by the House of Representatives of Congress or some court or tribunal of competent jurisdiction to produce the same for inspection. It shall also be the duty of the Governor to notify each successful candidate of his election, and to do so by the speediest means of communication. (March 26, 1934, 48 Stat. 465)

§ 4. Effect of existing laws; authority of Territorial Legislature. Except as herein otherwise provided, all of the provisions of the Acts of May 7, 1906, and of August 24, 1912, hereinabove referred to, shall continue in full force and effect until altered, amended, or repealed by Congress. And any and all laws enacted by the Legislature of the Territory of Alaska pertaining to elections in said Territory shall remain in full force and effect until altered, amended, or repealed by the said Legislature or by Congress. That the Legislature of the Territory of Alaska shall have the power from time to time as the need therefor may arise, to change the date of general elections in the said Territory, including the date of election of a Delegate from the Territory of Alaska to the House of Representatives and of the members of the territorial legislature; and that the Legislature of the Territory of Alaska shall also have the power by law to change from time to time the personnel of the canvassing board, the dates of its meetings, and may prescribe its duties. (March 26, 1934, 48 Stat. 466)

Amendment to Organic Act

AN ACT to repeal an Act of Congress entitled "An Act to prohibit the manufacture or sale of alcoholic liquors in the Territory of Alaska, and for other purposes," approved February 14, 1917, and for other purposes.

§ 1. Repeal. That the Act of Congress entitled "An Act to prohibit the manufacture or sale of alcoholic liquors in the Territory of Alaska, and for other purposes", approved February 14, 1917, contained in United States Statutes at Large, volume 39, Public Laws, pages 903 to 909, is repealed. Title II of the National Prohibition Act, as amended and supplemented, and the Act entitled "An Act to provide revenue by the taxation of certain nonintoxicating liquor, and for other purposes", approved March 22, 1933, except such provisions of such title and of such Act of March 22, 1933, as shall be retained in force and effect in the States, are repealed to the extent such title and such Act of March 22, 1933, are in force and effect in the Territory of Alaska. (April 13, 1934, 48 Stat. 583)

§ 2. Legislation as to intoxicating liquors authorized. That notwithstanding the repeal of the said Act no spirituous or intoxicating liquors shall be manufactured or sold in the Territory of Alaska, except under such regulations and restrictions as the Territorial Legislature shall prescribe, and the legislative power and authority conferred upon the Legislative Assembly of the Territory of Alaska by the Act of Congress entitled "An Act to create a legislative assembly in the Territory of Alaska, to confer legislative power thereon, and for other purposes", approved August 24, 1912, shall be, and hereby is, extended to include any legislation pertaining to the manufacture or sale of spirituous or intoxicating liquor within the said Territory, and any provision contained in the said Act of August 24, 1912, in conflict herewith, is hereby expressly repealed: *Provided, however,* That the Legislature of the Territory of Alaska shall have full power and authority to delegate the powers hereby conferred to any board or commission designated

or created by the legislature for such purpose, which powers shall include the power to make rules and regulations governing the manufacture, barter, sale, or possession of spirituous or intoxicating liquors in the Territory of Alaska, to prescribe the qualifications of those who are to engage in the manufacture, barter, sale, or possession of intoxicating liquors in the said Territory, and to prescribe license fees and excise taxes therefor: *Provided*, That nothing in this Act shall in any way repeal, conflict, or interfere with the public general laws of the United States imposing taxes on the manufacture and sale of intoxicating liquors for the purpose of revenue and known as the "internal revenue laws." (April 13, 1934, 48 Stat. 583)

§ 3. **Liquor control board.** That the act of the Territorial Legislature of Alaska entitled "An Act to create the board of liquor control and prescribe its powers and duties", approved May 4, 1933, contained in the Session Laws of Alaska, 1933, being Chapter 109 thereof at pages 193—194 be, and the same hereby is, ratified and approved, and the board thereby created shall have the powers and the authority conferred upon it by the said Act. And any person, firm, or corporation, who shall violate any of the rules or regulations prescribed by the said board governing the manufacture, sale, barter, and possession of intoxicating liquors in the Territory of Alaska, or the qualifications of those engaging in the manufacture, sale, barter, and possession of such liquors in the said Territory, or the payment of license fees and excise taxes therefor, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in section 2072 of the Compiled Laws of Alaska. (April 13, 1934, 48 Stat. 584)

§ 4. **Repeal.** That sections 462 to 478, both inclusive, of Act of Congress entitled "An Act to define and punish crime in the District of Alaska and to provide a code of criminal procedure for said district", approved March 3, 1899 (30 Stat L 1337—1341), as amended by the Act of June 6, 1900 (31 Stat L 332), and by the Act of February 6, 1909 (35 Stat L 601—603), be and the same hereby are, repealed. (April 18, 1934, 48 Stat. 584)

§ 5. **Nonapplication of 1 USC § 29.** Section 13 of the Revised Statutes (USC, title 1, sec 29) shall not apply with respect to any penalty, forfeiture or liability incurred under any provision repealed by this Act. (April 18, 1934, 48 Stat. 584)