

1 IN THE HOUSE

12
BY MR. METCALFE

2 HOUSE BILL NO. 45

3 IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

4 TWENTY-SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act to provide for the revision and
7 consolidation of the Military Code of
8 Alaska and to repeal ACLA, 1949, sections
9 44-1 through 44-1-7 and all sections of
10 Chapter 120, SLA, 1949."

11 BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF ALASKA:

12 Section 1. Designation. This Act shall be known as the
13 Military Code of Alaska.

14 Section 2. Alaska Militia Established. The militia of the
15 Territory of Alaska shall consist of all able-bodied male
16 citizens of the United States and all other able-bodied males who
17 shall have declared their intention to become citizens of the
18 United States, residing within the Territory, whose age shall be
19 as prescribed by Federal law and said militia shall be divided
20 into two classes: The Organized Militia, to be known as the
21 Alaska National Guard, and the Unorganized Militia.

22 Section 3. Exemption from Militia Service. The following
23 persons shall be exempt from militia service: Persons exempt by
24 the laws of the United States, judges of the several courts of
25 the Territory, and members and officers of the Alaska Territorial
26 Legislature.

27 Section 4. Composition of Alaska National Guard. The
28 Alaska National Guard shall consist of members of the militia
29 voluntarily enlisted therein, who, upon original enlistment,

1 shall be organized, armed, equipped, and federally recognized
2 according to the laws of the United States, and of commissioned
3 officers and warrant officers who are citizens of the United
4 States (having the qualifications prescribed by Federal law and
5 regulations) and who shall be appointed and commissioned or
6 warranted by the Governor of the Territory: (Provided, That
7 former members of the Regular Army, Navy, or Marine Corps under
8 sixty-four years of age may enlist in said Alaska National
9 Guard.)

10 Section 5. Ratification and Confirmation of Existing
11 Military Forces. The terms and provisions of sections 473-479
12 of 48 USC 473-479 pertaining to the National Guard are made
13 applicable to the existing units and individuals of the military
14 forces in the Territory of Alaska, heretofore organized and known
15 as the Alaska National Guard, and such organization is ratified
16 and confirmed.

17 Section 6. Authority for Organization. The Governor as
18 Commander-in-Chief shall have the power to organize units in
19 communities requesting such and specifically to provide for
20 organization of at least two Scout Battalions in the western and
21 northwestern coastal areas of Alaska and northern Arctic regions,
22 in accordance with special authority of the Defense Department to
23 organize Scout Battalions.

24 Section 7. Governor as Commander-in-Chief; Rules and
25 Regulation. The Governor of the Territory of Alaska, as ex-
26 officio commander of the militia of the Territory, shall have
27 like command of the Alaska National Guard while not in active
28 Federal service, and is empowered to promulgate all necessary
29 regulations therefor not inconsistent with sections 473-479,

1 (48 USC). Except as otherwise prescribed by said sections, the
2 Alaska National Guard and its members shall be subject to all
3 Federal laws and regulations relating to the National Guard of
4 the several States and Territories, and of the United States.

5 Section 8. Governor May Order Organized Militia Into
6 Active Service. In the event of war, disaster, insurrection,
7 rebellion, tumult, catastrophe, invasion, riot, mob or body of
8 men acting together by force with intent to commit a felony or to
9 offer violence to persons or property, or by force and violence
10 to break and resist the laws of Alaska, or the United States, or
11 in the case of imminent danger of the occurrence of any or all
12 of said events, or whenever responsible civil authorities shall,
13 for any reason, fail to preserve law and order, or protect life
14 or property, or the Governor believes that such failure is
15 imminent, the Governor shall have the power to order the organ-
16 ized Militia of Alaska, or any part thereof, into active
17 Territorial service to execute the laws, and to perform such
18 duties in connection therewith as he shall deem proper. When-
19 ever any portion of the Militia has been ordered into active
20 service by the Governor, it shall become an additional police
21 force, retaining its separate entity and operating at all times
22 as a military organization under Military Command, with power to
23 cooperate with and not to supersede the existing civilian law
24 enforcement officers whenever possible, for the reestablishment
25 of law and order and for the protection of life and property.
26 The Governor shall also have the power to order members of the
27 organized Militia to active Territorial service with their
28 consent for the purpose of training or full-time duty with the
29 office of the Adjutant General.

1 Section 9. Governor's Decision Final. Whenever any
2 portion of the Militia is ordered to duty by the Governor, the
3 decision of the Governor in this matter shall be final.

4 Section 10. Proclamations of Complete or Limited Martial
5 Law. The Governor may by proclamation declare any city, town,
6 village, or area in which troops are serving, or any portion
7 thereof, to be under either complete or limited Martial law to
8 the extent, in his judgment that may be necessary for the re-
9 establishment or maintenance of law and order. "Complete Martial
10 Law" is the subordination of all civil authority to the military
11 authority for a specified and limited period of time.

12 "Limited Martial Law" is a partial subordination of civil
13 authority to the military authority by the setting up of an
14 additional police power vested in the military force which shall
15 have the authority to try all persons apprehended by it in the
16 areas placed under Martial Law by Military Tribunal, or to turn
17 such offenders over to appropriate civil authorities within five
18 days for further action, during which time the Writ of Habeas
19 Corpus shall be suspended in behalf of such person or persons.

20 Section 11. Territorial Guard; When and How Organized;
21 Rules and Regulations. During such time as the Alaska National
22 Guard, or any part thereof, is not available to the Territory by
23 reason of active Federal service, the Governor of Alaska, through
24 voluntary enlistments, may organize a Territorial Guard under
25 such regulations as to discipline and training as the Secretary
26 of the Army may prescribe: Provided, That the Secretary of the
27 Army, in his discretion and under such regulation as he may
28 prescribe, is authorized to issue for the use of such Territorial
29 Guard, upon requisition of the Governor of the Territory, such

1 arms and equipment as may be in possession of and can be spared
2 by the Department of the Army.

3 Section 12. Governor may Order Unorganized Militia Into
4 Active Service. For the same reasons as enumerated in Section 8
5 supra, if the Governor shall have ordered into active service all
6 of the available organized Militia or if the organized Militia is
7 in active Federal service, he may in addition, order the un-
8 organized Militia or any portion thereof as he may deem necessary
9 into active service, and cause them to perform such Military duty
10 for the Territory subject to the provisions of this Code, as the
11 circumstances may require.

12 Section 13. Penalty for Failure to Obey Call. Any member
13 of the Militia who shall have been ordered into active service
14 and who shall refuse or willfully or negligently fail to report
15 at the time and place and to the officer designated in the order
16 or his representative thereof, shall be deemed guilty of
17 desertion and shall suffer such penalty as a general court-
18 martial may direct, unless he shall produce a sworn certificate
19 from a licensed physician of good standing that he was physically
20 unable to appear at the time and place designated, provided that
21 any person chargeable with desertion under this section may be
22 taken by force and compelled to serve.

23 Section 14. Penalty for Physician Making False Certificate.
24 Any physician who shall knowingly make and deliver a false
25 certificate of physical disability concerning any person who
26 shall have been ordered to active service shall be tried in the
27 Territorial Courts, and upon conviction, shall forever forfeit
28 his license and right to practice his profession in this
29 Territory.

1 Section 15. Suits Against Officers and Enlisted Men.

2 Members of the Militia ordered into active service for the
3 Territory by order of the Governor shall not be liable civilly
4 or criminally for any act or acts done by them in their official
5 capacity while on such service. If a suit is commenced in any
6 court against any officer or enlisted man of the Militia as a
7 result of any act done by such officer or enlisted man in his
8 official capacity while in active service the defendant may
9 require the person instituting such suit to give security for the
10 payment of all costs. In case judgment is for the defendant
11 treble costs shall be assessed against the plaintiff. The de-
12 fendant in such action shall be defended by the Attorney General
13 or any of his assistants at the expense of the Territory but
14 private counsel may be employed by the defendant.

15 Section 16. Not Liable for Exercise of Judgment. Any
16 commanding officer of the Alaska Militia engaged under proper
17 authority in the suppression of any of those acts listed under
18 Section 8 supra may determine the means to be used in controlling
19 or dispersing of any mob or other unlawful assembly and if he
20 exercises such discretion he shall not be liable in either a
21 civil or criminal action for any act done in the line of duty.

22 Section 17. Appointment of Adjutant General: Qualifi-
23 cations and Duties. The Adjutant General of the Territory of
24 Alaska shall be appointed by the President with such rank and
25 qualifications as he may prescribe. He shall be a citizen of
26 the Territory and shall make such returns and reports to the
27 Secretary of the Army and to the Governor of the Territory of
28 Alaska or to such officers as each of them may designate, at
29 such times and in such form as may be prescribed.

1 He shall execute an official bond running to the Territory
2 of Alaska in the penal sum of \$20,000.00 conditioned upon the
3 faithful performance of his duties, said bond to be submitted to
4 the Attorney General for approval and when approved to be filed
5 in the Auditor's office, the cost of said bond to be paid by the
6 Territory.

7 Section 18. Governor's Instructions Exercised Through the
8 Adjutant General. The Governor's command is exercised through
9 the Adjutant General, who is charged with carrying out the
10 policies of the Governor in military affairs. He directly
11 represents the Governor and is bound always to act in conformity
12 to the Governor's instructions. He shall exercise control over
13 the Military Department of the Territory.

14 Section 19. Headquarters Staff of Alaska National Guard.
15 The Adjutant General shall have a Headquarters Staff consisting
16 of not more than two assistant adjutants general and such other
17 necessary officers, clerks and employees as may be required to
18 conduct properly the operation of the military department of the
19 Territory of Alaska. They shall be appointed and subject to be
20 removed by the Adjutant General. Their salaries shall be payable
21 out of Territorial funds. There shall also be appointed such
22 staff officers of the Alaska National Guard as shall be pre-
23 scribed by the laws of the United States and the regulations of
24 the Defense Department to complete the organization of the head-
25 quarters. Assistant adjutant generals for the Army National
26 Guard of Alaska and the Air National Guard shall be appointed by
27 the Adjutant General with such rank and qualifications as he may
28 prescribe.

29 Section 20. Administration.

1 (1) Functions. The Adjutant General shall make and publish
2 such orders and regulations not contrary to law, as in his
3 judgment, are necessary to bring the organizations, armament,
4 equipment and discipline of the organized Militia to a high
5 degree of efficiency. He shall perform all the administrative
6 functions incident to the operation of the Alaska National Guard.
7 It shall in addition be the duty of the Adjutant General to
8 cause an inventory to be taken at least once each year of all
9 Territorial military stores, property and funds under his
10 jurisdiction.

11 On or before the first day of January next preceding the
12 regular session of the Territorial Legislature, the Adjutant
13 General shall make out a full and detailed report of all the
14 transactions of his office, showing the receipts and expend-
15 itures of the same for the preceding biennium.

16 The Adjutant General may require a bidder to whom a contract
17 is awarded to give bond running to the Territory in such sums
18 and with such surety as he shall direct, conditioned upon the
19 faithful performance of such contract; in case of breach of the
20 conditions of any such bond, action shall be brought thereon
21 under supervision of the Attorney General, and all moneys re-
22 covered shall be turned into the Territorial Military Fund. All
23 stores, supplies or property purchased under contract shall be
24 rigidly inspected by an officer detailed for that purpose by the
25 Adjutant General, and compared with standard supplies and stores
26 of like character, before the same shall be accepted and paid
27 for.

28 (2) Territorial Military Fund. There is hereby created a
29 revolving Fund in the Territorial Treasury, hereinafter referred

1 to as the Territorial Military Fund. All moneys hereinafter
2 appropriated for the National Guard excepting Armory funds, and
3 all other moneys derived from sale of surplus or damaged property
4 under jurisdiction of said National Guard or obtained by way of
5 gift or otherwise excepting Armory receipts, shall be deposited
6 in said Territorial Military Fund for expenditure under Territor-
7 ial vouchering procedure to carry out the purposes and provisions
8 of this Act.

9 (3) Alaska Armory Fund. All funds appropriated for
10 Armories or received for the construction or from the use of
11 armories shall be kept in a separate revolving Fund in the
12 Territorial Treasury to be known as the Alaska Armory Fund. The
13 Alaska Armory Fund shall be administered pursuant to the pro-
14 visions of the Alaska Armory Act of 1955 to accomplish the
15 purpose of that Act.

16 Section 21. Officers' Qualifications, Appointment and
17 Tenure. No person shall be commissioned or warranted in any
18 office of the National Guard of Alaska unless he shall have been
19 examined and adjudged qualified therefor by an examining board,
20 appointed by the Commander-in-Chief, provided that at the
21 discretion of the Adjutant General, the proceedings of Federal
22 Examining Boards may be accepted in lieu of above board. The
23 composition, appointment and procedure of examining boards and
24 the nature and scope of examination shall be as prescribed by
25 the military laws or regulations of the United States or of this
26 Territory.

27 Section 22. Removal of Officers. At any time, the moral
28 character, capacity and general fitness of any National Guard
29 officer may be determined by an efficiency board of not less

1 than three commissioned officers appointed by the Commander-in-
2 Chief, one of whom shall be medical officer or physician. The
3 officers of the board shall be equal to or senior in rank
4 (except the Medical Officer or physician) to the officer whose
5 fitness shall be under investigation. If the findings of the
6 board are unfavorable and approved by the Governor, such officer
7 shall be discharged. Commissions of officers may be vacated
8 upon resignation, for absence without leave for three months or
9 more, upon recommendation of an efficiency board, pursuant to
10 court martial sentence, for failure to meet federal recognition
11 requirements, or for permanent removal from the Territory of
12 Alaska. Officers rendered surplus by the disbandment of their
13 organizations shall be placed in an inactive status, pending a
14 position vacancy in an active organization of the Alaska National
15 Guard. The Governor may order inactive National Guard officers
16 to active service and when the situation demands it in addition,
17 the Governor may relieve them from active service and transfer
18 them to the Inactive National Guard. Resignations of officers
19 must be in writing, addressed through National Guard channels to
20 the Adjutant General, and shall state the reasons for the resig-
21 nation. Resignations shall take effect when accepted by the
22 Governor and announced in orders.

23 Section 23. Retired List. Every commissioned officer and
24 enlisted man upon reaching the maximum age prescribed for active
25 duty by appropriate regulations and any commissioned officer or
26 enlisted man who has become disabled or incapacitated for active
27 duty through no fault or dereliction of his own, and every
28 commissioned officer or enlisted man who has served honorably
29 with the Alaska National Guard in any capacity and is unable to

1 perform further active duty due to limitations imposed by
2 appropriate regulations may be placed upon the retired list upon
3 recommendation by the Adjutant General and approval of the
4 Governor.

5 Section 24. Bonds. Any person may be designated by the
6 Governor to execute Bond for the faithful performance of his
7 duties and when so ordered shall execute proper funds to the
8 Territory in such sums as he shall prescribe.

9 Section 25. Armories and Rifle Ranges.

10 (1) Buildings and sites for armory purposes may be leased
11 or constructed, based upon location and size of units to be
12 organized, and shall be financed out of the Alaska Armory Fund,
13 it being understood that such facilities may be made available
14 by local communities or by cooperative arrangement between the
15 Territory and the Federal Government and any local community.

16 (2) The armory of each battalion, company or other unit
17 shall be subject to the order of the Adjutant General and be
18 under the charge of its commanding officer, who shall keep there-
19 in all property furnished by the Territory. Excepting Scout
20 Battalions organized under special authority of the Secretary of
21 the Army, no unit shall be furnished with arms or equipment until
22 a suitable armory shall be provided for their deposit. Subject
23 to such regulations as may be promulgated by the Adjutant
24 General, the use of armories may be permitted for any reasonable
25 and legitimate civilian activities so long as such activities do
26 not interfere with their use for military purposes. Proceeds
27 received as rental or otherwise at any armory from such non-
28 military use shall be deposited in the Alaska Armory Fund.

29 (3) All target ranges belonging to or leased by the

1 Territory shall be administered by the Adjutant General.
2 Gallery ranges shall be maintained at all armories occupied by
3 Territorial troops and every command shall be given suitable in-
4 struction in marksmanship under direction of its commander, and
5 regulations as authorized by the Adjutant General.

6 Section 26. Enlisted Men. Any able bodied man of good
7 character who is a citizen of the United States or has declared
8 his intention of becoming such, shall be eligible for enlistment
9 in the National Guard at such ages and for such periods of time
10 as are prescribed in Federal or Territorial regulations in effect
11 at time of enlistment.

12 Section 27. Discharges. An enlisted man discharged from
13 service in the organized militia of Alaska shall receive a
14 notice of discharge in writing in such form and classification
15 as shall be prescribed by Territorial law or regulations, and in
16 time of peace or when there is no declaration of national
17 emergency, discharge may be given prior to the expiration of
18 terms of enlistment under such regulations as may be prescribed
19 by competent authority.

20 Section 28. Pay and Allowances.

21 (1) The Adjutant General is charged with all disbursements
22 of pay and allowances for service of the troops.

23 (2) The Adjutant General shall receive compensation equal
24 to the pay and allowances provided by Federal law for a Brigadier
25 General of the U. S. Army or Air Force.

26 (3) Commissioned and warrant officers for services actually
27 performed shall be entitled to and shall receive pay and allow-
28 ances equal to those provided by Federal laws and regulations for
29 commissioned and warrant officers of like grades of the United

1 States Army or Air Force.

2 (4) Enlisted men of the Army National Guard and Air
3 National Guard in equivalent ranks shall receive per day for
4 services actually performed when in active service under orders
5 of the Governor, according to their respective grades as follows:

- 6 a. Master Sergeants in the National Guard - \$9.00
7 b. Sergeants First Class in the National Guard - \$8.00
8 c. Sergeants in the National Guard - \$7.33
9 d. Corporals in the National Guard - \$6.83
10 e. Privates First Class in the National Guard - \$6.50
11 f. Privates in the National Guard - \$6.17
12 g. Recruits in the National Guard - \$6.00

13 (5) Any officer or enlisted man of the National Guard who
14 may be wounded or disabled in any way, while on active duty for
15 the Territory and lawfully performing the duties of the same, so
16 as to prevent his working at his profession, trade or other
17 occupation from which he gains his living, shall be entitled to
18 be treated by an officer of the Medical Department detailed by
19 the Territorial Surgeon General, or if said medical officer is
20 not available by any duly licensed civilian physician and to draw
21 one-half of his active service pay, as specified in sub-sections
22 (3) and (4) of this section, for not to exceed thirty days of
23 such disability on the certificate of the attending medical
24 officer or physician; if still disabled at the end of thirty days,
25 he shall be entitled to draw pay at the same rate for such period
26 as board of three medical officers or civilian physicians duly
27 convened by order of the Commander-in-Chief may determine to be
28 right and just, but not to exceed six months.

29 (6) In every case where an officer or enlisted man of the

1 National Guard shall suffer permanent total disability or death
2 while performing his duty as an officer or enlisted man in
3 pursuance of orders from the Commander-in-Chief, said officer or
4 enlisted man, or his heirs or dependents, shall have a claim
5 against the Territory for financial help or assistance, on such
6 terms and in such amount, not exceeding \$7,500 as may be de-
7 termined by a board of three medical officers or three civilian
8 physicians, to be right and just, said board to be convened for
9 the purpose by order of the Commander-in-Chief.

10 (7) Officers of the Medical Department and civilian
11 physicians who attend cases of injury or illness incurred in the
12 line of duty under sub-section (5) of this section shall be en-
13 titled to such reasonable compensation in each case as the
14 circumstances may warrant, as approved by the Adjutant General.

15 (8) Necessary charges incurred in cases stated in this
16 section shall be paid from the Territorial Military Fund by
17 issuance of appropriate voucher.

18 Section 29. Payment of Military Claims. All bills, claims
19 and demands for military purposes other than for armories shall
20 be certified and audited in the manner prescribed by the law and
21 shall be paid from the Territorial Military Fund in the normal
22 manner upon submission of proper vouchers by the Adjutant General.
23 Provided, however, that such bills, claims or demands relating to
24 Armories shall be similarly paid from the Alaska Armory Fund.
25 Provided, further, that in all cases where the organized militia,
26 or any part thereof, is called in active service of the
27 Territory in case of war, disaster, insurrection, rebellion,
28 tumult, riot, invasion, breach of peace, or to execute or enforce
29 the laws, vouchers for legally allowed pay and expenses for such

1 service or compensation for injuries shall be drawn upon the
2 general fund of the Territorial Treasury and paid out of moneys
3 in said fund not otherwise appropriated.

4 Section 30. Transportation, Subsistence, and Supplies.
5 There shall be provided by the Territory, transportation and
6 subsistence for all officers and enlisted men who shall be order-
7 ed into active service by the Territory for encampment, field
8 duty, or other duty. Necessary transportation, stores and sub-
9 sistence for troops when ordered on duty shall be contracted by
10 the proper officers and paid for as other military bills.

11 Section 31. Requisitions, Armories, Other Buildings. The
12 Governor is authorized to requisition from the Secretary of
13 Defense such arms and equipment as may be available for Territor-
14 ial forces, and to make available to such forces the facilities
15 of such Territorial armories not required by the Federal Govern-
16 ment and their equipment as may be available.

17 Section 32. Statement of Policy - Military Justice. Any
18 offense committed by any member of the militia, both organized
19 and unorganized, shall be tried in civil courts and prosecuted
20 by civil authorities save offenses of a purely military nature.
21 This policy shall be executed and carried into effect at all
22 times and shall apply to all encampments, armory drill periods
23 and parade periods in addition to any duty performed by the
24 militia under the provisions of section (8) of this Act.

25 Section 33. Military Courts for the Alaska Militia. Except
26 in organizations in the service of the United States, Military
27 courts in the Alaska Militia, including the Alaska National
28 Guard, shall be of three kinds, namely, General, Special and
29 Summary Courts Martial.

1 They shall, when practicable in light of finances, personnel
2 and administrative considerations, be constituted like similar
3 courts provided for by the laws and regulations governing the
4 armed forces of the United States and shall follow the forms and
5 modes of procedure prescribed for said similar courts.

6 Section 34. Structure of Courts Martial.

7 (1) General Court-Martial. A General Court-Martial of the
8 Alaska National Guard shall be convened only by order of the
9 Governor. Such a court shall have the power to try any person
10 subject to the military code of Alaska for any or all crimes made
11 punishable by the military laws of the United States and Alaska,
12 to impose fines not to exceed \$200, to sentence forfeiture of pay
13 and allowances, to reprimand, to give bad conduct discharges, to
14 dismiss or dishonorably discharge from the service, to reduce
15 non-commissioned officers in rank; any two or more of such punish-
16 ments may be combined in the sentence imposed by such court.

17 The procedure by which a General Court-Martial shall
18 function in view of the Territory's lack of manpower, lack of
19 legally qualified personnel, and shortage of places of confine-
20 ment and finances, shall be in compliance with reasonable rules
21 and regulations, adjusted to the peculiar characteristics of
22 Alaska, Provided, further, that such rules and regulations shall
23 be formulated by the Adjutant General, drafted by the Staff Judge
24 Advocate and approved by the Governor.

25 (2) Special Court-Martial. The Adjutant General or the
26 Commanding Officer of any battalion or similar unit may appoint
27 a Special Court-Martial but such Special Court-Martial may in
28 any case be appointed by superior authority when by the latter
29 deemed desirable. A Special Court-Martial shall have the power

1 to try any person subject to the military code of Alaska, except
2 a commissioned or warrant officer, for any crime of a purely
3 military nature made punishable as such by military law of the
4 United States or the Territory, and such a Special Court-Martial
5 shall have the same powers of punishment as does a General Court-
6 Martial, except fines cannot exceed \$100.00.

7 (3) Summary Court-Martial. The Commanding Officer of any
8 unit shall appoint a summary court to consist of one officer who
9 shall have power to administer oaths and to try enlisted men for
10 breach of discipline and for minor violations of any military
11 regulation governing such unit; said court when satisfied of the
12 guilt of such soldier, may fine not in excess of \$25.00 for any
13 single offense; sentence to a reduction in rank; and declare not
14 in excess of one month forfeiture of pay and allowances. The
15 proceedings shall be informal.

16 (4) Appeal From Convictions. Any appeal from the sentence
17 of a court-martial on the part of the defendant shall be taken to
18 the Adjutant General. Written notice of appeal must be filed by
19 the defendant within 20 days of the court's finding of guilty.

20 The Adjutant General with the assistance of the Staff Judge
21 Advocate, shall review all questions of law and fact. The final
22 decision in all appeals from the Special and Summary Courts-
23 Martial shall be with the Adjutant General. An appeal from the
24 General Court-Martial conviction shall likewise be reviewed by
25 the Adjutant General as above provided, however the defendant,
26 within 60 days after being served with written decision of the
27 Adjutant General, affirming in whole or in part the conviction,
28 may appeal to the Governor, whose decision shall be final.

29 Section 35. Expenses of Military Courts.

1 (1) The expenses incident to and connected with the holding
2 of military courts in Alaska under the provisions of this code
3 shall be paid out of the Territorial Military Fund under orders,
4 rules and regulations issued by the Adjutant General with the
5 approval of the Governor.

6 (2) Whenever the sentence of a General Court-Martial shall
7 include a fine, and such sentence shall have been approved by
8 proper authority, the Adjutant General shall issue an execution
9 warrant for the collection of such fine, directed to any peace
10 officer of the Judicial Division wherein the person against whom
11 such fine is imposed resides, and such officer shall proceed in
12 the same manner as if he were likewise authorized in a civil suit,
13 and he shall make return within twenty days after receiving the
14 same to the Adjutant General. In default of the payment of such
15 fine, or if the officer carrying out the execution shall certify
16 that there is no property of the defendant out of which to satisfy
17 such fine, the Adjutant General shall issue a commitment for
18 placement of such delinquent in a specified guard house or jail.

19 Such warrant of commitment for such default shall specify
20 the amount in dollars of the said fine or unpaid balance thereof
21 and such delinquent shall remain in the custody of the keeper
22 or warden of such guard house or jail one day for each two
23 dollars of said unpaid sum.

24 (3) Whenever the sentence of the General Court-Martial shall
25 be or include imprisonment in a jail or penitentiary, and such
26 sentence shall have been approved by proper authority, the
27 Adjutant General shall issue and appropriate commitment, directed
28 to the authorities in charge of such jail or penitentiary charged
29 with carrying out the sentence and said authorities shall in turn

1 make return thereof to the Adjutant General.

2 If such sentence shall be, or include imprisonment in a
3 military guard house, such sentence shall be executed by order
4 of or arrangement made by the officer approving such sentence.

5 (4) All fines levied and collected under the provisions
6 of this section shall be paid to the Treasurer of the Territory,
7 who shall deposit same in the Territorial Military Fund.

8 (5) For each day's duty as a member of a General Court-
9 Martial, or as a witness under summons from the president or
10 Judge Advocate of the Court, officers and men shall be paid as
11 provided in sub-sections (3) and (4) of section (28) hereof.

12 (6) The presiding officer, or recorder of any military
13 board duly appointed to conduct any investigation or survey, or
14 an officer detailed for such purpose may administer oaths to any
15 witness attending to testify in such investigation.

16 (7) All expenses incident to conduct of military boards
17 shall be paid for upon proper vouchers drawn against the
18 Territorial Military Fund.

19 (8) If any member of the National Guard shall be prosecuted
20 by civil or criminal action for any act performed or committed
21 by such member, or any acts caused, ordered or directed by such
22 member, to be done or performed in furtherance of and while in
23 the performance of his military duty, all the expense of the
24 defense of such action or actions, civil or criminal, including
25 attorney's fees, witnesses' fees for the defense, defendant's
26 court costs and all costs for transcripts of records and
27 abstracts thereof on appeal by the defense, shall be paid out of
28 the Territorial Military Fund.

29 Section 36. General Provisions.

1 (1) In no case shall any part of the Alaska National Guard
2 or Militia as herein defined be used against any labor organiz-
3 ation or for the purpose of strike breaking within the Territory
4 of Alaska.

5 (2) No part of the Alaska military forces shall leave the
6 Territory with arms and equipment without the consent of the
7 Commander-in-Chief.

8 (3) A person who, either by himself or with another, will-
9 fully deprives a member of the National Guard of his employment
10 or prevents his being employed by himself or another, or
11 obstructs or annoys said member of the National Guard or his
12 employer in respect of his trade, business or employment, because
13 said member of said National Guard is such member, or in any
14 other way dissuades any person from enlisting in the said National
15 Guard by threat or injury to him in case he shall so enlist, in
16 respect of his employment, trade or business, shall be deemed
17 guilty of a misdemeanor, and upon conviction thereof shall be
18 fined in any sum not exceeding \$100.00.

19 (4) All matters relating to the organization, discipline
20 and government of the National Guard of Alaska, not otherwise
21 provided for by the laws of the United States, this Military Code
22 of Alaska, or regulations issued by the President, shall be
23 governed by regulations issued by the Adjutant General and
24 approved by the Governor, and such regulations when so promulgat-
25 ed, shall have the same force and effect as though herein enacted.

26 Section 37. Saving Clause. If any provisions of this Act
27 or the application thereof to any person or circumstance is held
28 invalid for any reason by a court or competent jurisdiction, such
29 determination shall not affect other provisions or applications

1 of the Act which can be given effect without the invalid pro-
2 visions, and to this end the provisions of this Act are declared
3 to be severable.

4 Section 38. Repeal of Existing Laws. The following Acts,
5 sections and parts of laws and any other statutes inconsistent
6 herewith, are hereby expressly repealed, to-wit:

7 ACIA 1949, sections 44-1 through 44-1-7

8 All sections of Chapter 120, SLA 1949

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