

the district court or the judge thereof from the certificate of election filed with the district court as aforesaid, that a majority of the votes cast at said election in the territory sought to be annexed were in favor of annexation and that a majority of the votes cast in the city were also in favor of the annexation, and that the provisions of law relating to annexation have been substantially complied with, then the district judge shall by an order in writing entered in the records of the court duly adjudge and declare such annexation and

the said territory shall be a part of the city at such time, not later than 12 months after the order of the court, as the council shall provide by ordinance. Such order shall describe the boundaries of the territory annexed and give the name of the city to which it is annexed.

Section 3. **Effective date.** This Act shall take effect and be in force from and after its passage and approval, or upon its becoming law without such approval, and it is so enacted.

Approved March 28, 1955

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## CHAPTER 150

### AN ACT

**To provide for the revision and consolidation of the Military Code of Alaska and to repeal ACLA, 1949, Sections 44-1-1 through 44-1-7 and all Sections of Chapter 120, SLA, 1949.**

(C. S. for H. B. 45)

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

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

Section 2. **Alaska Militia Established.** The militia of the Territory of Alaska shall consist of all able-

bodied male citizens of the United States and all other able-bodied males who shall have declared their intention to become citizens of the United States, residing within the Territory, whose age shall be as prescribed by Federal law and said militia shall be divided into two classes: The Organized Militia, to

be known as the Alaska National Guard, and the Unorganized Militia.

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

**Section 4. Composition of Alaska National Guard.** The Alaska National Guard shall consist of members of the militia voluntarily enlisted therein, who, upon original enlistment, shall be organized, armed, equipped, and federally recognized according to the laws of the United States, and of commissioned officers and warrant officers who are citizens of the United States (having the qualifications prescribed by Federal law and regulations) and who shall be appointed and commissioned or warranted by the Governor of the Territory: (Provided, That former members of the Regular Army, Navy, or Marine Corps under sixty-four years of age may enlist in said Alaska National Guard.)

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

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

**Section 7. Governor as Commander-in-Chief; Rules and Regulation.** The Governor of the Territory of Alaska, as ex-officio commander of the militia of the Territory, shall have like command of the Alaska National Guard while not in active Federal service, and is empowered to promulgate all necessary regulations therefor not inconsistent with Sections 473-479, (48 USC). Except as otherwise prescribed by said sections, the Alaska National Guard and its members shall be subject to all Federal laws and regulations relating to the National Guard of the several States and Territories, and of the United States.

**Section 8. Governor May Order Organized Militia Into Active Service.** In the event of war, disaster, insurrection, rebellion, tumult, catastrophe, invasion, riot, mob or body of men acting together by force with intent to commit a felony or to offer violence to persons or property, or by force and violence to break and resist the laws of Alaska, or the United States, or in the case of imminent danger of the occurrence of any or all of

said events, or whenever responsible civil authorities shall, for any reason, fail to preserve law and order, or protect life or property, or the Governor believes that such failure is imminent, the Governor shall have the power to order the organized Militia of Alaska, or any part thereof, into active Territorial service to execute the laws and to perform such duties in connection therewith as he shall deem proper. Whenever any portion of the Militia has been ordered into active service by the Governor, it shall become an additional police force, retaining its separate entity and operating at all times as a military organization under Military Command, with power to cooperate with and not to supersede the existing civilian law enforcement officers whenever possible, for the reestablishment of law and order and for the protection of life and property. The Governor shall also have the power to order members of the organized Militia to active Territorial service with their consent for the purpose of training or full-time duty with the office of the Adjutant General.

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

**Section 10. Proclamations of Complete or Limited Martial Law.** The Governor may by proclamation declare any city, town, village, or area in which troops are serving, or any portion thereof, to be under either complete or limited Martial

law to the extent, in his judgment that may be necessary for the reestablishment or maintenance of law and order. "Complete Martial Law" is the subordination of all civil authority to the military authority for a specified and limited period of time.

"Limited Martial Law" is a partial subordination of civil authority to the military authority by the setting up of an additional police power vested in the military force which shall have the authority to try under the provisions of the Code of Military Justice of the United States all persons apprehended by it in the areas placed under Martial Law by Military Tribunal, or to turn such offenders over to appropriate civil authorities within five days for further action, during which time the Writ of Habeas Corpus shall not be suspended in behalf of such person or persons, except in cases of rebellion or invasion when the public safety may require it.

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

the use of such Territorial Guard, upon requisition of the Governor of the Territory, such arms and equipment as may be in possession of and can be spared by the Department of the Army.

**Section 12. Governor May Order Unorganized Militia Into Active Service.** In the event of imminent invasion by a foreign power and for the same reasons as enumerated in Section 8 supra, if the Governor shall have ordered into active service all of the available organized Militia or if the organized Militia is in active Federal service, he may in addition, order the unorganized Militia or any portion thereof as he may deem necessary into active service, and cause them to perform such Military duty for the Territory subject to the provisions of this Code, as the circumstances may require.

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

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

**Section 15. Suits Against Officers and Enlisted Men.** Members of the Militia ordered into active service for the Territory by order of the Governor shall not be liable civilly or criminally for any act or acts done by them in their official capacity while on such service. If a suit is commenced in any court against any officer or enlisted man of the Militia as a result of any act done by such officer or enlisted man in his official capacity while in active service the defendant may require the person instituting such suit to give security for the payment of all costs. In case judgment is for the defendant treble costs shall be assessed against the plaintiff. The defendant in such action shall be defended by the Attorney General or any of his assistants at the expense of the Territory but private counsel may be employed by the defendant.

**Section 16. Not Liable for Exercise of Judgment.** Any commanding officer of the Alaska Militia engaged under proper authority in the suppression of any of those acts listed under Section 8 supra may determine the means to be used in controlling or dispersing of any

mob or other unlawful assembly and if he exercises such discretion he shall not be liable in either a civil or criminal action for any act done in the line of duty.

**Section 17. Appointment of Adjutant General; Qualifications and Duties.** The Adjutant General of the Territory of Alaska shall be appointed by the President with such rank and qualifications as he may prescribe. He shall be a citizen of the Territory and shall make such returns and reports to the Secretary of the Army and to the Governor of the Territory of Alaska or to such officers as each of them may designate, at such times and in such form as may be prescribed.

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

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

**Section 19. Headquarters Staff of Alaska National Guard.** The Adjutant General shall have a Headquarters Staff consisting of not more than two assistant adjutants general and such other necessary officers, clerks and employees as may be required to conduct properly the operation of the military department of the Territory of Alaska. They shall be appointed and subject to be removed by the Adjutant General. Their salaries shall be payable out of Territorial funds. There shall also be appointed such staff officers of the Alaska National Guard as shall be prescribed by the laws of the United States and the regulations of the Defense Department to complete the organization of the headquarters. Assistant adjutants general for the Army National Guard of Alaska and the Air National Guard shall be appointed by the Adjutant General with such rank and qualifications as he may prescribe.

**Section 20. Administration.**

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

der his jurisdiction.

On or before the first day of January next preceding the regular session of the Territorial Legislature, the adjutant General shall make out a full and detailed report of all the transactions of his office, showing the receipts and expenditures of the same for the preceding biennium.

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

(2) **Territorial Military Fund.** There is hereby created a revolving fund in the Territorial Treasury, hereinafter referred to as the Territorial Military Fund. All moneys hereinafter appropriated for the National Guard and all other moneys derived from sale of surplus or damaged property under jurisdiction of said National Guard or obtained by way of gift or otherwise, shall be deposited in said

Territorial Military Fund for expenditure under Territorial vouchering procedure to carry out the purposes and provisions of this Act.

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

**Section 22. Removal of Officers.** At any time, the moral character, capacity and general fitness of any National Guard officer may be determined by an efficiency board of not less than three commissioned officers appointed by the Commander-in-Chief, one of whom shall be medical officer or physician. The officers of the board shall be equal to or senior in rank (except the Medical Officer or physician) to the officer whose fitness shall be under investigation. If the findings of the board are unfavorable and approved by the Governor, such officer shall be discharged. Commissions of officers may be vacated upon resignation, for absence without leave for three months or more, upon recommen-

dation of an efficiency board, pursuant to court martial sentence, for failure to meet Federal recognition requirements, or for permanent removal from the Territory of Alaska. Officers rendered surplus by the disbandment of their organizations shall be placed in an inactive status, pending a position vacancy in an active organization of the Alaska National Guard. The Governor may order inactive National Guard officers to active service and when the situation demands it in addition, the Governor may relieve them from active service and transfer them to the Inactive National Guard. Resignations of officers must be in writing, addressed through National Guard channels to the Adjutant General, and shall state the reasons for the resignation. Resignations shall take effect when accepted by the Governor and announced in orders.

**Section 23. Retired List.** Every commissioned officer and enlisted man upon reaching the maximum age prescribed for active duty by appropriate regulations and any commissioned officer or enlisted man who has become disabled or incapacitated for active duty through no fault or dereliction of his own, and every commissioned officer or enlisted man who has served honorably with the Alaska National Guard in any capacity and is unable to perform further active duty due to limitations imposed by appropriate regulations may be placed upon the retired list upon recommendation by the Adjutant General and approval of the Gov-

ernor.

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

**Section 25. Armories and Rifle Ranges.**

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

(2) The armory of each battalion, company or other unit shall be subject to the order of the Adjutant General and be under the charge of its commanding officer, who shall keep therein all property furnished by the Territory. Excepting Scout Battalions organized under special authority of the Secretary of the Army, no unit shall be furnished with arms or equipment until a suitable armory shall be provided for their deposit. Subject to such regulations as may be promulgated by the Adjutant General, the use of armories may be permitted for any reasonable and legitimate civilian activities so long as such activities do not interfere with their use for military purposes. Proceeds received

as rental or otherwise at any armory from such non-military use shall be deposited in the Territorial Military Fund.

(3) All target ranges belonging to or leased by the Territory shall be administered by the Adjutant General. Gallery ranges may be maintained at all armories occupied by Territorial troops and every command shall be given suitable instruction in marksmanship under direction of its commander, and regulations as authorized by the Adjutant General.

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

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

Section 28. **Pay and Allowances.**

(1) The Adjutant General is charged with all disbursements of

pay and allowances for service of the troops.

(2) The Adjutant General shall receive compensation for Territorial service equal to the base pay provided by Federal Law for a Brigadier General of the U. S. Army or Air Force.

(3) Commissioned and warrant officers for Territorial services actually performed shall be entitled to and shall receive pay and allowances equal to those provided by Federal laws and regulations for commissioned and warrant officers of like grades of the United States Army or Air Force.

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

- a. Master Sergeants in the National Guard and Air National Guard .....\$ 9.00
- b. Sergeants First Class in the National Guard and Technical Sergeants in the Air National Guard \$ 8.00
- c. Sergeants in the National Guard and Staff Sergeants in the Air National Guard .....\$ 7.33
- d. Corporals in the National Guard and Airman First Class in the Air National Guard ...\$ 6.83
- e. Privates First Class in

the National Guard and  
Airman Second Class in  
the Air National Guard \$ 6.50

f. Privates in the National  
Guard and Airman  
Third Class in the Air  
National Guard .....\$ 6.17

g. Recruits in the National  
Guard and Basic  
Airman in the Air Na-  
tional Guard .....\$ 6.00

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

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

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

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

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

**Section 29. Payment of Military Claims.** All bills, claims and demands for military purposes shall be certified and audited in the manner prescribed by the law and shall be paid from the Territorial Military Fund in the normal manner upon submission of proper vouchers by the Adjutant General. Provided, that in all cases where the organized militia, or any part thereof, is called in active service of the Territory in case of war,

disaster, insurrection, rebellion, tumult, riot, invasion, breach of peace, or to execute or enforce the laws, vouchers for legally allowed pay and expenses for such service or compensation for injuries shall be drawn upon the general fund of the Territorial Treasury and paid out of moneys in said fund not otherwise appropriated.

**Section 30. Transportation, Subsistence, and Supplies.** There shall be provided by the Territory, transportation and subsistence for all officers and enlisted men who shall be ordered into active service by the Territory for encampment, field duty, or other duty. Necessary transportation, stores and subsistence for troops when ordered on duty shall be contracted by the proper officers and paid for as other military bills.

**Section 31. Requisition, Armories, Other Buildings.** The Governor is authorized to requisition from the Secretary of Defense such arms and equipment as may be available for Territorial forces, and to make available to such forces the facilities of such Territorial armories not required by the Federal Government and their equipment as may be available.

**Section 32. Statement of Policy—Military Justice.** Any offense committed by any member of the militia, both organized and unorganized, shall be tried in civil courts and prosecuted by civil authorities save offenses of a purely military nature. This policy shall be executed and carried into effect at all

times and shall apply to all encampments, armory drill periods and parade periods in addition to any duty performed by the militia under the provisions of section (8) of this Act.

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

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

**Section 34. Structure of Courts Martial.**

(1) **General Court-Martial.** A General Court-Martial of the Alaska National Guard shall be convened only by order of the Governor. Such a court shall have the power to try any person subject to the military code of Alaska for any or all crimes made punishable by the military laws of the United States and Alaska, to impose fines not to exceed \$200, to sentence forfeiture of pay and allowances, to reprimand, to give bad conduct discharges, to dismiss or dishonorably discharge from the service, to reduce non-commissioned officers in

rank; to confine in a jail or guard-house for a period not to exceed 60 days; any two or more of such punishments may be combined in the sentence imposed by such court.

The procedure by which a General Court-Martial shall function in view of the Territory's lack of manpower, and shortage of places of confinement and finances, shall be in compliance with reasonable rules and regulations, adjusted to the peculiar characteristics of Alaska. Provided, further, that such rules and regulations shall be formulated by the Adjutant General, drafted by the Staff Judge Advocate and approved by the Governor.

(2) **Special Court-Martial.** The Adjutant General or the Commanding Officer of any battalian or similar unit may appoint a Special Court-Martial but such Special Court-Martial may in any case be appointed by superior authority when by the latter deemed desirable. A Special Court-Martial shall have the power to try any person subject to the military code of Alaska, except a commissioned or warrant officer, for any crime of a purely military nature made punishable as such by military law of the United States or the Territory, and such a Special Court-Martial shall have the same powers of punishment as does a General Court-Martial, except fines cannot exceed \$100.00.

(3) **Summary Court-Martial.** The Commanding Officer of any unit shall appoint a summary court to consist of one officer who shall

have power to administer oaths and to try enlisted men for breach of discipline and for minor violations of any military regulation governing such unit; said court when satisfied of the guilt of such soldier, may fine not in excess of \$25.00 for any single offense; sentence to a reduction in rank; and declare not in excess of one month forfeiture of pay and allowances. The proceedings shall be informal.

(4) **Appeal From Convictions.** Any appeal from the sentence of a court-martial on the part of the defendant shall be taken to the Adjutant General. Written notice of appeal must be filed by the defendant within 30 days of the court's finding of guilty.

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

#### Section 35. Expenses of Military Courts.

(1) The expense incident to and connected with the holding of military courts in Alaska under the

provisions of this code shall be paid out of the Territorial Military Fund under order, rules and regulations issued by the Adjutant General with the approval of the Governor.

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

Such warrant of commitment for such default shall specify the amount in dollars of the said fine or unpaid balance thereof and such delinquent shall remain in the custody of the keeper or warden of such guardhouse or jail one day for each five (\$5.00) dollars of said unpaid sum.

(3) Whenever the sentence of the General Court-Martial shall be or include imprisonment in a jail or

guardhouse, and such sentence shall have been approved by proper authority, the Adjutant General shall issue an appropriate commitment, directed to the authorities in charge of such jail or guardhouse charged with carrying out the sentence and said authorities shall in turn make return thereof to the Adjutant General.

If such sentence shall be, or include imprisonment in a military guardhouse, such sentence shall be executed by order of or arrangement made by the officer approving such sentence.

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

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

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

(7) All expenses incident to conduct of military boards shall be paid for upon proper vouchers drawn against the Territorial Mili-

tary Fund.

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

**Section 36. General Provisions.**

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

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

(3) A person who, either by himself or with another, willfully deprives a member of the National Guard of his employment or prevents his being employed by himself or another, or obstructs or annoys said member of the National Guard or his employer in respect of his trade, business or employment, because said member of said National Guard is such member, or in any other way dissuades any person

from enlisting in the said National Guard by threat or injury to him in case he shall so enlist, in respect of his employment, trade or business, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding \$100.00.

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

**Section 37. Saving Clause.** If any provisions of this Act or the application thereof to any person or circumstance is held invalid for any reason by a court or competent jurisdiction, such determination shall not affect other provisions or applications of this Act which can be given effect without the invalid provisions, and to this end the provisions of this Act are declared to be severable.

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

ACLA 1949, Sections 44-1-1 through 44-1-7.

All sections of Chapter 120, SLA 1949.

Approved March 28, 1955