

supply, fire protection, lights, public health, and relief of destitution and indigents; water supply, fire protection

To fill vacancies in the council until the time of next election, and to provide rules and regulations governing place and conditions of the annual election; Provided, that public notice of said election shall be given at least ten days prior to such election. Vacancies in council.— How filled.

The commissioners, ex-officio probate judges, shall for acts rendered in pursuance of this Act receive the same fees and commissions as are prescribed for similar services when acting as probate judges. Fees to Commissioners

Approved, April 21, 1915.

CHAPTER 12.

AN ACT

[H. B. 34.]

To prevent and punish family desertion and to provide support bonds.

Be It Enacted by the Legislature of the Territory of Alaska:

Section 1. Any person who shall, without lawful excuse, desert or wilfully neglect or refuse to provide for the support or maintenance of his wife, who is in destitute or necessitous circumstances, or any person who shall, without lawful excuse, desert or wilfully neglect or refuse to provide for the support and maintenance of his or her minor children under the age of eighteen years who are in destitute or necessitous circumstances, shall be guilty of a misdemeanor, and on conviction thereof, be punished by a fine of not more than five hundred dollars, or by imprisonment in the jail, in the division wherein said sentence is imposed, for not more than twelve months, or by both such fine and imprisonment; and should a fine be imposed it may be directed by the Court to be paid whole or in part to the wife or to the guardian or custodian of the minor child. Family deser- tion and non- support a mis- demeanor Penalty

Proviso

dren; Provided, that before the trial, with the consent of the defendant, or after conviction, instead of imposing the punishment hereinbefore provided, or in addition thereto, the Court in its discretion, having regard to the circumstances and to the financial ability or earning capacity of the defendant, shall have the power to make an order, which shall be subject to change by it from time to time as circumstances may require, directing the defendant to pay a certain sum weekly during such time as the Court may direct, to the wife or to the guardian or custodian of the minor child or children or to an individual approved by the Court as trustee, and to release the defendant from custody or probation during such time as the Court may direct upon his or her entering into a recognizance, with or without sureties, in such sum as the Court may direct. The condition of the recognizance shall be such that if the defendant shall make his or her personal appearance in court when ordered to do so and shall further comply with the terms of the order and of any subsequent modification thereof, then the recognizance shall be void.

Violation of order of Court

Section 2. If the Court be satisfied by information or complaint and due proof, under oath, that at any time the defendant has violated the terms of such order, it may forthwith proceed with the trial of the defendant under the original indictment or information, or sentence him under the original conviction, or enforce the original sentence, as the case may be. In case of a forfeiture of a recognizance and enforcement thereof by execution, the sum recovered may, in the discretion of the Court, be paid in whole or in part to the wife or to the guardian or custodian of the minor child or children.

Forfeited recognizance to be paid to wife or guardian of minor children

Section 3. No other evidence shall be required to prove marriage of such husband and wife, or that such person is the lawful father or mother of such child or children, than is or shall be required to prove such facts in a civil case. In all prosecutions under this Act, any existing provisions of law prohibiting the disclosure of

Evidence required

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Husband and wife compe-

confidential communications between husband and wife shall not apply, and both husband and wife shall be competent witnesses to testify for or against each other to any and all relevant matters, including the fact of such marriage and the parentage of such child or children. Proof of the desertion of such wife, child or children in destitute or necessitous circumstances or of neglect to furnish such wife, child or children necessary and proper food, clothing or shelter is prima facie evidence that such desertion or neglect is wilful.

tent witnesses
against each
other.

Proof of deser-
tion

Approved, April 21, 1915.

CHAPTER 13.

AN ACT

[H. B. 28.]

To provide for the liens of Laborers and Miners working on, in and about Mines and Mining Property, Repealing the Act of the Legislature of the Territory of Alaska, entitled "An Act to create, establish and provide for liens in favor of laborers and material men, and repealing all Acts in conflict herewith," approved April 30, 1913, and declaring an emergency.

Be It Enacted by the Legislature of the Territory of Alaska:

Section 1. Every person who at the instance of the owner performs work or labor in, on or about a mine or mining claim in opening up, developing, sinking, drifting, stoping, mucking, shoveling, mining, hoisting or performs any other class or kind of work on, in or about a mine or mining claim necessary or convenient to the development, operation, working or mining thereof, or the extraction of the earth, rock, quartz, ore, minerals, or mineral bearing sands or gravels therefrom, or performs any work or labor in or about such mine or mining claim tending to or assisting in the separation or reduction to a commercial value of the minerals contained therein, or thereon or extracted therefrom, shall have a lien on such mine or mining claim to secure the payment of the amount due for

Miners' lien