

(a) Certificate of competency from any state board of examiners.

(b) Certificate from Supervising Mining Engineer.

Exigency provided for.

Temporary certificate.

Penalty for non-compliance.

state board of examiners within ten years prior to such employment, or; (b) who has not been certified by the Supervising Mining Engineer of the United States Bureau of Mines for Alaska as competent to act as such foreman, assistant foreman, or fire-boss, in coal mines in the Territory. Provided, however, that whenever an exigency arises by which it becomes impossible for an operator to secure the immediate services of a foreman, assistant foreman, or fire-boss, whose competency is certified as above provided, such operator may employ any trustworthy and experienced man to act as temporary mine foreman, assistant mine foreman, or fire-boss, for a period of not to exceed thirty (30) days; and in the event that no person possessing a certificate of competency in compliance with this act can be found to fill the position, then the Supervising Mining Engineer of the United States Bureau of Mines may grant a temporary certificate to some person he may deem available for the time being, and who may then fill the position for another period of sixty (60) days.

Section 2. Any operator of a coal mine who shall employ a mine foreman, assistant foreman, or fire-boss, in violation of the provisions of this act, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than five hundred (\$500.00) dollars, or by imprisonment for not more than sixty (60) days, or by both such fine and imprisonment, in the discretion of the court.

Approved April 12, 1923.

CHAPTER 36. AN ACT

[S. B. 11]

To provide for the attendance and examination of witnesses before the Houses of the Legislature and before committees thereof, and prescribing punishments for violation thereof.

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

Section 1. A subpoena requiring the attendance of any witness before either house of the Legislature, or

a committee thereof may be issued by the President of the Senate, or the Speaker of the House, or the chairman of any committee, when authorized to do so by the House or Senate or both, before whom the attendance of the witness is desired, and it is sufficient if:

Subpoena may be issued for attendance of witnesses before Legislature by President of Senate or Speaker of House.

1. It states whether the proceeding is before the Senate, or the House, or a committee;

What subpoena must contain.

2. It is addressed to the witness;

3. It requires the attendance of such witness at the time and place certain;

4. It is signed by the President of the Senate, or the Speaker of the House, or by the chairman of a committee under due authority from the House or Senate, or both.

Section 2. The subpoena may be served by any person competent as a witness in the courts of Alaska and over the age of twenty-one (21) years and his affidavit that he delivered a copy to the witness is evidence of service.

Service of subpoena.

Section 3. If any witness neglect or refuse to obey such subpoena, or appearing neglect or refuse to testify or to produce upon reasonable notice any material and proper books, papers or documents in his possession or under his control, the Senate or House of Representatives may by resolution entered on the journal of the Senate, or House of Representatives, as the case may be, commit him for contempt, provided, however, that if any such contempt be committed before a committee, such committee shall report the contempt to the Senate or House of Representatives, as the case may be, for such action as may be deemed necessary by the Senate or House of Representatives.

Witness may be committed for contempt for refusal to obey.

Provision for contempt before committee.

Section 4. Any witness neglecting or refusing to attend in obedience to subpoena may be arrested by the sergeant-at-arms and brought before the Senate or House of Representatives, as the case may be. The only

Authority for arrest of witness.

warrant or authority necessary authorizing such arrest is a copy of a resolution of the Senate or House of Representatives signed by the President of the Senate or Speaker of the House of Representatives, as the case may be, and countersigned by the secretary of the Senate or the clerk of the House of Representatives, as the case may be.

Fee for attendance and mileage how paid.

Section 5. All persons appearing before any of the bodies herein designated, in response to a subpoena as herein provided shall be paid four dollars (\$4.00) for each day's attendance before such body, and for the time necessary in coming and returning to his or her place of residence and mileage at the rate of 15 cents per mile for the distance traveled in going to and returning from the place of attendance, from the monies in the territorial treasury, and the Territorial Treasurer shall pay said fees and mileage to any witness upon presentation by him of a certificate of attendance and mileage due, signed by the presiding officer of the House which authorized issuance of subpoena.

Administration of oath.

Section 6. The President of the Senate and Speaker of the House of Representatives and the chairman of every committee of either body shall have the power to administer an oath to any witness appearing before such body, and any person who shall wilfully swear or affirm falsely concerning any matter material to the subject under investigation or inquiry, shall be deemed guilty of perjury and upon conviction thereof in the district court shall be punished by imprisonment in the penitentiary for not less than one year or more than five years.

False swearing, perjury, and penalty fixed.

Section 7. Any person who is called as a witness before the Senate, House of Representatives, or any committee of either the House or Senate, or committee of both the House and Senate, and refuses to answer any question or to produce any book, paper or document relating to the matter under inquiry, on the ground that the answer to such question or the produc-

tion of such book, paper or document may tend to criminate himself, may be granted immunity from punishment for the offense to which the question or evidence relates by resolution of the House which is conducting the inquiry, duly passed and entered upon its journal, and such witness may then be compelled to answer the questions, or produce the evidence.

Immunity of witnesses.

Whenever a witness is granted immunity and compelled to testify or produce evidence after claiming the privilege of self incrimination, he shall not thereafter be prosecuted in any court for the offense to which the question of evidence relates.

Section 8. Any person who shall be subpoenaed in accordance with the provisions of this Act, and shall fail, neglect or refuse to attend at the time and place where his presence is required, or fail, neglect or refuse to bring with him any books, papers, or instruments or other evidence designated in the subpoena, or who having attended in response to such subpoena, or having appeared voluntarily, shall refuse to testify as to any material and proper matter within the power of the Senate, House of Representatives or committee to investigate, shall be guilty of a misdemeanor, and upon conviction thereof in a court of competent jurisdiction, shall be punished by a fine of not less than one hundred dollars (\$100.00), and not more than five hundred dollars (\$500.00), or by imprisonment in the federal jail for not less than thirty (30) days, and not more than six months.

Refusal to obey subpoena and penalty therefor.

Section 9. Chapter 6 of the Laws of Alaska for 1917 is hereby repealed.

Repeal.

Approved April 16, 1923.