

the penitentiary for not more than two years or by a fine of not more than \$1,000.00 in the discretion of the court.

Section 6. Chapter 63 of the Laws of 1917 is hereby ^{Repeal.} repealed, and no bounty shall be paid upon claims presented to a Commissioner and mailed to the Territorial Treasurer after July 1st, 1929, pursuant to said Act.

Section 7. An emergency is hereby declared to exist ^{Emergency.} and this Act shall take effect and be in force immediately upon its passage and approval.

Approved May 2, 1929.

CHAPTER 118.

AN ACT

[S. B. 35]

To reorganize the Executive Department of Alaska; providing the manner of appointing certain officials; creating the office of Auditor; providing for his election and for the election of the Territorial Treasurer; defining their duties; providing penalties for the violation thereof; and declaring an emergency.

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

ARTICLE I.

THE AUDITOR.

Section 1. The office of Auditor for the Territory of Alaska is hereby created. Said office shall be filled and its functions shall be as provided in this Act, and as otherwise prescribed by law. ^{Auditor's office created.}

Section 2. The first Auditor shall be chosen by the members of the Senate and the House of Representatives of the Legislature, in joint session assembled during session of the Legislature. He shall be chosen by ballot, and a majority of all votes of all of the mem- ^{Legislature to select first Auditor.}

To take office immediately.

bers of the Legislature shall be necessary for a choice. He shall, as soon as his bond is approved and oath of office filed as hereinafter provided enter upon the duties of his office immediately, or as soon as this Act goes into effect, and shall serve until his successor is elected and qualified.

Term of.

Proviso.

If this Act does not go into effect until after the Legislature has adjourned the first Auditor may, nevertheless, be elected as above provided, at the present session of the Legislature, qualify and assume the duties of his office as soon as this Act becomes operative.

Election of subsequent auditors.

An Auditor shall be elected by popular vote at the general election of 1930. He shall take office on the first day of April following his election and serve for a term of two years and his successor is elected and qualified. Beginning with the general election of 1932 an Auditor shall be elected every four years. He shall take office on the first day of April following his election and shall serve a term of four years and until his successor is elected and qualified.

Term of office.

Vacancy, how filled.

Section 3. Whenever a vacancy occurs in the office of Auditor such vacancy shall be filled by popular election at the next general election held after the vacancy occurs.

The persons so elected shall take office on the first day of April next after his election and shall serve until the expiration of the term of office as fixed by this Act.

Until the vacancy can be filled by election, the members of the two Houses of the Legislature, in joint session assembled, in the manner heretofore provided for the selection of the first Auditor under this Act, shall choose an Auditor.

When a vacancy occurs in the office of Auditor at a time when the Legislature is not in session, or, if

the Legislature fails to elect while in session, the Governor, the Treasurer and the Attorney General shall, by a majority of the three, appoint some qualified person to fill the vacancy, and such appointee shall serve until the person chosen by the members of the Legislature, or elected by the popular vote, is qualified.

Section 4. No person shall be eligible to hold the office of Auditor unless he is over thirty (30) years of age, is a citizen of the United States, has been a bona fide resident of the Territory of Alaska for at least five years immediately preceding his election or appointment. Qualifications.

Before he enters upon the duties of his office, he shall furnish the Territory a bond, which shall be approved by the Attorney General and filed with the Treasurer, and a copy of which shall be filed in the office of the Attorney General. Said bond shall be conditioned that the principal will faithfully discharge the duties of his office; that he will keep true and correct records of the doings of his office as required by law; that he will properly account therefor and will deliver to his successor, or other person entitled by law to receive the same, all moneys or property in his hands or possession, in accordance with law; or, in default, that the parties executing said bond will pay to the Territory and others injured all damages, costs and expenses resulting from such default. The surety on said bond shall be a surety company, authorized as such to transact business in the Territory, and all premiums for said Auditor's bond shall be paid by the Territory. The amount of the bonds shall be Twenty-five Thousand Dollars (\$25,000.00). Bond.
Conditioned,
how.
Surety.
Amount.

Before entering upon the duties of his office the Auditor shall file with the Treasurer his oath of office to the effect that he will faithfully and impartially discharge the duties of his office. Oath of office.

Salary, amount of, how paid.

Section 5. The Auditor shall receive a salary of Five Thousand Dollars (\$5,000.00) per annum, to be paid him in equal monthly installments, at the end of each month out of any moneys in the Treasury not otherwise appropriated.

Duties.

Section 6. The Auditor shall exercise the following functions and discharge the following duties:

Audit and allow proper claims against Territory.

(1) The Auditor shall audit and allow all claims or demands which are just and true and a legal charge against the Territory and for the payment of which appropriation has been made by the Legislature. For all claims allowed he shall draw a warrant upon the Treasurer in favor of the claimant, which warrant shall designate the appropriation or fund against which it is drawn, and before being presented to the payee, shall be countersigned by the Treasurer.

Registrar of vital statistics.

(2) The Auditor shall be registrar of vital statistics and shall discharge all the duties now devolving upon the Secretary under Chapter 35, Laws of 1913, and Acts amendatory thereof; under Chapter 47 of the Laws of 1915 and Acts amendatory thereof, and under Chapter 56 of the Laws of 1917 and Acts amendatory thereof, all of which duties are hereby transferred from the office of the Secretary to the office of the Auditor, and the Secretary shall transfer the records of his office as registrar of vital statistics to the office of the Auditor.

Assume certain duties of Secretary of Alaska.

Relative to corporations.

(3) All duties at present devolving upon the Secretary to file and keep on file articles of incorporation, annual reports and financial statements of corporations and all other documents and records relating to private corporations of any kind, including banking and trust companies, whether foreign, or domestic, together with the collection of fees and license taxes from such corporations, and all other duties connected therewith or arising therefrom, shall hereafter be discharged by

the Auditor instead of by the Secretary of the Territory, and all records pertaining to corporations shall be transferred from the office of the Secretary to the office of the Auditor.

(4) All duties at present devolving upon the Secretary of the Territory under the provisions of Chapter 67 of the Laws of 1923, entitled an Act "To protect the industry of Fur Farming; to provide for the registering of brands and prescribe the fees therefor; to provide for the marking or tagging of skins; to prescribe punishment for violations, and for other purposes, and making an appropriation," and Acts amendatory thereof, shall be performed by the Auditor, who shall receive the fees therein provided for, to be paid the Secretary, and records, books, documents and equipment belonging to the Territory and now in the possession of the Secretary pursuant to said Act shall be transmitted to the Auditor. Relative to fur farming.

(5) All the duties at present devolving upon the Secretary of the Territory under and by virtue of the several laws enacted by the Legislature of the Territory relative to elections, whether general, special or primary, shall hereafter be performed by the Auditor, and all books, records and paraphernalia belonging to the Territory and now in the possession of the Secretary shall by him be transmitted to the Auditor. Relative to elections.

(6) The Auditor shall discharge all the duties and functions imposed upon the Secretary of the Territory by Chapter Six (6) of the Laws of 1913 so far as the same relates to the printing and distribution of the laws enacted by the Legislature. Relative to printing and distribution Session Laws.

(7) The Auditor shall perform and discharge all of the duties and functions imposed upon the Secretary of the Territory by the provisions of Chapter 23 of the Civil Code, Compiled Laws of Alaska, as the same may have been or may be amended, and the Auditor shall Relative to foreign corporations and insurance companies.

also perform and discharge all of the duties and functions imposed upon the Secretary of the Territory by the provisions of Chapter 36 of the Civil Code, Compiled Laws of Alaska, as the same may have been or may be amended.

Relative to Territorial duties not otherwise provided for.

(8) All local or Territorial duties or functions conferred upon the Secretary of the Territory by the Compiled Laws of Alaska or by any statute enacted by the Legislature, which are not specifically provided for in this Act, shall be performed and discharged by the Auditor.

To make annual inventory of Territorial property.

(9) During the month of January of each year, the Auditor shall make, and he shall thereafter keep on file in his office, open to public inspection at all reasonable times, an inventory of all Territorial property, real, personal and mixed; and every Territorial officer shall be, and shall by all courts be held, responsible for the proper care and safekeeping of all Territorial property in his possession or custody and for delivery of the same to his successor in office.

To keep books of account.

Section 7. The Auditor shall keep books of account in permanent form of the claims presented to him and of the warrants drawn. These records shall show:

Books to show—

- (a) The name of the claimant,
- (b) The amount of the claim,
- (c) The date of its presentation,
- (d) The date of its allowance or disallowance,
- (e) The date and number of each warrant drawn,
- (f) The name of the payee, and

Make monthly transmittal of receipts to Treasurer.

(g) The appropriation against which the warrant is drawn. He shall keep on file all original bills and claims presented, with the vouchers, and shall keep a correct detailed account of all moneys received by him and shall transmit, before the tenth day of each month, to the

Treasurer all moneys received by the Auditor during the previous calendar month in form of fees, licenses, taxes or otherwise, including fees for making certified copies of records, and make a true statement thereof to the Treasurer.

Section 8. If the Auditor shall allow a claim against the Territory which he knows to be false or fraudulent or for which there is not an existing appropriation against which a warrant may be drawn, except where otherwise provided by law, or knows to be not a just, true or legal charge against the Territory he shall be guilty of a felony and, upon conviction, shall be punished by a fine of not more than Ten Thousand Dollars (\$10,000), or by imprisonment in the penitentiary for not more than two years, or by both in the discretion of the court.

Intentional improper allowance to be felony.

Penalty.

Section 9. The Auditor shall require all claims against the Territory to be verified, but this shall not apply to claims for salaries fixed by law. The Auditor shall have the authority to administer oaths and take acknowledgments required by law in matters pertaining to the duties of his office.

To require all claims to be verified, except.

Administer oaths, take acknowledgments, when.

Section 10. The Auditor of the Territory is hereby constituted the agent of the Territory of Alaska upon whom service of summons or other process or notice of hearing shall be made in any action, suit or proceeding which may be instituted or pending in any of the courts of the United States, or the Territory, or before the United States Shipping Board, Interstate Commerce Commission, or any bureau, board, committee, commission or officer of the United States or of any of the States of the Union and in which the Territory is a necessary or proper party, or in which the Territory or the people or a considerable part thereof are interested, and when such summons, notice or other process is received by the Auditor he shall promptly deliver the same to the Attorney General.

Agent of Territory for purpose of service or hearing.

ARTICLE II.

THE TREASURER.

Present Treasurer to continue in office until.

Section 11. The present Treasurer for the Territory of Alaska shall continue in office until the first day of April 1931, and until his successor is elected and qualified, and the office of Treasurer shall be filled and its functions shall be as provided in this Act and as otherwise provided by law and not inconsistent with this Act.

Election of subsequent Treasurers.

Section 12. The Treasurer shall be elected at the general election every four years, beginning with the general election of 1930.

Term of office.

His term of office shall commence on the first day of April next after his election, and he shall hold office for four years until his successor is elected and qualified.

Vacancy, how filled.

Section 13. Whenever a vacancy occurs in the office of Treasurer, such vacancy shall be filled in the same manner as is a vacancy in the office of Auditor. Provided, that if a vacancy occurs in the office of Treasurer at a time when the Legislature is not in session, or if the Legislature fails to elect while in session, the Governor, the Auditor and the Attorney General shall, by a majority vote of the three, appoint some qualified person to fill the vacancy, and such appointee shall serve until the person chosen by the members of the Legislature or elected by popular vote is qualified.

Qualifications.

Section 14. No person shall be eligible to hold the office of Treasurer unless he is over thirty years of age, a citizen of the United States, and has been a bona fide resident of the Territory of Alaska for at least five years immediately preceding his election or appointment.

Bond.

Before he enters upon the duties of his office, he shall furnish to the Territory a bond, which shall be

approved by the Attorney General and filed with the Auditor, and a copy of which shall be filed in the office of the Attorney General. Said bond shall be conditioned that the principal will faithfully discharge the duties of his office, keep a strict, true and correct account of all moneys disbursed by him, that he will properly account therefor and will pay over to his successor or other person entitled by law to receive the same, all moneys or property in his hands or possession, in accordance with law; or, in default, that the parties executing said bond will pay to the Territory and others injured all damages, costs and expenses resulting from such default. The surety on said bond shall be a surety company, authorized as such to transact business in the Territory, and all premiums for said Treasurer's bond shall be paid by the Territory. The amount of the bond shall be Two Hundred Thousand Dollars (\$200,000.00), but whenever the funds in the Treasury of the Territory shall exceed the amount of the bond given by the Treasurer, or whenever for any reason the Governor and the Auditor of the Territory shall deem the bond insufficient they shall notify the Treasurer of that fact and the Treasurer shall then give such additional bond with sufficient sureties, within such time and in such amount as the Governor and the Auditor deem necessary for the safety of the Territory.

Conditioned how.

Surety.

Amount.

Additional bond.

Before entering upon the duties of his office, the Treasurer shall file with the Governor his oath of office to the effect that he will faithfully and impartially perform the duties of his office.

Oath of office.

Section 15. The Treasurer shall receive a salary of Five Thousand Dollars (\$5,000.00) per annum in full for all services, to be paid him in equal monthly installments at the end of each month out of any moneys in the Treasury for that purpose appropriated.

Salary, amount of, how paid.

Duties.

Section 16. The Treasurer shall exercise the following functions and discharge the following duties:

Receive and keep Territorial money.

(a) He shall receive and safely keep all moneys of the Territory of Alaska, from whatever source derived, which are not by law intrusted to the care and custody of some other officer. The Treasurer shall keep these funds in three or more solvent banks in the Territory

Deposit funds where, how.

and the amounts so deposited in the several banks shall be apportioned between such banks in proportion to the amount of funds in the Treasury of the Territory and the size of the bank as measured by its capitalization, and its financial condition as disclosed by its reports and by the examination made by the Banking Board. Provided, however, that before said Treasurer shall deposit said funds of the Territory in any such bank said bank shall enter into a bond to the Territory of Alaska, with a surety company, authorized as such to transact business in Alaska, as surety thereon, conditioned that it will safely keep and pay on demand to the Treasurer as required by him, all funds of the Territory deposited with it. The banks in which Territorial funds are deposited shall pay interest on the average daily balance due the Territory at a rate to be fixed by the Treasurer, which shall not be less than two per cent. (2%) per annum, and such interest when paid shall be covered into the Treasury. Provided further, that nothing in this section shall prohibit the Treasurer from depositing such funds as may be necessary for the proper conduct of his office in solvent banks outside the Territory of Alaska.

Proviso.

Proviso.

Disburse funds, how.

(b) He shall disburse public moneys only upon warrants drawn upon the Treasurer by the Auditor or as otherwise provided by law, not inconsistent with this Act. Such warrants shall be paid by the Treasurer when presented and from proper appropriations, but funds shall be retained in the Treasury to meet payments of all warrants issued prior to the ones presented and paid.

(c) He shall endorse on each warrant as he shall pay it the date of payment, amount paid, from what appropriation paid; and before paying any warrant, shall require the payee of the warrant and the person or persons receiving payment thereof to endorse upon the back thereof his or their name or names.

Warrants to be endorsed, how.

(d) He shall pay no moneys or funds out of the Treasury except in pursuance of laws authorizing the payment thereof, and whenever any moneys are paid they shall be paid from the appropriation provided therefor and from no other fund.

Pay money only when authorized and from proper appropriation.

(e) He shall keep a fair, true, just and comprehensive account of all moneys received, showing source thereof, and of all moneys disbursed, showing when paid, to whom, for what purpose, and from what appropriation.

Account of receipts and disbursements.

(f) He shall keep a just and true account of each appropriation made by law and of the disbursements made under each appropriation.

Account of appropriations and disbursements.

(g) He shall render an account of the condition of the Treasury to the Governor of the Territory and to the Auditor on the first day of January, April, July and October of each year, covering in each said report the transactions of the three months next preceding the date of the report. The Treasurer shall, also, not less than ten days before the convening of each regular and special session of the Legislature of the Territory, transmit to the Governor of the Territory, to be by him transmitted to the Legislature, an account and report giving a detailed statement of the Treasury and of its operations since the date of the last report to the Legislature.

Quarterly report to Governor and Auditor.

Biennial report for Legislature.

(h) He shall furnish to the Governor, the Auditor, the Attorney General and to the members of either House of the Legislature, such information as to the condition of the finances of the Territory or upon any

Disclose financial condition of Territory, when.

subject connected therewith or touching any duty of his office, at such times and time and as often as they or either of them so request such information.

Make full accounting to successor.

(i) He shall account for all moneys received and paid out, and pay over and deliver to his successor in office, all funds, moneys, in bank and on hand, and property of every description in his possession as Treasurer, and deliver to said successor all books of account and other books, vouchers and effects of office at the end of his incumbency. The incoming Treasurer shall receipt for moneys, funds and property, as well as books of account and other books, vouchers, effects of office, and all other property or papers of any kind or character belonging to his said office and turned over to him by his predecessor.

Office records open at all times to designated officials.

(j) He shall permit the books, papers and records of the office of Treasurer to be at all times open to the inspection and for the examination of the Governor, the Auditor, the Attorney General, or of any committee or members of either House of the Legislature. The said books, papers, records and transactions are public records and subject to such reasonable rules as the Treasurer may prescribe shall be open for the inspection of the public during all the time that his said office shall be open for business.

Office records open to public, when.

Office and records to be inspected by Board of Audit—Board created—or to employed accountant.

(k) He shall submit his office, and the records, files, accounts, and transactions thereof, to the inspection of and to be audited by a Board of Audit, which board is hereby created and shall consist of the Governor and the Auditor (of the Territory,) or by an expert accountant to be employed by said board, the expense of said audit to be paid out of the funds appropriated for the running expenses of the Treasurer's office, such audit to be made within thirty days before the expiration of his term of office, or at such time as the board shall order.

Audit, when made.

(1) The Treasurer shall, instead of the Governor, appoint school tax collectors for districts outside of school districts, in conformity with Chapter 29 of the Laws of 1919 as amended, and shall discharge all other duties now imposed upon the Governor by said Act. Appoint certain school tax collectors.

(m) He shall perform the other duties imposed upon him by law not inconsistent with this Act. Other consistent duties.

Section 17. The Treasurer shall have a Great Seal of Office, which shall be two and one-half (2½) inches in diameter, and bear just within the perimeter of the seal the words "Great Seal of the Treasurer of the Territory of Alaska" and, within the words, a star at the top of the seal representing the North Star, beneath which is a key. Great Seal.

Section 18. The Treasurer shall have power to administer all oaths and take all acknowledgments required by law in matters pertaining to the duties of his office. Administer oaths and take acknowledgments, when.

Section 19. If the Treasurer of the Territory of Alaska, or any person exercising the duties of that office, shall fail, neglect or refuse, to account for or pay over, all moneys in his hands as said Treasurer in accordance with law, or shall unlawfully convert to his own use in any manner whatever, or to the use of another not lawfully entitled thereto, or use by way of investment in any kind of property, or loan without authority of law, any portion of the public money intrusted to him for safe keeping, transfer or disbursement, or unlawfully convert to his own use, or to the use of another not entitled thereto, money or other property which may come into his hands by virtue of his office he shall be deemed guilty of the embezzlement of so much of the money or property as is thus taken, converted, invested, used, loaned, or unaccounted for, and upon conviction thereof he shall be subject to the same punishment as is otherwise provided in the laws of Alaska for the crime of embezzlement. Neglect or intentional failure of duty to be embezzlement. Punishment.

Apply for and receive Territorial money in U.S. Treasury.

Section 20. It shall be the duty of the Treasurer to make application to the Secretary of the Treasury of the United States for any moneys in the Treasury of the United States due, or which may hereafter become due to the Territory of Alaska and he is authorized to receive the same and place them in the Territorial Treasury to be expended in accordance with the law.

ARTICLE III.

General Provisions.

Appointment and confirmation of certain Territorial appointees.

Section 21. The Territorial Mine Inspector, Trustees of the Alaska Agricultural College and School of Mines and Commissioner of Health shall hereafter be appointed by the Governor subject to confirmation by a majority of all of the members of the Senate and House of Representatives of the Legislature in joint session assembled, and the names of those appointed shall be sent to the Legislature within five days after the opening of the biennial session of the Legislature, for confirmation or rejection, and if any such person shall not be confirmed by a majority vote of all the members of the Legislature, his appointment shall thereafter cease and determine, and another name shall be submitted for such office within three days after such rejection, and should the Legislature adjourn without confirming the nominee to any of the offices above named, the same person shall not again be appointed before the convening of the next Legislature.

Fees and receipts payable into Treasury monthly.

Section 22. That all fees and receipts received by the Auditor or Treasurer from any source, shall be paid by them into the Territorial Treasury at least once each month, and credited by the Treasurer to the proper fund.

Governor to commission Territorial officials.

Section 23. After each election, choice or appointment of any Auditor, Treasurer, Attorney General or any Territorial officer, the Governor shall execute a commission, which commission shall state that the per-

son to whom the same is issued has been duly appointed, chosen or elected, as the case may be, and the office to and the term for which he is so elected chosen or appointed.

The Attorney General shall prescribe the form for such commissions. Form of commissions.

Section 24. The Auditor and the Treasurer shall, during the period of their incumbency of their respective offices, reside at the capital of the Territory. Auditor and Treasurer reside at capital.

Section 25. The fiscal year of the Territory shall commence on the first day of January of each year and shall close at midnight on the 31st day of December next succeeding, and all accounts of the Treasurer or of other Territorial officers whose accounts are in any way connected with the Treasurer shall be kept, and all duties of such Treasurer and other such officers shall be performed, with reference to the beginning and ending of the fiscal year as herein provided. Fiscal year defined. Used for Territorial accounts.

Section 26. The Auditor and the Treasurer shall each be provided with an office and all necessary expenses thereof and necessary clerical assistance to enable them to perform the duties of their respective offices. Auditor and Treasurer furnished offices and facilities.

Section 27. Copies of all deeds, bonds, books or other documents filed in or constituting a part of the records of the office of the Auditor or the Treasurer of the Territory of Alaska and the transcript from the books or records kept in such offices, when properly certified by the officer in charge of either of said offices, in his official capacity, shall be evidence in any proceeding, judicial or otherwise, or for any other purpose, equally and in like manner as the original. Certification by Auditor and Treasurer of documents, effect of.

Section 28. The Legislature shall each session appropriate for each office the necessary funds with which to pay salary, traveling and other expenses, office rent, furniture, supplies and clerical assistance. Biennial appropriation authorized.

Emergency.

Section 29. An emergency is hereby declared to exist and this Act shall be in full force and effect immediately upon its passage and approval.

Approved May 2, 1929.

CHAPTER 119.

AN ACT

[H. B. 35]

Making an appropriation for the Alaska Agricultural College and School of Mines, and declaring an emergency.

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

Appropriation
Agricultural
College, bien-
nium 1929-31.

Section 1. That there is hereby appropriated from the Treasury of the Territory of Alaska the sum of One Hundred and Five Thousand (\$105,000.00) Dollars to the Alaska Agricultural College and School of Mines to be expended by such corporation in the maintenance, construction of necessary buildings and conduct of the College established by Chapter Sixty-two (62) of the Session Laws of Alaska, 1917, during the fiscal years 1929-1930 and 1930-1931.

Special expen-
diture of
portion.

Section 2. That of the sum hereby appropriated Four Thousand Dollars (\$4,000.00) shall be available for the purchase and installation of additional fire protection equipment.

Expenditure of
balance.

Section 3. The balance of the appropriation, or the sum of One Hundred and One Thousand Dollars (\$101,000.00) shall be available for the maintenance, improvement and conduct of the College. All of the above sums shall be available whenever requested by the Board of Trustees of said corporation.

Available,
when.

Limitation on
indebtedness.

Section 4. That during the period covered by the school years 1929-1930 and 1930-1931, no indebtedness or obligation shall be incurred by said Agricultural Col-