

employment of any person because of race, religion, color or national origin.

Sec. 2. Subsection 5 of Section 3 of Ch. 18, SLA 1953 is hereby amended to read as follows:

5. The term "employer" does not include a club exclusively social, or a fraternal, charitable, educational or religious association or corporation, if such a club, association or corporation is not organized for private profit.

Sec. 3. Sec. 10 of Ch. 18, SLA

1953 is hereby repealed and re-enacted to read as follows:

Section 10. Any person, employer, employee, labor organization, employment agency or person or persons violating this Act shall be guilty of a misdemeanor and, upon conviction thereof shall be punished by a fine not to exceed Five Hundred Dollars (\$500.00) or by imprisonment in the federal jail for a period not to exceed 30 days, or by both such fine and imprisonment.

Approved March 28, 1957

CHAPTER 115

AN ACT

Relating to the legitimization of children; repealing and re-enacting Section 21-3-3, ACLA 1949, as amended by Chapter 57, SLA 1951.

(S. B. 96)

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

Section 1. Section 21-3-3, ACLA 1949, as amended by Chapter 57, SLA 1951, is hereby repealed and re-enacted to read as follows:

Section 21-3-3. Legitimization

(1) **By Subsequent Marriage:** (2) **By Words or Conduct:** (3) **By Writing: Substitute Birth Certificate: Sealing Original Records and Papers and Recording Substitute Certificate.** Every child born out of wedlock in Alaska, heretofore or hereafter, shall be legitimized and considered the heir of the father who (1) shall subsequently intermarry with the mother of the child; or (2) shall be adjudged to be the father by

a United States Commissioner, acting in the capacity of an ex officio probate judge or justice of the peace, or higher court of competent jurisdiction, upon evidence that the alleged father: (a) so conducts and bears himself toward the child, either by word or act, as to give rise to the general belief in the community that the child is his, and such conduct and general belief may be construed by the court to constitute evidence of paternity; or (b) in writing recognized himself to be the father of such child. Extrinsic evidence may be employed by the court to show intent when indefinite, ambiguous, or uncertain terms are used.

The Bureau of Vital Statistics,

as custodian of the original Certificates of Birth of all persons born in Alaska, is hereby designated as the depository for such proofs. The proof or a certified copy of the judgment entered pursuant to this Act, shall be forwarded to the Bureau in accordance with appropriate regulations; and shall be noted on, and filed with, the corresponding original Certificate of Birth.

In case of the Alaska birth of any child out of wedlock and the legitimization thereof has been established by intermarriage and either acknowledgment of paternity or judgment entered pursuant to this Act, then at the written request of the parents, or either of them, the Bureau shall prepare and place on file a substitute birth certificate. This certificate shall contain all of the information required in an original Certificate of Birth; shall show the name of the father and shall make no reference to the original illegitimacy of birth. The date and place of birth, the attendant's name, and all dates of recording are to be left as on the original. The Bureau, upon completion of such substitute certificate, shall seal the original record of the birth, together with the request and supporting papers and copy of the letter of transmittal hereinafter mentioned, and file in its stead the substitute birth certificate, and thereafter said original record so sealed may be opened by the Bureau only

upon order of a court of competent jurisdiction. Thereupon the Bureau shall send a copy of the substitute birth certificate to the U. S. Commissioner having on file a copy of the said child's original Certificate of Birth. The Bureau shall transmit said copy of the substitute certificate to the appropriate U. S. Commissioner with a letter setting forth that the substitute birth certificate was issued under this Act. Upon receipt thereof, said U. S. Commissioner shall forthwith enter the substitute copy in his files in the place and stead of the copy of the original certificate on file. Upon such filing of the substitute birth certificate, the U. S. Commissioner shall seal the copy of the original birth record, together with said letter of transmittal and said record may thereafter be opened only upon order of a court of competent jurisdiction. Upon request for issuance of a certified copy of a birth certificate in cases of this kind, the U. S. Commissioner or Bureau of Vital Statistics, as the case may be, shall, as a matter of course, issue a certified copy of the substitute birth certificate, and such certified copy shall be accepted in all courts and places as prima facie evidence of the date and place of birth of the person therein named. The intent of this section is to enable the preparation of a birth certificate for the legitimized child as nearly as possible like that of other children.

Approved March 28, 1957