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Alex. J. Jones, clerk, Illinois.

The Committee on Territories having under consideration House bill for the organization of the Territory of Alaska—

Governor A. P. Swineford, of the *District* of Alaska, made the following remarks :

Mr. Chairman and gentlemen of the committee, having gone over this bill with the subcommittee and informally explained the necessity of some such enactment to the welfare and progress of a vast region of country but little known and appreciated by Congress or the general public, I am present at this meeting of the full committee more for the purpose of answering any questions you gentlemen may think proper to ask than with the view of making an elaborate argument in favor of a Territorial form of government for Alaska. Indeed, it seems to me that no argument should be needed at this late day to secure for Alaska and her people a mere act of justice on the part of Congress—a recognition of political rights and privileges never before, for so long a time, withheld from any portion of American territory, or any fraction, however small, of the American people. However, if gentlemen have no questions to ask, though I have no set speech prepared, I will endeavor to enlighten the committee, to some extent at least, in regard to the history, resources, population, and condition of that Territory, and at the same time briefly state the reasons why, in my opinion, this bill, or one of a similar character, ought to be passed by both houses of the present Congress.

When Alaska was purchased in 1867 it was generally believed that the country was wholly worthless, and that the purchase was made solely as an act of kindness, and in recognition of Russia's friendly attitude toward the United States during the civil war.

Even after the negotiation of the treaty, and its ratification by the Senate, there was strong opposition made in the House of Representatives against an appropriation of the \$7,200,000 called for by the terms of the treaty. Nevertheless the money was appropriated, and the formal transfer of the Territory to the United States took place in October, 1867, over twenty years ago.

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Sitka then contained a population of about 3,000 people, and, I am told by the older residents, was a thriving place, having its ship-yard, foundery and machine shops, saw and grist mill, and other industrial establishments, being then as now the seat of local government. There were other settlements in the Territory, where the Russian-American Company formerly built their ships and maintained trading stations, and there was altogether, as nearly as I have been able to find out, a white and creole population of between 5,000 and 6,000, all told.

Schools for the education of native children were first established in 1794, and were continued at Sitka and all the principal settlements on the southeastern coast and on the Aleutian Islands up to the time of the transfer; indeed, most of these schools are still in existence, having been maintained ever since our acquisition of the country at the expense of the Russian Government, which expends every year the sum of \$60,000 for the support of Russian churches and schools in Alaska. The Aleuts are, to all intents and purposes, a civilized people, there being very few among them who can not read and write, either in their own language or the Russian—an Aleut alphabet and grammar having been devised by one of the most zealous of the early missionary teachers; so that, adding to the number of whites and creoles—the so-called Alaskan creoles are the offspring of Russian fathers and native mothers—the Aleuts, who are not only more or less educated, but are likewise devout members of the Græco-Russian Church, it is safe to say that at the time of the transfer Alaska had a civilized population of not less than 10,000, who were by the terms of the treaty guaranteed all the rights, privileges, and immunities of American citizens.

The treaty provided that the Russians then resident in the Territory might within a certain length of time (two years, I think) elect whether they would remain in the country or return home to Russia. In the latter event they were to be furnished transportation by the Russian Government. While the sending of a military force to occupy the country immediately after its transfer was undoubtedly the proper thing to do, I nevertheless venture the assertion that no one to-day will undertake to justify the permanent establishment of a military government, as was done in this instance, over a civilized people, for whom the despotic power by which they were transferred had stipulated possession of all the rights incident to their new allegiance. Instead of instituting some form of civil government similar to that which had always been conferred upon other Territories of the United States, a military satrapy was set up, and the will or whim of the commanding officer was the law, from which there was no appeal.

The military force sent up there in 1867 was fresh from the civil war, and the inhabitants were treated more like a conquered people than one who had hailed with delight the coming change from vassalage under a despotic Government to full citizenship in a professedly free and liberal one. The tales of outrages perpetrated upon this defenseless people, told to me by old residents who were cognizant of them at the time, were such as even at this late day are calculated to bring a blush of shame to the cheek of the honest American citizen. It is enough to say that these people were oppressed and outraged to such an extent that the large majority elected to return home within the first year of our occupation, one ship carrying away as many as 1,000 from Sitka on one voyage. But subsequent to the ratification of the treaty, and prior to the transfer, enterprising and adventurous Americans began to flock into Sitka, the influx continuing until the exodus of the Russians was more than counterbalanced.

These people claimed a large amount of property in and about the town, and previous to our occupation recorded their claims to the number of several hundred in the books of the Russian-American Company, in the hope of thereby securing a preferred right to purchase when, the transfer having been consummated and a civil government established, complete and perfect titles might be obtained. Soon after the occupancy of the Territory, with the consent of the military commander, a municipal government was organized in Sitka, with a mayor, recorder, common council, and other necessary officers, and the town was thus governed, subject to the approval of the military commander, for a period of nearly five years, at the end of which time it had become largely depopulated.

The very first council prepared and sent to Congress a memorial praying for the establishment of a civil government for the Territory, and the following year sent the mayor of the city to Washington in the same behalf. Indeed, the old records show a persistent, earnest, and determined effort on the part of the people, extending over a period of seventeen years, to secure a just recognition at the hands of Congress, their urgent requests for the creation of some form of civil government for the Territory being at last only partially met by the enactment of the present organic law, which is not only crude and imperfect, but altogether so anomalous in its provisions that even an eminent Philadelphia lawyer, then the Attorney-General of the United States, was unable to determine which of the laws of the State of Oregon, which by the act are made the laws of the Territory, were, or are, applicable, though he did express a grave doubt as to the applicability of some of the United States laws collated by him in a manual intended for the guidance of the Territorial officials.

In the meantime, after five years of patient waiting succeeding the transfer, hundreds if not thousands of people who had gone to Alaska and taken claims with a view to permanent settlement, despairing of such action by Congress as would enable them to secure titles to the lands and homes they had occupied and built, left the Territory for other sections, where they might be permitted the enjoyment of the "rights, privileges, and immunities" guaranteed to the people of Alaska by solemn treaty stipulation, but persistently withheld by Congress. At the end of five years the white population of the Territory had dwindled down to a few hundred, and it was not till after the discovery of gold in 1880, and later on, that the white population began to increase.

If I might venture a request of the committee it would be that members examine carefully the act of May 17, 1884, entitled "An act to create a civil government for Alaska." I doubt very much if such an examination will disclose to you, gentlemen, any provisions of a general character in that act which are more in harmony with the principles of free representative government than would be an act explicitly declaring a qualified "executive absolutism." That act was in perfect keeping with what, up to that time, had always been the exceptional treatment of Alaska, and, to say the least, presents an anomaly of law by expressly excluding all legislative and representative power from the people—is, in fact, more remarkable for the number of essential "rights, privileges, and immunities" of American citizenship it explicitly denies than for the benefits sought to be conferred. That this anomalous organic act was expressly designed to hinder and retard, rather than to encourage and promote, the settlement and development of the Territory is a question that scarcely admits of a doubt; the express withholding of the

right to acquire titles to homes under the homestead laws, or otherwise, is explainable on no other theory.

It is idle to expect rapid settlement and development under such circumstances. The present form of civil government for Alaska is but little preferable to the military and naval satrapies which preceded it. Had such been the express purpose of Congress it could have passed no law better calculated to retard the settlement and delay the development of Alaska's incomparably great natural resources than is to be found in the novel form of civil government set up by the organic act of May 17, 1884, shorn as it was, and still is, not only of the vital principle of representation, but still more remarkable in that it withholds the right to acquire, by purchase or otherwise, ownership in the soil. It must be apparent to you, gentlemen, as it is plain to me, that such an organic law could only have been enacted in the interest of the enemies of Alaska's welfare and progress; could only have found inspiration in the minds of those whose interests will be best subserved by delaying as long as possible the settlement and development of a country inconceivably rich in the number and variety of its natural resources.

What have we got under the present organic law? It is true that it gives us a United States court, with a judge, marshal, attorney, and clerk, with a governor who is a mere figure-head, and charged with scarcely any other duty than to see that the other officials perform theirs. Yet the judge, when upon the bench, is actually obliged to make law, or rather, I should say, to apply the common law in a majority of cases, in the almost total absence of any statute law for his guidance. The organic act, as you will discover on examination, declares that the "laws of Oregon now [then May 17, 1884] in force, so far as applicable, and not inconsistent with the laws of the United States," shall be the law of Alaska. It gave to that people no law-making power, no delegate in Congress, no right to acquire homes, but provided a set of officials with no clearly-defined powers or duties, and left them to do the best they could under the laws of a State—laws enacted by legislatures in the choosing of which the people for whose government they were to be adapted, so far as applicable, had no voice.

Now, this committee, being composed, as I infer, chiefly of lawyers, needs no suggestion from me as to about how many of the laws of a State, or even of a Territory, with organized counties and townships, can be applied to the government of a Territory having none of these subdivisions, and no power to create them. Practically, none of the laws of Oregon are applicable to the government of Alaska, while under the existing anomalous form of civil government there is grave doubt as to the applicability of many of the laws of the United States which are in full force in the other Territories. This doubt extends even to the summoning of juries, and to the legality of their findings after they have been impanelled. And yet the court is charged with the adjudication of cases involving hundreds of thousands of dollars, and upon the final determination of which at least one source of large revenue to the Government depends.

Mr. TAULBEE. Have you no commissioners?

Mr. SWINEFORD. We have four commissioners, but we have no law. We have the symbols of government, but none of the machinery. We want this changed. We want first, and most important of all, an extension of the general land laws to the Territory, at least so far as they relate to homesteads, town-sites, and mining claims. Next to that we want a legislature of some kind, so that we can make such local laws as are necessary and badly needed to meet the exigencies that are every

day arising. Now, we can levy no taxes; can not establish a county or even a school district; we can not organize municipal governments for our towns, build a road, construct a pack-trail, or raise a dollar to lay a sidewalk. And yet, although we have a larger civilized population within Alaska than any of the Territories (with the exception of New Mexico and Colorado) had at the time they were organized, we do not ask a full-fledged legislature, for the reason that our Territory is very large and the population very much scattered.

The CHAIRMAN. What do you estimate the Indian and white population to be?

Mr. SWINEFORD. The white population, as nearly as I can estimate it, is between 5,000 and 6,000, and the natives number all the way from 30,000 to 50,000. We have a civilized population—claiming the Aleuts and the so-called creoles as civilized people—of about 12,000 in the Territory. Dakota, which is here before this committee demanding admittance as two States, was, on the 2d day of March, 1861, organized as a Territory, with a white population of only 2,567, according to the census taken the preceding year, and with a total population of a little over 5,000, including Indians. I would like, if I had plenty of time, and the committee would permit me, to call attention in more fitting and more forcible language than I am able to use on the spur of the moment, to the necessity of some such legislation as I am asking, if, indeed, it be the desire of Congress to promote and facilitate the settlement and development of that great country.

I heard one distinguished gentleman of this committee, on the floor of the House the other day, refer to Alaska as a "Territory of rocks and ice, with the seals thrown in," by way of comparison with another Territory which it is proposed to organize under the name of Oklahoma, and into which the honorable chairman of the committee thinks there will be a large immigration within a few months after it is thrown open for settlement, probably amounting to 100,000 people. We do not claim anything like such rapid growth as that, under the most favorable circumstances, but we do say that you gentlemen who have never been to Alaska would be surprised to find on going there what a wonderful country it is, rich beyond all comparison in the magnitude and variety of its natural resources. But on this head I can do no more than refer the committee to my annual reports for the facts.

I took occasion when the comparison referred to was made to look at the map of the district which is to be organized into the Territory of Oklahoma, about the prospective growth and prosperity of which so much has been prophesied. I went to the library and looked up one of the old atlases that you and I, Mr. Chairman, studied when we were boys, and I found that this Oklahoma, which is now to be organized as a Territory on the strength of a prospective population, then constituted a part of the great American desert, upon which it was supposed and believed neither man nor beast could long exist. Just the same influences, working in a similar interest, which placed upon the maps a great desert where now is the garden spot and most valuable grazing lands of America, are at work now to impede the development of Alaska. The fur-trading companies, which reaped their wealth in that western country, pursued then the same policy as they are now doing in Alaska. The Alaska Commercial Company does not desire the development of that great country. It is not to their interest to have actual settlers go there, because a settled country produces no furs; and that powerful corporation would like to have Congress keep this great Territory of

between 700,000 and 800,000 square miles as a great fur preserve for themselves and their posterity forever.

Referring to Oklahoma and the fact that Dakota had only 2,567 white-inhabitants when it was organized as a Territory, I would like to ask, what would be the result if you were to inflict upon Oklahoma the same kind of organization as that given to Alaska? How long before it would be settled and developed if you left it in a similarly unorganized condition, and expressly withheld, instead of extending to it, the land laws—if you did not make provision for people to go there, settle upon its lands, and secure titles to homes?

I like to see new Territories organized. Here comes Dakota asking admission, not as one State but as two. Suppose that in 1861, instead of giving Dakota a full Territorial form of government, with a Delegate in Congress and a legislature to make Territorial laws, and the benefits of the general land laws, that all these things had been expressly withheld until now, do you believe that that Territory would be here to-day asking for admission with a population of 600,000 people?

Alaska is more frequently spoken of in the way of jest and joke by Congressmen and by the people than otherwise, and before I went there I was afflicted with the same irresistible penchant.

The idea of the people seems to be that it is a region of perpetual snow and ice, a great national refrigerator, so to speak, and as I myself used to call it, when holding the Republican party up to ridicule, editorially and on the stump, for having squandered the enormous sum of \$7,200,000 on a worthless purchase. But I want to tell you now that we have there a country, a large part of which along the coast, including the whole of the Aleutian Islands, extending 2,500 miles west from Sitka, and 800 to 1,000 miles along the coast of Southeastern Alaska, including the islands of the Alexander Archipelago, is possessed of a climate as mild as that of Washington City, and far more equable.

Mr. WARNER. How much territory would be included in that area you mentioned?

Mr. SWINEFORD. Probably 150,000 square miles on the coast of the main-land and on the islands. We have a country there, Mr. Chairman and gentlemen of the committee, of which I want to say that, long neglected, much despised, and laughed at as it has been, is to-day a country which in salubrity of climate and value of resources will compare favorably with any other section of the Union.

We have just had a fish commission to settle a little dispute with our Canadian neighbors. To us Alaskans the idea that the United States should quarrel with Canada about a few fish on the Newfoundland banks is a mirthful one. Talking of fish, why we have enough in Alaska to feed the world, and fish, too, of the finest quality; and not only are they of the finest quality, but we have them in illimitable numbers. It is safe to say that we have a thousand codfish in Alaska to where there is one on the Newfoundland banks, of as good, if not better, quality, and in safer waters.

They are found around the whole southeastern shore, in the hundreds of channels and passages among the islands of the Alexander Archipelago, east and south of Sitka, while the entire shore for a distance of 600 miles northwest from that place is one continuous cod-bank. They abound in the numerous bays and inlets still further to the north and west, and all along the Aleutian chain, while the whole eastern part of Bering Sea, embracing an area of 20,000 square miles, teems with them. Nor is the salmon less plentiful in comparison with the supply to be found in other parts of the world. Then we have the halibut, and in-

deed everything in the shape of fish from a brook trout to a whale. There was shipped from our salmon canneries last year over 200,000 cases of canned salmon and 14,000 barrels of salt salmon, worth \$1,500,000 in the market, while the whale catch amounted to over \$2,000,000.

We have already, notwithstanding the drawbacks and discouragements that our people have had, made considerable development. We have the largest gold mine in the world, turning out its millions annually. And I want to say that while I was one of the men who ridiculed Mr. Seward for the purchase of Alaska, and thought the country was worthless and the expenditure a reckless and extravagant use of the public funds, that there is one little island upon which gold is found that is worth to-day ten times as much money as Mr. Seward gave for the whole Territory. That is Douglas Island. It is about 5 miles wide and about 16 miles long. The great mine of which I speak is on this island, and is operated under the general mining laws, which it would appear Congress thought it could not withhold without changing the law of 1866 so as to except Alaska from their operation.

I want to say more than that. We have in Alaska large bodies of coal—seams not less than 20 feet thick. We do not know how good it is yet, as it has not been developed, and can not be until Congress shall by proper legislation encourage people to go there and engage in the work of development.

The whole southeastern portion of Alaska is heavily timbered with spruce-pine, red and yellow cedar, and hemlock, which grows to a very large size. We have every known mineral in the country, and have placer mines up in the Yukon region. I want to say to you, also, that while it will not be in this generation or the next, that when we have had a hundred years more of progress—when the history of the country shall have repeated itself—Alaska will grow more wheat than Dakota. I know such an assertion will subject me to ridicule, but I think I know what I am talking about. All the conditions for growing cereals that exist in Russia are to be found in a large part of the interior of Alaska. The climate is favorable to it. We have very cold winters in the interior, but very warm summers. The frost does not come out of the ground during the summer, indeed is never wholly out. During the winter it freezes from 15 to 20 feet below the surface, but in the spring it thaws out sufficiently to permit cultivation, and when the seed is sown the frost below will supply all the needed moisture for a healthy growth, as is shown by the luxuriant grasses which grow in that section. I simply want to impress upon this committee that here is a Territory rich beyond all precedent in natural resources, which desires, as it certainly deserves, something more substantial in the way of recognition and encouragement at the hands of the General Government than it has ever yet received.

**THE CHAIRMAN.** What do you think would be the probable result of passing the proposed legislation upon the increased prosperity of Alaska?

**Mr. SWINEFORD.** It would encourage immigration to a very large extent. I have no doubt that while the immigration to Alaska would not bear comparison with that to Dakota, being so far off, that if at the time of the purchase of Alaska Congress had established a civil government in that country it would have shown before this a most wonderful development. If, instead of setting up a military or naval government, with a military or a naval commander whose word was law, and practically driving the people out, they had given it a regular form of civil government, I have no doubt that Alaska would have had by

this time a large population. But nobody wants to go to a country where they can not acquire titles to lands or homes.

In the town of Juneau, where Mr. Reed, here, lives, there are probably ten, twelve, or fifteen hundred people. They have ten or fifteen general stores, water-works, theater, churches, schools, and everything that is usually found in a flourishing frontier town. It is opposite to Douglas Island, and the town is growing rapidly, with an intelligent population—a better population than you will usually find on the frontier. Yet not a single man has a title to the land upon which his building stands. Several thousand claims to lands and town lots in the Territory have been recorded, and yet in the whole Territory there are only twenty-one fee-simple titles, and these are Russian titles, which were confirmed in the protocol to the treaty of purchase.

Mr. TAULBEE. Does this cover the mining claims?

Mr. SWINEFORD. No; no patents for mining claims have yet been issued. There are some applications for patents pending and there will be a great many more; but in each case they will only cover 20 acres. I ask that Congress shall simply do Alaska justice on this point. We ask that you give us the privilege at least of settling on the public lands, with a preferred right of purchase to actual settlers when the land laws are extended over the Territory. If you will not give us the benefit of those laws now, then give us the substance as well as the form of civil law. We do not want to sit down there as officials and do nothing but simply draw our salaries. If you can not and will not organize the Territory as it should be organized, with an adequate form of civil government, then you had better turn it back to the condition in which it was in 1884. They will then have a military or naval commander, who will have power to enforce order and protect the rights of the people, if, indeed, he be a man who does not prefer to oppress and drive them out. We do not ask as much as has been given to the other Territories, do not ask a full Territorial legislature, but we think we ought to have a legislative council, and instead of having the governor come down here every winter to try to do something for the Territory, that we ought to have a delegate, as section 1862 of the United States Statutes declares every Territory shall have.

The bill under consideration simply remedies the defects and omissions of the existing organic act, and removes the barriers which that law raises against the settlement and development of the Territory; confers upon the people political rights and privileges which, as I have before remarked, are guaranteed to them by solemn treaty stipulation, and which have never before been withheld from any fraction of the American people. It extends over that country those provisions of the general land laws applicable to homesteads, town-sites, and mining claims; it provides a legislative council of nine members, seven of whom are to be chosen by the people, and two, who are to be men learned in the law, to be appointed by the governor; it also gives the Territory a Delegate in Congress, and provides for the appointment of a register of the land office and a receiver of public moneys. These are the only new offices that it creates.

While it seems to me scarcely necessary to enter into an elaborate argument in behalf of Alaska's right to so much recognition at the hands of the present Congress, or the justice of conceding to her the same rights and privileges which have been accorded every other Territory of the United States, I would like to ask gentlemen of this committee upon what principle of public policy or of common justice can a further withholding of such rights and privileges find justification? A

country can not be expected to develop very rapidly in wealth and population when the government by which it is owned expressly prohibits settlement to be made upon its lands, or neglects or refuses to provide a way by which honest, bona fide, actual settlers can secure titles to the homes they hew out for themselves; yet that is precisely the condition in which Alaska is now, and has been ever since its acquisition by the United States.

We do not ask any general surveys, nor the throwing open of the public lands of Alaska to indiscriminate and speculative purchasers, but we do ask and feel that we have a right to demand that people who shall prefer Alaska to any other of the Territories shall be given the right to go there, settle upon the public lands, and be given the same chance to acquire titles they would have if they went to Oklahoma instead. We do not want to be discriminated against in this respect. All we ask is equal and exact justice—an equal chance with the other Territories. Given that, Alaska will work out her own destiny; and if treated fairly, I want to say to you, gentlemen—if given the same aid and encouragement Congress has always willingly extended to other new Territories—in a few years you yourselves will have cause to marvel at the extent of her development, the magnificence of her material wealth.

Now, some people and some newspapers affect to believe that I am actuated by a selfish interest in thus seeking so persistently to secure for Alaska a form of government in which the rights of local legislation and representation in Congress shall be recognized. I want to say to you that this matter of the extension of the land laws over the Territory is of the first importance, and if we can not have all we ask, that is the last thing which should be denied. Next in order, the most essential privilege to our well-being, is the right of local legislation, to make laws to meet ever-recurring exigencies, and for which we can not come to Congress with any hope of relief. Then I submit whether the fact that this or that citizen of the Territory may be possessed of an ambition to come to Congress ought to be permitted to weigh for a single moment against the right of the people to representation. The people themselves will elect their Delegate, and I am not vain enough to believe that I would be their choice did my ambition lead me in that direction, which I assure you it does not. I am not seeking to legislate myself into Congress, but I do insist that the people of that Territory shall be accorded the right to send me here, if they should desire to do so and I should consent to serve them in the capacity of Delegate.

The right of the people of Alaska to make their own laws and to representation in Congress, the obligation resting upon the Government to extend to them these privileges, their necessity to the welfare of the people of the Territory and to the development of its resources, and even their desirability on the score of economy, are so plainly apparent that it is impossible to account for their being withheld, except on the ground of deep-seated and most unjust prejudice.

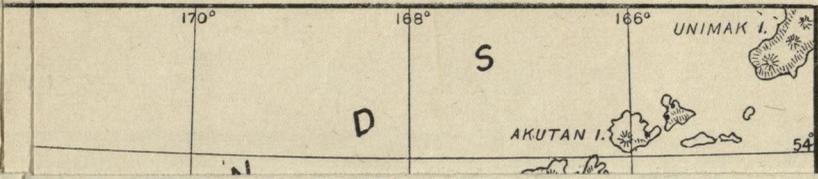
Under the treaty of cession (Art. III), the inhabitants were guaranteed "all the rights, advantages, and immunities of citizens of the United States." It will scarcely be deemed necessary to inquire if representation in Congress and the privilege of local legislation are among the "rights, immunities, and advantages" of American citizens under a "liberal" construction of the treaty and of our national polity—they are the very germ and essence of our liberties. Representation is allowed to every other portion of our domain, and has always from the earliest days of the Republic been promptly extended to each new acquisition (except in this instance), so that it has acquired the sanction of political

common law, in addition to the express provision of statutory enactment.

Section 1862 of the statutes declares that "every Territory shall have the right to send a Delegate to the House of Representatives of the United States," and no quibble, no specious argument, can defeat the just implication of this language. It has been recognized by the houses of Congress as so clearly the right of the people that in whatever shape the appeal has reached them, under whatever mutilated form of assertion, by whatever defective modes of procedure, it still has been honored and ratified in every instance, to every fragment of Territory, every fraction of population, wherever good faith sustained the claim, *except in the single case of Alaska*.

The necessity of this privilege to Alaska is rendered stronger by the very fact of her remoteness from the seat of government and the prejudice I have referred to as existing in regard to the character and value of the country.

Mr. Chairman, the people of Alaska, through me, appeal to this Congress for justice—simply that and nothing more. She asks no more, and not so much, as has always heretofore been accorded to new Territories—that she be given an equal chance to work out her own salvation through the development of her great natural resources. This much she has a right to expect, if not absolutely demand. Who of you, gentlemen, will undertake to say that she should any longer be subjected to the unjust, unprofitable, and wholly unjustifiable discrimination which has already thrown her twenty years backward, instead of onward, in the march of progress?



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**ALASKA**  
AND ADJOINING TERRITORY.  
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