

Alaska State Library – Historical Collections
MS 107 Diary 11

Diary 11, 1906-7 front cover	June 22, 1906 to Feb. 7, 1907.
Diary 11, 1906-7 inside front cover	[photo caption:] “ALEXANDER MCKENZIE Receiver extraordinary in most of the disputed claims cases at Nome.” This is the “Boss” who kept the fight up on my confirmation for so long. J. W.-
Diary 11, 1906 june22a	- <u>June 22, 1906.</u> Hill, of the G. N. Ry. is the boss of the McKenzie-North Dakota Apaches who are fighting me & he is now in Labrador, out of reach of the telegraph or other communication. Major Lacy went to see the Pres. =ident this morning & told him the situation. The President said that he would be in office for two years and more, and that I should remain Judge in Alaska <u>that</u> long, anyway: that he had great regard for me – that I was - or am - the best territorial judge in our territories and that he intended to support me to the end. He, however, referred to my remaining here so long & to my visit to the
Diary 11, 1906 june22b	newspaper – the Times story. He has evidently been talked to by some of my enemies, and is not conversant with the true facts. I also went to see Senator Foraker. He asked his clerks to vacate the office so that we could talk freely. He told me that some days ago, becoming convinced that McCumber would talk the case over the session, he wrote a letter to the Atty. Genl. in answer to the letter from the Atty. Genl. to the Senate urging action in my case, saying that he was satisfied that it could not be brought to a vote ; that he consid =ered it his duty to so inform the Atty Genl. so that he might call it to the attention of the President in time to permit him to withdraw
Diary 11, 1906 june22c	my name and present that of a successor if he so desired. He said that he received a reply from the Atty Genl. saying that he had submitted the matter to the President who had informed him that he did not desire to with

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	=draw my name: that he considered me a good man and that he would not only not present another name but would reappoint me, if the Senate failed to confirm. Foraker resented the tone of the letter toward himself, declaring it to be “bumtious” – but said that it was flattering to me. He also told me that the matter came up yesterday in Ex. session, and that the motion to displace me with
Diary 11, 1906 june22d	the Barnes case was voted by the administration men & he denounced them for it. He expressed himself as very friendly to me, said that he had done all he could to secure my confirm =ation and regretted that it had failed. Senator Foraker also told me this: <u>That prior to his appointment on the sub committee & prior to meeting me at the hearing on Feb. 20, he was prejudiced against me by the statements of Nelson & Pettus & that only on meeting me at that hearing & hearing my statements &c. did he have the least suspicion that they were trying to mislead him. He made it perfectly clear to me that he was prejudiced, and would have even signed a report against me, before that hearing. This did not mean as much to him as</u>
Diary 11, 1906 june22e	<u>it did to me, since it shows me conclusively that Nelson & others “packed” the jury” on me solidly, - all three members of the subcom =mittee were known in advance to be against me – and yet with that start, and a secret session - secret records and all, they failed to down me!! Well I had some pretty good friends.</u> Walter E. Clark met Senator Spooner coming out of the White House today & said to him: “Well, they are not going to confirm Wickersham are they?” and the Senator replied, “No, it is better to let it go over & let the President reappoint him.” “Yes” Walter said, “if he will do it, - will he?” & Spooner answered “Yes, of course.” So even he
Diary 11, 1906	is friendly and informed.

june22f	<p>The “Star” this evening said: [newspaper clipping:] “WICKERSHAM AND BARNES. Two Nominations That Were Discuss- ed Without Action.</p> <p>Two contested nominations were before the Senate yesterday afternoon in executive session. They were Benjamin F. Barnes, assistant secretary to President Roosevelt, and named for postmaster of this city, and James Wickersham, to be judge of the United States court for the district of Alaska.</p> <p>There was an understanding that a vote would be taken on the Barnes nomination, but the Wickersham case was first on the calendar. Senator Carter moved to displace the Wickersham case, and this was done by a vote of 29 to 17.</p> <p>By this time it was so late that it appeared that a vote could not be had without a night session, and by agreement the case went over until 3 o'clock Saturday.</p> <p>After this agreement was reached the Wickersham case was taken up again and an unavailing effort was made by Senators Foraker and Bailey to get a vote.”</p> <p>I bought a new trunk & am prepar- ing to go home on Monday – but I must see Solicitor Genl. Hoyt, first, about the terms of court at Valdez & Fairbanks , and I want Senators Piles & Hemenway to see the President. I dont intend to go as long as there is a fight on. Late tonight I received in the mail from Senator</p>
Diary 11, 1906 june22g	<p>Forakers secretary a copy of the Atty. Genls. letter which Foraker considered “bumtious”. <u>It is as follows</u> “<u>Department of Justice, Office of the Attorney General, Washington D.C.</u> June 21, 1906. “<u>Confidential.</u> “<u>My dear Senator: I have brought to the attention of the President your confidential letter of the 19th instant in regard to the nomination of Judge Wickersham, now pending in the Senate. The President believes strongly that Judge Wickersham has been one of the best of our Territorial judges and has displayed courage, integrity and high judicial qualities in his office. He earnestly hopes that the nomination, which he conceives to be the best possible,</u></p>

	<p><u>will be confirmed. Of course, if the Senate should vote adversely upon the confirmation</u></p>
Diary 11, 1906 june22h	<p>“the President would make another <u>nomination, but only in that case. It is his purpose, until the nomination is acted upon, to continue Judge Wickersham in his present position by recess appointment.</u> <u>Very truly yours,</u> <u>W. H. Moody.</u></p> <p>“<u>Hon Joseph B. Foraker,</u> “ <u>United States Senate.</u>” I am almost prouder of that letter than I would be of the confirmation - certainly, of a perfunctory one. The President also said to Major Lacey this morning, “<u>I will be President for 2 years & {8} 4 months - & Judge Wickersham will certainly be judge in Alaska for that time.</u>” That all sounds pretty good to me, and compensates for my struggle & long wait.</p>
Diary 11, 1906 june23	<p>-June 23rd- Heard but little – heard that Mc Cumber had affidavits from Welliver saying that in my interview with him I referred to the May Booklovers “Looting of Alaska” saying “<u>that shows you the kind of a man – (or men) – that is (or are) fighting me.</u>” &c. Well, what of it? Foraker promised me the original letter from the Atty. Genl. to him but have not yet received it. This evening just before closing office the secretary of the Atty. Genl. telephoned asking me <u>to call & see him on Monday morning.</u> Getting packed up ready to go home on Monday, or Tuesday. Major Lacy says the President told him I should remain judge for 2 years & 4 mo – whether the Senate confirmed me or not - but I think he would not reappoint me if they rejected the nomination. I certainly would’nt serve if he did.</p>
Diary 11, 1906 june24a	<p><u>June 24, Sunday</u> Received telegram from Henderson. Dep. Clk. Fairbanks, this morning saying: “<u>Reliable news from Washington that Roosevelt yields to Senator Nelson. Can we do anything?? Henderson is the only one of my appointees who has taken the slightest notice of my fight or given me the least warning or assistance.</u> I suppose now they are telegraphing to Fairbanks</p>

	for more assistance – of for protests to the Pres. – no one can tell what they are doing since they are both shrewd & unscrupulous. Have just had talk with Senator Piles; he says Foraker suggested to McCumber that my case go over till next session – McCumber evidently thought it was loaded &
Diary 11, 1906 june24band25a	wouldnt agree to anything! Piles says a person who is friendly to the opposition told him that they were now talking of a new “discovery” – viz: <u>That Jarvis, Clark, Richardson & I are in a conspiracy to graft things in Alaska &c.</u> & they have some story of a meeting in the New Willard last winter at which Jarvis & Richardson had a row, - it is not said that I was present. (I <u>guess</u> that Piles got that story from <u>D. A. McKenzie</u>) Piles wouldnt tell me) – -25- Went to the Dept. of Justice - saw the Atty. Genl. In his He said that the President & he thought nothing more could be done at this session in my
Diary 11, 1906 june25b	case, - that the President intend =ed to reappoint me, so they thought it would be better for me to go at once to Fairbanks & convene court. I suggested to him that as I intended to make a change in the office of clerk I wished he would talk with the President & suggest a good man whom both knew. He asked the salary & promised to talk with the President about it. I then went over to the White House & sent in my card to Mr. Wm Loeb, the Presidents private secretary. When, after half hours waiting I was admitted I told him I wished to see the President. He passed into the Presidents office
Diary 11, 1906 june25c	& the President came out & as he grasped my hand he gave me one of those famous smiles & began: “Well, Judge Wickersham <u>I want you to go back to Alaska and continue as judge. Dont talk to newspaper men nor to</u>

	<u>anyone else – dont do anything except attend to your duties as judge. Dont let Senators hear a thing from you – facts of conversations are often distorted. I will be President yet for two years and eight months & Ill support you that long. You can depend upon me to stay by you that long – go to work. Good day”, & with another hand shake & a smile he was gone.</u>
Diary 11, 1906 june25d	This is only the substance of a much longer monologue which he delivered while his strong eagle eye looked into mine. I feel sure, now, of my position with him, & of his fighting support. I am now ready to believe that he told Major Lacey that he would keep me in office for the balance of his term without regard to what the Senate said. He is certainly my friend & supporter, & it will take more positive proofs of my defects than my enemies now have to change him. He is, it seems to me, prejudiced in my favor, and against my enemies all of whom, thanks to my lucky star, are now fighting the administration.
Diary 11, 1906 june25e	Of course, after what both he & the Atty Genl. said I must go home - & it is the greatest relief imaginable. If the Senate does not reject my confirmation this session, but passes it over, and he reappoints me, my case then becomes a strictly Roosevelt administration fight, and I can view it with quite a different feeling from what I have heretofore had. This afternoon I spent in the Dept. of Justice arranging the details of handling the appropriation for rebuilding the Fairbanks Courthouse & jail. Also insisted upon an examiner from the Dept of Justice visiting my district & checking up the offices. Also procured a telegram to be
Diary 11, 1906 june25f	sent to Judge Gunnison asking him to go to Valdez & hold the term of court there. <u>Also</u>

	<p><u>telegraphed to Stier, Clerk, Fairbanks, calling a term of court there for July 30!</u></p> <p>I sent a fine copy of a photo {of the President} up to Sec. Loeb, this afternoon with the request that he sign it & it was returned – below his picture the President had written: <u>“To Judge James Wickersham with the best wishes of Theodore Roosevelt. June 25, 1906.</u> “ I am very greatly pleased with my days success with the President. Some days ago I left a copy of a photo with the Secretary of the Vice President Fairbanks</p>
Diary 11, 1906 june25g	<p>On sending for it I received the following note from his secretary. “My dear Sir: The Vice President has “autographed the photograph as “requested and also one for you “personally. He expressed a “wish to see you before you left “the city. Very truly, “ Russell King, secretary. The two photos are large & fine ones and on one there are the following sentiments: <u>“Judge Wickersham, with the cordial regards of his friend, Charles W. Fairbanks:</u> and on the other, <u>“With all good wishes for the future prosperity, greatness & strength of Alaska.</u> <u>Charles W. Fairbanks.</u> June 23, 1906.</p>
Diary 11, 1906 june25hand26and27a	<p>After dinner took carriage & went out & called on the Clarks, and then called on Mrs. Fairbanks & Mr. & Mrs. Timmons, her daughter & husband. Timmons is a lieutenant in the Navy – grad. of Annapolis, and a fine fellow. Missed the Vice Pres. and went to Capitol but the Senate was in session grinding – so did not see him. -26th- Left Washington on the early train – Baltimore – Harrisburg Pittsburg, where I took dinner at the Ft[?] Pitt Hotel and reached Chicago on the morning of the -27th-</p>

	<p>Called on Mr. A. C. Frost, of the Alaska Cent. – lunch with him at the “Midday Club.” - Met</p>
Diary 11, 1906 june27b	<p>Col. James Hamilton Lewis, who made his usual pitiful talk about his influence with Moody, Atty. Genl. & the President resulting from acquaintance during their service in the Spanish War!! - in which poor J. H. L. did not serve. He was profusely friendly & asked me if I had transportation to Seattle – told him on – he offered to get it – but I declined. But at lunch Frost also asked asked the question & finding that I had none at once instructed his Sec. to get it – but said I must wait till tomorrow - & I said I would do so – it would save me nearly \$100. Could not get a room at “Auditorium” but succeed at the “Annex.”</p>
Diary 11, 1906 june28and29	<p>-28- Bot some Americana at McChergs. Took an automobile ride out along the north side got my transportation from Mr. Frost & left Chicago at 6:30 for home. Frost sent me a box of fine cigars with the transportation. -29th- St Paul this morning early – Breakfast at the Ryan & then called at the West Pub. Co. about 2nd Alaska. They assured me that they were ready to publish & would guarantee to get it out by Dec 1. Met Harry Foster - John Snyder on the N. P. going west with me. Have heard nothing from Washington since leaving there. It is a beautiful, cool day -</p>
Diary 11, 1906 june30andjuly01and02and03a	<p>-30- Montana - - - -July 1st Reached Tacoma this evening at 8:30 Debbie well. Has been at The Sands Hotel all winter & I go there too. -July 2nd Busy with correspondence & George and Notti here Telegraphed Frank Morse, Olympia, for Matt, Piles address</p>

	<p>- Aberdeen. Am to meet my land clearer tomorrow & others at Reids office. Sent for mother to come down – to try & settle her land matter with Power Co.</p> <p style="text-align: center;">3rd</p> <p>Mother came down today - have telegraphed Hardin</p>
Diary 11, 1906 july03band04and05 a	<p>Debbie & I are at the “Sands,” trying to get packed & ready to go to Alaska. Went out with Glaser & Charlie Peterson & examined the clearing on my 70 acres & finding it fairly satisfactory I paid the balance due on the clearing contract.</p> <p style="text-align: center;">-July 4th-</p> <p>Parades – noises – crowds – patriotism – boys – noise! Nothing yet from Washington Deposited 2 mo. salary & checks amounting to \$1100 & odd dollars, - drew \$500 – leaving a balance – with Debbie’s \$200. of about \$2000. in Nat. Bank of Com.</p> <p style="text-align: center;">-July 5th-</p> <p>We go over to Seattle tonight</p>
Diary 11, 1906 july05b	<p>& to Alaska tomorrow on the Str. “<u>Dolphin.</u>” Met Johansen & his bride & took dinner with them. Also Dick Ryan called - <u>The shoe is now on the other foot</u> – Dick wants me to help him & Ill see him damned first. Also met Murane who goes to Juneau to attend the Rep. convention – it looks as if he & Shoup were tying up together – McChesney thinks that Cale of Fairbanks & Wasky of Nome – the Miners candidates will be elected – but I am not so sure. I am afraid of the socialistic – miners candidates - success for them means the same spirit of intolerance that prevails in Idaho & Colorado, - anarchy</p>
Diary 11, 1906 july05c	<p>Am greatly pleased to know that the President has again - <u>for the fifth time</u> – reappointed me as judge of the Dist. Court. It is specially satisfactory to have the President stay by me so strongly.</p>

	<p>It will give me courage to do my duty without fear or favor. Bob McChesney told me last night that Frank Cleary said to Wall: “<u>Well it dont make any difference to us who is judge but?] we must own</u>” [newspaper clipping:] “Seattle P-I. Judge J. A. Wickersham PRESIDENT APPOINT’S WICKERSHAM AGAIN Also Signs Commission of Wm. N. Bristol as United States District Attorney OYSTER BAY, July 5. – President Roosevelt today signed commissions for the following appointments: James Wickersham, of Alaska, to be judge of the district court of the Third division of the district of Alaska. William N. Bristol, United States attorney for the district of Oregon.”</p>
Diary 11, 1906 july05d	<p>him.” & Wall was greatly excited by the belief that “<u>we</u>” owned the present judge – me. What a great damage a poor degenerate fool can do – & how readily some reach a conclusion from a suspicion That any one should pay any attention to poor drunken Cleary is past my comprehension – but they do – <u>when they wish to.</u> Got a letter today from John N. Conna warning me to expect - or rather to fear personal violence from the Pratt-Nelson-Miller-McCumber-Stevens gang at Fairbanks. A judge in Alaska must watch assassins in the U.S. Senate as well as in the wilds of Alaska. But with the President behind me I fear</p>
Diary 11, 1906 july05eand06	<p>no criminal – though I realize that Senator Nelson has encouraged crime & disrespect for the courts & the law even far more than he knows – in Alaska. Mrs. Tom McGowan is on the Dolphin going in with us. Also Notti – whom I procured the</p>

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	<p>President to pardon for shooting a man who jumped his claim. -6th-</p> <p>Left Seattle on the “Dolphin” at 9:30 in the forenoon. Beautiful day – Port Townsend – we stopped 20 minutes – Puget Sound, Straits of De Fuca, San Juan islands, the Gulf of Georgia – a beautiful inland sea – the great highway of old from Asia to America & now the highway back to Asia.</p>
Diary 11, 1906 july07and08a	<p>-7th-</p> <p>Queen Charlottes Sound. Bella Bella, Millbank Mr. Galbraith, Ms. McGowan Mrs. Thornton & Mrs Wickersham play whist. <u>The Cheerful Idiot</u> offered prizes for the one judged by the crowd to be the happiest person on board & to my surprise I received nearly all the votes - & the prize - a deck of cards. -8th-</p> <p>Sunday – Dixons Entrance the quietest trip I have ever made Church services: Mr. Edwards, of the Episcopal Church, who goes to Sitka – a young man who will know more after a year in Alaska & Dr</p>
Diary 11, 1906 july08band09a	<p><u>Ketchikan</u> – Mr & Mrs Coutant. Ed. the Mining Journal, Comr. Stack =pole & others got on going to Juneau. Also met young Shoup (Arthur), Dep. Marshal at Ketchikan His father is candidate for Delegate to Congress. Boat also stopped at Hadley Smelter. -9th-</p> <p>Douglas. Treadwell Mines. Called on Dr. Moore, brother of Judge Moore of Nome & was much pleased thereby – he is very friendly to me. Juneau – Met Marshal Shoup, & L. P. Shackelford – went up to Shoups house & talked about political conditions in the Territory. Shoup is candidate for</p>
Diary 11, 1906 july09b	<p>Delegate and has the support of S.E. Alaska & also some of the communities along the coast to the westward.</p>

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	<p>Met Judge Royal A. Gunnison - his wife & Mr & Mrs Cobb, her father & mother. He is a big, happy, boy – honest, frank & courageous, but as constant wearing dripping will wear a rock – so will he go to peices with the rapidly increasing strain and develish intolerance of the lawyers & litigants of his district. Reached Haines Mission & Ft. Seward in the evening. Judge Gunnison went with us to Skagway – we called on the officers at Ft Seward. Reached Skagway at Midnight remained on boat till morning</p>
Diary 11, 1906 july10and11and12a	<p>-10-</p> <p>W. P & Y. gave Debbie & I me transportation to Dawson – paid \$20.00 Left Skagway 9:30. Saw Sam. Wall – from Fairbanks on his way to Cordova – <u>gave him a letter to M. J. Heney</u> – and told him to look into the Comr. office there - that I would appoint him if he wanted it. He said, however, that he was looking for a newspaper opening. Whitehorse at 5. pm Str. “Dawson” at wharf, but we wont go out till the morning. -11-</p> <p>Left Whitehorse at 4 a.m. Lake Labarge, Hootalingua -12-</p> <p>Selkirk, White River Stuart river - <u>Dawson</u></p>
Diary 11, 1906 july12band13a	<p>We arrived in Dawson at 8:30 p.m. 6 ½ days from Seattle The most pleasant trip I have ever made to Alaska. Capt & Mrs. Barnette are here on their road out to Seattle. Long talk with him about things at Fairbanks – he & his friends have <u>now agreed to fight Cole for Congress!</u> Agreement with Hoggatt (Gov) who left here this morning on Lavelle Young -13-</p> <p>Visited the Bear Creek dred =ger, met Rothchilds, Sr & Jr. – the principal owners – Dinner with Roedigers & Mrs. Orr. I greatly regret that Gov. Hoggatt Major Richardson and</p>

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<p>Diary 11, 1906 july13band14and15</p>	<p>Orr let yesterday before we reached Dawson on the "<u>Lavelle Young</u>" for Fairbanks -14th- Visited the Col. Williams dredger on the lower Klondike today – <u>The dredger is the coming method of mining both in this region & Alaska.</u> Nothing from Juneau convention yet. We leave on the "<u>Hannah</u>" on Tuesday morning. -15- Sunday – rainy. Mr. & Mrs. Roediger, Mr & Mrs Finney, Mrs. Orr. & Charlie & Dorothy Roediger & Thorold Orr. Took dinner with us at the Kenwick. Nothing from Juneau yet.</p>
<p>Diary 11, 1906 july16and17a</p>	<p>-16th- Remained in Dawson – at the Regina Hotel. Telegraphic dispatches that <u>C. D. Murane</u> of Nome, nominated for delegate to Congress by the Republican convention at Juneau. Ryan is sore & kicking – glad of it. It is reported that the Democratic convention will nominate Cole of Fairbanks – I hope so, for then I can oppose him without criticism. Met N. A. Fuller who wrote letters to his people at Fairbanks to support Murane. -17th- Left Dawson at 10. a.m. on the Str. "Hannah". Six hours at Eagle City – went to Courthouse & every man in the camp called</p>
<p>Diary 11, 1906 july17b</p>	<p>& I was greatly pleased that they so unanimously expressed their satisfaction at my return as judge When we passed the "Sarah" this afternoon we stopped & Tom McGowan gave me letter from Henderson with copies of Fairbanks papers. It seems that when news of my reappointment came to Rampart they had a "torchlight procession! - evidently for Wingates benefit. "News" has strong editorials &c for me – but I must stop that when I reach Fairbanks. Eagle is full of memories of my earliest efforts in Alaska – it was my first home there – and poor</p>

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	<p>Howard – it seems as if he must be near by – I am glad to go – Sent telegrams &</p>
<p>Diary 11, 1906 july18and19a</p>	<p>-18th- <u>Circle</u> this morning: Inspected the Com. office, & met miners & business men – they seem to be pleased to see me & congratulate me on the Presidents stand. <u>Ft. Yukon</u> this evening – just stopped long enough to deliver the mail but I called on Miss Woods of the Episcopal Mission who told me that the officers gave very needed support in aid of the enforcement of law & order. -19th- <u>Rampart</u> at 10. a.m. Met many miners, businessmen, - everybody but Wingate & 3 or 4 others & all seemed pleased – they said so at any rate – at my return. Ft. Gibbon, Tanana, Weare,</p>
<p>Diary 11, 1906 july19band20a</p>	<p>at 4:30. The Str. "Tanana" here to take us to Fairbanks. Met Ex. Gov. Swineford - & got a paper showing nominations <u>C. D. Murane</u>, Nome, Republican <u>Judge Mellin</u>, Ketchikan, Dem. <u>Ex. Gov. Swineford</u> " long term. Dem. <u>Cale, Thos.</u> Fairbanks, short term, long term <u>Wasky.</u> Nome, short term. -20th- Left Ft. Gibbon at 4:30 this morning – detectives on board searching for clues to the box of gold dust stolen the last trip - \$68,000. – by exchange of shot for gold – either (1) at the bank, (2) or on the str. "Tanana", (3) or on the Ida May, or (4) at Tanana, where the original box was found out back of the stock corral</p>
<p>Diary 11, 1906 july20b</p>	<p>- with 2 bricks of gold = \$9,000. & the rest filled with shot. It seems to me to have been rank carelessness on someones part – but who's? They have – so the detectives think – caught the thief who stole the box off the boat at Tanana - but as it was not opened by this last thief – there seems to have been two distinct thefts in relation to the same box. Much excitement – and a big reward offered. It was a very clever piece of work.</p>

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	Passed “Hot Springs” slough - Lyren Smith got on. He tells me that Manley has bought these springs from “Dad” Karshner – who has a homestead – that Karshner is to prove up & then Manley buys the property!!!
Diary 11, 1906 july21a	-21*- We are making good time – the “Tanana” is pushing a big barge loaded with mining machinery - 2X boilers & 5 engines &c. The great wide valley of this Ohio of the North looks inviting to settlers – it is now a trackless wilderness – yet when the U.S. are filled & the people are land hungry here is a fine region for an independent & hardy people “ <u>Twa tilla</u> ” – the Indian village, is just above the upper mouth of the Nenana river – on both sides of the Tanana, - a bluff on the left hand, going up – on the right going down stream. Probably 75 or 100 Indians in sight – their light & graceful birch
Diary 11, 1906 july21band22a	bark canoes skimming the water - their fish racks red and burdened with fish – split, hung & drying. The upper village on the point was a scene of barbaric thrift & animation – I counted 17 canoes on the beach just in front of it. -22- Sunday: Arrived at Chena early but did not stop. The “Tanana” took us up the Chena with the great barge ahead – 315 feet in all – We were met 4 miles down by the “ <u>Isabelle</u> ” with a delegation from the Chamber of Com. & town officers – cheers – came aboard the Tanana & welcomed me back to Fairbanks. The town looks fine - as usual a big fire hurts individuals, but helped the town very much
Diary 11, 1906 july22b	The old log cabins – unsightly spots - the different sorts & styles of buildings have gone – and whole blocks of well built buildings occupy the places. The streets have been widened – in the fire swept division – the banks, stores & business houses all rebuilt & the town looks better than ever. Gov. Hoggatt & Major Richardson

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	here & had good long consultation with them Have urged the support of Murane – but all seem to hesitate since Cale seems to have this camp. Hoggatt is greatly chagrined at the cowardice displayed by Shoup who had agreed to run for delegate & who could undoubtedly have been elected – but who seems to have been a quitter altho he had the convention. Murane is on the road to this place.
Diary 11, 1906 july22cand23a	but Hoggatt & Richardson on leave tonight for Nome. Everybody seems friendly & I am assured of the support of every good element in the camp. -23*- We could not get our house – the Smiths had paid rent to the end of this month & refused to move – even though I offered to pay back the rent & the excuse of moving. Smith has been drinking - & she too - & has been very unsuccessful in the management of the Cold Storage business this winter on account of it - & is cranky. I must do something to stop the newspaper war going on here over me – the “ <u>News</u> ” lauds me & the “ <u>Times</u> ” damns me. I asked McGinn to go to the News & ask them
Diary 11, 1906 july23band24a	quit defending me & to quit fighting my battles – but too late to stop the battle today though it was brisk. We have been stopping with Miss Thompson – now <u>Mrs. Roy Maddocks</u> - Dodges first lieutenant, & trying to coax the drunken & disgusting Smiths to vacate our house, but so far without success. -24th- The lawyers are coming around slowly - Pratt, with his usual courage, came up & shook hands – Miller sidled in looking like he was scared & Clay pool took it off with his usual bravado. Carr, however, amuses me – he gave me open & really valuable assistance early in the winter, but evidently they appealed to his vanity & he was certainly against me the rest of the time - at
Diary 11, 1906 july24band25a	least he “cussed” me & trained with my opponents – appointing to office only my known & outspoken enemies. But he was the first man to go down the river on the “ <u>Isabelle</u> ” to meet me & remained

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	<p>constantly near me. My friends now insist upon retribution, but I am bound to go slow – I wont act hastily.</p> <p>Conna induced the Smiths to move & we'll get into our house tomorrow.</p> <p>-25-</p> <p>Very busy signing liquor & other license orders – an accumulation of same for 10 months being presented to me for that purpose. Have also signed several orders fixing time to hear applications for injunction. Dinner last night with McGinns. Busy also with Jeffries getting my correspondence of last winter copied.</p>
Diary 11, 1906 july25b	<p>Since coming here I have inquired about gambling at the “Horse Shoe” Saloon & I am satisfied that there is now a game running there – so this afternoon I called up Apple & Monroe, lessers, & explained that charges were preferred against me by Dodge, Pratt, et. al. on that account – that now I am notified &c. - & that gambling must cease on the premises! They told their lessees, Frey, Griffith & Marks, - Griffith came to see me & I made it perfectly plain to him that it must stop, never to go again, - He “kicked”, but I told him that I would enforce my lease which provides that no illegal business shall be carried on on the premises & in Add=ition that I would not grant license for his saloon. He agreed to quit & not to allow it again. I am determin</p>
Diary 11, 1906 july25cand26	<p>=imed not to allow gambling of any kind on my premise. Harlan has received word from Washington - from the Atty. Genl. to suppress gambling – the direct result of the efforts of Dodge, Pratt, et. al. but is inclined to go slow about it.</p> <p>-26-</p> <p>Pretty well caught up with the licenses – refused one for a dance hall – because it was to a woman. Working on courthouse plans, &c. The threat by the Dept. to close up gambling has started the business men & saloons - & they have been after the “Times” for permitting Dodge to run it against me &c. & made them agree to quit. Telegraphed for vault doors &c. <u>We are settled</u> in our own home again.</p>
Diary 11, 1906	-27 th -

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july27a	<p>Working on 2nd Alaska – caught up with licenses. Officers have caught all the thieves who stole the \$69,000 from the Washington Alaska Bank shipment on the “Tanana?”. They were principally men employed on the boat, - the watchman & others. Geo. Dribelbis tells me that gambling has stopped entirely on my premises. - told him today to see to it that it remained so permanently.</p> <p>Miss Sullivan has thrown up her lease of my lot on 2nd St. – I forgave her all back rents – her house was burned.</p> <p>The “News” tonight makes a covert attack on Murane, the Republican candi=ate for delegate to Congress, by quoting Wingate, the Rampart “Forum” man in an attack on Koonce, Thumm, &</p>
Diary 11, 1906 july27band28a	<p>Stanley, the election officers there. The “News” knows that Wingate is my bitter opponent & these men my friends and why they needlessly attack them I cant imagine. Barnett, McGinn & others will regret their active support of Cale – the Fairbanks candidate – for he represents the firebrand element of the territory & his election will give courage and power – not only to Manley and my other enemies, but also to the Socialistic, Anarchistic elements which have, in the name of Unionism, made the political condi=tions in Idaho and Colorado so intolerable.</p> <p>-28th-</p> <p>Spent all afternoon hearing the case of Cook & Klonos – one of the Dome Creek cases - about</p>
Diary 11, 1906 july28band31a	<p>which Nelson gave me so much trouble. This is an application for injunction – I am going to hear that & settle pleadings – then have all the testimony taken by referee - then either send the case to one of the other judges or have it decided by a referee! <u>I will not decide it.</u> My courage returned & I tried the case!</p> <p>-30 - 31st</p> <p>Called court on Monday - & ordered jury com. & Clerk to prepare jury lists &c. Also heard Cook v Klonoo[n?], & after hearing was completed I granted an injunction against those only who are working & extracting gold, - so as to preserve</p>

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	the substance of the estate & then said to them that I would, 1. Send the case to either of the Territorial
Diary 11, 1906 july31bandaugust01a	judges, or , 2. Appoint an attorney to be agreed on by them, to hear and determine the case – or 3. Appoint a referee to hear the testimony & reduce it to writing & then send the record to another judge or 4. I would listen to any suggestion that they might make. Also dismissed 30 cases – dead ones. Appointed court crier. <u>Court in Century Hall</u> – Hearing short equity & divorce cases. <u>August 1st</u> Injunction issued in Charlton v Hill. Bishop Rowe's reception: We are having a spirited time about Dean Stucks letter to the Attorney General attacking Harlan about gambling Hoyt, acting Atty. Genl. wrote Harlan quoting Stuck as complainant & saying that he must enforce the law – Easy to say – but we think that if we
Diary 11, 1906 august01band02a	control the situation instead of attempting to enforce blue laws we are doing something practical – 2 nd Cleaning up the small matters in court - trying divorce cases, &c. Abe Spring tells me today that the " <u>News</u> ," and the new newspaper scheme have amalga =mated – that Thompson will be the manager – that they will publish the " <u>Evening News</u> " & the " <u>Morning Miner</u> " and that they will both support the court and law and order, as against the " <u>Times</u> " which will do the opposite. Lawyers are quickly getting into line and are acting with decency – all except Pratt, Dodge, and Frazier, - they are hostile. Miller acts like a scared boy & de Journal like a good natured
Diary 11, 1906 august02b	one who had been licked and wished to forget it. Claypool acts with his usual gall & Apache deceit. I can scarcely believe that Carr is so rottenly traitorous to himself & me too, as the evidence seems to prove. He came in today & talked quite a while – he damned the fellows who fought me last spring – and inquired if I saw the record which they had made in the Senate against me! He was so anxious about it that I was satisfied that he wished to know

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	that I had not seen it, - but I gave him no satisfaction – My friends <u>all</u> urge me in justice to myself & to the community to be rid of him – and I intend to do so – but in time. I do not want to give the impression that I am seeking revenge
Diary 11, 1906 august03and04a	-3 rd - Mr. & Mrs. Walter E. Clark of Washington – correspondent of <u>Post Intelligencer</u> of Seattle & <u>New York Sun</u> & the <u>Commercial</u> of New York, & Nadeau and Chilberg of Seattle, Fair Commissioner arrived here this morning on the " <u>Tanana</u> ". Clarke is touring Alaska for his papers & the other two men in the interests of the Seattle – Alaska – Yukon Fair. -4 th - Heard motion docket today & started the ball – cases moving slowly – but there is nothing like the work that I confronted when I first went to Nome Prepared bill exceptions in the case of Nelson & Hensley v Meehan
Diary 11, 1906 august04b	& Larson – this completes the appeal of the case which Senator Nelson fought me so hard about – if the Ct. Ct. of Appeals <u>should</u> affirm my action it would amuse me & embarrass some Senators who pretended to great learning in the law. Have also met Mr & Mrs. Parry - from Indianapolis, Ind. friends of Senator & Mrs. Fairbanks – they are here on a short visit. The town is full of people & all built up - in much better shape than formerly - all except the Court House & Jail & we are rapidly completing plans for them. <u>We</u> are building 2 new rooms to our house – Front & Noble Sts. & putting in a heating plant. Spent evening at Edgars - present besides Edgar & Lizzie
Diary 11, 1906 august04cand05and06and07a	& Debbie & I – Mrs. Ambrose, Jack Ross & Bishop Rowe. I hoped to get to talk to the Bishop about Dean Stucks protest against the "Floradora" Saloon & dance hall. Stuck filed written protest with me yesterday – the Bishop is opposed to his meddling, - but I did not get to talk to him.

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	<p>-5th- Our new house is up & enclosed but not roofed & it is raining.</p> <p>-6th- Called Grand Jury today & gave them written instructions.</p> <p>-7- Am being annoyed to sell my corner where the Horse Shoe saloon is – Dick Woods, McGinn, Spring Leahy & others have talked to me</p>
Diary 11, 1906 august07band08a	<p>about buying – but I have not concluded. The “Business Mens Protective Assoc.” was formed last night – the main design seems to be to help the Saloons – they had Dean Stuck present & he will withdraw all his opposition – <u>but not his letter of protest</u>, which his friend Dodge can use against me the rest of the winter. But I will grant the license anyway. Am finished with preparing digest headings for Alaska cases & will not now begin on Index Digest of the 2nd Alaska Reports.</p> <p>-8- Fire at the corner of Cushman & 3rd destroyed stock of goods for my tenants – grocers - & scared everybody in town – it seemed</p>
Diary 11, 1906 august08band13a	<p>as if another general conflagration had begun – but the water pressure from the N.C. Co. pumps was so prompt & strong that it easily kept it under subjection. Court work very slow – miners are in the midst of their season.</p> <p>-13- Court all last week – nothing but grand jury work – no equity cases ready for trial. Clarks, Nadeaus & Chilbergs out to creeks, & busy with Exposition & other matters. On Saturday 11th Tom Cale, candidate for delegate to Congress came back – a “corporals guard” & a band met him at the depot & a public speaking was held on the old courthouse grounds. It looks as if he had a good</p>
Diary 11, 1906 august13b	<p>chance to be elected – but no certainty as McGinn & lots of others are fighting him here. Petit jury was called today & several jurors excused. When</p>

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	<p>that was done Pratt I asked the attorneys in if they were ready for trial & they said they were & I ordered the clerk to call the jury. Pratt arose (he was not an attorney in the case) & said that as the jury was short he supposed I would order a special venire to fill it – I said no – it would be filled in the case for trial. He urged that as it was a matter of interest & the lawyers were interested he would like to be heard. I answered that if it was of interest to the lawyers</p>
Diary 11, 1906 august13c	<p>they could discuss it out of court – or to the court in any case where they were appearing. I refused to emit issue an open {venire} to fill the jury or to hear him – upon the conceded ground that his was a mere attempt to thrust his advice – unasked – upon the court at a time when he had nothing before the court & no right to be heard. He asked to be heard as <u>amicus curie</u> or “friend of the court” & I declined – upon the ground that I did not need any advice at that time. He finally gave up & sat down – surprised, cornered, but malicious. About the next time he offers his impudence to the court I will give him something to remember.</p>
Diary 11, 1906 august14and15	<p>{August} 14th <u>Election Day.</u> First Territorial Election today for delegates to Congress. It seems that Thomas Cale, of Fairbanks, for the long term & Waskey, of Nome, for the first & short term – Miners Union candidates, have carried the Tanana solidly. Trying the Dome creek case Charlton v Kelly.</p> <p>-15- Election seems to be Cale & Waskey Dome creek case on yet - is stubbornly contested. Today I created the new Chandlar Recording District & appointed Samuel J. Marsh, recorder - done for Wm. Sulzer, N.Y.</p>
Diary 11, 1906 august17and18a	<p>-17th- Still trying Dome Creek case</p>

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	<p>- sent jury out to creek today to view premises. I am greatly disappointed at small vote in territory - <u>Cale & Wasky elected but not 5,000 votes cast!</u> Cale called on me this evening, & assured me in the most positive manner that both he and Wasky will support me against all enemies & have high regard for me - <u>that they are my firm friends!</u> -18th Final arguments & instructions to the jury in the Dome Creek case - Charlton v Kelly</p>
Diary 11, 1906 august18band19a	<p>It is the first of these damned Dome creek cases about which my enemies clamored at Washington last winter & I am trying very hard to be so fair & careful as to rob them of their favorite talk - am submitting every issue to the jury - 19th Jury in Charlton v Kelly out & begins to look like a "hung jury" Our new house is done - we now have six good rooms - plenty Jury in Charlton case called for more instructions tonight & I gave them at 10. p.m. & at midnight they agreed - called & went to my office & received verdict - verdict for defendant - <u>is a just and righteous & legal verdict.</u></p>
Diary 11, 1906 august19band20and22a	<p>It is the second verdict rendered by jury against the "muck discovery" - and not <u>one</u> has yet been made <u>in its favor.</u> And this is <u>the one</u> real cause for the opposition of the speculative miners against me - well - the muck discovery is a fraud & leads only to fraud & perjury & <u>must go.</u> -20th- Jury waived in Bigelow v Conratt. & trial by the court. 21 - 22 Trial of Bigelow v Conrad - continued & finished & U.S. v Taylor. Major Richardson is back from Nome. The</p>

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	<p>"Powers" got in with Geo. Stevenson & Crocker, Ankeny bosses from the State of Washington. -23rd- <u>D. B. Crocker</u>, Col. of Int Rev. & <u>Geo. Stevenson</u>, of Seattle in town. Crocker & Cameron, dep. Col. called at the house tonight & paid us a very pleasant visit. -24- <u>49</u> years old today. Had a long & satisfactory talk with Geo. Stevenson, of Seattle - he promises to take the matter of my confirmation up with Washington & the new Oregon Senators & try to get them all into line to help me. Trying criminal cases in court.</p>
Diary 11, 1906 august25a	<p>-25th- For some time I have been receiving offers for the purchase of my lot at the corner of Front & Cushman Sts. and have always refused them. Since I objected to Griffith & Frye gambling on the premises the offers have been more persistent Some days ago the Business Mens Protective Assoc. was formed - the real object being to prevent a crusade against the liquor & gambling interests of Dean Stuck Dodge & my enemies. One of the threats always present was my ownership of the Horseshoe Saloon - about which Dodge et. al. blackgarded me so much last winter. I refused to let gambling be carried on</p>
Diary 11, 1906 august25b	<p>there - on account of the charges so vigorously made by Dodge, Nye, Witte, et. al. & by Senator Nelson : the firm grew ugly because gambling was carried on at other places - because they had put in \$50,000 stock &c. & did not have the same freedom as others & the Business Mens Pro. Assoc. foresaw a local fight & probably a general closing & to avert the war among the saloons Hill & the Northern Com. Co. & others offered to buy my interest in the</p>

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	Apple block, Cecil Cafe & the strip between the First Nat. Bank & the Barnette lot for \$20,000. As it was paying me nearly \$5,000.00 per annum I was not anxious to sell and only after some persuasion
Diary 11, 1906 august25c	and to escape from the fight which must inevitably continue as long as I had an interest in the Horseshoe Saloon I sold it. Made & delivered the deed today – the purchaser James W. Hill, is the manager and ¼ owner in Fairbanks Banking Co. – he pays me \$10,000. cash - & \$10,000. certificates of deposit in the bank drawing interest at 8% per annum due in one year – but he is to pay \$2,500. every three months – I am truly sorry to sell the lot as it was my first Fairbanks property & the best, but it will divorce me honestly & forever from the saloon – and that's something. Trying criminal cases – but slowly – bad indictments.
Diary 11, 1906 august26and27	-26 th - Crocker & Stevenson left for Nome yesterday - both promised to give me aid and assistance in the matter of my confirmation with Ankeny, & the Oregon senators. Mrs. Nellie Roediger Finnie of Dawson – so the dispatches say was delivered of a son on Aug. 24 th & Dick's a grandfather. Have worked nearly all day in the house – helping Debbie get it arranged & the new parts settled for living & comfort. -27- Married <u>Tom, Larson</u> & <u>Mrs. Minnie Richardson</u> Trial U.S. v Wm Turner – Pd. Mills – lumber bill house \$600. “ Howard, contractor in full \$130.00
Diary 11, 1906 august28	-28- Jury found Turner guilty. Trial of Kauffman – burglar – He is the son of Mrs. C. W Hobart, of Tacoma - have known them for 15 years or more - he is a bad boy – has served one term for burglary – at Walla Walla. Also begun trial of a Vault Creek case – Craig et. al. vs - Carr is for the plaintiffs and it

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	is made very prominent that <u>Cale</u> , the newly elected Delegate in Congress is deeply interested in the case & that fact is supposed to have more weight than either the law or the evidence in its final determination. It is a case, too, of surface discovery & Call & Carr are “agin” the surface discovery – the one thing in the testimony today which looks good.
Diary 11, 1906 august29and30	-29- Concluded U.S. v Kaufman, - jury is now out. Still hearing Vault Creek case. Affidavits for new trial today disclose that Marshal Perry went into the jury room when the jury in Charlton v Kelly. was out, and talked with jurors &c. Nothing positively wrong, but oh – so damned foolish 30 Jury in Kaufman case “ <u>Not Guilty</u> .” a miscarriage of justice & I said so in plain & forcible language in dismissing the theft. Major Richardson & Father Monroe & Father Jette called –
Diary 11, 1906 august31andseptember01	-31 st - In trial of Craig v Gilmore - McVicar, Pres. of Tanana Miners Assoc. was a witness – also Cale, Miners Candidate to Congress – Both put themselves squarely on record in favor of my views on “ <u>Muck Discovery</u> ” – against muck discovery. Sept. 1 st McVicar & Cale today told me they agreed distinctly with me on “ <u>Muck Discovery</u> ” views Miners Assoc. meets on Monday - I am told they intend to interview me on proposed amendments to the mining laws – Tried U.S. v Hansen today – not guilty.
Diary 11, 1906 september02and03 and04	<u>Sunday</u> , 2 nd Nothing much – working on 2 nd Alaska – its a bigger job than I thought & Ill have to work industriously to get it out on the last boats. 3 rd Trial Bayliss v Cooper

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	<p>mining case from Tenderfoot. Creek – Claypool for plaintiff Heilig for the defendant, - decided for defendant. -4th</p> <p>No jury today – finished opinion – instructions Charlton v Kelly – will have printed in pamphlet form so as to clearly set before the miners my views on Marking, Recording Discovery & Actual Possession</p>
Diary 11, 1906 september05and06a	<p>-5th</p> <p>Sentenced Miller for stealing gold bullion from Str “Tanana” belonging to the Wash. Alaska Bank – 2 yrs – U.S. v Kinz trial today – verdict guilty. Miller pleaded guilty. Also Kelly & “Moose” Mary who got 30 days – they had been in jail for a year -6th-</p> <p>Am disgusted with Parsons, of the Wash – Alaska Bk – after the court officers did everything in their power to compromise with Miller – the felon who stole nearly \$80,000. gold bullion of the banks funds off the steamer – to get him to disclose its hiding place</p>
Diary 11, 1906 september06band07and08a	<p>& after we recovered it by promising to give him but 2 yrs in the penitentiary – the <u>Times</u> the banks paper, abused us for it – though Parsons promised in advance that it would not do so but would support us! I am if I will do the gang another kindness. 7th</p> <p>Trial U.S. v Watson guilty. The jury also returned a verdict of “not guilty.” -8th-</p> <p>Grand Jury filed its final report this morning – at the same time 8 members filed a sarcastic and ironical statement saying that there was a bad moral</p>
Diary 11, 1906 september08b	<p>condition in Fairbanks - that women of bad character lived throughout the town – that the town officers & former grand jurors had neglected their</p>

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	<p>duties – that the present jury had done nothing &c. &c. all in an ironical & bitter way. I refused to accept the communication – handed it back to them & told them to retire to the grand jury room & <u>do their duty</u> – to indict criminals &c. They retired - & late this evening came in with a short report saying that they had again considered social matters & could not agree on indictments &c. – I then discharged them</p>
Diary 11, 1906 september09and10	<p>-9th</p> <p>Put in whole day in office finishing 2nd Alaska law report. The steamers “Tanana” & “Lavelle Young” went out loaded with passengers for the outside = Major Richardson Joslin, Siglers, & others. We seem to be finished with criminal cases – no case for today & will begin civil jury cases tomorrow – Finished the last page of 2nd Alaska Reports - only left to write letters of explanation & send out manuscript.</p>
Diary 11, 1906 september11and12a	<p>-11th</p> <p>Court business slow – called trial calendar & set civil cases today – Mrs. Orr. & Thorald came this evening on Seattle No 3, - from Chena on the train. Orr is in Valdez- -12-</p> <p><u>Henry M. Hoyt, Dist. Atty from Nome came in last night on “Seattle No 3” & called at my office today & saw that McCumber, Senator from North Dakota had filed a rehash of the charges which I so fully answered & fought all winter in Washington – that they were filed with the President, who had</u></p>
Diary 11, 1906 september12band13	<p><u>appointed him to come to this division & investigate my past, present & future. I was astonished – he was sick & said he would</u></p>

	<p><u>come again tomorrow.</u> -13th- Hoyt has been holding close communion with my enemies at Dodges house – a sort of {Star Chamber} court. McGinn, Dillon Marquam & others are going to work tomorrow to offset their influence. Nye, Manley et. al. rushing & busy – Hoyt gave me copies of McCumbers letters – one to the President and one to Hoyt. Am considering the idea of going after McCumber with interrogatories</p>
Diary 11, 1906 september14and15 a	<p>-14th- Manley, Dodge, Nye and their few followers are making so much noise that they <u>really</u> imagine their tin pan to be real thunder. Hoyt is interviewing everybody & I am trying to try a case – Craig v Hanson – Congressman Cale is one of the parties. -15th- Hoyt is requesting interviews from all the attorneys – De Journal declined to be interviewed except in my presence – I told Hoyt – certainly a judge ought to have courage enough to hear a lawyer at his bar criticise him once in a while. De Journal came with Hoyt & we had a very pleasant interview when it is understood that his</p>
Diary 11, 1906 september15b	<p>was a mission of criticism. He said, among other things that I criticised his client Marks in my opinion in Marks v Gates, he complained of the case of Nelson & Hensley v Meehan & Larson & of the Dome Creek cases, - but he frankly said that I was kind & courteous to the lawyers – was a good lawyer &c. The charge that I had mining claims on Dome Creek, blanket =ing those of poor miners, and was interested in them with Barnette made me smile = <u>until this evening</u> This afternoon Edgar discovered on examining the records that some man by the name of Vallee had located a group or association claim on “Dome Creek, and</p>
Diary 11, 1906	had counted me in with Barnette

september15c	<p>& others, - last July & Aug. 1905. It was found that Ben Boone had recorded the notices - & we happened to find him in town – he said he knew about it – that the Dome Creek mentioned was on the little Delta river, 150 miles from the Dome Creek where litigation is pending - & it is now admitted by all that such is the fact & that I knew nothing about the filings till yesterday. De Journal, while in my office tonight said that he found out about the filings last winter & sent for Vallee & learned the truth about the locations then – <u>yet</u> his friends, who undoubtedly knew the truth then, sent certified copies of that filing on to Washington</p>
Diary 11, 1906 september15dand17a	<p>as proof of my having located ground on Dome Creek, near Cleary, which was covered by filings of poor miners, & Senator McCumber, in his letter to the President of July 3, vouches to him that he has record evidence, conclusive and unassailable “of the truth of the charge!! <u>Verily the race of liars is tenacious of life.</u> 17th Finished the jury case of Craig v Hansen – Heilig for plft, McGinn for deflt. jury decided for plaintiff Hoyt went out to the Creeks today with Roy Maddocks – Dodges lieutenant, & is being guided carefully away from any influence that is friendly to me. But my friends are beginning to</p>
Diary 11, 1906 september17band18a	<p>wake up – “The Times” – Manleys organ, has been roasting me – editorially – but the business men are now interviewing it with a pin on the point of a stick – in other words they intend to with draw their advertisments if he continues to fight what they think is their best interests. -18- Hoyt got back from the creeks tonight – he was accompanied & surrounded by my enemies & had no chance to see or hear anything but opposition. Secured affidavit from Vallee clearing up the crooked accusation that I had</p>

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	filings on “Dome Creek” – so I seem to have – without my knowledge or consent – Dome Creek 150 mi.
Diary 11, 1906 september18b	away from the Dome Creek that Senator McCumber thinks it is!! Adjourned court for - until next Monday. Business men promised now to go and see Hoyt – “Times” had the meanest and most vicious editorial today. “News” & “Miner” damn me with faint praise & and Hoyt in the hands of my enemies. Recd. telegram from Atty Genl. asking if I could hold court in Valdez before end of Nov – told him no, not before February. Recd telegram from Gov. Hoggatt saying Commissioner needed at Cordova – answered asking if Com. removed from Kayak would not do. Also telegraphed Hoggatt about Hoyts investigation
Diary 11, 1906 september19and20 a	-19- Worked in office on my list of interrogatories to Senator McCumber Hoyt did little at Creeks – heard business men today in town – They met him at Dr. Cassels office – and it was a good strong representative body. -20- Hoyt came to see me this afternoon bringing his – or rather Dodges stenographer – he was bumptious - George – also acted as my stenographer. Nothing much until he started to go – he then referred to the evidence saying that he did not think much of certain things - but that <u>possibly</u> he should consider public sentiment – as a measure of my fitness &c. & then I broke
Diary 11, 1906 september20b	loose and condemned the lawyer that would try a judge on sentiment. I said “The judges in Alaska are alone & without support – and if the Department sets up the standard of public sentiment – the courts are doomed. I said that his presence here had destroyed this term of court had created distrust – encouraged the enemies of law & order & that the action of the Dept. in again investigating me after two years

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	of investigation – trying me by secret inquiry – by a method that no court in America would adopt in trying a tramp for vagrancy was unfair, unjust, unAmerican and an outrage & I protested against it as an
Diary 11, 1906 september20and21 a	American citizen and as a judge. Hoyt admitted – on my cross -examination that after he left Washington <u>he had met Senator McCumber & Nye at St Paul & that Nye had then come on in to Fairbanks with full information of his plans!!!</u> Cale called later & I told him about the situation - he felt angry & I never saw Mr. Harlan so mad. This, it seems to me, puts Hoyt clearly in the position of a jobber against me & I intend to write fully to the Dept about it. -21*- Hoyt came in this afternoon & among other things he said: “ <u>In confidence, I say to you that Senator</u>
Diary 11, 1906 september21b	<u>McCumbers charges in his letter to the President is are tommyrot!!</u> I telegraphed to the department of Justice this morning asking if they knew of Hoyts meeting with McCumber & Nye at St. Paul, Minn. Hoyt expressed great regret that he had given me McCumbers letters. He acts to me today as if he was afraid that he made a mistake in his jobbing around – <u>I think he has.</u> I said to him: Mr. Hoyt have you any objection to me writing the Department just what has occurred here & their protesting against it? & he said, No he wished I would & he wished they might advise him not to report at all. He goes to Chena in the morning & leaves the country in the afternoon
Diary 11, 1906 september21and22 and23a	the newspaper men are after him tonight for an interview - I hope they get it. -22- Hoyt left today – went down to Chena & staid all day & goes tonight – Damn the luck – it has hurt this term of court - and given me so much extra

	<p>work – Cale went also – gave him letters to Brainerd of the P-I- Blethen of the Times & Perkins of the Ledger. Sullivan & many others – <u>Abe Spring</u> also. gave Abe \$200. -23-</p> <p>Sunday – Working with all my energy on Interrogatories directed to Senator McCumber in answer to his letter to the</p>
Diary 11, 1906 september23b	<p>President. Hope to drag the truth out of him - I believe that Hoyt is against me - 1st because of his jealousy of Day & me too. 2nd, because of his friendship and alliance with Carr – 3rd because of McCumbers influence & lastly because he is too small to appreciate that I was entitled to be heard or to have notice. If he is'nt a very small man (which I judge he is) he is a very much greater man than he seems to be. Roy Maddocks, Dodges lieutenant, was his guide all the time he was here & went down the river with him to Baker or Tolovana!!</p>
Diary 11, 1906 september24and25 a	<p>-24th- Busy preparing letters & interrogatories no court – jury excused till Wednesday -25-</p> <p>Finishing interrogatories & letters – am trying to make interrogatories to McCumber so vitriolic that he will be forced to answer them. Have prepared <u>248</u> interrogatories - covering every charge made in his letter of July 3, to the President, and have it ready to forward. Have said in my letter to him {attached to the interrogatories & as a part thereof;} “<u>You say to the President: Judges, honest judges, try cases on the evidence”. That is admitted. But also: United States Senators honest United States Senators, who make personal accusations against absent judges to the President of the United States, will answer, plainly, candidly and promptly, such pertinent questions as the absent Judge may request them to, in explanation of such charges, and they will be full, fair and frank about it. Will you do that.</u>”</p>
Diary 11, 1906 september25b	<p>and they will be full, fair and frank about it. Will you do that.”</p>

	<p>Have also written a brief short letter to the President saying to him, “<u>I accept his challenges and appeal to you to insist upon his laying the evidence of my wrongdoing before you. It is not important to the welfare of Alaska that I remain here as district judge but it is overwhelmingly important to the administration of justice here that the courts in Alaska be protected from exploitation and from unwarranted assaults by those who cannot use control them.</u>” “Mr. President will you insist upon Senator McCumbers answering the interrogatories which I have propounded in explanation of his personal accusations against me, and then decide whether I am worthy of your trust and confidence or not.” I have also addressed</p>
Diary 11, 1906 september25c	<p>a separate letter to Senator McCumber accompanying the interrogatories, a copy of which I sent to the President, in which, after quoting his language: that he has facts in his possession “<u>that neither Judge Day nor any other person on earth can meet, or has attempted to meet, - record evidence that is conclusive and unassailable.</u>” I say to him: “<u>I challenge that statement: you have no such evidence, you never have had it, and you cannot produce it to the President of the United States.</u>” I desire to call you as my witness to prove that your accusations are false, and were known by you to be false if you gave them that careful investigation which you so earnestly assured the President you did give them. If you have not sought wilfully to mislead the President, if you are honest and courageous, if you have any regard for your reputation as an accurate lawyer, you will answer these interrogatories fairly, candidly and fully and mail your answers to the President promptly.” Answer “Yes” or “No” when you ought, and then make your explanation, - but answer upon your oath and honor as a United States Senator who has appealed from the great majority of the United States Senate to the President in the name of Justice.” -26-</p> <p>Spent the day in getting off mail to the Atty. Genl. President, McCumber Senator Knox, Gov. Hoggatt, Senator Piles, Mr. Jos. H. Ralph, N.Y. &c. &c. all containing copies of McCumber - President correspondence & interrogatories to McCumber, so that they could be fairly informed on the</p>
Diary 11, 1906 september25dand26a	<p>regard for your reputation as an accurate lawyer, you will answer these interrogatories fairly, candidly and fully and mail your answers to the President promptly.” Answer “Yes” or “No” when you ought, and then make your explanation, - but answer upon your oath and honor as a United States Senator who has appealed from the great majority of the United States Senate to the President in the name of Justice.” -26-</p> <p>Spent the day in getting off mail to the Atty. Genl. President, McCumber Senator Knox, Gov. Hoggatt, Senator Piles, Mr. Jos. H. Ralph, N.Y. &c. &c. all containing copies of McCumber - President correspondence & interrogatories to McCumber, so that they could be fairly informed on the</p>

	Hoyt - & McCumber attack & report.
Diary 11, 1906 september26band2 7	Last regular boat <u>via</u> Dawson for the outside. Congressman Cale went - gave him letters to Brainerd of the "P.-I." Blethen of the "Times" & Perkins of the "Ledger". He will put himself in line with them so that he can always have a fair show for news. <u>I am Damn glad</u> that the last boat has gone, for now I can attend to the real business of the district for a time & get the law work caught up. -27- Bought lot at Richardson from Riley - Hedges by telegraph informed me that he had taken possession & Riley gave me his key - made Q.C. deed, & I paid him \$250.00 Debbie loaned Fred Crouch \$400.00 & I loaned Lee Van Slyke \$50. <u>Trials in court going.</u>
Diary 11, 1906 september28and29	-28 th - Trial of jury cases going on now. Wrote letter to Carr, Commissioner asking him to resign. I placed the request upon the very general and public complaint that his private business is allowed to interfere with his official duties - that he really draws a salary of \$3000. per annum for nothing. Received his resignation this afternoon. -29 th - The "Times" greatly regrets the fact that "Genl. Carrs business compels him to resign - and then, editorially, roasts Abe Spring, upon the theory that I intend to appoint him in Carrs place. I intend to appoint one who will go into the office & work, probably Ray, who is now there as chief clerk.
Diary 11, 1906 september30andoctober01a	-30 th - Sunday: Went out to Vault Creek today with Carr, attorney for plaintiff & Cousby & Adams attorneys for defendants in Craig, et. al. v Gilmore et. al. to look at stakes, shafts, lines &c. of placer claims #2, #3, #4 and #5 above discovery all of which are covered by plaintiffs Assoc. group claim, - the "Cariboo." Went to Fox creek station on the Tanana Mines Ry. thence to Vant[?] - to "Cale City" on horseback & horseback again to the station. "Cale" city is just emerging from the woods - it is a city of tents and great expectations. -Octo 1.-

	Have accepted Carrs resignation as Comr. & have, tonight, had a talk with Mr. Guy Erwin, whom I have concluded to appoint Commissioner
Diary 11, 1906 october01band02	(<u>Octo. 1, 1906</u> - continued) in Carrs place. John Long is going to quit & I have an understanding with Erwin that Phil. Gallagher is to have his place. Am hearing the case of Cascaden v Bartolis for the third time - town lot v mining claim from Cleary -Octo. 2 nd - Telegraphic dispatches this morning say the " <u>Tacoma</u> " is missing after a great storm near Cuba. Sent a telegram to the Secretary of the Navy asking for news - that's Darrells vessel. Finished trial of <u>Cascaden v Bortolis</u> this afternoon & jury is now out - think it is a hung jury. Beautiful fall - no snow yet - but splendid warm & sunny days.
Diary 11, 1906 october03and04and05a	-3 rd - Telegram from Secretary of Navy saying that " <u>Tacoma</u> " is safe & all on board well - she seems to have run into a port to the eastward of Cienfuegos, Cuba, - probably to escape the storm - hence the scare. Jury in Cascaden v Bortolis, find for defendant - the second verdict for defendant - and it is right, too. -4 th - Tried Atwell v Reeves, today - a town lot case - jury finds for the plaintiff promptly - correct. Beautiful weather - no snow. Court house & jail nearing completion -5- No jury work - am preparing an opinion in writing in McQuillan v Tanana Electric Co. - unlawful cutting of timber on a valid placer
Diary 11, 1906 october05band06a	mine - it is an important matter now owing to the great demand for wood. -6 th - Opinion rendered in McQuillan v Tanana Electric Co. - trial of a case without jury &c. Now that the last boats have gone - and travel stopped till the rivers are frozen, the business of the court is running smoothly - the calendar is going to pieces - nothing much of weight in

	it and I intend by the 1 st of December to have every case tried and disposed of. Telegram day or so ago saying that Circuit Ct. of Appeals had affirm =ed my action of a year ago in Steele v Tanana Mines ry. – one of Pratts attempts to steal the Garden island just opposite town – where the railroad
Diary 11, 1906 october6b	has made its terminal & erected buildings - depots, &c. That scheme & the present attempt to “hold up” Cleary City are one and the same – Steele was an officer in the Alex. McKenzie “ <u>Alaska Gold Mining Co</u> ” which attempted to steal the mines of Anvil Creek, Nome. “Looting of Alaska” tells that story. Pratt, Steele, Rodgers and one or two dupes are engineering the steal & they are fighting me in Wash =ington because they cant carry it through against my opposition. Their “Cleary” mining claim was tested in the case of Cascaden v Bortolis. - Cascaden has a fraudulent mining claim covering the townsite of Cleary & they have, since the houses were built by the settlers, laid it off into lots & demand ground rent from the occupants and are generally successful in forcing the
Diary 11, 1906 october06cand07an d08a	settlers to pay rather than contest their several holdings in court. -7 th - Beautiful sunny day – the finest fall weather imaginable – no snow and no winter signs yet. Spent the day in cleaning up around the house – in the woodshed &c. and getting ready to start up the furnace heat. Courthouse & jail are nearly completed – and will help the town very much. -8 th - Trial Weiss v Russell, et. al. It went off on objection to evidence Adams, attorney for Manley came to see me about creating a new Commiss =ioners district with his new Baker Hot Springs scheme as the base. They desire to cut Rampart precinct in two and thus destroy the latter to help them out
Diary 11, 1906 october08b	but I told him that I could not do it until conditions were such as to justify it. I understand that they will present petitions & then probably belabor me with their paper – the “Times”. Adams, incidentally, told me about the

	borrowing of money by Anderson, the main owner in the “Times” from Manley, and how it was based upon the fight against me. this day received letter from J. G. Snyder, Valdez, enclosing long complaint about Gambling, &c. in saloons there. He informed me that a copy had been sent to Washington – to the Nelson, McCumber enemies to fight me with. The whole effort is one to injure me and not to enforce the law, but it offered me the opportunity and I sent this telegram: “John G. Snyder, Oscar Fish, Chas. E. M Bunnell, Valdez, Alaska
Diary 11, 1906 october08c	“ <u>Am this moment in receipt letter John G. Snyder dated September tenth accompany ing petition signed by you and other citizens of Valdez, complaining against saloons allow =ing dance halls and gambling and prostitutes in saloons and ask me to have the law enforced against them in Valdez. Go to Assistant District Attorney O. P. Hubbard and say to him to enforce the law in those respects. Get your evidence together swear out warrants against all parties before Com =missioner for violation sections criminal code. Have parties arrested before John Lyons justice peace and prosecute them. Inform Hubbard that law must be enforced. Do not hesitate to do your duty as citizens and enforce it. You have ample authority if you will act courageously. Say to Assistant District Attorney spare no expense to enforce law. Inform me promptly by telegraph</u>
Diary 11, 1906 october08dand11a	“if he or any other official fails to do perform his duty. <u>Official business James Wickersham</u> <u>James Wickersham District Judge</u> “ <u>District Judge</u> Every one of the local officers of Hubbards “bum” railroad outfit, Swartz & others signed it, and he and Snyder are only trying to manufacture a letter evidence against me. I intend to make them enforce the law if it is possible & will follow this up by other telegrams to keep them at it. -11 th - Mail in from Valdez – 10 ½ days via Big Delta, by horseback – which shows that {Major} Richardsons overland trail is assisting very much. Recd. full report from Clegg upon his investigation about girl slavery at Unalaska. One Wm C. Davis formerly a school teacher there complained to the
Diary 11, 1906	President & Dept. about slavery of girls

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october11b	<p>& the bad moral character of N. Gray, the Com. appointed by me at that place. Clegg visited there with detailed instructions to investigate fully & to prosecute offenders &c. but upon his personal inspection and examination of all the best people there, including Dr. Newhall whom Davis referred to as the one man worthy of confidence his report is that there is not and never was any such slavery or any thing like it there & that Gray is every way competent and a good citizen and officer. Gray has grown so disgusted and outraged by the malicious attacks made on him that he resigned early this spring & it is doubtful if any one can be found to take his place – the fees will not exceed \$200.00 per annum. And thus malice and a small</p>
Diary 11, 1906 october11cand12a	<p>mind have again seriously interfered with the administration of justice. I am personally acquainted with Gray – met him in 1901, when I held court at Unalaska & many times since & think well of him. Nothing to do in court – no jury trial -12- Have been much disturbed for 3 or 4 days – Thornton & Hendrickson two bad men, sentenced to 15 yrs. each in the U.S. Pen. at McNeils Island, Wash. escaped from their guards on the Lavelle Young at Nation – just below Eagle, on their way out & we offered \$250. each reward for their capture. Recd. news yesterday that they were recaptured & on their way out again. It created much excitement, for it was their fourth escape, - hope they will be landed, now.</p>
Diary 11, 1906 october12band13a nd14	<p>Our office furniture for courthouse has arrived – the last boat of the season has come & gone, - and barring the most beautiful October weather I ever saw in the north we are preparing for winter. -13- Opinion in Elbing v Hastings Court work running low. -14th- Sunday. Had a talk with John Bonfield today – we are trying to formulate a scheme for locating a thousand (1000) acres of coal land on Wood Riv. 60 miles south of Fairbanks with a view of providing fuel for the town & the mines. It was my proposal but he agrees</p>

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	that it offers fair possibilities
Diary 11, 1906 october15and16	<p>-15- Jury trial Marlott v Noyes, over who stands loss of logs in Noyes boom when it broke July 4-5, 1905 at time of big flood, - the loggers who had delivered the logs there on sale or the buyer who had not yet paid. McGinn is for Marlott &c. while Dodge & Pratt are for Noyes. Warm weather – threatening snow – No cold weather yet this fall – the season is a whole month later than last year, - rivers open & weather like spring. 16th Sent telegram to Postmaster Genl recommending A. R. Boyle for postmaster at Seward, - Dr. Boyle, son, requested it.</p>
Diary 11, 1906 october17and18a	<p>18th 17 Trial of Marlott v Noyes continued It is bitterly fought & is an interesting case. Fine weather but slight fall of snow & colder. -18th- 18th – <u>Alaska Day</u>. Newspapers want holiday – but I cant see any reason in law for doing it - cases set – witnesses & others waiting &c. Perry has telegram from Lathrop saying that my telegram to Snyder, et. al. was sufficient to close gambling, &c. That City Council has taken hold of matter & creating a restricted district & will then control & keep gambling & prostitution under cover – as they ought to have done long ago. Marlott v Noyes case on trial. <u>Verdict jury for Marlott.</u></p>
Diary 11, 1906 october18band19a	<p>& thus again justice has gone astray - Dodge & Justice have been defeated by McGinn & Wrong!! – to hear Dodge tell it. Heard Pratt may now rub their outraged parts and cuss the court – though I sought to do my part fairly. It was an extremely close and interesting case - an honest lawsuit – for if I were on either side I should fight to the end – Hope I guesses right – for it is sure to be appealed. -19th- Trial McCord v Nollett, a lot jumping case. Verdict of jury for plaintiff Sent telegram beginning of week to Atty. Genl. saying courthouse done but no funds for heating – Perry & Harlan signed</p>

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	telegram also. Answer requiring explanation why building &c. exceeded appropriation.
Diary 11, 1906 october19band20	Ans. that appropriation was not and would not be exceeded, but that we desired to put in permanent heating pipes instead of stoves & that this expense was not a part of construction &c. -20 th - Beautiful day – fine fall, roads now frozen & hard – no snow yet for sleighing – but clear, cold & exhilarating. Hedges telegraphed me from Richardson yesterday saying that my lot & cabin there was desirable for Signal office – telegraph office – that citizens would repair cabin &c for years rent – I telegraphed that they could have same for year if citizens would do \$300. in building permanent on lot. Trial Coleman v Ross-Higgins Co. - a town lot case – Claypool for plft McGinn for defts – instructed jury to return verdict for the defendants.
Diary 11, 1906 october22and23	22 Trial Colman v Tharp, Rusk & Smith – an eqy case, - verdict of jury for plaintiff. 23 Trial Chappell v Arthur – verdict of jury for plaintiff. Mrs. Force – Heiligs daughter “Florence” delivered of a fine baby girl on 21 st its great to be “ <u>GrandPa</u> ”. It appears that Senator – Vice Pres =ident Fairbanks is making a great “swing around the circle” – he is now making 15 speeches a day in Oklahoma. He may get the nomination for President – I hope so. When the time comes I will assist most vigorously. Beautiful weather – rivers still open & running though still water is frozen – No snow. A splendid fall – some miners on the creeks still “washing up”.
Diary 11, 1906 october24and25a	-24- Beautiful clear day – warm. <u>Note with Charlie Joynt due today.</u> \$381.50 Woodworth, the stenographer whom Hoyt brought to my office to take my statements said to George yesterday that <u>Hoyt was in Seattle</u> & had telegraphed him to have forwarded that part of my statement taken by both George & Woodworth – he said that he had burned his book & applied to George for copy – refused. -25- Trial Overgard v Nesterberg et al

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	- jury called {yesterday morning} & when instructions asked they {the plaintiff, by Miller & de Journal} presented the rankest of surface discovery instruction – I told them I would give the instructions in Charlton v Kelly – Miller & de Journal
Diary 11, 1906 october25b	whispered a few minutes – then called McGowan – for defendant – out & talked mysteriously - & then came in and finally it came out!! They had a telegram from San Francisco saying that I had been reversed by the Circuit Court of Appeals in the case of Lang v. Robinson, wherein a surface discovery was held by me to be insufficient!! After they had exploded their small bomb I still declined to believe that the appellate court had repealed the law of discovery or had overruled Chrisman v Miller {197} U.S. They were scared at their own fears and then moved to discharge the jury and try the case before the court – which being agreed to was done & I am now hearing the case without a jury – It will be two weeks before we can get copy of the decision.
Diary 11, 1906 october25cand26	The “ <u>Times</u> ” this morning contains a malicious and garbled account of the reversal, and seeks to mislead the public and poor prospectors as far as possible from the truth. John L. McGinn is on a protract =ed drunk! Sorry for John is the best lawyer in the Territory & is in the midst of his best harvest- Mrs. Maddocks (Miss Thompson from Eagle) gave a card party to the Club yesterday afternoon at our house. Mrs. W had it now newly papered, papered &c. and the hot air furnace makes it a delightful warm and cozy home. Fine weather – cold – clear & bracing. -26- Gamble v Cribbs – town lot case on before a jury -
Diary 11, 1906 october27and28and29a	-27- Anniversary – 26 th of our marriage – Case of Gamble v Cribbs finally concluded – 2 days by a jury & not to exceed \$50. involved! Beautiful weather – no snow. We attended the <u>Century Club</u>

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	<p>Ball last night – for a time – but did not dance. -28- Beautiful Sunday – no snow yet but the river is frozen over in one or two spots so that it can be crossed - but its getting warmer – we still sleep out in the tent. -29- Jury trial Dormer v McCarty – verdict for defendant. The plaintiff is Belle</p>
Diary 11, 1906 october29band30	<p>Dormer who has been living with McCarty as his mistress for more than a year – nearer two years – She is an adventuress of the worst type – and old Dan McCarty is a fool of equal grade. They have been notorious characters here for a year or two, - and both ought to have been punished long ago for living together in open and notorious adultery. -3- Wilson v Winters – jury – verdict for deft. Also plea of guilty in U.S. v Weyerhorst – fine \$100 & costs. Jury cases seem to be ended & I notified the bar that I intended to discharge jury tomorrow & call another in a month or six weeks. Mild & threatening to snow - but so far a beautiful month of October</p>
Diary 11, 1906 october31andnovember01and02	<p>-31st- <u>Jury discharged</u> – no jury cases ready – and bar unanimously satisfied to have jury dismissed and another called in a month or six weeks. Harlan came in this afternoon & had been walking & drinking with Reynoldson – says R- is preparing to attack Perry on charges of “knocking down” – taking a portion of the sums received by deputies for board & lodging prisoners. Whether there is any truth in it no one yet knows “Halloween.” -Nov 1.- Harry Cohn – Asst Dist. Atty. is very sick. -2- Trial Stearns v Warren – a case of a “siren and a sucker”. -3rd-</p>
Diary 11, 1906 november03and04a	<p>Call of motion calendar. Wrote letter to Col. Boynton, Mgr Assoc. Press, Washington D.C. & sent him copy of letters 7 interrogatories</p>

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	<p>sent to Senator McCumber; Also sent similar letters & copies to Walter E. Clark, Wash. D. C. & to Editor J. H McLean. Minneapolis Journal. <u>A good snow at last.</u> -4th- <u>Sunday Times</u> publishes the opinion in Lange v Robinson – reversing my action of dismissal in that case, and also a Claypool editorial criticising me for what he pleases to call the “new law” of discovery as laid down by me. There is really but little in the</p>
Diary 11, 1906 november04band05a	<p>opinion that is new – evidently the court had a poor idea of the facts, and strained the law to its utmost – but as it only decided <u>that case</u>, it will afford me but little aid – it will, however, afford the Miller Dodge-Claypool school a fine chance to carry on big law suits on a flimsy foundation of “gentlemanly perjury” and theory. -5- Mail in yesterday – letters from Darrell. Also Valdez papers which show that following my telegram to J. G. Snyder & others the dance halls & games were all closed & all that class of people left Valdez for Cordova, - and there is a howl. Both papers cry out – but both admit</p>
Diary 11, 1906 november05b	<p>that a bad condition existed there & blame the local authorities for it. Cohn, Asst. Dist. Atty. sick - bad sore throat for week, dangerous but now getting better. Beautiful sunny day – but cold. Again hearing Vault Creek case – Reversal of Lang v Robinson, and the action of the Circuit Court of Appeals in holding that a few – 2 to 6 – colors of gold on the surface of the deep over lying bed of muck is a sufficient finding of mineral to constitute a “discovery”, are being agitated by the Miller, Claypool, de Journal crowd who editorially in the “Times” and by loud talk on the street, are trying to stampede the camp back to a muck discovery. The “News” tonight flays them for perjurers &c. & the “Times” will</p>
Diary 11, 1906	<p>of course, support them. And thus</p>

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<p>november05cand06 and07a</p>	<p>the merry war will go on. I will at once take up the case of Overgarrrd, v Westerberg from Tenderfoot Creek, where the identical question is again raised & will consider it carefully with a view of supporting labor & truth.</p> <p style="text-align: center;">-6th</p> <p>20° below zero last night – 15° below zero in our tent & I think Debbie is now willing to move into the house. We have slept in the tent since we came here in July.</p> <p style="text-align: center;">-7th-</p> <p>Decided the Vault Creek case yesterday evening – <u>held</u> as a fact that Gilmore made no surface – muck discovery as he claimed & swore to – and said that in my judgment he had committed perjury – notified counsel & litigants</p>
<p>Diary 11, 1906 november07b</p>	<p>that hereafter in such case I would state whether the person claiming such discovery was lying or not – I will, too, in plain English, for I hope by that means to stop much of the perjury that is prevalent in such cases.</p> <p>It is too strong a temptation for most miners, when by just a little safe and gentlemanly perjury by saying that when they staked they also – when alone – panned along the muck bank and found colors of gold – and thus win a case where thousands of dollars – and even greater sums are involved. If I should weakly yield to what is claimed to be the decision in Lange v Robinson, it would substitute <u>perjury</u> for <u>discovery</u>. Tried case of McDougall v Newlands & Olsen today – a case</p>
<p>Diary 11, 1906 november07cand08 and09a</p>	<p>where wood choppers trespassed upon a homestead & cut timber Held, that the timber and wood belonged to the homesteader & not to the cutter. Claypool was beaten again for he represented the woodchoppers – he is unfortunate in his cases – and probably “cusses the court” accordingly.</p> <p>Clear & cold, 10° to 20° below.</p> <p>Election news: Republicans carry New York – Washington & Congress will continue Republican</p> <p>Am not going hunting=</p> <p style="text-align: center;">-8th-</p> <p>Clear & beautiful day.</p> <p>Tried case of Wimbish v Cascaden a miners lien case & an interesting</p>

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	<p>one.</p> <p style="text-align: center;">-9th-</p> <p>Beautiful day – clear & warmer</p>
<p>Diary 11, 1906 november09b</p>	<p><u>Just recd. telegram from Attorney General asking me to go to Juneau in February and try the Berners Bay cases – mining cases & to telegraph to Judge Gunnison about it & then advise Dept.</u></p> <p><u>Also telegram from L. P. Shackelford from Washington, D.C. asking me not to refuse to come, and saying that charges for removal of Gunnison were being filed, &c. Verily the judge in the 1st Division has his troubles also.</u></p> <p>Telegraphed Gunnison giving Atty Genl. telegram in full- Loaned Edgar & Fred Crouch \$450. – they agree to repay \$200. on Dec. 1 and Fred is going out to sink holes on my claims off Dis. on Cleary Creek.</p>
<p>Diary 11, 1906 november10and11a nd12a</p>	<p style="text-align: center;">-10-</p> <p>Call of Motion docket and trial of Elbing v Hastings – “Times” this morning contains editorial – attacking me on the “discovery” question & placing itself flatly in favor of “Muck discovery”. This editorial I am informed was written by Claypool.</p> <p style="text-align: center;">-11th-</p> <p>Go out to Cleary Creek today to locate places for assessment shafts on my mining claims on left limit of “Discovery”.</p> <p style="text-align: center;">-12-</p> <p>Reached Cleary at 5 o'clock last evening – walked from end of RR at Gilmore – 8 miles. Visited Krause, Comr and others - lodged</p>
<p>Diary 11, 1906 november12b</p>	<p>at the “Grand Hotel” - \$1.00 a meal & \$2.50 for a bed-</p> <p>This morning in company with Krause, Fred Crouch & Bryant examined lines of my bench claims on left limit of “Discovery Claim”. Krause surrendered his lease & all claims to the lay on the claim Told me that he found 14 feet of gravel carrying a <u>cent to the pan</u>. Pointed out two places for Fred & Bryant to sink shafts – made arrangements with “Tom” Aiken of Discovery to let the boys have steam</p>

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	to thaw with – I to pay for it Left Cleary at 10:30 a m caught 1 o'clock train at Gilmore & home tonight. Fine day & beautiful view from summit Turkish Bath = \$5.00!!
Diary 11, 1906 november13	-13 th - Two rows in court today. In the case of Elbing v Hastings, Roth and Woodward, the defendants undertook to dismiss Pratt – their attorney and he resisted & would not be discharged in the middle of the case. I postponed the further trial till tomorrow to give them time to arrange it. Pratt is bitter against Attorney Roth, his associate counsel in that case, and accused him of unfairness &c. This afternoon Stevens & Dodge had a bitter quarrel in which each accused the other of unfairness and fake swearing. Bretheren – of that kind – do not always dwell together in peace. Learned today that my opponents sent a telegram to Washington saying that I called a witness a liar – the telegram was a lie, for I never used such language.
Diary 11, 1906 november14and15a	-14- Pratt would not settle with his clients in Elbing v Roth and quit the case, though they tendered him his entire fee, so I was obliged to and did make an order discharg ing him from the case. Decided the case for Hastings up on the theory which Pratt denounced and upon which he and Roth differed – a decided victory for Roth. -15 th - Recd. telegram from Judge Gunnison in answer to mine proposing that he come here while I am at Juneau - that we exchange so that he can try the Dome Creek Cases. Gave the story – telegrams – to the News & they had a big “scare head” announc =ing Gunnisons coming – We will
Diary 11, 1906 november15band1 6	see how the bar will like the change. -16 th - The “Times”, this morning in speaking of the change of Judges is not overly enthusiastic, but says that both I and the litigants in the “pie -plate-muck-discovery” cases will be pleased with the change.

Diary of James Wickersham
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	Engaged in trial of Becker v Russell for yesterday & today – will take tomorrow Learn that my opponents are now calling Cale, delegate to Congress, a “traitor”, because he wont help them fight me. They have written to Senator Nelson appealing to him & denouncing Cale. In short they repudiate Cale & set up Nelson as their representative. Ladies and club tonight at Judge & Mrs. Irwin's.
Diary 11, 1906 november17and18a	-17- Ed. Orr. and the Valdez mail got in at midnight. Fine weather – has been only zero weather for two weeks – clear & beautiful. Am beginning to shut off on trials of cases and am closing up all matters so that if President does not reappoint me business will be ready for my retirement. -18 th - Sunday – beautiful day – warm - not below zero – fine skating & sleighing Reynoldson, chief deputy for Perry since his appointment in 1900, went out on the Valdez stage today. Mr Harlan told me that he carried letters from Dodge & my opponents – and I suspect he <u>goes out to begin a fight on Perry, who discharged him Oct. 1.</u>
Diary 11, 1906 november18b	They now make a serious but new charge against me – viz – that I write the editorials for the “News.” To think that even my enemies should charge me with writing such twaddle as both papers publish in their editorial columns!! {Thats too much!} Mr. & Mrs. Orr & Thorald took dinner with Debbie & me tonight. Am now working to get motions for new trials off hands, and all business closed up before December when Congress meets – the President will then have to make a new appointment – and if Hoyts report is against me I may not be reappointed – in which case I wish to have all business of my office done up to that date. Am writing opinions today in a lien case – Wimbish v Cascaden
Diary 11, 1906 november19and22a	-19 th - Hearing arguments in usury case today. “Times” roasting me daily Warm & snowing. Nothing new. Preparing opinion in the case

	<p>of Overgaard v Westerberg – a surface discovery mining case. -22-</p> <p>The Eagles Theater, corner 2nd Ave & Wickersham St. was opened tonight. It is the finest hall that I know of in Alaska – lighted by electricity & heated by steam I was asked to make a short address & did so – recd long & enthusiastic applause when I appeared & felt greatly pleased thereby – it was an ovation such as</p>
Diary 11, 1906 november22band2 4and27a	<p>does one good. Entertainment by minstrels, song & fun- -24-</p> <p>Hearing cases every day but also hearing motions for new trials &c. & busy putting things in final order in anticipation of the possible appointment of a successor on opening of Congress on Dec. 3rd New courthouse done – but papering & we will move in about Tuesday next. -27th-</p> <p>Engaged for three or four days in trial of Weiss v Russell. Cold today - 34° below zero. Snow yesterday & trails good. Courthouse about done!</p>
Diary 11, 1906 november27band2 8a	<p>John McGinn came down tonight to tell me that in Seattle today Barnette was a witness in civil case of Cansten v Barnette - & on cross examination admitted that in 1885 or '6 he was convicted in Oregon of larceny & sentenced to the penitentiary - that he was afterwards pardoned by Gov. Pennoyer The "Times" in the morning will exploit the whole story, & will, of course, try to damn me with my alleged friendship for Barnette. We all have skeletons in our closet. -28th-</p> <p>40° below zero – a dense fog prevails – caused by</p>
Diary 11, 1906	moisture in atmosphere

november28b	<p>I suppose. We finished Weiss v Russell today but I adjourned it till Friday for argument. Also quit the old Century Hall on 5th Street - it was cold as a barn & the new court room can be ready by Friday - The Barnette <u>expose</u> was heralded in the most brutal way in the "Times" - the heading "<u>Ex-Convict</u>" being in letters 6 inches long – three Two years ago Cap. Anderson who owns & commands the policy of the "Times" was a tramp & Barnette aided him – at the request of Barnette I asked Stier to appoint Anderson Road Com. & he did so.</p>
Diary 11, 1906 november28c	<p>[newspaper clipping] "CAPT. ANDERSON STARTS AGAIN Old Sourdough Miner Starts Life All Over Again on the Coast. NO MORE NEWSPAPERS Friends Stake Him to Make a New Start in the Seward Country. March 1, 1910. [handwritten] Capt. L. B. Anderson, likeable old Sourdough who once was supposed to be fairly on Easy Street, left last night for Seward, staked by his friends to begin life over again and try for another stake in his old age. Capt. Anderson was a victim of the newspaper business in Fairbanks, wrecks from which strew the banks of the Tanana and the creeks that are pups thereof. He allowed a bunch of printers to talk him into a newspaper enterprise, and once in a game he had to go through. He had his personal troubles and sought to make his paper help him fight them. He printed a story of the past life of a man he disliked, and that started the finish. The man himself, owned a newspaper, and that paper proceeded to print some alleged chapters in the past life of Capt. Anderson – the notable point of the affair was that the men whom Capt.</p>

	<p>Anderson backed to run his paper, and which depleted his bankroll, were the men who were running the paper which first printed the alleged chapters in the Captain's book of life – and they printed it in the first issue of the paper which appeared after they took charge of it. Lawsuits which followed completed the financial wreck of Capt. Anderson, and he is now starting life all over again.</p> <p>Capt. Anderson is a good old sport, and Northerners thinks a lot of him. Wherever he goes and whatever he undertakes, he will have the best wishes of most of the people of Tanana. Of one thing the world may feel assured – he will back no more newspapers.”</p>
Diary 11, 1906 november28d	<p>Anderson collected road taxes - & “<u>saved</u>” enough to get started – a mine suddenly disclosed a paystreak & now he cant hate Barnette enough. I am told that he is to appear at the Thanksgiving Ball tonight in a dress suit – it is the talk of the town!! A beggar on horse back! A blackguard & blackmailer! It seems that Barnette was found guilty of larceny as bailer - sentenced to 4 years & served 18 mos. and was then pardoned by Gov. Pennoyer. McGinns brother prosecuted the case & Senator Gearin defended. W. H. Adams, lawyer, tried to make Barnette secure his reelection as city atty. a year ago – by threats of exposing him – but B- could not succeed</p>
Diary 11, 1906 november29	<p>Nov. 29, 1906. <u>Thanksgiving Day</u>. We had a big turkey Dinner tonight at home. Edgar & Lizzie. Ralph & Inez Merrill, Charlie Joynt & Mrs. Ambrose & Fred Crouch – It was a fine fat turkey - & a good dinner – a pleasant hour afterwards – The table was loaded with good things – turkey cranberries (native) mince pie, salad, apples, candies, &c &c cigars & cards afterwards & Edgar, Charlie Joynt & I talked</p>

	<p>“Patoka” for an hour. Still 40° below zero – foggy but quiet – no wind. Fine roads - trails good – Curling clubs – skating rinks &c in full operation</p>
Diary 11, 1906 november30a	<p>Nov 30 <u>Friday</u>. Held court in the new court house today for the first time. Finished trail Weiss v Russell et al & decided for defendants. Also denied Pratts motion to quash proceedings in the contempt case against Leber. Leber was served with subpoena from Clerks office, was paid, & received his fees, and then Pratt advised him to go and pay on attention to the process. He did so, & upon presentation of the facts I issued a warrant & he was arrested at Valdez. Pratt seems greatly excited – first because it is his client who is to suffer from his advice &</p>
Diary 11, 1906 november30bandd ecember01a	<p>second because he is as much - or more – in contempt of court than Leber himself. Harlan came to plead with me last night – I am told that Leber is behind with his accounts as administrator of the estate out of which this proceeding grows & this may account for their anxiety not to return.</p> <p>Dec. 1st It has been 40° below zero for several days but this morning it is but 30° Court today and finished up as many old matters & brought all business up to date as nearly as possible because the Congress meets on Monday</p>
Diary 11, 1906 december01band03 a	<p>and the President <u>may not reappoint me</u>. If not I am anxious to be as near cleared up with the work as possible. I learned tonight that Leber whom I caused to be held at Valdez for contempt was really on his way to France – to get money on a mining scheme. Colder tonight = 40° below.</p> <p>3rd</p>

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	<p>Court – finished up Funchion v Zimmerman – decided for plft. against McGinn. Pratt made a display of his craziness again & Cohn acted badly – The “Times” - Anderson – Kelsey, et. al. have been trying for some time to get the miners Assoc. to send a Com. of 3 – Ronan & others</p>
Diary 11, 1906 december03band05	<p>to Washington D. C. ostensibly to assist Cale, but really to work against me – It was brought up tonight at their regular meeting & Anderson & Kelsey made the fight but were beaten on every turn!! The miners are evidently getting their eyes open to their true interests.</p> <p>-5-</p> <p>“News” tonight has Wash. D. C. telegram saying that President has not yet received Hoyts report but that if it is adverse he will not again send my name to the Senate, but in meantime I am to continue to act as judge!! Damn nice fix! Still at work writing opinions</p>
Diary 11, 1906 december06and07a	<p>-6-</p> <p>Warmer today – only 30° below zero – it has been 40° below for 8 days. Nothing new from Washington today. Am still doing current court work & writing opinions.</p> <p>-7th-</p> <p>About 30° below all day – Rendered written opinion in Odegaard v Westerberg – the first Tenderfoot creek case to be decided – found for the defendants & Miller & de Journal are disgusted- The trouble with them is 1. They take any sort of a case offered to them - and (2) they are not strict to see that their clients tell the truth – hence lying</p>
Diary 11, 1906 december07band08 a	<p>is the strength of most of their cases. We are pretty well settled in the new offices in the courthouse. Harlan & Cohn are moving in today.</p> <p>-8th-</p> <p>Called court calendar & motion list</p>

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	<p>- but little business left, and that from day to day. Harlan & Cohn & Pratt & Dodge are now scared for fear Carr will be appointed my successor in case the President does not reappoint me. They know Carr – he is vain & while sporting the title “General” is yet a rank coward – morally at least, - & they know his feeling toward them is one of unfriendliness – I can get along with him – if he should be appointed, as well or better than most of the lawyers. Pratt says Dodge wont accept</p>
Diary 11, 1906 december08band09 and12a	<p>the judgeship – My! what a farce if he should. They are depending on Senator Piles, & Hoyt to land Carr. Hoyt was a companion & friend in Seattle & Gov. McGraw is also a strong friend of Carrs & so between the three, they hope to get in. But – lets wait.</p> <p>-9th-</p> <p>We took dinner this evening with “Judge” & Mrs Erwin – my old Washington friend – “Tennesseans sub” – they are nice people & especially Mrs Erwin who is a typical southern girl with a slow drawl of negro brogue –</p> <p>-12-</p> <p>Warmer yesterday. Am writing opinions & getting the “house in order” ready for the rearrangement if a new judge is to be appointed -</p>
Diary 11, 1906 december12band13	<p>We hear nothing from Washington about it, - but as the Senate is now holding up the confirmation of the cabinet officers it is not surprising. The Name of Bonaparte for Attorney General is held up for a week or more & they must be having a decided row in the capitol. Let em fight – it will do them good.</p> <p>-13-</p> <p>Bonaparte – Atty Genl. confirmed. Debbie had the “500” Club – 32 tonight at cards – a very nice party. Weather is warmer – about 20° below but fine weather – clear & crisp. Nothing all week on my opinion in Cascaden v Bortolis – new trial. A very interesting point on the admission of evidence involved & am giving it careful attention.</p>
Diary 11, 1906 december15a	<p>-15-</p> <p>Opinion in Cascaden v Bortolis & motion docket today –</p>

	<p>Nothing from Washington yet. I imagine that my interrogatories to McCumber – sent to the President have all been sent to Hoyt, who has been in Seattle for the last month or so trying Capt. Bodfish & Capt. Newth, of the Arctic whaling fleet for crimes committed there. Bodfish was acquitted & the papers yesterday say Newth's case was continued till next summer – so Hoyt can now devote some time to my case.</p> <p>Recd. notice from Washington</p>
Diary 11, 1906 december15b	<p>today that I would receive no salary from July 1 to Aug 6, when I first took my oath of office, - a loss of \$500. - that makes my loss for the year – expenses to Washington & back - \$2500. & this \$500 - a total of \$3000. My ordinary expenses for the year will more than eat up the other \$2000. so I will have worked a whole year for <u>nothing</u>! Well, it may be a brave and courageous thing to hang on & fight for freedom & good government in Alaska – but it certainly dont bring in a large cash return – but, Ill stay any way -</p>
Diary 11, 1906 december16a	<p>-16th- Appointed Henry Roden, a young lawyer Referee in Bank Referee in Bankruptcy yesterday – [?] Jeremiah Cousley resigned. Beautiful sunny day – about 2 ½ hours of sunshine – there is never a day that the sun may not & few that it does not strike Fairbanks. Our house is warm & comfortable.</p> <p>The Barnette <u>expose</u> in the “Times” was so malicious & so apparently intended, that the effect was just the opposite from what Anderson expected. He has been so effectually abused even by his own friends & so</p>
Diary 11, 1906	scared now by fear of suits

december16band17 a	<p>for damages &c. that he is as meek as a coward usually is when in danger. His paper has not said a word of abuse against any of us for more than a week and Tozier tells me that Anderson told him he intended to “cut it out” – quit. The dirty cowardly assassin! He did everything which an assassin could or would do with all the means at his command - & then wants to quit. But – well thats another story.</p> <p>-17- Began trial of case Heikkela v Boucher – a Tenderfoot</p>
Diary 11, 1906 december17band18 and19	<p>mining case – before jury. Attended <u>opera</u> – think of it, - at Eagle Theater tonight. “The Merry Milkmaids” & it was well staged & produced, the singing being especially good.</p> <p>-18- Continuation trial of yesterday Telegraphic reports that Hemples bank & store at Valdez burglar =ized & burned & St Elias Hotel burned also.</p> <p>-19- Trial of Heikkela case on Weather has moderated & for this week much warmer - about zero. Am now training at Curling Rink - fine exercise.</p>
Diary 11, 1906 december20a	<p>-20- Reports by newspaper today that Hoyts report in my matter has been received in Washington & is <u>in part unfavorable</u>. Well, Ive done the best I could on this wild frontier - & have the absolute approval of my own conscience - & that is a victory of itself. I will heave a sign of relief when I yield the burden to other shoulders. I would rather be in my own position than to have done as Hoyt did – try the issues against a man in secret & condemn him without giving him the</p>

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Diary 11, 1906 december20band21	<p>names of his accusers or the witnesses against him. Trial of Heikkela v Boucher ended tonight by verdict for plaintiff – a close case & sympathy won. Had a row with de Journal atty. for Heikkela today & roasted him to a turn. He roasted me first to the jury - but I waited until the jury went out. -21st- Shortest day of the year – a fine day - 8° below zero but comfortable. Nothing new from Washington Hearing another case today – before the court without a jury.</p>
Diary 11, 1906 december22and23	<p>-22- Trial of a Cleary creek mining case – yesterday, today & it will go over till Monday – The “News” has out a fine Christmas edition with Vice Pres. Fairbanks on the front page &c. and my own picture on an inside front page with an attack on McCumber, Nelson & Kittredge Warmer weather – -23- Sunday – Played at the Curling Rink last night – my team defeated. Nothing new from Washington. Received telegram from Stephen Birch. New York asking where a letter would reach me – I answered to send to to Fairbanks -</p>
Diary 11, 1906 december24	<p>-24- The “Times” this morning had a Washington dispatch saying that Hoyts report was unfavorable to me – that McCumber & Nelson had seen it and were pleased &c. but that “<u>if the President concluded to stick by me he would not send my name to the Senate till near the close</u>” &c They do not shout like they deemed victory very sure – well – lets wait. Concluded case of Choate v Woodson & took it under advisement. Briefs to be filed. 25° above zero &</p>

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Diary 11, 1906 december25and26a	<p>warm. -25- <u>Christmas</u>. Warm & snow. Called on Judge Irwins & had a glass of eggnog – dinner with Mr & Mrs Force – the Heiligs also present. Warm & snowing. We received a few Christmas presents from friends & gave a few – a very pleasant Christmas. -26- 18° above zero this morning & snowing light – about 4. in. fell yesterday & last night – this will make the roads good all winter. Trial of Yost v Evergreen Min. Co. a suit by Yost whom I met in Eagle & on 70 Mile. 5 years ago to recover his wages -</p>
Diary 11, 1906 december26b	<p>Recd. telegram from Darrell this morning, from Seattle, saying “<u>Am at Bremerton for four months Puget Sound three more.</u>” This means that he has been transferred from the “Tacoma” and we hope to the “Nebraska” – battleship. Telegram to “News” today saying that Senator Penrose, of Penn. is to see the President tomorrow & try to have him settle my case finally – I suppose Penrose is against me & that his visit is brought about by McCumber, Nelson et. al. with intention to get the President to quit. Well I dont like to be defeated – but they dont either, I suppose, and it’s a question of bulldozing the President – Can they do it?</p>
Diary 11, 1906 december27and29	<p>-27- Nothing new, except my enemies insist that I have sent in my resignation & they pretend to fear that Carr will be appointed my successor Court today – but only formal -29- McGinn received a telegram yesterday from Mark Sullivan his partner, who is in Washington saying nothing known yet of Hoyts report – is in hands of Atty. Genl. Bonaparte, but no information outside as to its</p>

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	<p>contents. The enemy is prob =ably lying when they claim to know what it is. Trial Yost v Evergreen Min. Co. by jury - verdict for plaintiff.</p>
Diary 11, 1906 december30and31a	<p>-30- Sunday – fine warm weather for some time past – just above zero & fine sleighing. Recd. telegram from Atty Genl in answer to mine about conflict with Signal Corps who refuse to produce telegrams in Tanana Trad. Co v N.A.T. & T. Co He evidently brought them to a settlement of the matter. -31st- Some colder today - 10° below zero – a clear beautiful night. Telegram from Washington today saying that the Attorney General had just finished examining Hoyts report, &c. in my case and had sent them to the President. Well!</p>
Diary 11, 1906 december31b	<p>now it is the President who is to say what he will do. Whether he will stand by the solemn assurance which he gave me in Washington or will not – <u>that's the question!</u> It will depend for its answer upon secret investigations evidence unknown to me given by persons whom I do not know - whom I did not have an opportunity to face, and the final chance impression which some thing may make on his mind – Still I cant but have confidence that he will give me a fair chance If he does not I shall quit & go to work with a least a breath of relief that after</p>
Diary 11, 1906-7 december31candjanuary01b	<p>nearly seven years of – six and a half – strenuous life I can go to work at my own business with better chances of success. Heres a Happy New Years to my friends and the President! <u>January 1, 1907.</u> Fine mild winter day - 18° below zero at day break but warmer each hour till at</p>

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	<p>night it was above zero – fine sleighing. Many of the ladies kept open house, and in company with others, received all friends & neighbors who called. Some saved coffee, cake &c while others served light punch &</p>
Diary 11, 1907 january01band02	<p>still others champagne, whisky in unlimited quantities. Many of the young men were drunk before they finished the rounds. I called in company with Mr. Harlan & Mr Cohn – but we went so fast and drank so little that we came through safely. Debbie <u>received</u> quietly & without ostentation – Lizzie – Inez – & little Miss Root – Mrs. McNeils sister assisted here. They had callers & a pleasant time. -2nd- Intended to go out to the Creeks today but concluded not to do so. Fred. Crouch went out & will get a prospecting boiler & sink two holed to bedrock for me on Cleary Creek -</p>
Diary 11, 1907 january03and04a	<p><u>Nothing from Washington yet.</u> though I certainly expect a move any day. Nothing much in court as I am unable to begin anything of importance for fear of leaving it in a bad shape if I am not reappointed. -4th- “Times” has a Wash. D.C. dis =patch saying, in effect that Atty Genl & President had a consultation yesterday about my case – that President is disappointed with Hoyts report, - that he will probably send a statement to Senate &c. It gives but little information - only conjectures, but nothing</p>
Diary 11, 1907 january04band05a	<p>of a disquieting nature. He would not need to send a statement to the Senate if he was not going to reappoint me – the dispatch also says that he is looking for some way to keep me in office till I resign!! – a silly story to that extent – but</p>

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	<p>the tendency is that the Pres =ident will sustain me – New trial in Weiss v Russell denied today. 5th Nothing from Washington today Motion calendar in court & a hard days work. Contest at Curling Rink tonight – my side won in a fine game - <u>Snowing</u></p>
Diary 11, 1907 january06and07a	<p>-6th- Sunday – Nothing new. Warm weather – about zero. -7th- 28° degrees above zero this morning – a remarkable state of weather to me for I certainly expected it to be colder around the holidays. “<u>News</u>” has just received telegram as follows: “<u>Positively known Hoyts report Wick =ersham direct variance with Days and against Judge. Finds nothing effect =ing Wickershams honor or integrity but conditions Fairbanks district such as to call for clean slate by appointment of a new judge. Roosevelt and Attorney General had had several conferences</u></p>
Diary 11, 1907 january07b	<p><u>lately. President undecided what to do. Decide few days. Roosevelt learns Hoyt candidate judgeship in Alaska. Several Senators criticise appointment subordinate judiciary official investigate United States judge. Within past week petitions wired Roosevelt from Nome and Juneau that Wickersham be transferred either place. President not considering transfer.”</u> This is the substance of Walter E. Clarks telegram to the Seattle “P-I.” and is probably authentic. Boiled down it means that some disappointed litigants are dissatisfied & that <u>Hoyt wants to be judge!!!</u> <u>Well, if the decision is against me</u> <u>I'll join the ranks of the disappointed</u> <u>litigants, and give Mr. Hoyt a round</u> <u>to show him how it feels!</u></p>
Diary 11, 1907 january07cand08a	<p>Thompson, Ed. of the “News”, sent a telegram to the President urging my reappointment, but I doubt the advisability of doing so. -8-</p>

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	<p>Our side lost the Curling Contest last night – Rays boys beat us. Warm weather - 20° to 30° above & roofs leaking – mine is tight and does not leak. No other word from Washington yet. Percy Palmer gives me a letter this morning as follows: “Fairbanks, Alaska, Jany 7, 1907 To the President, Washington, D.C. Sir. I am the senior member of the firm of Palmer & Field engaged in mercantile business at Fairbanks, Alaska. I know Mr. Henry M. Hoyt, District Attorney of Nome, whom I met in Fairbanks in September last</p>
Diary 11, 1907 january08b	<p>while he was here investigating the judicial situation. He called at my place of business in Fairbanks and asked about my views on the question involved. I met him again on board the Steamer Tanana between the 22nd and 24th days of Sept =ember 1906 as he was leaving Fairbanks for Nome, via Fort Gibbon. I went on the same boat with him from Fairbanks to Fort Gibbon and was aboard with him for two days and a half. At the time he left Fairbanks Mr. Roy V. Nye, Bion A. Dodge, Roy Maddocks and Robert Fleming were on the boat. I met Mr. Hoyt several times during the two and a half days voyage down the Tanana river from Fairbanks to Fort Gibbon. I occupied a stateroom adjoining that of Mr. Hoyt and since the partitions were very thin and it was impossible to prevent it I overheard conversations and consultations</p>
Diary 11, 1907 january08c	<p>between Mr. Hoyt and those gentlemen regarding a report which they were preparing against Judge Wickersham. I know those men and know that they were all opposed to Judge Wickersham and know from their conversations and consultations with Mr. Hoyt that they were preparing a report against Judge Wickersham for Mr. Hoyt to use. From their consultations with Mr. Hoyt it impressed me that they were engaged in getting that report into such shape as to meet Mr. Hoyts views since he was frequently consulted about it. Mr. Nye is a lawyer formerly of the firm of Carr & Nye at Fairbanks, and had his typewriter on board and was busily engaged in the pre- =paration of the report assisted by the other gentlemen. Mr. Bion A. Dodge is also a lawyer and I am informed that those two have conducted the local opposition to Judge Wickersham for a long time.</p>
Diary 11, 1907	<p>Mr. Maddock & Mr. Fleming were assisting</p>

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january08d	<p>them. The substance of the report was against Judge Wickersham and they held frequent consultations in regard thereto with Mr. Hoyt who seemed to assist them by stating the points which he wished to have them cover in their report.</p> <p>Messrs Dodge and Fleming got off the boat at Hot Springs about half way down to Fort Gibbon; Mr. Maddock went on down on our baot until he met another boat going back up the river where he transferred; while Mr. Nye went on down to Ft. Gibbon with Mr. Hoyt. From my general knowledge of those men I know that they were actively engaged in making up the report against Judge Wickersham and had let no opportunity go by to do him an injury and Mr. Hoyt knew it also.</p> <p>During the conversations I had with</p>
Diary 11, 1907 january08eand09	<p>Mr. Hoyt at Fairbanks and during that trip he said to me that he was coming back to Fairbanks and gave me the impression from what he said that he was coming back as judge of this district in place of Judge Wickersham. I have no interest in this matter other than as a citizen and one who desires to see the courts of one country given a square deal. Respectfully, “ Percy H. Palmer.”</p> <p>Several business men have expressed a willingness to assist in sending the above & in an endorsement to the President by telegraph. -9th-</p> <p>Nothing new except business men will act – but the telegraph is down & may not be up for some days - & then we will telegraph Palmers letter & backing to the President. Heard case today arguments in Choate v Woodson, et al</p>
Diary 11, 1907 january10and11	<p>-10-</p> <p>The thermometer dropped 40 or 50° yesterday afternoon & last night & was 35° below at daylight this morning. Nothing from Washington - telegraph lines down. Business men passing around an endorsment of Percy Palmer & condemning Hoyt. -11-</p> <p>The business man rather “flunked” - they are so afraid of getting into a controversy – that they will not assume burdens & may be they are right – They brought their paper in and advised against sending it – that the contents seemed a reflection not only against</p>

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	<p>Hoyt but also the President &c. &c. so I asked them to forgo their endorsment of Palmer & let him stand alone. - think they fear I am down anyway!</p>
Diary 11, 1907 january12a	<p>-12-</p> <p>30° above zero this morning. The “Times” this morning has a roast of Palmer – calls him an eavesdropper &c. & threatens him with the loss of business. I am now convinced that this threat of a public attack was what scared the others out last night. The most pronounced characteristic of a “business” man is cowardice – he calls it “conservatism” Nice long letter from Leehey – of Brown & L - Lawyers, Seattle. Mail in & Debbie got 2 or 3 letters from Darrell - he is on the “Nebraska.” McGinn has been drinking heavily this winter - & losing cases - & now, he, too – cusses the court! He is still nice to me – but refuses to act - & talks ugly when not in my presence.</p>
Diary 11, 1907 january12band13and14and15	<p>McGinn & Dillon carried around the Palmer letter with a short statement in support of it and several of the lawyers signed it – others will do so. -13-</p> <p>Sunday – Mild – but windy Nothing new from Washington. The Masonic Club, had large (for it) meeting last night & I gave a talk on the Quadriform (Cardinal Point) basis of the order & explained how those same principles were widespread in America - in Asia in Ancient times & today. -14th-</p> <p>Nothing from Washington yet – the telegraph wires are down on account of high winds. Spent whole day in hearing trial of McCarty estate. -15-</p> <p>Nothing: Hearing McCarty Estate.</p>
Diary 11, 1907 january16and17and18	<p>-16-</p> <p>Hearing in McCarty Estate ended. very interesting question of law of descent – curtesy involved – Began trial Thomas v Freidman – Sick this afternoon – adjourned court. Think it is a culmination of long continued nicotine poisoning from smoking cigars. -17th-</p> <p>Feel better today & continued court.</p>

	<p><u>The telegraph lines have been down since the 8th and no word from Washington since that date.</u> Decided Thomas v Freidman – in favor of plaintiff. -18- Nothing from Washington. Cold - 40° below again. Trial of a small admiralty case.</p>
Diary 11, 1907 january19a	<p>-19- 50° below zero - woo'-uh but its cold. But I rather like cold weather – One expects it & really it seems as if we've had none this winter. Nothing yet from Wash – telegraph lines may not be up for a month – Well there will be but a little of it when the wire comes – either <u>for</u> or <u>against</u> Vault Creek, a month ago was said to be utterly valueless – no paystreak could be found – A week ago they accidentally dropped on it & it is growing richer & richer every day – Vault may turn out a rich stream. Crouch has the second hole or shaft down on my claim off Dis. on Cleary – 41 feet deep, - deeper than the bed rock on Dis. – show that there may be a different channel &c</p>
Diary 11, 1907 january19band20and21a	<p>The “Tanana Club” is making great preparations for a “blow out” tonight - the 1st Ann. of its existence. Claypool has made it a popular guzzling place. -20th- 45° below zero last night - 55° by some thermometers, Sunday & we took dinner with the St. George's & Ed. Stier. Ed's eye is failing him 21st Learn this morning that John Knox Brown – atty, of the firm of Brown & Erwin, got full Saturday night at the Tanana Club – started home, got lost in the fog & froze his hands so badly that he may lose several of his fingers. Nothing from Wash =ington yet – lines still down. On Saturday evening, just before dinner Erwin, Recorder, accompanied by Dick Woods and J. L. McGinn, atty. came</p>
Diary 11, 1907 january21b	<p>to my house. Woods & McGinn were demanding the delivery to them of four or five deeds which Woods had filed for record and which had then been actually recorded by Erwin. But that afternoon</p>

	<p>Erwin had been served with a subpoena to appear before Wolcott, Notary Public on Monday (21) and testify in a case pending in the district court wherein de Journal & Miller {et. al.} were suing Woods et. al. a civil case, & the subpoena commanded Erwin to bring those deeds with him. The subpoena to Erwin was individually and not officially. Upon agreement of McGinn & Woods to produce the papers before the officer on Monday at the time required I advised Erwin to let them have them since they were already recorded & paid for & he had no right to retain them for any purpose whatever.</p>
Diary 11, 1907 january22and23and24a	<p>-22- Telegraph lines still down & no word from Washington. Hearing small cases and closing up the business of my court – am refusing to begin any new business of importance, but am leaving it till we hear from Washington since that is the only safe course. Warmer today: Debbie sick with a severe neuralgic pain in the back of her head – muscular rheumatism or something equally painful. -23- Busy in court – <u>The telegraph</u> wires went into use tonight at 7 p. m. but no news – expect it in the morning. -24- The “Times” has a six inch scare head this morning “<u>Wickersham Out</u>” & telegraphic matter dated Jan 12th</p>
Diary 11, 1907 january24b	<p>of the usual doubtful and pointless character. Its substance is that the President has concluded not to send my name to the Senate again &c. &c. An hour after I saw it the “<u>News</u>” telegrams began to come in and as late as the 18th the President was still considering the matter. The News telegrams say that Falcon Joslin, Kellum, Al. Murphy, and Washburn of the N.C. Co. had that day called on the President who expressed himself as glad to see them & told them he was interested &c. They also went to see the Atty. Genl. The Merry War evidently goes on. The Times said that Ballinger of Washington would be appointed in my place, but the later telegrams say {Judge} Ballinger – late mayor of Seattle, had just been appointed Commissioner of the Genl. Land Office.</p>

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<p>Diary 11, 1907 january24cand25a</p>	<p>The “<u>News</u>” tonight has the late telegram all of which seem favorable to me. I am amused at the flare heading of the News. The “<u>Times</u>” heading in 6 in type was “<u>Wickersham Out</u>.” and the News, “<u>Ballinger In</u>.” and then in small type it shows that he is <u>in</u> the office of Com. of Genl Land Office. Everyone is laughing at the Times. I learned today from Tozier that Cap. Anderson, owner of the Times is damning Tom Cale, delegate in Congress & accusing him of treachery because his advices show that Cale is supporting me in Washington. Nothing in the papers later than Jan 18th. -25- The “<u>Times</u>” this morning is very tame – telegram says Hoyt was with President yesterday & that he will act soon. Capt Anderson & the gang were crowing long &</p>
<p>Diary 11, 1907 january25b</p>	<p>loud yesterday morning, but the days telegrams cooled them down considerable Max Kolm, artist, displayed copy of a new seal for Alaska today – the Arctic Brotherhood is behind him – the design is much better than the old one – but not quite satisfactory to me. I object to his use of “<u>Mush on</u>,” instead of the French “<u>marchon</u>” from which it was corrupted. Cap. Anderson, prop. “<u>Times</u>” said he wished Jan 24, known as “<u>Wickersham Day</u>” since that was the day when he!! procured my final downfall – but wait! Am busy preparing opinion in re the McCarty Estate – will find against Miller & de Journal – and then they will swear as usual – even worse. If I am reappointed I intend to take measures to control such men as seek to destroy the courts by lying & slander – especially such Attorneys as thus violate their duty!!</p>
<p>Diary 11, 1907 january25cand26a</p>	<p>Received letter today from Stephen Birch – 45 Bd. N.Y. giving me the inside of the R.R. deal from Katalla – Valdez – Cordova. He says that Morgan & the Guggenheims have finally agreed to build the road <u>from Katalla</u>. He also wishes I were out of office and could take charge of the legal end – and I do, took but I am <u>not</u>. The letter lifts the curtain & gives me a glimpse into financial regions – and then lowers it! Wish I were out – free to go into active work! -26th- The “<u>Times</u>” this morning breaks out against Cale – says he is urging my renomination in Washington – “<u>Why?</u>” they ask. – A beautiful day – sun coming higher &</p>

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	<p>warmer – a spring breeder. The “<u>Times</u>” attack on Cale is explained by the “<u>Northern Light</u>” a hand bill weekly which also attacks both him and me in its Saturday night issue of tonight.</p>
<p>Diary 11, 1907 january26band27</p>	<p>We have known for some time that Dodge & Roy Mad {d}ocks were trying to buy the Northern Light, but only just now with success. Today they got control and evidently in connection with the “<u>Times</u>” have started a war on everybody in sight. Dodges editorial on Cale tonight accuses him of treachery to them, &c. &c. It is quite evident that they are informed from Washington that Cale is supporting me and they are apoplectic in consequence. Well, Cale is elected for two years from next March – and they have done me all the harm they can, so let them kick. They have reached the end of their rope! -27- <u>Sunday</u> The “<u>Times</u>” this morning says it now seems probable that I will be imposed upon the community for another term &c. and suggests that I <u>resign</u>!! They must have some inside information about the matter of appointment</p>
<p>Diary 11, 1907 january28and29a</p>	<p>-28th Nothing new. -29th- George Herrington has just been in to see me. George is married to an Indian woman – married her in Circle City – by Stewart; He says Mary – his stepdaughter is now 20 – that she is a common prostitute, & wholly incorrigible – that his wife & Mary are both the same – that his wife sold Mary – sold her services to men – many men &c. &c. & gets drunk & was herself a prostitute. George says Mary accuses of being responsible for early downfall – but since she is and has been for 2 or 3 years a public prostitute it is just possible that she is also a liar. George pretends to think that Tozier is attempting to bring a suit for damages for her – but I think that he is merely getting her evidence to</p>
<p>Diary 11, 1907 january29band30</p>	<p>assist him in the defence of Cruger - or Cruver – who is arrested & on trial before Erwin today for intimacy with a girl by the name of Sather – what a dirty mess a nasty “chippy” & a few malicious wretches can make in a community. <u>Later</u> Mr. Harlan came in after the hearing in the Cruver case & he explains Geo H anxiety by saying that Mary, George’s</p>

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	<p>stepdaughter told him that George had long been intimate with her himself! Harlan is disgusted with her & the whole mess, and says he wont even prosecute Herrington because the girl is so vicious and bad that she is utterly unworthy of belief.</p> <p>-30-</p> <p>Trial of Eisenmenger v Webber & Sturtevant - Esther Creek case: Nothing from Washington Dan Jonas came in on todays stage. Things seem to be quieting down – fine weather.</p>
Diary 11, 1907 january31	<p>-31-</p> <p>Nothing new – trying case of Eisenmenger v Webber, et. al. without jury – Recd. letter from Atty. Genl. Bonaparte yester day containing report of Chas. T. Hutson Asst. U.S. Atty, Seattle, on the examination of the charges against Andrew Holman at Copper Center, Alaska. The Atty. Genl thinks he ought to be removed on this report - no notice – no hearing – no chance to know his accusers, to see the charges or to answer!! No wonder there are judicial scandals in Alaska! They are invited by the Dept. of Justice by such actions as this. The Atty Genl letter is not borne out by the facts in the report either. If Holman is removed it also disqualifies Blix, his partner, and every other person at Copper Center – there is not enough income to support the office – it will be almost necessary to close it – all because of a neighborhood squabble!</p>
Diary 11, 1907 february01and02a	<p>-Feb 1-</p> <p>This is one of my “In” days with the “Times.” Its telegraphic dispatches says that the President has determined to stand by and reappoint me, but to avoid difficulty in the Senate will not do so until the last days of the Senate & then will reappoint immediately after the adjourn =ment on Mch 4th!!</p> <p>2nd Alaska finished, but West Pub Co. cannot get it to me on account refusal of mail to carry: telegraphed Valdez P.M. to hold till I reach there</p> <p>2nd</p> <p>Called term of Court for Valdez to begin Mch 4th notified them by telegraph. Accepted resignation of J. Lindley Green, Comr. at Rampart – who has been there for six years, and appointed W. B. Ballon. Nothing yet from Washington</p>
Diary 11, 1907 february02band03a nd04	<p>Attended box party at Eagle theater last night with Mr. Harlan - & Mr & Mrs Cohn – Mrs. W. & I. 30° below zero</p>

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	<p>but beautiful weather – cold at night. Valdez stage (sled) just in – full passengers <u>McGinn showed me telegram from Sullivan from Washington saying that he has it from high authority that I am certain to be reappointed:</u></p> <p>-3rd-</p> <p>Nothing new – Cold, but fine weather -4-</p> <p>Telegrams today say that the first Chief Justice of Wash. Ter. <u>Edward Lander</u>, died in Wash. D. C. yesterday. He was appointed in 1854, by President Pierce. I saw him two or three years ago in Washington D.C. where he he had lived & preached law for many years. Nothing new – “Red” Rogers, miner, hunter – trapper, mountain =eer – was up to see me tonight – he told me much of interest about the range between Mt Hayes and Mt McKinley. He’s an old Montanan. -</p>
Diary 11, 1907 february05a	<p>-5th-</p> <p>Received telegram from the Atty. Genl. this forenoon suggesting that he had received representations that a term of court ought to be held at Valdez – on my way out to Juneau. The telegram was so worded as to assure me that I will be reappointed by the President – else no good to ask me to go to Valdez & Juneau, at this time. I took great satisfaction in replying that I had called a term at Valdez last week. This telegram leaves little doubt of my standing in Washington with the Pres. & Atty. Genl.</p> <p>Have been talking with a miner by the name of <u>Al Hood</u> about going to the Kantishna country on a grub stake prospecting trip – Tozier recommends him & brought him to me Tozier &</p>
Diary 11, 1907 february05b	<p>Heilig, Lloyd, and Taylor have staked there what they think are some valuable quartz mines – one of antimony es =pecially, and they urge me to send Hood there to stake some for me. We had a meeting in my office tonight Present: Hood, Tozier, Geo. Dribelbis A. L. Hamilton, G. G. Perry & I. – Tozier has no interest with us – but came over to give us information about their mines. We have agreed to grub stake Hood and his partner for a summers work – they each to have 1/6 and Perry Dribelbis, Hamilton & I a 1/6 of all they discover.</p>

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	<p>I also bought through Mr. Harlan 1/8 int. in the Golden Gate placer Assoc. group at the mouth of Cleary Creek on the Chatanika river, \$100.00 Also bot. mt. on Alder Creek – 125.00 A. L. Hamilton holds option for me – He & Geo. Dribelbis & Perry & I are interested together in Alder creek properties.</p>
Diary 11, 1907 february07	<p>-7th- “News” telegrams from Washington are that Dept. of Justice some time ago had submitted Hoyts report against me to Mr. Justice (Ex Atty. Genl) Moody for examination – <u>that he has now filed a report of his examination & finds that Hoyts report is unjust & unfair!</u> Ed. Stier, Clerk of Court, & Geo. A Jeffrey – Court Stenographer left on the stage last night for Valdez – Made order today appointing A. W. Rochford (Ed. “Valdez News”.) Jury Commissioner & have ordered drawing of Grand & Trial Juries for Mch 4th Valdez term. Sent telegram to West Pub. Co. St Paul <u>“Send complimentary Second Alaska President, Atty Genl and Justice Moody – charge me.” \$5.00</u> <u>Charged Grub Stake Agreement with Hood so that he goes to head of the Little Delta river instead of Kantishna!</u></p>
Diary 11, 1906-7 inside back cover	<p>[photo caption:] “EX-SENATOR P. J. MCCUMBER, OF NORTH DAKOTA Chief of those who fought in the Senate against the removal of Noyes.” This is the photo of “mine enemy” from N.D. see <u>“The Looting of Alaska”</u> by Rex Beach.</p>