

Alaska State Library – Historical Collections
MS 107 Diary 13

Diary 13, 1907-8 front cover	[TYEE No. 3 REPORTERS' NOTE BOOK] <u>Private Diary.</u> <u>August 1st 1907</u> to <u>February 12th 1908.</u> “ <u>Hands Off.</u> ” [LOWMAN & HANFORD STATIONERY AND PRINTING CO. DEALERS IN TYPEWRITER SUPPLIES 616-620 FIRST AVENUE, SEATTLE]
Diary 13, 1907-8 inside front cover	[newspaper clipping “Table of Distances” lists 41 locations between Valdez and Fairbanks with distances in miles]
Diary 13, 1907 august01a	<u>August 1st, 1907.</u> The Chamber of Commerce and lawyers of Seward made application to me in the spring to hold court at Seward & to appoint a deputy clerk there. I forwarded the matter to the Atty. Genl. and when I reached Valdez a week ago I received a letter from the Atty. Genl. approving the matter & fixing the clerks salary at \$100. per mo. The following telegraphic correspond -ence then took place with Stier: “Valdes, July 31, 1907.” Stier, Clerk District Court Fairbanks, Alaska Department approves appointment deputy clerk Seward. Salary one hundred dollars per month.
Diary 13, 1907 august01b	Desire you to appoint Myra H. Cox, daughter Commissioner Howlett. Telegra -ph me your approval to take effect August first and also telegraph instruct -ions to her about her oath and bond. “James Wickersham, District Judge.” <u>Answer</u> “Fairbanks, Alaska, July 31, 1907. James Wickersham, District Judge, Valdes, Alaska. <u>I do not see that I need a deputy clerk at Seward. I have trouble enough now without complicating things by the appoint -ment you ask. I prefer to let things be as they are. There is no need of a deputy clerk at Seward. Will have no woman connected with my office.</u> “ Stier, Clerk.
Diary 13, 1907 august01c	<u>Reply</u> “Valdes, Alaska, July 31, 1907. “Edward J. Stier, Clerk district Court, Fairbanks, Alaska. Your telegram refusing to appoint a

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	deputy clerk at Seward received. If you will not assist the judge of this court, who has long confided in your loyalty, in the establishment of the necessary aids to the administra -tion of justice in this district you should resign. My judgment must prevail in the matter of the necessity for the appointment at Seward and you must act as requested or resign. Answer promptly. “ James Wickersham District Judge. To this peremptory demand I received the following:
Diary 13, 1907 august01dand02a	“Fairbanks, Alaska. August 1 st , 1907. “James Wickersham, District Judge Valdez, Alaska. Have done as you requested – app -ointed Myra A. Cox a deputy clerk to reside at Seward. Have notified her about bond and oath. Henderson leaves here on Sixth of this month for short vacation and will report at Valdes on the first of October. “ Stier, Clerk. And here endeth a lesson to a good clerk who has grown arrogant through kindness. -2 nd - Nothing in court of importance No jury cases ready till next week. Telegram from Fairbanks saying that Perovich had been reprimed
Diary 13, 1907 august02band03and 04	until next February! I suppose Gov. Hoggatt did it – he has been in Fairbanks for a week or so. <u>It's a case of mistaken clemency.</u> for Perovichs {act of} murder was cold-blooded - secret – at night – for money!! -3 rd - Nothing in court – raining. “ <u>Bertha</u> {Yucatan}” is in harbor from Seattle Seward. -4 th - Sunday – sunny day. It was the “Yucatan” came in last evening – but the Bertha is in today. Had a bath and a big sleep today. Also assisted Scott, Dep. Dist. Atty. in concluding some Katalla criminal business for tomorrow.
Diary 13, 1907 august05and06and 07	-5- <u>Grand jury called</u> – instructed – Dr. Boyle appointed Foreman. Trial civil case Graff v Butler.

	<p>"Yucatan" goes out south at midnight <u>Mr Perry</u> & two insane prisoners & guards go -6- Decided Graff v Butler for deft. Beautiful day – nothing in court. -7- Indictments returned today Spicer, Assault with int. comt. Rape. 3. Carbons " " " to kill Hugh Murray " & Battery <u>Beautiful day</u>- Court work running slow – but the glacier streams high & ugly -</p>
Diary 13, 1907 august08a	<p>-8th- <u>Raining</u> – <u>Lee Van Slyke</u> here from Cordova. Reports things there looking good, & probability of the Ry. coming in there from Katalla. <u>Bought 1/9 inteest in 37 acres of land on water front at New town - west of Valdes : John Lyons, Geo. Baldwin own the other parts.</u> Have been half sick for three days - but feel better this morning - too much cigars & coffee. Telegram from Stier, clerk, Fairbanks saying that case of Nelson & Hensley v Meehan & Larson was settled & dismissed Also one from Judge Gunnison asking if he might establish new Comr. precinct at Hot Springs for Manley; I answered to put it off till I reached there in September!!</p>
Diary 13, 1907 august08band09	<p>Snowing on mountain tops in plain sight – here in the valley its warm and comfortable. Trial jury case = U.S. v Spicer. Assault with intent to rape Maude Roe – = verdict: "<u>Guilty</u>." -9th- Reynolds & Gov. Brady, of the Reynolds Development Co. took a boat load of people to their mines on La Touche Island – Reynolds insisted on my going but I could not – it is a complimentary – advertising scheme for their mine & I decline to be used for stock selling purposes. Trial U.S. v Hugh Murray for assault & Battery – "<u>Not guilty</u>."</p>
Diary 13, 1907 august10a	<p>10- Grand jury at work: continued civil case "3 Man. Min Co v Murray" till next term. Mr. Mullan,</p>

	<p>a prominent lawyer from Salem, Ohio, is here & has visited the court several days & today Ostrander & he came & he tells me he will make a personal report of conditions here to the Ohio Senators & personally urge them to assist in my confirmation "Bertha" back from Reynolds excursion - Reynolds came to see me – he is highly complimentary & says Gov. <u>Brady is now my friend & will do all he can to secure my confirmation?</u> Reynolds & his company have bought the Keystone Wharf – the Sawmill &c. &c. and now</p>
Diary 13, 1907 august10b	<p>at 9.p.m. they have a <u>Mass Meeting</u> in McKinley Hall & I just heard him shout to the delighted Valdesians that his electric Ry. to the Summit up Lowe river would be built "<u>before the snow flies.</u>" I am careful to keep away from the scheme – their meetings or any entangling alliance! for I am informed that they have been paying dividends on their stock out of subscriptions! I can hear the swelling applause of the mass meeting over in the Hall as Reynolds & Gov. Brady give vent to abuse of the "Trusts" & plead for support to the "<u>Alaska Home Railroad Co</u>"! Grand jury still at work. Beautiful day.</p>
Diary 13, 1907 august11a	<p>-11th- Sunday. The town is feverish this morning with the effect of last nights "railroad-promoter-get-rich-quick" "knock-out-the-trusts-while-theyre-waiting". meeting. The meeting was a most skillful game to get the citizens of the town bound to the Reynolds-Brady scheme, and it succeeded to the amount of nearly 100,000 dollars subscription. Reynolds and Brady made promoting speeches – and they had "cappies" prepared to begin the subscriptions – for instance they bought the Keystone wharf for \$6000, but the price was made \$7000 & Lathrop took a \$1000 subscription & I presume many others were on the same basis.</p>
Diary 13, 1907 august11b	<p>People are out staking lots this morning, and the "Rosy Dawn" is just dawning. However, it is an interesting proposition. Reynolds & his company have just purchased</p>

	<p>the Alaska Steamship Co – the “Portland” “Bertha”, “Jeanie” &c. and have declared rate war on the Northwestern Co. and now this Ry. project is launched just at a time when Hawkins is expected here to change the Northwestern Ry. back from Katalla to Valdez. – The N.W. people admit the Katalla terminal to be error after spending nearly half a million dollars on it & when they turn back to look at their old Valdez project, Reynolds jumps</p>
Diary 13, 1907 august11c	<p>in with his scheme, and binds the business men in 3 year rate contracts, takes possession of strategic points, gathers a large popular subscription, and is in possession of much that is vital & will cost the N.W. large amounts of money if they attempt to dislodge him: To the scheme last night Hemple subscribed \$5,000. Snyder “ 2,500. Levy & Co “ 2,500. Lathrop “ 1,000. Hubbard “ 1,000 &c. &c. &c. They presented a franchise to the town for a 99 year right of way &c. agreeing to protect the town from the inroads of the glacial stream for that time as a consideration therefor!! Foxy!</p>
Diary 13, 1907 august11d	<p>I have’nt seen the franchise yet but I presume that its exclusive & for 99 yrs. & leaves nothing out that Reynolds wants. Reynolds has also bought ½ interest in the “<u>Prospector</u>” and will install a first class newspaper plant – so he told me. They have their newspaper people with them, and they have certainly gone to shouting “before the snow flies”. Gov. Brady opened the Mass Meeting last night <u>by reading from the Bible!</u> the story from Nehemiah about the valiant young man who gathered a few resolute souls around him & rebuilt the walls of Jerusalem - & then took <u>Reynolds</u> for the young and ardent soul who now intended</p>
Diary 13, 1907 august11e	<p>to rebuild the wall of protection <u>from the Trusts</u> – the Morgan-Gugenheimer bad men who are threatening to capture Alaska by building a railroad for the purpose of hauling</p>

	<p>the Bonanza copper mines output to the coast!! Both of them denounced the “<u>Trusts</u>” in the name of the <u>Bible</u> and the <u>People</u>, yet only a few hours before the meeting, <u>they had both signed an iron clad trust contract for joint & high rates between their Keystone & the Lathrop wharves.</u> The whole “revival” meeting is <u>so</u> ludicrous & funny to one who is able to stand aside & look on - but the <u>gullibles flocked to their “mouners[?] bench” with subscriptions.</u></p>
Diary 13, 1907 august12	<p>-12th- The commissioners jury of six doctors called on Saturday to determine the sanity of “Joe Carbone” – an Italian accused by three indictments of cutting with intent to kill – found him sane. - the remarkable feature of the verdict being that Six Doctors should agree!! Now, however, we must try him & he is a shrieking jumping Italian of the Mafia or Black Hand class. Steamer “Santa Clara” coming up the harbor: Later: Mail: letter from Debbie and also mail from Fairbanks. Nothing important except that Clum – “Major” Clum – is candidate for Congress against Cale.</p>
Diary 13, 1907 august13	<p>-13th- Two important criminal cases today U.S. v Eagan, forgery, <u>guilty</u>, & U.S. v Carbone, assaulting officer in jail & stabbing – <u>guilty</u>. The Alaska Home Railroad is really at work & Reynolds has the town interested. He will probably get the road out to the Canyon this fall – <u>but?</u> Telegraphed & asked Judge Gunnison if he wished to remain in Fairbanks this winter – he said “No.” Also telegraphed the Atty. Genl. situation & asked to transfer Jap. poachers cases to Juneau – they wont get here before 25th & I must go by that time to get to Fairbanks before the freeze up.</p>
Diary 13, 1907 august14	<p>-14- Telegram from Ray, Asst. Dist. Atty. from Seward {to Lathrop, Dep. Marshal} saying that he had just arrived there on the Revenue Cutter “Manning” with 63 Japanese</p>

	<p>poachers on the Seal Islands & would reach Valdes tomorrow: I at once telegraphed Atty. Genl. <u>“Valdes, Alaska, August 14, 1907.</u> <u>“The Attorney General, Washington D.C.</u> <u>“Revenue Cutter Manning will reach here tomorrow with sixty three Japanese seal poachers for trial. This early arrival gives me time to hear cases.</u> <u>“The grand and trial jury in session now. Has department special instructions to give. _____</u> James Wickersham District Judge.”</p>
Diary 13, 1907 august15and16a	<p>-15- Court work small – waiting for witnesses on Saratoga, and the “Manning” with Jap. poachers- Dinner with Mrs. Geo. Esterly – present Capt & Mrs Hemlich, Lt. & Mrs. Shuman, Mrs. Hazlett Mr. Sam. Blum, & I : after diner we went to Ladies Evening 500. Club at the Tilacum Club. About Midnight The Manning came in – Capt. Cantwell. comdg: <u>63 Japs.</u> -16- Jap. cases before Grand Jury. “Manning” & officers have to remain here for trial so it will have to be pushed</p>
Diary 13, 1907 august16b	<p>Another case against Carbone tried today – <u>Verdict: Guilty.</u> Dist. Attys. busy trying to get indictment against the Jap. poachers, who are now in custody of Marshal. <u>Created Iliamna Precinct today & appointed T. F. McLean Commissioner.</u> “Saratoga” in – no letter from Debbie. Capt. Cantwell of “Manning” was captain of the “Nunivak,” and I visited him & his boat in the mouth of Dall river, above Rampart in Feb. & Mch. <u>1901.</u> Reynolds seems to be crazy! He is either an unappreciated genius or an ass – he is paying three prices for property – and buying recklessly.</p>
Diary 13, 1907 august18and19a	<p>-18- Grand jury returned two indictments - one against each crew of the two Japanese seal poachers on St Paul Island. Appointed Henry Fukanga, Jap. interpreter, also Ostrander, Leedy,</p>

	<p>& Ritchie, attorneys to defend them. Arraigned them, overruled motion to quash indictment - & empanelled jury in case No 106, against the “Kiawa” crew. Trial will proceed Monday. -19th- Sunday – Prepared instructions in writing in Japanese cases – in doubt on one point – viz: the Japanese sealing vessel & part of crew remained outside 3 mile limit – but boats crews came</p>
Diary 13, 1907 august19b	<p>within & killed seals – Query: Has the court – the U.S – jurisdiction to try & punish the crew that aided & abetted from the open ocean outside our territorial limit? I have instructed the jury that such jurisdiction exists - but I am in some doubt. Reynolds is exhibiting signs of greater genius or ranker insanity in his “plunging” in real estate & other schemes here. The town is greatly excited in a speculative way - & the end in not yet. -19- Trial U.S. v Kadota & 33 other Jap. seal poachers before jury. Grand jury returned indictment</p>
Diary 13, 1907 august19cand20and21a	<p>against “Big Mike” Sullivan & others for riot at the crossing of the Railroads at Katalla. Jury found three men of the Kadota crew – <u>guilty.</u> -20th- Verdict of guilty in the Kadota matter of 3 men this morning after all night session of jury. Trial of the other crew today. - Watanuki & 28 others – Busy closing up term – think I can get away on “Saratoga” -21st- The jury in the Watanuki Jap case out all night – this morning I instructed them</p>
Diary 13, 1907 august21b	<p>to compromise & render a verdict if possible & in an hour they agreed – found Capt. Watanuki & two boats crews “<u>guilty</u>” – 7 men in all, & 3 in Kadota crew. Sentenced prisoners today Carbone – 2 cases – 10 yrs – Eagan, forgery – 10 yrs.</p>

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	Spicer, assault with intent to rape a “wild cat” girl – one year. I felt strongly for Spicer. He was a soldier – 2 nd Oregon, Co. G. & has a fine war record – the girl is a nasty little cat - & still I could not do less than 1 yr. it was the minimum Also sentenced the Japs -
Diary 13, 1907 august21c	Fined 3 men of the Kadota crew \$300. each - \$900. Capt. Watanuk - 500 6 members of Watanuki crew \$200 each <u>1200.</u> \$2600 Signed a lot of Saloon licenses = but refused Kid Browns application for “dance hall” in the McKinley Hall – I called “kid”, & the dance Hall men in the office & notified them that women in saloons must be stopped – Lathrop, Dep. Marshal & Scott, Asst. Atty. present. Organized the Prince William Sound Com. Precinct & appt. S. A. Crandall, Commissioner to take effect Oct. 1.
Diary 13, 1907 august21d	All the business of the court was concluded – I leave with a good feeling behind. - Even the “ <u>Prospector</u> ” said something nice about the report of the Grand Jury in favor of my confirmation. Reynolds, made me a written offer this afternoon to employ me as Genl. Counsel, at a salary of \$12,000. a year & <u>an interest</u> in the schemes. He makes the offer to be good for 6 months & intends to work for my confirmation Leave Valdez at midnight on the “ <u>Saratoga</u> ”
Diary 13, 1907 august22a	- 22 nd – Reynolds is on the Saratoga going to Seattle on a flying trip - & I will probably have to talk with him about his offer & his Valdes scheme of Railroad &c. <u>I will not consider any offer of employment from him or anyone else until I am confirmed – or resign.</u> <u>I do not yet understand Rev</u>

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	<u>nolds, or his scheme.</u> He has paid out more than \$200,000. in cash in Valdes in the last 10 days – Within three days he has bought out A. L. Levy & Co & S. A. Hemple & Co. both bankers & merchants – He paid Levy & Co. \$50,000. cash on act.
Diary 13, 1907 august22b	& Hemple a like amount & is to pay the balance in 60 days – the bal. will amount to \$300,000. He has bought \$100,000. worth of real estate & is building railroad & rebuilding wharves, &c. lavishly. All this occurring in a town which was without hope & dead only 10 days ago has created great excitement & fills me with curiosity as to the source and limit of the means of this Alaskan Monte Cristo. Is he plunging? or is it a well laid plan to do big things from a plenteous treasury?
Diary 13, 1907 august22c	We ran into <u>Land Lock Bay</u> early this morning and are lying at a small new wharf loading copper ore which comes down from a new mine half a mile above us – on the mountain wall – by wire cable which ascends at a 45° angle. It is Joe Bourke & Steeles mine. Capt. O'Brien & I were invited up to the house & took lunch with Mr & Mrs. Steele & the baby – a 10 mo. old, fat, happy baby boy. Raining & we will get out about dark with enough copper on to well ballast our ship – <u>Raining!!</u>
Diary 13, 1907 august22d	Judge Thompson from Danville, Ill. is on board. He has been into the Matanuski Coal Fields – <u>is not enthusiastic</u> <u>Judge Adelbert P. Rich.</u> of the Supreme bench of New York - from Brooklyn – was in Valdes this week. He brought me letters from Judge Hazel U.S. Dist. Judge, Buffalo, N.Y & Congressman Sereno Payne., asking me to assist him &c. He & his wife took lunch with me

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	He was here to inspect a copper prospect about 12 miles up Lowe River – nearly opposite Camp Comfort – I assisted in getting him a guide, &c.
Diary 13, 1907 august23	-23- Arrived in Katalla early this morning. “Yucatan” & “Jeanie” anchored off the point. Reynolds & his agents are here gathering up men - snatching them from the other roads. The Jeanie will take 250 or more of them to Valdes. Dick Ryan got aboard here. Hawkins is still here – but goes to Valdes soon. Morrison of the Bruner road goes with us to Seattle. Under way to sea at 12. noon. Mr. Harlan is on “Yucatan” – going to Valdes to try the Jap cases!!
Diary 13, 1907 august24and25a	<u>1907</u> <u>August 24th</u> <u>My 50th Birthday</u> A beautiful day – and not sea sick – but I am never comfortable at sea. 25- E. C. Hughes, lawyer, of Seattle is aboard – this is his 52 nd birthday Beautiful day – strong fair – north-wind & we are making good time. Passing along a few miles off Queen Charlottes Island. Reynolds is a bright, virile, fellow, with some good ideas & large ones too, but in some
Diary 13, 1907 august25b	things he is very ordinary & exhibits poor judgment. In his attempts to organize the industries of Valdes has entered into a dance-hall scheme with “Kid” Brown - & proposes to aid a vaudeville scheme organized by himself & the “Kid.” But more reckless than this attempt join “hookshops” & dance halls to his legitimate schemes is his open flaunting of “Johnnie” or Myrtle Eaton – a “prostituting fairy” – a graduate from the Horse Shoe Dance Hall – and who now offers fancy millinery as her mask for more respectable (?)

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	prostitution. She is with
Diary 13, 1907 august25c	Reynolds – he seats her at his elbow at the dining room tables, talks with her confidentially & publicly & their affairs so bold, open, defiant & foolish as to call forth much adverse criticism. He is easy – for she is a cheap flower – and lacks both style & sense. Poot, his hotel manager, Cray his newspaper manager {Quinn, his electric manager,} and other heads of his various departments re on board – and are all – even Kid Brown is – disgusted with the cheapness and commonness of his vices – It is even too poor & cheap to attract those who would excuse a fair display of vice.
Diary 13, 1907 august25dand26a	<u>Queen Charlottes Islands-</u> we’ve coasted 10 miles or less {off shore} along ‘em all day. They’re mountainous – and with few harbors next the Ocean. Timbered – craggy - & rough. -26 th – Off north end of Vancouver Is- Another fine day – wind blows from the north – clear – and the feeling that – “The melancholy days have come The saddest of the year With waiting winds & naked woods And Meadows brown & sear.” The first day of fall – and a fine one – but it makes one feel one =some. The longer I stay in Alaska - the more I feel that
Diary 13, 1907 august26b	I am falling forever away from my home and friends. There is the usual betting on the hour of our arrival in Seattle, in which I do not join. Have met old “Cal. Huddleston” – miner, plainsman, hunter and simple life enjoyer, from the Yentna - under the shadow of Mt. McKinly. Also C. F. Yeaton of Sunrise, 70. years old, pioneer: both these old men are going out with a small fortune to rest the balance of their days in peace, - hale hearty, strong & courageous. Reynolds & Miss Eaton are

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	now spoken of as “Reynolds & his maid.” “Love is blind but the neighbors are not.”
Diary 13, 1907 august27and28and29	-27- In the Straits of de Fuca this morning at 6 a.m. Quiet gentle, placid, sun =shine, green fields & comfort. It costs to be a pioneer or empire building judge! Arrived in Seattle at 5 oclock found Debbie at Rainer -Grand Hotel – Darrell O.K. -28- Still in Seattle – nothing doing. Perrys here – No news of interest. -29- Debbie went with Darrell over to Bremerton – will bring her trunk &c. Bishop Rowe came in from Nome on the “Puebla” today he took lunch with me.
Diary 13, 1907 august30and31	-30- Went to Tacoma – looked after my taxes, &c. Tacoma does not keep pace with Seattle – its a slow, sleepy place – but I love it just the same. -31- In Seattle - Perrys go north tonight on the Dolphin. Debbie & I each bought a warm fur coat for winter. Henderson, dept. clerk is here & gave me news from Fairbanks – nothing of any importance.
Diary 13, 1907 september01and02and03a	Sept. 1. Dinner with Capt. & Mrs. Jar =vis. “Buster”, “Billie” & Anna. Greatly enjoyed my visit – Jarvis Boys are fine manly fellows. Sept. 2. Went over to Tacoma. Debbie & Darrell came & we took a carriage ride out to our Puy =allup valley land. Went to the theater, and saw some of our Tacoma friends. Donnelly Hotel. Sept. 3. Back to Seattle, packed &c. The “Northwestern” came in from home - Gov. Hoggatt came – he is cold

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	& unfriendly & he and Shackelford are trying to fill Jarvis with
Diary 13, 1907 september03band04and05and06	prejudice. Bishop Rowe is here – Dean Stuck & Mr. Jenkins, episcopal minister at Ketchikan, ditto. Took the SS “Humboldt” Capt. Baughman tonight for Juneau & Alaska. -4th- Gulf of Georgia – beautiful day. Took sick this evening - severe chill – high fever. -5- Very sick today – taking quinine – seems to be an attack of malaria. - 6 Ketchikan – am much better today.
Diary 13, 1907 september07and08a	-7- Reached Juneau at 4 oclock & went to courthouse – called court. Settled several bills of exception on appeals &c. &c. Worked till midnight – got everything done for the lawyers but the clerks records could not be written – so Page & Fox, deputy, came with us for Skagway. -8th – Ft. Seward for an hour, arrived at Skagway in evening and went to the “5th Avenue Hotel.” Kept by Charlie Runner & Miss Burke. Am now
Diary 13, 1907 september08band09and10a	Am now – <u>preparing my letter of resignation directed to the President.</u> Sick tonight & called in Dr. Braun, - he has washed me out with salt water & hopes Ill be all right tomorrow. -9th- Skagway to White Horse. Beautiful sunny day – fall weather – fine trip. -10- Our boat will not go out till late tonight = this forenoon I spent in preparing my formal letter of resignation - which I have finally agreed
Diary 13, 1907	on with Debbie. We’ve

september10b	<p>talked it over constantly since leaving Seattle – I tried to get her to remain in Seattle, agreeing to resign & come out from Fairbanks in February – I must go in there to collect moneys & arrange my business affairs – but she preferred to go in with me & come out, if necessary, in March over the snow. – So I am now preparing my letter of resignation with her assistance.</p> <p>I am determined to quit – I only fear the President may not understand it as I want him to.</p>
Diary 13, 1907 september10c	<p>My letter of resignation reads as follows:</p> <p>“Juneau Alaska Sept. 7, 1907 Theodore Roosevelt: President of the <u>United States</u>, Washington, D.C. Sir: I wish to resign the office of <u>District Judge of Alaska, to which you have so frequently appointed me.</u> Several things make it desirable to do so at this time besides the <u>fact that I am a poor man and now have a reasonable and proper opportunity to re-enter the law practice with a fair prospect of accumulating a small competence before opportunity fails or old age overtakes me.</u></p> <p><u>The first of these is that it seems</u></p>
Diary 13, 1907 september10d	<p><u>hopeless to expect those senators who have opposed my confirmation to ever cease to do so.</u></p> <p><u>At a recent term of court held by me at Juneau, Alaska, upon special request of the Attorney General I had the misfortune to decide an important cause involving the career of a young lawyer in a way contrary to Governor Hoggatts views. Thereupon the Governor withdrew his friendship, which I had highly valued, and criticised me so that his loss of confidence became publicly known. His view was both unjust and pre-<u>sumptuous, but his opposition and refusal to support the</u></u></p>
Diary 13, 1907 september10e	<p><u>court added greatly to my burden.</u></p> <p><u>I have greatly desired a confirmation by the Senate of your</u></p>

	<p><u>action in reappointing me as judge in this frontier district, but I now think it is vain to expect it.</u> However, since you have approved my service by several recess re-appointments and have thus repeatedly given your high endorsement thereto, and since the Senate would have confirmed by a large majority except for the rule of unanimous consent which permitted two Senators to prevent it, I shall bear this injustice with patience.</p>
Diary 13, 1907 september10f	<p>I do not wish to abandon my post, however, without your consent nor until you can supply my successor. By repeatedly appointing one in the face of opposition you have assumed a responsibility that places me under such obligations that I do not wish my resignation accepted without it is entirely satisfactory to you.</p> <p>Then, too, it will be some time before you can get my successor to Alaska, and I shall deem it a duty to keep court in active progress until you can do so. My successor can come into Fairbanks via Valdes, at any time after January first 1908, and could take the oath</p>
Diary 13, 1907 september10g	<p>of office at Valdes. It is highly necessary to keep court open in that way.</p> <p>I have the honor, therefore, to request that my resignation as district judge of Alaska, third division, be accepted to take effect not later than March 1st 1908.</p> <p>Respectfully, “ James Wickersham “ District Judge, Alaska</p> <p>Some other considerations appeared important enough to mention as grounds for my action – Debbie's health and my inability to give her</p>
Diary 13, 1907 september10h	<p>attention in Alaska being an important one – but I concluded to base it only upon those mentioned. George wrote the letter for me on a type writer borrowed from the White Pass Ry. & I sent</p>

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	<p>it in an envelope to Page, Clerk, Juneau, with instructions to put it in the Post Office - & the end of my political career was reached with {out} a pang of regret – with real genuine feeling of relief. I can now begin to organize my home – library – and my own private fortune.</p>
Diary 13, 1907 september11and12	<p>-11th- We left Whitehorse this morning – rather about mid =night – on the Str. “<u>Selkirk</u>” Lake La Barge, 30 Mile, &c. Fine day and the most beautiful coloring I ever saw – The frosts have colored the leaves yellow -gold and red – the hills & mount =ains are thus showing the talent of the frost king for coloring – -12- Minto – Selkirk - & the Pelly. As we go north it falls & looks more and more like early winter. My dysentery is some better but I am far from over the attack. Debbie stands trip well -</p>
Diary 13, 1907 september13	<p>-13 Indian Red. at Breakfast 25 miles from Dawson, which we’ll reach at 10 oclock. Major Wood {Comdg. the N.W. M. Police} came with us from Whitehorse. The major is tall – slender, clean shaven 50, looks like a Sioux Indian & drinks “scotch whisky.” Capt. Fitz Horiggan, his aid, is rather portly, greyhaired, social, and looks and flirts like an Irishman – handsome Mrs. Murphy, with little “Jack” her two year old son has not lacked for attention. Arrived here just too late to catch the “Hannah” which left for down river yester day at noon.</p>
Diary 13, 1907 september14	<p>-14th Dysentery bad. Poor old Dawson – she is on the down hill side of life – cabins uninhabited – going to decay – everything looks as if the town is utterly deserted. Dinner last evening with</p>

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	<p>the Roedigers. Nothing new. Jack. Robinson, Depty. Marshal from Eagle is here trying to extra =dite a deserting soldier from Eagle – for embezzlement. Major Wood send Capt. Horiggan to show me a complaint which they had received from Thos. McGuire a British subject, complaining of sentence for petty larceny at Ft. Gibbon. I promised to look into the facts when there</p>
Diary 13, 1907 september15and16	<p>-15- Sunday – cloudy & the first snow of the season – Remained around hotel all day – The Str “Dawson” came down from Whitehorse : Kellogg & wife Lynch, from Esther Creek & others for Fairbanks came on her. -16- Nothing about boat from the lower river yet. The N.A.T. & T. boat “Hamilton” is now due but not reported at Eagle. The launch “Eli” went down to Eagle on Saturday: the Gillil =ands, Howard Turner & Jack Robinson went down on her.</p>
Diary 13, 1907 september17and19	<p>-17- No boat for down river yet. Today called on U.S. Consul Coles, Gov. Hendreson, Judge Dugas, and on Messrs Perry & Thomas, managers for the Guggenheims – the great combine for dredging Eldorado, Bonanza & the Klondyke. My dysentery is gradually getting well!! -19- <u>Steamboat!</u> The “Hamilton” passed Eagle at 9:30 this morning & will be in Dawson tomorrow - & will go back down the river on Saturday. Dinner with Mr & Mrs. Finnie & “Dick” Jr. Beautiful day</p>
Diary 13, 1907 september20a	<p>-20th - Patiently waiting = Regina Hotel. Dinner with the Roedigers tonight They kept open house today “At Home” & Mrs. W met many of the Dawson ladies. Roediger had telegram from Ward – “News” – Fairbanks saying that the Republicans held a</p>

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	<p>primary election at Fairbanks yesterday to elect delegates to the Republican Territorial Convention at Juneau in Nov - Cale was endorsed against Clum. Taft won – and Casey Moran Ed. News. Challenged Dodge to vote on me – and that my friends also won out.</p>
Diary 13, 1907 september20band2 1	<p>Had dinner with Governor Henderson tonight – a formal dress affair – though few present. Gov & Mrs. Henderson, Mrs. W & I, and Ex Gov. Congdon & Capt Fitz Horrigan – in his English red coat. A very pleasant affair – though my shirt stud broke out & my shirt front annoyed me by spreading open. Boat tomorrow at 2:0 -21st- <u>Left Dawson at 4 oclock</u> on steamer “<u>Charles Hamilton</u>” with a crowded list of passengers. Forty Mile early in evening & owing to darkness laid up there till daylight -</p>
Diary 13, 1907 september22a	<p>-22- Eagle – Remained nearly all day at Eagle – Visited the town & our old home – wandered around the post, &c. There are not half as many people at Eagle as there were in 1900, and but for the Ft. Egbert it would be nearly deserted. Mr & Mrs. Meyers are the last of the old friends there – except Cora – no Mrs. Cora Thompson – with two babies. The Str. “Seattle No 3.” was also at wharf – Major Richardson & Harry L. Cohn, asst. dist. atty. on board. I had quite a</p>
Diary 13, 1907 september22band2 3a	<p>long talk with Major Richardson & told him I had resigned. He expressed regret at that and mildly criticised Hoggatt. He told me that Hoggatt said he was angry at my criticism of Shackelford in the Cobb case, & that I did not come to him & make an explanation!!! -23rd- Circle City - & <u>snowing</u>. Appointed <u>R. M. Dobson</u>, justice</p>

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	<p>of the peace, here, in aid of Votan, who is temporarily out of the country. Heavy snow - bought some Indian tanned moose hides. Lying at woodyard near Halfway island, tonight loading wood -</p>
Diary 13, 1907 september23b	<p>Passed the “White Seal” & the “Lavelle Young” going up the river, early this morning above Circle. While in Circle two Indian girls – young woman – met me {on the street} one of them smiled at me in an ingratiating way. I glanced at her and passed one. Again I met them, and again both smiled and seemed to wish to attract my attention – but I swelled up with Virtue and passed on. A third time they met me – on the street crossing and again a smile – and a determination to gain my attention – this time it</p>
Diary 13, 1907 september23c	<p>became so apparent that I was forced to stop when the youngest and best looking came close up and said in a low tone. “<u>How much divorce cost?</u>” They knew I was the Judge who granted divorces and she wished one – while she waited. Even Circle City squaws are assuming Chicago airs! I explained – not to her satisfaction either – that she must see a lawyer. She left me, without a smile, and in evident disgust at my lack of appreciation and power. Snow a foot dep.</p>
Diary 13, 1907 september24	<p>-24- <u>Ft. Yukon</u> in the forenoon. Some signs of prosperity – a new log Episcopal Church, & McInroys new trading post give a sign of life to the old place. Much quarreling & bickering – Miss Wood the Episcopal teacher has gone into the trading post business & it will do great damage. Already Beaumonts & the McInroys crowd are against her and will do all in their</p>

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	power to injure her trade & her influence with the Indians. Nearing Fort Hamlin tonight.
Diary 13, 1907 september25a	-25- <u>Rampart</u> in the forenoon Met Comr Ballou, and Dep Mar. Drake. Inspected offices &c. & visited people. Left some of our passengers – Met the “John C. Barr” in the afternoon below the “Rapids,” – and the exchange of passengers and freight made – the “Barr” taking us & the Hamilton taking the Barrs up river passengers & barge & returning to Dawson. The Barr is much smaller than the Hamilton & our crowd filled it to overflowing. The state
Diary 13, 1907 september25b	rooms are small with three berths in each. Cots – the floor and the tables were used to supply the want of beds – and 90 people were to be fed in a small hall – in three sittings. Capt. Blair kindly offered us his room on the texas – the upper deck, and thus relieved Debbie from much discomfort. We reached Ft. Gibbon about 8. p.m. and left there at midnight for Fairbanks. Comr. Bathurst interviewed me on the necessity for making his a recording district – & I am impressed that it ought to be.
Diary 13, 1907 september26	-26 th -. <u>Cosna, & Hot Springs.</u> A beautiful fall day – no snow – the river high – a bright sun; a pleasant room – makes it a very pleasant trip for us – The Barr is making good time & we will get in Saturday morning. Capt. Barr is a New York City boy & during the winter – when off duty on the Yukon, runs a ferry from Jersey City to 23 rd St. N.Y. Our room on upper deck a pleasure to Debbie. The river is high -

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Diary 13, 1907 september27and28 a	-27- Nenana – the country at the mouth of the Ne-na-na is the prettiest in Alaska. -28- We reached Chena at 7:20 - just too late to catch the train & waited 2 hours for trains to Fairbanks – Edgar is conductor on the train & informed me that the “Times” this morning had the first announcement of my resignation. Many of my friends are disappointed that I resigned - but they did not have to bear the burden, pay the expenses
Diary 13, 1907 september28b	nor repay the losses by worry & years of fight -ing without an opportunity to fight back. <u>I am satisfied – and that ends it.</u> The <u>Times</u> & <u>News</u> have the usual editorials – one claiming the victory & the other announcing my retire =ment with great credit, &c. <u>Beautiful day</u> – Received my second class mail of last winter!!
Diary 13, 1907 september28c	[newspaper clipping:] “(Times Special Service.) WASHINGTON, Sept. 27 ==President Roose=velt announced tonight that he had received the resignation of James Wickersham as judge of the Third Judicial Division of Alaska, the same to become effective upon the appointment of his successor. The president further announced that the resignation would be accepted, and that he would appoint Judge Wickersham’s successor in October upon his return to Washington from his Western trip. It is understood that Judge Wickersham will engage in the practice of law at Fairbanks. M’CORMACK.” [second newspaper clipping:] “ The fight that has been made against the reappointment and confirmation of James Wickersham as judge of the Third judicial division of Alaska is at last at an end. This result has been brought about by the tender of his resignation to President Roosevelt, to take effect upon the appointment of his successor

	<p>and the announcement by the president that such appointment will be made by him upon his return to Washington in October.</p> <p>In view of all the circumstances of the situation, The Times feels that it is fully performing its duty to the public by presenting the facts without extended or unnecessary comments.</p> <p>The position which this paper has taken and which it has steadily pursued is well known.</p> <p>It has fought its fight without fear and without hope of reward except such as it may share with the general public when confidence in"</p>
<p>Diary 13, 1907 september28d</p>	<p>[newspaper clipping continues:] the judiciary shall have been re-established and the feeling of fear, uncertainty and oppression which has heretofore existed in this division shall have been removed.</p> <p>The satisfaction which we feel at the outcome is entirely impersonal. We glory and exult in the defeat or adversity of no man.</p> <p>The Times took up the cudgel against what it conceived to be a judicial situation that was a travesty upon law and a mockery upon justice. In the contest which followed it nailed its colors to the mast, to remain there until the ship sank or the battle for right was won. The fight has been won. To this result we feel that The Times has in no small way contributed and that in so doing it has remained true to its principles and has justified its existence.</p> <p>It is now to be hoped that in appointing a judge for this judicial division President Roosevelt will be fortunate in his selection. All that The Times desires in this regard is to see the district court presided over by a judge whose legal learning and ability shall command respect and whose honesty and integrity shall inspire the confidence of all."</p> <p>The above extracts from the Morning Times & those following from the Evening</p>

	<p>News of the same day</p> <p>[newspaper clipping:] "WICKERSHAM'S RESIGNATION. Judge Wickersham has resigned. For two years he has had such a move, he says, under consideration, but refused to step down while under fire.</p> <p>During that time he has been pelted right and left by men who opposed him because his decisions did not suit them. Investigators have been sent here but they failed to find any of the charges against the presiding judge substantiated.</p> <p>To be sure he was charged with bowling a gamed down at Fred Martin's, but that had nothing to do with his decisions in court on mining questions. A moral or mental giant of this city brought in the gambling question to oust the judge whose mining decisions were not to his liking. And so it has bone. The camp was split into factions. The men who were fighting the judge kept him there by that very fight. The president told him personally after reading the the report of the investigators that he would remain judge as long as he was president.</p> <p>The live sprit of the camp was killed. The Wickersham matter was drawn into every municipal or district affair. No person or persons could make a move in the camp but his or their motive was questioned. It became so unbearable the people cried enough.</p> <p>Last summer a Mr. Cooley was supposed to come in here and investiagte. He failed to show up. The activity of the anti-Wickersham men began to wane, and it died a few days ago at the republican primaries, when the judge was endorsed, even though a train load of republicans (?) were brought from the creeks to defeat such an end.</p> <p>Secing that the fight against him had come to an end Judge Wickersham resigned.</p> <p>The fight has brought what? Nothing except discord and strife. It has injured the town and the district. It ahs cost the anti's thousands of dol-</p>
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	<p>lars to keep it up. Judge Wickersham could have made several times his salary had he been practicing law. He, too, is loser. And after these men quit and find the fight useless, they are astonished to see Judge Wickersham step down and out.</p> <p>Our earnest and sincere hope is that his successor will be as capable and fearless as he has been, for as years roll by this records as a judge will stand out with ever increasing brilliancy.”</p>
<p>Diary 13, 1907 september28e</p>	<p>[newspaper clipping, line breaks ignored:] “JUDGE WICKERSHAM LEAVES THE BENCH WASHINGTON, D. C., Sept. 27. – President Roosevelt today received the resignation of James Wickersham as judge of the Third judicial division of Alaska. The letter of resignation asks that Judge Wickersham’s successor be appointed as soon as possible after the resignation is accepted.</p> <p>The president stated that he had not yet considered the question of a successor to Judge Wickersham, and would not do so until after his return from his trip through the South late in October.</p> <p>The resignation came as a great surprise, even to the intimate friends of the judge. No reason is given for the resignation, but it is stated that Judge Wickersham has been for a long time desirous of entering the private practice of law in Fairbanks.</p> <p>After a very pleasant trip down the river from Dawson, Judge Wickersham arrived in Fairbanks this morning, being a passenger as far as Chena on the Barr.</p> <p>The one topic of conversation around town today was his resignation as judge of the Third judicial division, and he gave the story personal confirmation on his arrival.</p> <p>“The report that I have resigned is true,” said the judge to a representative of the News upon his arrival this morning. “It is a matter of extreme gratification to me that throughout the controversy which has arisen over my retention of the office I have had the confidence of the president, and have all along had his personal assurance that, so long as he was president of the United States, I would occupy the office of judge of this division..</p> <p>“My private interests are such, however, that I cannot, with any degree of justice to</p>

	<p>myself, continue to longer serve the government in that capacity.</p> <p>“My resignation is to take effect on or before the first of March next, and I am hopeful that my successor will have been appointed and will have qualified by that time. Who my successor will be I have no idea. I have not interested myself in the matter in any way.</p> <p>“I have had the feeling that the court has enjoyed the confidence of the people since the time of the Third division was organized, and the public’s endorsement of the work of my office as expressed in the vote at the Republican primaries held last week is gratifying to, and appreciated by, me.”</p> <p>Judge Wickersham will immediately proceed with the term of court already called.</p> <p>After his successor qualifies he will engage in the practice of law, making his permanent residence in Fairbanks, where many flattering inducements have been offered to secure his services in a legal capacity.”</p>
<p>Diary 13, 1907 september29and30a</p>	<p>-29- Sunday – at home trying to get things comfortable – The house is in pretty good shape & old “Don”, our dog, was very happy to see us.</p> <p>-30- Getting office work going slowly. I am greatly surprised at the report that the Anderson jury - for the trial of Cap. Anderson for forgery – was fixed by Barnette, to help Anderson off- The story is that for some arrangement between Anderson and Barnette – McArthur, Barnettes brotherinlaw was left on the jury with an agreement to “hang” it</p>
<p>Diary 13, 1907 september30bandoctober01and02a</p>	<p>- the record shows that McArthur was on the jury – that he voted for acquittal, and no possible human excuse for Anderson’s having McArthur on the jury can be made, <u>except that he was “fixed.”</u></p> <p><u>October. 1st</u> Working in office &c.</p> <p><u>Octo. 2nd</u> Our house in pretty good shape & we are now quite comfortable. In the matter of the delegates to the Juneau Convention a “funny” mix up has occurred. Owing to the fear that none of the delegates</p>

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	might be able to go there, Heilig - for the delegates – and without
Diary 13, 1907 october02b	much thought – sent the creden =tials for the 14 delegates, with an appointment of proxy by each, but the name of the proxy in blank – to be filled in – to <u>Louis P. Shackleford</u> , at Juneau. when I told him that Shackleford was Hoggatts partisan – and opposed to Cale, to Territorial government, to me, and to everything the delegates had been elected to support – there was blank consternation. It has resulted in an agreement to send Tozier out with proxies from the delegates & a cancellation of Shacklefords power. Claypool desired to
Diary 13, 1907 october02band03a nd04a	go, but I insisted that he could not be trusted and McGinn & Tozier agreed with me – Tozier will have to go overland during this month by stage – an unpleasant trip! Octo. 3. Nothing new – at work in office. Have consulted with Cousby, Acting District Attorney about fixing the Anderson jury, but he finds much trouble to disco =ver a statutory provision under which they may be punished. -4- Nothing much, except that candidates for the Judgeship are springing up thickly.
Diary 13, 1907 october04band05	Harlan telegraphed me from Valdes saying that he contemplated being a candidate & asking me to endorse him & saying that he regretted my resignation. His impudence made me mad & I telegraphed back that I would not endorse him & that I regretted that <u>he</u> was not in Fairbanks attending to his business. -5th- Am about to enter into a business arrangement with Heilig, Tozier, Lloyd & Taylor, in a mining scheme in the Kantishna – they offer me 1/16 interest in the whole thing for \$5000. and I am almost persuaded to take it.

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	Dinner tonight with Mr & Mrs. Dundas.
Diary 13, 1907 october06	-6th- Completed preliminary plan for contract tomorrow by which I am to purchase a 1/16 interest in Lloyd & Taylors mines on the Kantishna, for \$5000.00 We are to organize the Alaska Stibnite Co. and the Conwyl Mining Co. – the first to take over the Antimony mines – the second the gold mines (quartz - & placer). Snowing – looks like winter. Dinner with Capt & Mrs. Barnette. <u>After dinner B talked to me about partnership in law business with McGinn, as soon as I am off the bench – said but little, but think well of it.</u>
Diary 13, 1907 october07and08an d09	-7th- <u>October Term of Court.</u> begun this day. -8th- Finished purchase of 1/16 int. in gold mines & stibnite mines from Lloyd, et. al. by deed from Heilig = paid Heilig \$5000.00 and he gave me deed. Court work slow yet. Grand & Trial jury drawn. -9th- Assisted Heilig, et al. in the formal organization of the Conwyl Mining Co. and the Alaska Stibnite Co. – the former with authorized capital stock of \$2,000,000. the latter \$1,000,000. Thomas Lloyd, Wm Taylor, Heilig Z. A. Scouse, & Tozier & I incor =porators. Snowing. Nothing much in court.
Diary 13, 1907 october10	-10- Court work dragging & hard to get the attorneys to do anything. Am preparing remarks on “ <u>Alaska Territory</u> ”, for delivery at banquet on 18 th – the 40 th anniversary of the raising of the American flag in Alaska. I hope to make it clear that Alaska <u>is</u> a territory - <u>has a “territorial form of gov =ernment,”</u> and that those who – like Gov. Hoggatt, say they oppose the adoption of a territorial form of government for Alaska, do not think or

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	<p>Speak clearly.</p> <p>-12- Busy in court – am now getting work started. Snowing & wintry. [continued below]</p> <p>-13- Busy on remarks for anniversary of Flag Day – on Alaska, a Territory.</p> <p>-14- Grand Jury empanelled – Court now working. <u>Appointed Jerry Cousby, Dist. Atty. act. Disability of Harlan – at Valdes.</u></p> <p>[April 12 entry continues at bottom of page:] Met McArthur on street & refused to shake hands with him. Said to him that I refused had no use for a man who sat on the Anderson jury & acted as he did – He complained to McGinn who told him the less he said the better.</p>
Diary 13, 1907 October 12 and 13 and 14	
Diary 13, 1907 October 15a	<p>-15- A row with Pratt today. He is attorney for Leber who was served with subpoena last winter to appear in court, but ran away. We caught him at Valdes on a contempt proceeding & allowed him to go on bail. The case now comes up for trial. Pratt demanded a jury trial – which is in the discretion of the judge – and for fear that my action would be adverse – <u>Pratt advised him to go</u> – so Pratt says – he came into my office at before court met at noon and in effect said to</p>
Diary 13, 1907 October 15b	<p>me – no one being present – “<u>I am going to ask for a jury trial – I don't want you to try it – If you do it will be very disagreeable for you.</u>” and then began to talk & argue about the case. I said nothing but quietly got him out of the office. When court met and the case was called for consideration he asked for a jury trial – Stevens objected – and I refused to allow it upon the ground that it was my duty to protect the</p>

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	<p>court from assaults. I then repeated from the bench in presence of Heilig, de [written in margin:] He said he advised Leber to go away in violation of the orders – subpoena.</p>
Diary 13, 1907 October 15c	<p>Journet, Dundas, Magnin & others the conversation which Pratt had carried on in the privacy of my chambers – he admitted the conversation – whereupon I roasted him && said that I had met with many disagreeable things while holding court here but the most disagreeable of all was he & his clients. That I would set the Leber case for trial on Friday & that if Leber was not here I would send a warrant for him. Pratt walked out chewing tobacco like a cane mill, but thinking.</p>
Diary 13, 1907 October 16	<p>-16- The Chena River is frozen over & all boats in winter quarters. This is two or three weeks early. <u>The “Florence S.” a small steamer employed by Tom Lloyd & Taylor to take our supplies pu to the Kantishna got no farther than Chena.</u> This will greatly hinder them in the winters work on the mines. Court work getting brisk. Grand jury at work and Cousby acting District Attorney. Beautiful, sunny, cold days & clear nights. <u>Good trails.</u></p>
Diary 13, 1907 October 17	<p>-17- Have been hearing contempt case against John Klonos, et. al. for two days – refused to convict for contempt because <u>no bond</u> to secure injunction violated. Banquet tonight in celebration of 40th anniversary of Alaska Day - the day when American Flag was raised first at Sitka I made an Address: “<u>Alaska, a Territory,</u>” other good addresses and an enjoyable meeting I took the legal position that Alaska is a Territory, and now has a Territorial form of government. My reception was</p>

	flattering – highly gratifying.
Diary 13, 1907 october18and19a	-18 Banquet last night successful – pleasant & agreeable. Leber contempt case went over until tomorrow at 2 o'clock. -19- All day typing the Leber Contempt case. Pratt threatened that if I tried it he would make it disagreeable for me and he did. He raised all kinds of small & immaterial points & argued them at great lengths – accused me of bias & prejudice &c. &c but I preserved both my temper and dignity and went ahead with the case – till 5:30 this evening - & I am tired.
Diary 13, 1907 october19b	News of the 19 th [newspaper clipping:] A FAMOUS SPEECH. As years roll by and historians settle down to their work of recording the big things in the life of Alaska the speech made by Judge Wickersham at the Alaska Day banquet Thursday evening will come in for its full and well-deserved share of space in history. It was an able and remarkable address inasmuch as it dispelled some false notions that have been held regarding the political status of Alaska and at the same time held up in a remarkably clear light the rights which are for some reason withheld from citizens of this territory. Judge Wickersham had carefully prepared himself for the occasion. Guided by a judicial turn of mind he did not stop his investigation to establish the exact status of the territory until he had examined all the supreme court decisions where the question of its political affiliation with the nation was one of the questions to be determined. And in this
Diary 13, 1907 october19c	regard it might be said that he is perhaps the best authority in Alaska regarding this one feature of our ties with the union. He set everyone right on the difference in the cries between territorial government and self-government and when he said that while

	it was provided that Alaska was to be a territory with the three popular branches of government he made a distinct impression on everyone by the emphatic manner in which he said that while the executive and judicial branches had been provided, the legislative branch was still lacking. That the speech will be copied far and wide there can be no question, for not only will Alaskans study it closely, but also our friends on the Pacific coast who are hearing our cry to congress and who wish to assist us if possible. Clearly and concisely describing the political standing of Alaska it was with the greatest enthusiasm that the eminent jurist turned to the toastmaster and declared that he had been, is now and would always be in favor of the people governing themselves. And this man who has had more executive work to do in Alaska than the appointed governor, said with true spirit of a patriotic citizen that the highest ideals of government is one “of the people, by the people and for the people.” We not only earnestly suggest that every citizen read the speech carefully to put himself in possession of important and until now little known facts about our political position, but we would ask that some of the friends of Governor Hoggatt take him quietly to some secluded spot and read it carefully to that gentleman.
Diary 13, 1907 october20	Fairbanks Tribune 19 th [newspaper clipping:] “ Judge James Wickersham’s address on Alaska, a Territory” was nothing short of amazing as an education in the matter that has during the last year involved the entire territory, the question as to whether home rule should be given Alaska. There was no evasion in the speech, the whole being a powerful argument on behalf of a territorial form of government. Every paragraph of that speech should be read by any man who has the slightest desire to study the important question. The speech is print-

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	ed in full in the Fairbanks daily papers, and also would be reproduced in The Tribune but for lack of facilities to handle an article of such length.”
Diary 13, 1907 october21	-21- Trial of U.S. ex. re. Fleming v Leber concluded – Pratt has made good his threat that he would make it disagreeable for me if I tried the case – he & Leber filed affidavits that I was biased & prejudiced, against Liber &c. and Pratt gave his usual intense personal bias to the case all the way through, but I kept my temper & found Leber guilty & fined him \$250.00 & costs. Also ordered Dept. Dist. Atty. to prepare charges for contempt for threatening me & for advising Leber to violate the subpoena.
Diary 13, 1907 october22and23a	-22- Telegrams this morning say the case of Charlton v Kelly was <u>affirmed</u> by the Circuit Ct. of Appeals. Hope so, for the instructions in that case are <u>very important</u> in mining cases. Trial of Pratt, for contempt, called at 4 o'clock, but he asked for more time & I granted 24 hours. It is still hard to get the attorneys down to work & no jury trials heard so far. Dinner with St. Georges tonight -23 rd - The Pratt case was tried today He demanded all kinds of impossible rights, but after
Diary 13, 1907 october23b	permitting him to read what he called his explanation to purge him of contempt – which was in effect a statement that the court had misunderstood his meaning – or lied about it. I held that he had no right to a trial – no right to a hearing to prove that the court was wrong – but that the “judicial eye had seen, the judicial ear had heard, the judicial mind had formed its judgment,” and the only thing further to do was for “the judicial arm to reach forth and administer the punishment” – which {it} †

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	did and imposed a fine
out of place 23c and 24a	of \$300.00 He was greatly relieved when I did not give him a term in jail as he expected – and deserved. -24- Newspaper reports are that the Anti Hoggatt people have a majority in the Juneau convention – and will endorse local legislative government for Alaska. I anticipate a bitter fight between the factions The reports say that Cale is leading for nomination for Delegate and that I am also favorably mentioned. The “Times” this morning has a strong Cale editorial - and
Diary 13, 1907 october24b	declares itself in favor of his renomination – I at once sent for the News reporter & gave out the statement that <u>I am not a candidate. I will not be a candidate and will not accept the nomination if tendered. I am for Mr. Cale.</u> The News published that tonight & sent a telegram of that kind to the P-I. at Seattle Tonights dispatches say that there is almost a panic in the money market in New York Gov. Hoggatt is yet at Valdes investigating the recent shooting in the Keystone Canyon.
Diary 13, 1907 october25	-25- Court work now good & the lawyers beginning to move. Trying jury cases. Outside telegraphic news that President says he will not appoint any local candidate for judge - but all such and all dispatches are guesses. Beautiful weather. Another telegram from Darrell saying that he had been ordered back to the Nebraska. <u>Created the Ft. Gibbon Recorders Precinct today.</u> <u>Appointed John Bathurst Commissioner.</u>
Diary 13, 1907 october26	-26- Beautiful fall weather.

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	<p>Jury trials in court. Dinner at home tonight Mr & Mrs St George & Mr & Mrs Dundas. Attended "High Jinks" at the Tanana Club. I have now consented to join the Club – and intend to be more social – now that I am out of office – or soon will be. I responded to the toast tonight of "The Court" – and spoke in a humorous & reminiscent way upon the Dignity of the Court – relating anecdotes of undignity.</p>
Diary 13, 1907 october27and28a	<p>-27- Dinner with Mr & Mrs. Mark Sul =livan – three months married – lawyer friend and good fellows. -28th- Court work progressing. News tonight says the people of Valdes in general political caucus adopted resolutions censuring Gov. Hoggatt for his interference in criminal examination of Hozlett, Hosey & other officers charged with the shooting in the Ry. row in the Canyon. Also that the caucus endorsed Harlan – =think of condemning Hoggatt & endorsing Harlan, for judge! Its funny. Hubbard & two</p>
Diary 13, 1907 october28band29	<p>anit-Guggenheim men – these Home Ry. men were elected delegates – instructed for Roosevelts policy & Cale. Thats a hot shot at the Governor, but a fatal one for Harlan who will find Hoggatt blocking his way the judgeship. I can almost forgive Hoggatt because of some of his enemies - if it was'nt for Dodge & some of his friends. -29th- U.S. v Orr. – Cousby for U.S. Pratt for defendant. Pratts trial of a criminal case is a greater crime than that which is being tried.</p>
Diary 13, 1907 november01a	<p>-Nov. 1- Court work progressing. Grand jury finished & adjourned. Tozier, delegate from Fair</p>

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	<p>=banks with 20 proxies has not yet arrived even at Valdes. In that connection dispatches from Seattle say that Perkins is candidate for Delegate – that Nome & Third Dis. delegates have combined, - it looks as if Dodge & Ronan were trying to trade Cale off and combine with the Ryan-Perkins push to control the Juneau convention. Tozier will be traded out of his power before he gets to the convention - if signs are evidence.</p>
Diary 13, 1907 november01b	<p>[newspaper clipping:] "PRESIDENT'S COMPLIMENT Says He Will Appoint No Judge Until He Gets the Right One. MAY BE OKLAHOMA MAN Roosevelt Says He Must Be as Strong a Man as Is Judge Wickersham. (United Press Service.) WASHINGTON, D. C., Oct. 31.- Owing to the many inquiries that have been made as to who would be the successor of Judge Wickersham, of Alaska, the president has given it out that he will not name a man until he has found one who is as strong as Judge Wickersham, whom he held in the highest esteem and confidence. There is some talk of S. H. Reed, of Oklahoma, being given the ap— pointment, but whoever secures the appointment will have to be satisfactory to both the attorney-general and President Roosevelt. GREATEST OF COMPLIMENTS. What greater compliment could any man ask for? President Roosevelt says he will not appoint a successor to Judge Wickersham until he finds a man as strong as the latter." 25 degrees below Zero.</p>
Diary 13, 1907 november03	<p>-Nov. 3rd- Have been trying Pratt, lawyer, for contempt of court in advising and instructing Leber to disobey the subpoena of this court last Nov. Have the case under</p>

	<p>advisment to prepare a written opinion. Pratt filed a motion for a change of judge alleging bias and prejudice, and filed an affidavit setting up the fact that he has long been fighting my confirmation &c. and that I knew of his opposition & was therefore prejudiced against him. An interesting law point is also involved:</p>
Diary 13, 1907 november04	<p>-4th-</p> <p>U.S. v Bandom & Thompson - "sniping" - stealing gold from the drift by working miners. Guilty – a clear case.</p> <p><u>The News tonight prints the record of my 8 years trials. No of final judgments 1726. " " appeals affirmed 33 " " " reversed 10.</u></p> <p>[newspaper clipping:] " A LASTING MONUMENT. In another column we are able to-day to present a statistical review of the cases which have come before Judge Wickersham while serving in Alaska. The very figures of cases tried, appealed, sustained and reversed speak in more eloquent terms of his ability, keen judgment, knowledge of law, fearlessness and honesty than a volume of praise. Such records live and grow and stand out with more prominence as days go by and become the monument which is erected for but few men before death demands a life's review and the people weigh careers." Tozier got to Valdes yesterday & caught Str. "Portland" for Juneau, on time & O.K.</p>
Diary 13, 1907 november05and07a	<p>-5-</p> <p>Trial Dubois v Robinson with jury. Telegram from S. F. today that Circuit Ct. of Appeals. <u>affirmed Marlatt v Noves</u>, - one of – rather Dodges <u>only</u> case with any merit. Read Masonic funeral service at burial of Dr. H. V. Nichols, a pioneer of Circle & Fairbanks 40° below this morning.</p> <p>-7th-</p>

	<p>Trying jury case for two days – Dubois v Robinson - wood case. Working on Decision in re Pratt. contempt</p>
Diary 13, 1907 november07b	<p>Recd. marked copy of Juneau Record - Hoggatts paper, with marked copy article saying that Gov Hoggatt, demanded my resignation & the President yielded & asked me to resign. At the time this article was published Hoggatt was in Juneau – saw it & adopted the lie thereby! I am greatly disappointed in his character for I thought he was both courageous and truthful. I knew Shackelford was a poor little Apache, but I thought the Governor was to have to stoop to adopt a lie to hurt even his bitterest enemy.</p>
Diary 13, 1907 november07c	<p>[newspaper article, line breaks ignored:] "Fairbanks Daily News, Monday, Novemb {Nov 4, 1907}</p> <p>Record of Wickersham's Decisions on Appeal</p> <p>In Eight Years Has Tried 1726 Cases---33 Have Been Taken to Higher Courts. Only in 10 Instances Has Decision of Court Been Reversed---Attorneys Agree That This is a Remarkable Record.</p> <p>One of the very interesting questions before the people of the Tanana for some days past has been: "How many decisions of Judge Wickersham, taken to the circuit court of appeals, have been reversed?" At some expense and a great deal of trouble, The News has taken pains to gather a very complete digest of the work of Judge Wickersham, not only while acting as Judge of the Third division, but also while occupying the bench of the United States district court at Nome and Juneau. The result of the investigation, as shown in the tabulated statement which follows, can only be construed with the utmost favor to Judge Wickersham. A record of 30 per cent of reversals, which the table shows, is considered something very remarkable by members of the local bar association. The News went to the pains of ascertaining from the members of the bar, of the district court of the Third division, the</p>

general average of cases reversed on appeal from district courts to the circuit court of appeals and from these two, together with the appeals taken from state supreme courts to the United States supreme court. A very large majority of the attorneys interviewed were of the opinion that 50 per cent of reversals would be a very safe average.

Judge Wickersham himself was interviewed on the subject by a representative of The News. Speaking, without any knowledge of the reasons which prompted the interview, the judge was of the opinion that 40 reversals, on appeal, out of every 100 cases, would be a very fair average.

Many of the attorneys also pointed out the fact that appeals are taken on fine point of law which the court must necessarily decide off hand during the course of trial, and which the higher courts must also necessarily have time to decide after mature judgment has been passed on their merits, and after consulting their authorities on the questions involved.

The fact that out of 1,726 cases in which final judgment has been given, Judge Wickersham's decision has been appealed from but 33 times, and his decision reversed in but 10 instances, speaks volumes for the legal attainments of the court, and makes more incomprehensible than ever the reasons for the bitter fight which has been waged against him.

But it also said to the credit of the local bar association that they view with favor the view taken by the circuit court of appeals of the Ninth circuit that minor errors in practice, and minor errors in judgment of the district courts of the United States bear but little weight with the gentlemen comprising that court, but that the appeals are largely decided on the general principles involved, and by a preponderance of the evidence presented therein.

The following table clears up every moot point which brought about its compilation:

The Records of the District Court at Fairbanks, Nome, Valdez and Juneau show that Judge Wickersham rendered final judgment, decree, or sentence during the past eight years in the total number of cases pending in that court before him as follows:

	Final Judgments.	
Fairbanks....	831	Nome... 537
Valdez.....	243	Juneau... 115

Total number of final judgments in eight years, 1,726

Cases Appealed.

To the Circuit Court of Appeals and Supreme Court of the United States.

	<p>Total number of cases decided on appeal... 33</p> <p>Total number of cases affirmed on appeal... 23</p> <p>Total number of cases reversed on appeal... 10</p> <p>Total number of cases decided in eight years 1726</p> <p>Total number of cases reversed in eight years 10</p> <p>Percentage of appealed cases reversed, 30 per cent</p> <p>Percentage of appealed cases affirmed, 70 per cent.</p> <p>Cases Appealed from Judge Wickersham and</p> <p>Decisions given by Appellate Court as Follows:</p> <p>Stockslager vs. U. S., 116 Fed. 590 Affirmed</p> <p>McDougal vs. N.W. Com. Co., 120 Fed. 1021 “</p> <p>Ames vs. Farrelly, 121 Fed 820 “</p> <p>Price vs. McIntosh, 121 Fed, 716 “</p> <p>Piper vs. Cashell, 122 Fed. 614 “</p> <p>Reedy vs. Wesson, 122 Fed. 1021 “</p> <p>Walton vs. Wild Goose Mining Co., 123 Fed. 366 Affirmed</p> <p>Bruce vs. Murray, 123 Fed. 366. Reversed</p> <p>Pacey vs. McKinney, 125 Fed. 675 Affirmed</p> <p>Anvil Gold Mining Co. vs. Hoxsie, 125 Fed. 725 Reversed</p> <p>Richards vs. U.S., 126 Fed. 105 “</p> <p>Owens vs. U. S., 130 Fed. 279 “</p> <p>Brosnan vs. White, 136 Fed. 74 “</p> <p>Meehan vs. Nelson, 137 Fed. 731 Affirmed</p> <p>Copper River Mining Co., vs. McClellan, 138 Fed. 333 Affirmed</p> <p>McCConnell vs. U.S., Oct. 23, 1905 “</p> <p>A. C. Company vs. Debney, 144 Fed. 1 Reversed</p> <p>Madden vs. McKenzie, 144 Fed. 64 Affirmed</p> <p>Hemple vs. Raymond, 144 Fed. 796 “</p> <p>Johanson vs. Sondheim, 145 Fed. 620 “</p> <p>Martin vs. Whites Guardian, 146 Fed. 461 Reversed</p> <p>Bartolis vs. Cascaden, 146 Fed. 739 “</p> <p>Lange vs. Robinson, 148 Fed. 792 Reversed</p> <p>Callahan vs. Peterson, Oct. 12, 1906 Affirmed</p> <p>First National Bank vs. Fish, 150 Fed. 524 “</p> <p>Marks vs. Gates, 154 Fed. 481 “</p> <p>Meehan vs. Nelson, June, 1907 Reversed</p> <p>Charlton vs. Kelly, Oct., 1907 Affirmed</p> <p>Hardy vs. U. S., 186 U. S. 224 “</p> <p>Binns vs. U. S., 194 U. S., 486 “</p> <p>Perovich vs. U. S., 205 U. S. 86 “</p>
Diary 13, 1907 november08	<p><u>Nov 8th 1907</u></p> <p><u>This mornings paper announces the appointment on yesterday of Silas H. Reed of Oklahoma, as District Judge in my stead.</u> Well I'm glad the long fight is over – I m glad I've had it, and I am satisfied with my efforts. It was the best I could do – it was done honestly and ever without fear, though with such errors as inevitably happens to those who do their best. I only hope Judge Reed</p>

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	will come on in soon & relieve me of the burden.
Diary 13, 1907 november09	-9 th - Judge Reid is said to be an Illinois mare & a heavyweight – physically & mentally. Heard the motion calendar today & am tired as a dog, but engaged in the preparation of an opinion in the Contempt case of Pratt. Fine warm weather. D. T. Boone, Sr. came in to see me last night & showed me the copies of indictments &c from Texas against Frank Manley, whose true name is H. B. Knowles & wanted me to take up case against him – <u>but I refused to do so</u> [newspaper clipping in margin:] “(United Press Service) WASHINGTON, D. C. Nov. 8. – The announcement was made yesterday by President Roosevelt that he had appointed Silas H. Reid, of Oklahoma, as judge of the Third judicial division of Alaska to succeed Judge Wickersham.”
Diary 13, 1907 november10and11	-10- A warm day – <u>raining</u> tonight. Busy writing opinion in re Pratt contempt case. -11 th - Read my opinion U.S. v Pratt, holding him guilty of Contempt, & fined him \$250.00 Trying the case of Andrak v Berry <u>et. al.</u> Dundas & de Journal, for plft & McGinn & Clark for defts. Dundas is a clever sparer - but not up to the line that McGinn occupies as a lawyer.
Diary 13, 1907 november12	-12- The “ <u>Times</u> ” roars gently this morning in defense of Pratt, but says finally that he must depend upon a calm public opinion and the appellate court for vindication!! My but thats gentle. If Dodge were here there would be no waiting for calm public

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	opinion or the appellate court – Bi. would make an affidavit! I also ordered Cousby to bring another charge against Pratt for filing his vicious affidavit for change of venue.
Diary 13, 1907 november13and14a	-13- Warm – Trying case Andrak v Berry, - equity case over title to 2 miles suing ground on right limit of Ester Creek. Sent \$275. by telegraph yesterday to Henderson, Valdes. to pay repairing sidewalk & house. – Fear Reynolds failure will tear down price of real estate there – had better have sold. -14- Hell of a time at the Juneau convention. Hoggatt, Dodge & John Corson of Nome are making a personal fight on me – a curious alliance!
Diary 13, 1907 november14b	-Nov 14 th - Received following letter today: “ <u>The White House.</u> “ <u>Washington,</u> “ <u>September 26, 1907.</u> “ <u>My dear Judge Wickersham.</u> “ <u>I am in receipt of your letter</u> “ <u>of the 7th instant and accept</u> “ <u>your resignation with regret.</u> “ <u>I appreciate fully, however, why</u> “ <u>you feel that you must leave.</u> “ <u>With all good wishes from {for} your</u> “ <u>future believe me, sincerely yours,</u> “ <u>Theodore Roosevelt.</u> “Hon James Wickersham “District Judge, Juneau, Alaska.
Diary 13, 1907 november15and16a	-15- Press dispatches from Juneau are that the Heid – Cale – Nome – Tozier combination won out, defeating Hoggatt – declaring for local government &c. & electing Six delegates to the National Republican Convention – Recd. telegram from Tozier & Harry Steel from Nome saying that they had elected me one of the delegates. -16- Delegates to the National Convention elected at Juneau

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	1. John. G. Heid – Juneau. 2. <u>Frank Ballaine</u> , Seward. 3. <u>James Wickersham</u> , Fairbanks. 4. <u>Dick Ryan</u> , Nome 5. <u>Perkins</u> , “ 6. <u>Capt. Johnson</u> , “ This list must be gall & wormwood to Hoggatt & Dodge – Heid – to Hoggatt & myself to Dodge. But they, like we, took a warriors chance, and must lie still & die gentlemanly and without spattering the stage with gore. The “Times” has nothing today. [newspaper clipping:] “ The final decision of the convention which met with staisfaction throughout was that Captain Johnson, Dick Ryan and W. P. Perkins, of Nome; Judge James Wickersham, of Fairbanks; John E. Belaline, of Seward, and John G. Heid, of Juneau, be delegates. The following alternates were named: First division, Sol Ripinsky, Haines; L. S. Keller, Skagway. Second division, Harry Steele and J. Gilroy, Nome. Third division, D. A. McKenzie, of Cordova, and J. K. Brown, Fairbanks. The following territorial committee was appointed: First division, Hunt, Simpson and Shea; second division, Cassel, Pepper and Melroy; third division, Sheldon, Valdez, chairman; John L. McGinn, Fairbanks; Youngs, Seward.”
Diary 13, 1907 november16b	
Diary 13, 1907 november17a	-17- Beautiful weather – the ther =mometer registering about zero, and above – clear cold & crisp. Today sent out copies of my the News reprint of my resignation and the Presidents reply thereto, to the newspapers in South Eastern Alaska, from Seward to Ketchikan, to overcome the story persistently repeated by Hoggatts friends that <u>he</u> procured the President to request my resignation. I am greatly disappointed that Hoggatt should thus approve so malicious a lie about another official.
Diary 13, 1907 november17b	Have consented to Thompson publishing my Answer to Charges & Interrogatories to McCumber in his Labor Union paper. He thinks it will both fill space and be of

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	interest – I doubt the latter, but have consented to his wish. He will publish the <u>announcement</u> in his first issue tomorrow. His paper will represent the Miners Union – the Federation, - I do not think it will do either them or me harm for them to know the truth about the McKenzie -Nelson scheme to boss this region – it may assist in preventing the corrupt exploitation of the camp for that gang by Dodge
Diary 13, 1907 november18and19a	-18 th - Found Pratt guilty of Contempt for filing his bitter & contemptous affidavit & fined him \$1.00 and sentenced him to imprisonment in jail for 1 hour, and suspended him from practice till February 1 st 1907. -19- Sent Gov. Hoggatt today the following telegram: “Will you send me for my official information by first mail copies of all letters or communications addressed by you to the Department or President complaining of my action, with =
Diary 13, 1907 november19band20a	=drawing your support or requesting my removal: Please answer by telegraph.” His newspaper at Juneau keeps asserting by innuendo that he is preparing secret charges against me, and I intend to make him show up face to face if possible. -20- Hoggatt is of the Dodge Pratt, Manley bird evidently. He is afraid – or intends to attack me secretly – In answer to my telegram of yesterday he says by telegraph today: “ <u>You should apply secretary, Interior</u> <u>and President who have all letters</u> <u>written by me concerning you.</u> ” Well, I’ll wait for the next move & then
Diary 13, 1907 november20band21a	give him a broadside he wont soon forget. I am greatly disap =pointed in that phase of his character – I supposed that <u>he</u> would say: Here is my statement

	<p>and opinion of you – now what are you going to do about it? But, instead, he keeps in the dark, makes secret attacks and charges & refuses to face me even when challenged. I shant treat him that way -21-</p> <p>This mornings Times has a long editorial attacking Dick, Ryan & Perkins as {for} being “McKenzie men.” – <u>this from</u> Dodge – who has for three</p>
Diary 13, 1907 november21b	<p>years been acting with McK =enzie, Nelson, McCumber Nye & Manley, in attacking me!! Have just put Casey Moran, Ed. News, next to the true story hoping that he will roast them in return. Have disallowed Harlans Mch & June quar. Acts – & today forward to Atty. Genl. orders, accounts, &c.</p> <p>Acting upon Hoggatts suggestion I have this day written to Loeb, Sec. of the President, & to Garfield, Sec. of Interior, asking for copies of all the Gov’s letters against me. I also wrote a personal letter to Judge Ballinger, Comr. of the</p>
Diary 13, 1907 november21cand22	<p>Genl. Land Office, asking him to go to the Sec. & get me the letters. I also wrote Ballinger quite fully about the matter. -22nd-</p> <p>The most glorious winter weather imaginable – the weather remains just about zero – clear & sparkling.</p> <p>Casey Moran – the News – roasted the Times & Dodge last night for going back on their pal – McKenzie, - this mornings “Times” gives me a good editorial notice – of my Nome experience, & admits that McKenzie cant control me – it’s a weak effort.</p>
Diary 13, 1907 november23and24	<p>-23rd- Call of the motion calendar, and set cases for the next month – till Christmas and will then let jury go - if not before. Judge Reid ought to be confirmed & get</p>

	<p>to the Territory sometime in December of January 1st - 24 - <u>Sunday</u> – Wrote letters – sent copies of statement of business done by me in way of final judgments to Atty. Genl. Bonaparte, Solc. Genl. Hoyt, Senator Knox, Vice Pres. Fairbanks, the P-I -Times &c. & wrote them letters thanking them for supporting me in my struggles &c.</p>
Diary 13, 1907 november25and26	<p>-25- Dinner last night to Capt. & Mrs. Barnette Mr & Mrs Perry – first formal dinner we have given this winter. -26- Work from Press dispatches says that Judge Reid will leave Oklahoma on Dec 8th for Valdes - & that he will hold a term there, & then come on in to Fairbanks. His clerk will come with him – his name is <u>O. A. Wella</u>. This will break up our court calendar.</p>
Diary 13, 1907 november27and28a	<p>-27- Shackleford, Ironig & Dodge are shouting – down in S.E. Alaska for another convention – to elect them as delegates to the Nat. Con. Some fellows dont know when they’re licked. Fine weather – just zero. Working in court – but will now only try cases that will not be appealed since there will not be time enough to make up bills of exception, &c. -28th- Thanksgiving Day- Warm – fine – slightly cloudy – A year ago it was 45° below zero. Today it is 10° above -</p>
Diary 13, 1907 november28band29a	<p>Trails are fine & the whole fall has been pleasant. The Miners Union is now the owner & publisher of the “<u>Miners Union Bulletin</u>.” – Thompson, Publisher {Editor} He has prevailed upon me to let him publish my correspondence with Senator McCumber & the interrogations. He is doing so</p>

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	<p>- and each week the Bulletin will have a chapter on the "Crime" as he calls it. -29- Trial jury case for two days. Debbie had a nice luncheon party today – of her lady friends in the Bridge Whist Clubs. <u>I paid W. H. Mockler</u></p>
Diary 13, 1907 november29band3 0	<p><u>Two Hundred (200) dollars today for Assessment Work on Discovery Claim on Wolf Creek & 1st Bench off Dis. on Right Limit. Asst. Work for 1907</u> – Ivor Johnson owns 1/7 int in Dis. & Frank Maess 1/8 in int. in 1st Bench R. L. Maess paid for me on our claim last year & I am paying him back, but Johnson will owe me \$50.00 -30th- Nov. has been a glorious month. Nothing unusual - court work progressing</p>
Diary 13, 1907 december01and02a nd03a	<p><u>Dec. 1.</u> The Times this morning has a special telegram saying that Judge Reid wont leave Washington till he is confirmed. Hope he has better luck about it than I've had. -Dec. 2- George bought 1/8 int. in the Golden Gate Assoc. Cl. at the mouth of Cleary Creek. I also have an 1/8 int. bought last spring from Mr. Harlan. -3rd- Letter in court. <u>Called a Special Term of Court to meet at Valdes</u></p>
Diary 13, 1907 december03b	<p>on January 6th 1908. I did this because Judge Reid cannot do it after his arrival there for 30 days - it would throw him behind that much. If he does not want to hold the term it can lapse and no harm is done. Have joined the Curling Club. We have a new rink on 2nd St. next to Perrys.</p>

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	<p>The Dept. suspended \$187.00 of my Sept. quarterly account & I have today written a long explanation of the reason why I went to Valdes via Seattle & why I remained 9 days in Dawson!!</p>
Diary 13, 1907 december04	<p>-4th- Recd. copy of the opinion of the Circuit Court of Appeals in the case of Charlton v Kelly & Hill. (2nd Alaska.532). The opinion affirms my instructions in that case, and, in my judgment, makes it the most important case that I have ever decided. It finally settles the law for Alaska on questions of <u>staking, recording, discovery & possession.</u> It is creditable to me and the language of affirmation very flattering. In view of all the abuse which has been heaped upon me in relation to these matters it is a matter of profound satisfaction to me.</p>
Diary 13, 1907 december05a	<p>-5- Beautiful winter – clear & about zero – fine. I am now taking interest in the Curling Club – and I find it good sport. We have a rink on 2nd St. between Wickersham & Cowles – a first class place with double - or two rinks. Wrote long letter to Sulzer, M. C. from New York, in answer to his rcd. yesterday. He suggested law & business relations & I told him to make them specific. Wrote him to get Cale & Hoggatt together – and to supports the Presidents views on Alaskan legislation</p>
Diary 13, 1907 december05band06 a	<p>Recd. telegram from Stephen Birch, Seattle, advising me not to invest money in Stibnite Mines – too late – its in. Still I was glad to hear from Birch as I feared he'd forgotten me. -6- I was asked by Thompson, Ed. of the "<u>Union Miners Bulletin</u>" to meet tonight with Barnette, of the Fairbanks Banking Co. Parsons of the Wash-Alaska Bank & Hurley of the First Nat. Bank</p>

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	to hear a statement from some of the representatives of the Union in relation to a proposed settlement of the strike which was begun last spring and which threatens to continue next
Diary 13, 1907 december06b	spring with renewed vigor. We met in the court room at 7 o'clock. p.m. tonight and Stephenson, delegate from Treadwell, Moran, president of the Tanana Miners union and Cullen & Wedgwood of that Union met with us. They stated their wishes: viz: That the Union be recognized that an eight hour day be agreed to with a wage of \$5.00: and that they made no point against non-Union men, except they wished liberty to secure them by persuasion to join the Union. They said they wished to meet a committee
Diary 13, 1907 december06cand07	from the Miner Owners Union to consult about a compromise and settlement of differences & a settlement of the strike before spring. We agreed to see the Mine Owners Union & try & arrange a meeting early next week. -7- But little court work. Do not hear anything more about Judge Reid – his name does not appear to have been sent to the Senate for confirmation yet. <u>Sent \$105.00 to Capt. Jarvis Seattle, to buy & send me 1000 ore sacks for Stibnite Min. Co. at Kantishna.</u>
Diary 13, 1907 december08and09	-8- <u>Sent check of \$50.90 to the Agent Wash. Life Ins. Co. Port land, Or. in payment of my semi-annual due Jan. 9.</u> -9th- Court work – nothing much. Beautiful weather. -9th- Court – new trial in Warren v Foster today. Learned tonight that all three banks – Barnettes, 1 st Nat. & Wash – Alaska,

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	are all in bad condition – & I expect that they will all join the Tanana Electric Co. soon -
Diary 13, 1907 december10a	-10th- <u>I drew out of Fairbank's Bk. this morning the sum of \$5304.50 being the amount of my savings deposit, and also \$4800.00 which latter sum I loaned to Hill and Barnette, personally, for one (1) year, upon their joint note. int. 10% per annum.</u> Financial matters outside look decidedly bad, - the Seattle Banks are all in a clearing house scheme – do not pay out cash, but only certificates: also Sunday Times contains account and I get other information that Causten
Diary 13, 1907 december10b	is annoying Barnette at Seattle by sundry doubtful suits, which damn his credit, stop his money flow, and do as much or more injury as if Barnette should pay the whole of Caustens claims. Upon inquiry I find that the U.S. Marshal has no money & the Clerk but \$7000 in local banks. The Clerks is in the First National, which was made a depository & the funds placed there by order of the department over my written objections. {Dec 10} This mornings Times says, by telegraphic dispatches, that the Nat. Rep. Committee has refused to recognize the
Diary 13, 1907 december10c	action of the Juneau convention in naming 6 delegates, has cut the number to 2, and will insist upon another convention. <u>The secret of this action is that the Committee is opposed to Taft for whom this Juneau Con. instructed and to Roosevelt.</u> Telegrams also say that Hoyt. was appointed Atty. Genl. of Porto Rico – a high sounding title with little salary - & just Hoyts size.
Diary 13, 1907 december11a	-12th- {11th}- Am having daily & hourly meetings almost with the

	<p>Com. of Union Miners & the Com. of Operators, trying to get compromise & settlement of Strike.</p> <p>Tonight we got a final settlement so far as the two Committees are concerned, of the Strike of the miners begun nearly a year ago. The Committee for the Miners were: <u>Steffenson, Moran, Cullen & Wedgwood</u>; for the Mine Owners, <u>Lawson, Hammill, Robertson, Rhodes, & Riley</u>; and the Committee on Arbitration. <u>Parsons, Barnette, Bonnifield & Wickersham</u>.</p> <p>The effort was set on foot by Thompson, Ed. of the "Miners Union <u>Bulletin</u>," and he seemed greatly pleased at the settlement. The final terms agreed on are:</p> <p><u>Outlines of a Plan of Settlement of the Differences now existing between Mining Employees and Union Miners in the Fairbanks Mining District Alaska</u></p> <ol style="list-style-type: none"> 1. The employers shall pay not less than Five (\$5.00) dollars per day of eight (8) hours and board, for Union Miners employed by them from April 1, 1908 to October 1, 1908. 2. That Union men will work with non-Union men, without objection, and both parties shall fairly recognize the open shop principle as applicable during the season. 3. That the eight hour time shall not apply to pointmen, engineers and such other employees as necessarily must work longer to keep plant in operation. 4. That neither employers nor Union men will seek to interfere with men at work in an effort to draw them away from or into the Union; all such efforts must be made out of work hours and so as not in any manner to interfere with the work in progress. 5. That employers will not treat Union men differently than they do non-Union men, while either or both are employed, either in food, lodging, or manner or time of payment of wages; that the Union will not seek to intermeddle with the control of the employer by walking delegates or other system. 6. In the event of any operator being financially able to pay his men a portion of their wages from time to time he will
Diary 13, 1907 december11b	<p>The effort was set on foot by Thompson, Ed. of the "Miners Union <u>Bulletin</u>," and he seemed greatly pleased at the settlement. The final terms agreed on are:</p> <p><u>Outlines of a Plan of Settlement of the Differences now existing between Mining Employees and Union Miners in the Fairbanks Mining District Alaska</u></p> <ol style="list-style-type: none"> 1. The employers shall pay not less than Five (\$5.00) dollars per day of eight (8) hours and board, for Union Miners employed by them from April 1, 1908 to October 1, 1908. 2. That Union men will work with non-Union men, without objection, and both parties shall fairly recognize the open shop
Diary 13, 1907 december11c	<p>principle as applicable during the season.</p> <ol style="list-style-type: none"> 3. That the eight hour time shall not apply to pointmen, engineers and such other employees as necessarily must work longer to keep plant in operation. 4. That neither employers nor Union men will seek to interfere with men at work in an effort to draw them away from or into the Union; all such efforts must be made out of work hours and so as not in any manner to interfere with the work in progress. 5. That employers will not treat Union men differently than they do non-Union men, while either or both are employed, either in food, lodging, or manner or time of payment of wages; that the Union will not seek to
Diary 13, 1907 december11d	<p>intermeddle with the control of the employer by walking delegates or other system.</p> <ol style="list-style-type: none"> 6. In the event of any operator being financially able to pay his men a portion of their wages from time to time he will

	<p>do so without discount."</p> <p>I wrote the first five and Parsons the 6th clause, - after talking, examining, weighing &c. &c. over & over again! for days. Everyone on the several Committees was particularly pleased at the happy result. The Union & the Assoc. will both submit the plan to their people on Saturday night & if it carries by a majority vote – the strike will be settled - I am pleased with the present result & urged it strongly on both organizations.</p>
Diary 13, 1907 december12a	<p>-43 12th-</p> <p><u>The Fairbanks Banking Co failed to open its bank this morning: it is closed for want of currency – not that it is not solvent and able to pay its depositors but because the currency of the bank has been sent outside. The News issued an Extra Morning Ed. announcing the failure and printing a full statement by Barnette in which he gave the financial situation of the Bank and pledged his own private fortune to pay its debts.</u></p> <p>A "run" has begun on the</p>
Diary 13, 1907 december12b	<p>First National & the Washington -Alaska, and fear is that both will go under. Barnettes Bank was not incorporated – it was a partnership concern & he and his partners, Woods & Hill are responsible individually for all its debts, but that is not true of the other two banks, and a failure there means great loss and damage. I also suspect that the First National will be found in a highly criminal shape. The government funds are in it & it is a government depository. Verily, the pessimist hath a day or two of happiness ahead.</p>
Diary 13, 1907 december13a	<p>-44 {13th}-</p> <p>The <u>Times</u> this morning has four columns of the most vicious editorial against Barnette & the Bank! The effect thereof was to make Barnette & his friends</p>

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	<p>mad – McGinn went to Bonnifield Pres. of First Nat. & told him that he withdrew as his attorney & now intended to fight everybody connected with the Times – That meant Manley, - Bonnifields backer & the heaviest stockholder & borrower in the 1st National. I am informed that Barnette & McGinn will begin both civil & criminal proceedings against Maddocks, Manley & Marquam.</p>
Diary 13, 1907 december13b	<p>A year or so ago I tried a case from Eagle against Sneveley involving the Townsite v Homestead & Sneveley was beaten. I had forgotten it until this morning when I received a threatening letter from him enclosing copies of two of the most scurrilous letters possible which he said he had sent to the President during this last summer. As I always do, I filed it {them} away and will forget that such a man as Sneveley ever existed. If I gave attention to every blackmailing blackguard in the country who attacks me I'd have nothing else to do.</p>
Diary 13, 1907 december14	<p>-14th - Heard the motion of de Journal & Dundas to compel Bonnifield - 1st Nat. Bk. to give security & to take oath as Receiver, in case of Cascaden v Dunbar. et. al. where they & attorneys for defendants had agreed to his appointment as their trustee – where they appointed him trustee – without bond or oath & at a time when they thought - that is Milles & De Journal did – more of Bonnifields friendship than of my fairness. Refused to grant relief demanded. It was an attempt to hurt Bonnifield at a time when he is caught in a financial pinch.</p>
Diary 13, 1907 december15a	<p>-15- The <u>Morning News</u> is out with big heading of “<u>Charge of Embezzlement against Roy Maddocks.</u>” It seems that he owed Kellum several thousand dollars on the last summers division of gold dust and could not produce the gold – he had used</p>

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	<p>it in paying the Times expenses to blackguard me & others. The News says Mrs M got his accusers to give him time & he probably got the money & paid it last night. It is an outrageous spread of printers ink – in perfect line with the Dodge-Maddocks</p>
Diary 13, 1907 december15b	<p>efforts – and therefore too contemptible for clean newspaper -er men to indulge in. Still, those who live by the sword, must expect to feel its point some time. Anderson got his in the form of an indictment and trial for forging, & now Maddocks is blackened by unfair charges & Dodge will sooner or later be kicked by a mule! <u>The News this morning says that the Miner Owners accepted the terms of compromise last night but that the Miners Union rejected it! and our labor was in vain. That means a bitter & prolonged fight.</u></p>
Diary 13, 1907 december16a	<p>-16- The Banking situation is still more strained today. Taking advantage of Sunday respite the 1st Nat. & Wash-Alaska have entered into clearing house scheme - neither today will pay a depositor but \$50.00 for today & tomorrow & on Wednesday <u>they will not pay money at all, but only certificates signed by the clearing house committee.</u> There is the worst feeling of pessimism, unrest & distrust in the town that has ever existed. It is the full bloom of Dodge pessimism hatred, suspicion, & injustice.</p>
Diary 13, 1907 december16band17 a	<p>It is rapidly growing worse, and Maddocks is now threatening to publish attacks on Mrs. Barnette & B is threatening to attack him personally if he does – Further personal newspaper attacks on Marquam & Kellum are threatened – Really, Dodge -ism is a foul but blooming plant. -17-</p>

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	<p>Checks on hand in Safety Dep. Vault in Ed. Steirs box.</p> <p>Date. Nov 1, 1907. 416.66 “ Aug. 9, “ 416.67 “ Sep. 3 “ 416.67 “ Sep 24 “ 416.66 “ Oct 1, “ 416.67 “ Nov 5 “ 377.60 2460.93.</p> <p>All salary vouchers but the last and it is expense voucher.</p>
Diary 13, 1907 december17b	<p>The <u>Times</u> this morning contains a denial of the News Maddocks Em =bezzlement article & Kellum adds his denial! That means that Kellum was, himself, threat =ened with exposure!!</p> <p>At noon today Adams, lawyer, came down to the house to see me & said that he wished to make a proposition to employ me as attorney in a matter which could not possibly arise before me - but in Washington – for Bonnifield! I understood it to mean in relation to his efforts to square himself with the Comptroller of the Currency - I told Adams that I</p>
Diary 13, 1907 december17c	<p>could not accept any such employment just now – not till I was relieved by Judge Reid and did not allow him to talk to me about it.</p> <p>This afternoon Postmaster Clum called & said he had a telegram from the Comptroller asking him to suggest the name of a person for Receiver of the 1st Nat. – Clum wished me to assist him in securing the appt. of Vachon, who is his promised son-in-law! I suggested himself! and Ed. Stier. He went away without deciding anything. I have since</p>
Diary 13, 1907 december17dand18 a	<p>learned that the First Nat. telegraphed to the Comptroller asking permission to go into the clearing house scheme – that Adams prepared the telegrams, - but that in Answer they had notice to close up – to do no more business & await appointment of a receiver!! And thus new laurels adorn the brow</p>

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	<p>of Dodge the pessimist! -18-</p> <p>The 1st Nat. opened this morning – I learn that they have secured permission from the Controller to do so – but they are not yet on the clearing</p>
Diary 13, 1907 december18band19 a	<p>house basis – Stier has been appointed Registrar & Clum & Preston, a valuation Com. for the 1st Nat. & the Wash -Alaska, who propose to act together. The affairs of the W A were in such shape that the Com. issued certificates for them, but refused to do so for the 1st Nat.</p> <p>-19-</p> <p>1st Nat. on clearing house basis today. The news =papers have quit their warfare & the cowardly fear of Commercialism is doing what the Golden Rule</p>
Diary 13, 1907 december19band20	<p>cannot do - making the discordant elements peaceful and quiet.</p> <p>The News tonight has a telegram from Washington saying that a hitch has occurred in the matter of the confirmation of Judge Reid, & that Harlan is in Washington - a candidate for the judgeship.</p> <p>-20-</p> <p>Times this morning has a telegram that Judge Reid is in Seattle & will take the first boat for Valdes to hold court there. I hope that's true for I want to go to work in my own office.</p>
Diary 13, 1907 december21	<p>-21-</p> <p>On the 19th I sent a telegram to Gov. Hoggatt, Wash. D. C. asking for information about Judge Reid & where he would be here. Recd. ans. today saying he was in Seattle on his way to Valdes. Banking matters are settled down – the 1st Nat & W-A. are on a clearing house basis of repudiation and the Fairbanks Bk. will go on the same basis on Monday. This scheme</p>

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	<p>is a practical repudiation of all their debts until after the clean =up in the spring and summer. - but its even then better than a receiver and 5% on the dollar! The newspaper blackguardism has also quieted down – the weather is fine & it's a good time to rest.</p>
Diary 13, 1907 december22a	<p>-22- This mornings News says that Harlan is on the carpet for an explanation in Washington – before the Atty. Genl. with Hoggatt acting as accuser. The charges are not set out, but are said to be serious. The Sec. of the Interior attends also and I judge that Harlan is also accusing the Governor of being kindly disposed toward the Guggenheim's at the Valdes examination of Hasey, Hazlett &c. for the Canyon shooting affray. If I had any doubt of the charges against Harlan being sustained – I'd get in & help the Governor, but think I'll let em fight awhile.</p>
Diary 13, 1907 december22band23 a	<p>Met Parsons, Pres. W A. bank at Tanana Club last night & he intimated that his people would want me to attend to their law business after I go out of office. Barkis[?] is willin. -23- McGinn & I had talk today about partnership – I told him that I thought him the best lawyer in Alaska, and that I wished to form a partnership with him, but that I objected to going into the Fairbanks Bk. Co. offices on account of the charges I was friendly to Barnette &c. We left it at about that. <u>Received telegram from Lathrop saying that Judge Reid desired me to appoint Jury Commissioner</u></p>
Diary 13, 1907 december23band24	<p>& call grand & trial jurors for Jan'y 20th. I telegraphed to John Y. Ostrander asking him to name some good democrat as jury commissioner. -24- Another long talk today with Barnette about partnership with McGinn – nothing final. Telegram from Ostrander</p>

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	<p>advising Anthony J. Dimond, as jury commissioner. I made order appointing him & calling for drawing of juries for Jan'y 20th. Heard case of Manley v Chute, application for temporary injunction today – advisment till 26th. Cold 20° tonight.</p>
Diary 13, 1907 december25	<p>-25- Christmas Day. We attended a beautiful midnight mass at Father Monroes church last night – mass performed by Father Crimont – & sermon by Father Corbley. It got cold last night 25° -30° below zero. Delegate Cale asked me by letter, received last mail, to prepare a bill providing a limited form of legislative government for Alaska, and I am engaged in the work. I am copying very closely after the Porto Rican bill – as that gives a strong argument for its passage by Congress.</p>
Diary 13, 1907 december26	<p>-26- Have determined to open an independent law office – and not become a mere retainer, of Barnettes – as I would by going in to McGinn's office I will open my own office & invite McGinn to join me - so that I can take business - and get it, too, from others than Barnette. <u>Judge Reid left Seattle today for Valdes</u> – on Str. “Northwestern”. Granted Manley a temporary injunction against Chute, - an impartial act, since I think both are precious scoundrels.</p>
Diary 13, 1907 december27and28	<p>-27- Engaged on preparation of organic act giving Alaska a legislative assembly – preparing for Cale at his request. It got cold Christmas Eve – but next morning it was warmer & now as usual – just around zero – beautiful winter weather. -28- Court today : granted new trial in Heikella v Boucher – a mining</p>

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	case tried last winter – also in Webster v Enlund on Dawson judgment. Sustained demurrer to indictments in U.S. v McRea & Sweeney, &c. Rented rooms from Ed. Stier in Hamilton Blk for offices - \$75. per month.
Diary 13, 1907 december29	-29- Decided a lot of important matters yesterday, but could not finally adjourn because there are some things left over till Monday & Tuesday. Telegram from Henderson saying that Judge Reid would probably not get to Valdes until Jan'y 1 st . This mornings paper says – telegraphic dispatches – that Hoggatt will be supported by the President – that Harlan's case will be determined as soon as the President returns from Pine Knot - about next Monday – Harlan will be removed! <u>Jack Healeys wedding reception was one glorious rousing drunk.</u>
Diary 13, 1907 december30	-30- The Mine Owners Assoc. have now about concluded to employ Abe Spring, as their secretary & Organizer – a good choice. Sam Bonfield is still in the Hospital suffering from nervous prostration on acct. breaking of 1 st Nat. Bank, - which, however, is still limping along after a repudiation of its debts – by paying certificates only – Busy getting all matters ready for severance of my official duties – my offices in the Hamilton block – just east of courthouse about ready for occupancy
Diary 13, 1907 december31a	<u>December 31st 1907.</u> <u>I intend to close the records of the court and adjourn tonight.</u> Seven and a half years ago when I came into the Yukon country as its first resident judge, there was not a court house nor any other public building, nor a public record nor any outward form of civil government in the whole great region from the boundary line to Asia!!

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	from the Arctic to the Pacific!! I reached Eagle City on July 15, 1900. My party consisted of myself & wife & son Howard – Clerk of Court A. R. Heilig
Diary 13, 1907 december31b	wife, daughter Florence, son Reed, & Mrs. Heiligs sister, Mrs. Whittaker - a nurse. Geo. C. Perry, U.S. Marsh. & Geo. A. Jeffery, court stenographer. We were met at the landing by Emil Query, mayor, and by the whole population of the camp & the dogs. We had no houses, no offices, no money - no public money – nothing but a Commission from President McKinley appointing me judge and a set of blank records. Heilig & I rented a log cabin each, until we could build one - we built as soon as we could buy some logs – Geo. Dribelbis helped me build one – of 2 rooms
Diary 13, 1907 december31c	We set to work to collecting money from licenses – liquor, occupation, trade, mercantile &c and that winter we had enough money to and did build the first courthouse & jail in the great interior of Alaska - <u>the first between Nome & Sitka</u> - on the interior. I also laid out & created the Eagle, Circle & Rampart precincts & appointed Comr's therein with powers as probate judges, justices of the peace, recorders & Coroner. <u>And this government was formed in the interior of Alaska in 1900.</u>
Diary 13, 1907 december31d	To this date 35 cases decided by me have been decided on appeal – 24 were affirmed and 11 were reversed – 70% were affirmed and 30% “ reversed. Millions of dollars in value have bone through my hands - actually and in litigation - but no one has yet accused me of a graver crime in connection with decisions than favoring Barnette!! - a silly charge – <u>easily</u>

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	made, hard to prove & still harder to disprove! so Ill not try it.
Diary 13, 1907 december31e	Heilig remained my clerk for 3 years and a half- for 4 years – one term – then Ed. Stier, - who goes out of office with me. Geo. A. Jeffery is still with me – he will quit the government service & go into private practice <u>Telegrams from Washington say Harlan has resigned - Court opened for the last time – for me as judge – this afternoon at 2 oclock. After several final formal matters had been disposed of – John Dillon, read an address – highly compliment ary, and then on behalf of the bar presented me with a</u>
Diary 13, 1907 december31andjanuary01a	beautiful gold watch, <u>appropriately inscribed – covered with small gold nuggets. I replied thanking them for the gift and making a short reminiscent talk on the establishment of the courts in the interior of Alaska – and we then informally formally adjourned court & had a smoker. <u>Jan 1st 1908.</u> Cold - 45° below zero – foggy. We had a new years party at our house last night, - the ladies of the Bridge Whist Club & their <u>own</u> husbands. We had a fine time! Drink the old year out & the new one in.</u>
Diary 13, 1908 january01band02a	spent the afternoon calling. This evening I received telegrams – from J. M. Lathrop Valdes, wishing me compliments of season, - from Henderson saying that Judge Reid had arrived there on this evening & one from Roediger saying that he was willing to undertake the newspaper combination in Fairbanks if arrangements could be made satisfactory = Jan 2 nd Telegraphed congratulations to J. M. Lathrop & Josie Der

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	=ringer, married in Seattle & on boat to Valdes with Judge Reid. Also to Judge Reid offering to
Diary 13, 1908 january02b	assist him here if possible. Recd. ans. from Judge Reid saying “ <u>Many happy returns of the New Year.</u> ” Am busy today arranging my office – getting in furniture. Five minutes before 5 oclock in Tuesday evening, Dec. 31, de Journal & Heilig filed a motion for a new trial in Thomas v McEachern – Fenwick & James – an act in violation of their agreement in open court. I made an order today overruling it – without even a hearing, and did right, too. <u>I gather from telegrams from Valdes that Judge Reid has not yet taken his oath office – probably awaiting confirmation.</u>
Diary 13, 1908 january05and06	-3 rd 5 th Sunday- Nothing new in public way today. Dinner at home tonight – Edgar & Lizzie, Fred Crouch & Charley Joynt - my boyhood schoolmate & playmate. We had a good dinner – it has turned warm – about zero again. -6 th – Monday – Recd. telegram this morning from John Y. Ostrander saying that the first business transacted by Judge Reid at opening of court at Valdes was my admission to the bar. So that I am now an Alaskan attorney as well as <u>ex-judge</u> . Busy organizing an office. Business is coming in & it looks all right. Warm - 5° above zero.
Diary 13, 1908 january06b	[newspaper clipping:] “FAIRBANKS DAILY NEWS JUDGE WICKERSHAM. With the assumption of his duties as judge of the Third division, by Silas H. Reid, James Wickersham is released from the obligations of his former office and again assumes the labors of a good citizen. The News, together with a large majority of the Tanana citizens, views with regret the retirement of James Wickersham to private life. For years he has been subjected to one of the fiercest assaults that have ever been made upon a man’s char-

	<p>acter, both as regards his public and private acts. That he, or any man, should be able to withstand such an unmerciful and unprincipled attack is a matter of comment. Yet through it all this man has stood unafraid and unscathed.</p> <p>The fight that was made on Judge Wickersham has been the cause of more dissension among the people of this division than all other causes combined. That it is over has caused a sigh of relief to arise from every man in the district. That the man whose character was attacked has come out of the fray with a clean slate is a matter of pride to all.</p> <p>In the years to come, when the smoke of battle has cleared away and people are able to look at the acts of Judge Wickersham and view his record without emotion, the verdict of the Alaskan historian will be that he was a man to whom the adjective great must be applied; that he is the one who stands pre-eminent among his contemporaries for the good he has accomplished.”</p>
Diary 13, 1908 january07a	<p>-7th-</p> <p>Beautiful weather. Recd. big mail from the outside. Letters from Judge Day, Judge Rich, Col. Blethen, of the Seattle “Times”, Brainerd of the P-I. and Perkins of the Ledger, Geo. Baldwin & others, all speaking in the most friendly terms about my labors as judge – terminated by my resignation. Judge Day said: “Dear Judge Wickersham: I received a day or two ago your letter dated Nov. 12, with a clipping from the Fairbanks “Daily News,” reviewing your work as a judge in Alaska. It’s a man’s work you have been doing there – administering justice on the frontier, - and Alaska, not you, will be the loser by your laying it down to take up {again} the practice of your profession. The men who shall follow you as judges in Alaska will find their path =way easier and safer for the trails which</p>
Diary 13, 1908 january07b	<p>you broke or blazed through a country little known to white men when you entered it. You have had a stormy experience.</p>

	<p>That was inevitable to the man who first carried the law into mining camps on the outskirts of civilization and there enforced it fearlessly and without favor. It required great moral and physical courage to do that. You owe no thanks to me for upholding you to the President. I wish you the utmost success in your practice and would welcome seeing you whenever you come east. Very sincerely yours, W. A. Day “This letter is particularly gratifying to me – Judge Day was the Assistant to the Attorney General of the United States, and was specially sent by the President in 1904 to investigate me. His report was strongly in my favor. He is now Vice President - practically Genl. Manager, of the Equitable Life Assurance. Co. N.Y.</p>
Diary 13, 1908 january07cand08a	<p>Judge Rich is one of the judge of the Sup. Ct. Appellate Div. N.Y. and lives at Brooklyn, N.Y. I met him last spring in Valdes. His letter is as strongly written as Judge Days – though without the interest to me that Days has. Letters from Darrell - his boat is at S. Fran. & he met Frank there recently – Frank seems to be a tramp printer -8- Made agreement, oral, with Parsons, Pres. Wash-Alaska Bank to act as attorney for the new bank being organized by him – a National Bank. He wants me to take some</p>
Diary 13, 1908 january08band09	<p>stock and become a director and also act as Attorney for the Bank & the Railroad. I consented to do so. He will leave in the morning for Seattle when the new Bank will be organized. -9- Paid Peoples & others for furniture, carpets &c. for office. Am finished the bill for Cale for establishment of a Territorial Government in Alaska, and will get it off to him on the next mail. Have followed the Porto Rican</p>

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	bill – also Oregon Territory bill. - made it simple & limited.
Diary 13, 1908 january10	-10- <u>Perovich application for commutation is denied by the President!</u> He murdered Jaconi, at night secretly, & robbed & burned the body & cabin. He will now be hung – and it is a just punishment - conceding that the death penalty is ever just. The trial & execution of Fred. Hardy in 1901, for the murder of three prospectors on Unimak Is. gave security throughout the Aleutian Is. - & this will strike terror into the hearts of murderers in this frontier region.
Diary 13, 1908 january11and12	-11 th - 40° below this morning but fine weather – calm & quiet. Kellum employed me yesterday in his financial squabble with Dunbar & the 1 st Nat. Bank. Business is coming in O.K. [newspaper clipping:] “By the resignation of Judge Wickersham, Alaska loses the foremost member of her judiciary, whose bitterest enemies, and he has made many, will not deny either his judicial ability or his legal attainments. – Katalla Herald.” -12- 30° below this morning. Beautiful weather. Attended AB Smoker last night & talked to the boys on paternalism – of miners, A.B’s Curling Rinks, &c.
Diary 13, 1908 january13	-13- The Montonegrin friends of Perovich are trying to get the Russian Consul to aid him, & Rev. S. Hall Young tells me that Perovich now says that he dont know whether he killed Jaconi or not – sometimes he thinks he did and sometimes <u>not</u> . He told Young, and Young came & told me that he, Perovich, belongs to the “ <u>Black Hand</u> ” Society whose basic idea is revenge on those whom they imagine have injured

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	them - & he threatens me & others with the Vendetta in case he is hanged!! I’ve been killed a dozen times before, by jaw smiths – and I guess I can stand it again.
Diary 13, 1908 january14	-14- John L. Dillon is now actually at work to help Perovich – to keep him from hanging - & he repeated more of the “Black Hand” threats to me. I am surprised that a Marshal, Minister & Lawyer would permit such talk to go out and repeat it & seemingly encourage it by consulting with the men who talk it & then by repeating it seriously. Dillon told that his threats come from Perovich’s brother. Weather growing warmer. No telegraphic news. Wires down.
Diary 13, 1908 january15and16	-15- Warmer. Jeffry has been sick for two or three days. Attended “Charity Ball” given by the Catholic people tonight – in Gordons Rink. A beautiful affair – more than 200 couples present. <u>A regular Chinook wind is blowing and the thermometer has gone up to 30° above zero-</u> -16 th - It is melting this morning 32° above zero, warm & almost sultry.
Diary 13, 1908 january17	-17 th - Caught a cold in consequence of the warm wave – played a good game of curling on the rink last night & had dinner at midnight with the Hamiltons The wires to the outside are down and no news – Mail last night - Louis D. Campbell, lawyer, mayor of Tacoma, banker, and otherwise a good citizen, died in California a few days ago. Also my friend Babbitt, clerk, high Mason and friend – died suddenly in Tacoma. Weather cooler today. We now have the office in shape and some little law business coming

	in all the time – looks encouraging. [written in margin:] Letter from Darrell: is in So. Cal. on way to Magdalena Bay -
Diary 13, 1908 january18and19and 20a	-18 th - Letter from D. T. [?] Boone today asking me to give him an opinion as to his (& Ben's) status and rights against Manley in the case of Manly v Durand. <u>Tanana Club</u> Annual Meeting & Election. Barnette elected President & made a short talk and was received in a very cordial way. -19- Sunday – 10° below this morning, 35° below tonight. -20 th - 45° below zero this morning Stier delivered my certificate of admission as an attorney at the Alaskan Bar – written in fine
Diary 13, 1908 january20b	penmanship by Mr. Rich H. Geoghegan. Barnette and McGinn are attempting to reorganize their bank and are trying to take into it a number of the most prominent operators – including the Jessons, Berrys and other of my friends. I feel that I am being crowded out of things that I could have controlled if I had gone in with Barnette and McGinn and that I gained but little, in a business way, - nothing really, but present losses – by refusing their offers of cooperation and partnership. Still I am sure that I did right and that my position now cannot
Diary 13, 1908 january20c	be misunderstood by any one – - I care more for my own view of the situation than of any one else's and I feel that I did right – I should have felt uncomfortable if I had gone in with them, and as it is I feel right – so what's the difference, feel that my own conscience is clear, that to this date in Alaska I've done only what an honest man ought to do. what I've lost in money, and I've lost much of that, I've gained in the satisfaction that I've done right. I could not satisfy myself to go in with Barnette

	after the Anderson jury fixing case.
Diary 13, 1908 january21	-21st- Kellum told me today that Gov. Hoggatt had telegraphed to Claypool to get in his application for Dist. Atty. at once, - that means, so Kellum thinks – that Hoggatt favors Claypool. = <u>The scheme seems to me to be –</u> <u>Claypool for Dist. Atty. & Clum for</u> <u>Congress!! Barnette, McGinn & the</u> <u>Mine Owners Assoc. all work together</u> <u>for that end – and will all support</u> <u>Hoggatt in turn.</u> 45° and 50° below zero and everything is closed down for a warmer day. Am working on Kellums case = gave Boone opinion today on Manley v Durand case.
Diary 13, 1908 january22	22 nd Still 45° below zero – a heavy cold fog covers the earth. Claypool has just gone from my office – he wanted me to write a letter to the Atty. Gen. saying that he was {is} a competent person to hold the office of Dist. Atty. – not endorsing him but merely stating the fact of his experience and competency. <u>I will not do it- and told him</u> <u>so</u> – because I have not endorsed anyone and will not do so. Wrote to Cale saying that <u>he</u> ought to go to the President & insist that he be permitted to name the District Atty. for his own home town – that's the Washington rule of politics.
Diary 13, 1908 january23	-23 rd - Warm this morning - 10° above zero – a change of 60° within 24 hours! – but a change for the better. <u>It is 25° above zero tonight</u> a change of 75° degrees within 48 hours. Am amused about “Major” Clums latest. He has had issued, in newspaper form, what he is pleased to call the “ <u>Clum</u> <u>Record</u> ” – in it he announces that he is a candidate for Delegate to Congress, and publishes, probably, every newspaper account of himself which has ever appeared. It is one grand

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	display of silly vanity & ought to defeat even a great man – but it may not. The Record is being distributed publicly.
Diary 13, 1908 january24	-24b- The “Times” this morning has the story that Judge Reid has authority from the Attorney-General to change the residence of the Court and Court officials to Valdes. The least harmful effect of this action will be to divide the courts work at this place and double his salary, since he will get all his expenses while holding court here, where he ought to remain at least 10 months out of the year. My expense account was always small because I was forced to remain in Fairbanks the greater part of the year. The removal will be a blow to Fairbanks.
Diary 13, 1908 january25	-25- Warm & pleasant. Sent copy of “Clum Record,” to Cale & pointed out that Claypool & Clum were working tandem. Hoggatt has beaten Cale out on appointments of postmasters at Skagway & Valdes & this will give Cale a chance to find out where he stands with the administration – Hoggatt will endorse Claypool! Clegg & Latimer are candidates - Latimer says Cale has endorsed him! Long letter from correspondent in Valdes about Reids reception He said he knew nothing about the mining laws, but he knew the homestead laws!! He talks friendly about me.
Diary 13, 1908 january27and28a	-27- Pleasant weather – busy in office & it seems as if I am to have plenty of work. -28- Rev. Mr. Betticher came today to warn me of threats made by Perovich that I am to be killed by the “Blackhand Society” in case of his execution. I gave him my opinion that it would be an outrage upon law, society and the church if he paraded Perovichs body through town – to the church

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	& thence back to the cemetery in a public funeral – that it would also convince his misguided followers of the “Black Hand” that the Church approved Perovich, his crime & the condemnation of those officials who brought him to justice.
Diary 13, 1908 january28band29a	The “Unions” are going to have a public meeting on Friday evening to explain their position to the people of Fairbanks – they sent Cullen to asked me to present and to preside – I told him I would not do so – but the News tonight says I am to preside and have consented to speak!! I am sorry they cant let me alone. -29- The “Union” has flooded the town with posters giving me as one of the speakers in their meeting tomorrow night. Abe Spring came to see me on behalf of the “Mine Owners Assoc” & I told
Diary 13, 1908 january29band30a	that I had been asked but had refused to either preside or speak. George Jeffery went to the Creeks on Sunday and has’nt got back yet. It’s his first visit to the Creeks, and he needs the change. -30b- Still warm & nice weather. Peter Vidovich is the most enlightened and sensible of the Slavonians here, and he is intensely interested in the Perovich case. They received a telegram from Dillon this morning saying “ <u>Motion argued yesterday. Denied this morning. Can do no more.</u> ” Vidovich came to me & begged me to help them
Diary 13, 1908 january30b	which I have done by sending telegrams to Dillon <u>urging him to apply for habeas corpus & on denial to appeal.</u> Also to employ Ostrander & one of Judge Reids colony – Vidovich asked me to notify {say to them} that that he would guarantee reasonable attorney fees, which I did. Peter seems to be afraid – he promised to pay me any sum of money if I could get a stay of the death penalty. Dillon could do it if he was nt so lazy - they now think that

	Dillon bounced them & knew that he could do nothing!
Diary 13, 1908 january30cand31a	I sent telegrams this afternoon and at 8 o'clock we had telegrams back saying to <u>telegraph bond that appeal had been allowed in Perovich case!</u> Vidovich is acting with great energy. - Marshal Perry first telephoned me that he has telegram that appeal is allowed also! Sent telegram to Dillon calling his attention to secs. 766 & 1040. U.S. Rev. Stat. which settle the rule to be followed." -31 st - Sent a telegram to Judge Reid this morning saying, " <u>I did not discover force of Sec. 1040, R.S. U.S. until long</u> <u>long after advice to Marshal. It makes the case so different that my judgment now is that court ought to grant stay of execution pending appeal. Have so advised Marshal. Show this district attorney and Dillon."</u>
Diary 13, 1908 january31c	Did not send the above telegram – Sargeant Merrill of the Signal Corps just brought it back to me with the information that the Marshal had just received a telegram making it unnecessary to send it. Marshal brought me his telegram "The President has granted reprieve to Vuko Perovich till the first of Friday in March 1908, answer. Bonaparte, Atty. Genl."
Diary 13, 1908 january31d	After constantly bombarding Dillon with telegrams received telegrams from him tonight showing that he had taken an appeal from the denial of the Writ of Habeas Corpus & that a stay of execution was granted & the hanging prevented for the present. (Learned from Peter Vidovich that 120 Montenegrins – miners – met in town at his warehouse tonight – they fully intended to attempt a rescue of Perovich – because of the <u>dishonor</u> of having one of their country men hanged – the first in the interior of Alaska. Vidovich was scared white - he certainly thinks there would have been an attack on the jail & people killed but for the reprieve - & the appeal.) Peter told me he thought his own

	life in great danger.
Diary 13, 1908 february01and03a	<u>Feb. 1, 1908.</u> Bot Edgars ½ interest in machinery owned by him & Fred Crouch = \$500.00 This leaves him still owing me \$290.00 Nothing much today. Beautiful weather – the finest winter I ever saw. -Feb. 3- The fight is on between the Mine Owners Assoc. & the Miners Union – and we are to have squabbles, tie ups and trouble this summer instead of work, wages and wealth. The Union is now threatening and bulldozing non-Union laborers – the Union is a slave driver - & as bad as the Trusts.
Diary 13, 1908 february03b	Have just received a letter from Garfield, Sec. of the Interior enclosing a copy of Governor Hoggatts letter to the President withdrawing his recommendation in my favor. Hoggatts letter is a tame one – he says that having noticed my behavior at Juneau, and having consulted with people in at Fairbanks he thinks my longer continuance on the bench inadvisable! His letter was dated Sept. 13, while my letter of resignation was dated Sept. 6 th – a week before. The Secretary calls attention to that fact, and says that he is also authorized
Diary 13, 1908 february03cand04a	by the Attorney General to say to me that Governor Hoggatts letter had nothing whatever to do with the acceptance of my resignation. In answer I thanked Garfield & said to him that the matter was now closed so far as I am concerned. But I cant help but remark to myself that I am ahead of the Governor on the face of the correspondence. -4 th - The fight between the Operators & Union is getting warmer. A lot of strikers are arrested - and both sides have been to me today to take part.
Diary 13, 1908	in the case – but I refused

february04band05	<p>both. I am going to keep out of merely bitter fights that dont concern me or pay me a fee or do me any good.</p> <p>Telegraphic dispatches say that Circuit Court of Appeals <u>reversed me in the case of Iohansen v White and affirmed me in Katalla railroad case.</u></p> <p>-5-</p> <p>Recd. information that Judge Reid <u>may not come to Fairbanks until in June</u>, - he, too, seems to be having trouble about confirmation & does not want to get too far away until the matter is settled!!!</p>
Diary 13, 1908 february06and08	<p>-6th-</p> <p>Recd. telegram from Dillon saying that he had secured a stay of execution in the Perovich case until final judgment on appeal.</p> <p>-8th-</p> <p>Attended St Mathews Ball last night. Bishop Rowe had reception before the ball, - but at the ball. The Union strikers have sent out 50 men to guard the Valdes trail & turn incoming laborers back – they (the strikers) are armed with rifles & have already held up the stage mail, &c. and roused great excitement. The business men of Fairbanks, in News last night denounced the Union as a menace to the camp & declared they would support the operators!!</p>
Diary 13, 1908 february10and11	<p>-10-</p> <p>Went out to Esther Creek today to examine stakes, lines, &c on overlap between Smith & Jesson's bench claims. I represent Smith Erwin & Fisher, who want to quiet their title &c. Fine day & I enjoyed my visit greatly. There are "plants" - boilers, hoisting works on every claim from way above Discovery down almost to the railroad & the Creek is a thriving camp.</p> <p>-11-</p> <p>George Dribelbis got in today from Valdes - & he is highly interest =ing in his descriptions of Judge Reid & his Oklahoma friends. - he says they are "<u>hungry</u>."</p>
Diary 13, 1908	<p>-12-</p>

february12a	<p>Vidovich who is appearing for Yuko Perovich, got all the petitions &c. off to President today asking for the commutation of the death sentence to life imprisonment.</p> <p>Much threatening of trouble from the Union men – strikers – against the incoming workmen. 30 of latter got in last night – Abe Spring went out on the trail & brought them in – after Perry had forced the Union strikers to quit patrolling & come in Several hundred strikers have gathe red today in the street in front of the lodging house where the non-Union men are, & seek to intimidate them by incendiary speeches, threats, &c</p>
Diary 13, 1908 february12band13	<p>They sought to assault & mob Abe Spring & but for the deputy Marshal with drawn revolver would have done so. Things resemble the old "Chinese Exodus" days in Tacoma – only here the Marshal is not in sympathy & is acting with vigor – and 30-40 Winchester rifles!</p> <p>-13-</p> <p>Attended Masonic lodge last night - work in 3rd – first in the Tanana or Yukon country. Lodge has been in existence during January - I have attended – its first work in the 1st or 2nd The lodge room is in the Auditorium, corner 2nd & Wickersham Sts: Bob Taylor is Master. Barbour of Wash-Alaska Bank advised with me yester day, and today he quit receiving certificates of the 1st Nat. Bank and is going upon a cash basis. Stier & the trustees object some but it will come all right.</p> <p>Strike situation quiet.</p>
Diary 13, 1907-8 inside back cover	<p>[newspaper clipping:] "WICKERSHAM RESIGNS</p> <p>James Wickersham, judge of the Third district of Alaska, has resigned his office, and will enter upon the practice of law in Fairbanks.</p> <p>For years a bitter fight has been waged against Judge Wickersham by his enemies in Tanana. Charges of every kind have been filed against him at Washington, none of which have been sustained. During the summer the anti-Wickersham forces dropped the fight, whereupon Judge Wickersham resigned. President Roosevelt had personally assured the Judge that he would again hand in his name to congress this year, but private practice in Tanana is more alluring and more profitable than a judgship, so it is James Wickersham, Esq., from now on."</p>

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