

Diary 39, 1928-1930	[Front cover] <p style="text-align: center;">Private Diary of James Wickersham Octo 1, 1928 to May 15, 1930</p> <p style="text-align: center;">Primary Election for Delegate to Congress in 1930</p>
	[inside front cover] [political pamphlet] <p style="text-align: center;">Problems To Be Considered. A SPEECH BY JOHN RUSTGARD Addressed by Him to Natives and Whites Alike. Published and Circulated by the Rustgard Campaign Committee.</p> <p>After discussing the various planks in his platform and calling attention to what he hoped to accomplish, Mr. Rustgard continued as follows: Ever since I was first mentioned as possible candidate for Delegate to Congress my opponent's chief lieutenant, Mr. Wm. Paul, has been busy explaining to the Natives that I am the candidate of the cannery interests. This is only the burglar's old trick of trying to escape by running and shouting "stop thief." As Delegate to Congress I hope to be of use both to the canners and all others in Alaska. Meanwhile, before I go farther, let me say this: While I was United States Attorney I persistently prosecuted canneries for violation of fishing regulations. Since I became Attorney General I have handled for the public thirty-eight different cases in court against salmon canners and never lost one. What is the record my accuser and his candidate? We have it from the speech delivered by Wm. Paul at Ketchikan immediately before the 1928 election, that he was invited by my astute</p>

	<p>opponent to join him in helping the canners to get a bill through Congress giving them a lease on trap sites, and that the younger of those two politicians received \$6,000.00 for the job. What the elder and more valuable man received was not stated, but his fee is reported at \$15,000.00, which sounds reasonable enough. What is this but the sale of political influence?</p> <p>For certainly what else was the price paid? It was certainly not for services as lawyers. The canners had all the jurists they needed both in Alaska, in Seattle and in Washington.</p> <p>Recently one of my opponent's clackers accosted a friend of mine on the wharf at Ketchikan and whispered to him that Rustgard had stopped the Legislature from imposing a tax of fifty dollars on non-resident fishermen. Said my friend: "Don't you know that is a falsehood circulated for campaign purposes."</p> <p>"Yes," answered the clacker, "but I did not know YOU knew it."</p> <p>The fact is that it is due to my work as Attorney General that the Legislature has the power to levy such a tax. When the tax of five dollars per head was levied on non-resident fishermen the law was attacked as illegal. I fought the case through all the courts clear to the Supreme Court of the United States and won. The tax was held legal. In 1925, when a bill was introduced into the Legislature to make the tax fifty dollars, the Court of Appeals in San Francisco had just decided a case in such a manner that it became almost certain that that tribunal would hold the fifty dollar tax illegal unless meanwhile a stronger decision could be secured from the Supreme Court in a case then on appeal in that court. I then advised holding the pending tax bill till the power of the Legislature was settled by the highest authority in the case on appeal. At that time he did not care whether the law was knocked out or not. All he wanted was to show he could put it over and redeem his election promises.</p> <p>I can say that I did soon thereafter secure a very strong decision from the Supreme Court which I think will render the present tax of \$250 on non-</p>
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resident trollers valid. Without that decision by the Supreme Court I feel certain that not even a fifty dollar tax would have been sustained by the Court of Appeals, and we might not have got the chance to have such decision reviewed by the Supreme Court. In that event the authority of the Legislature would have been lost forever, unless Congress should come to our rescue, which is doubtful.

There is another feature of this campaign which I want to discuss with you.

At the convention held by the Alaska Native Brotherhood at Haines last November, that organization entered into a written contract with Judge Wickersham and Wm. Paul. I have endeavored to get a copy of that contract but have failed. Several Indian friends of mine who are members of the Brotherhood and who were delegates to the convention have also endeavored to get the copies but have failed, though they were entitled to copies. The Grand Officers keep the matter a profound secret, and I dare the gentleman interested to let the contract be made public.

But several friends of mine who attended the convention have told me in substance what the contract provides. It is typewritten and contains several pages.

In effect it provides that Judge Wickersham shall prepare and pass through Congress a bill authorizing the Haida and Thlinget tribes of Southeastern Alaska (none others, keep that in mind) to bring suits against the United States in the Court of Claims to recover damages for the appropriation by the Government of all the lands and minerals and all the fishing and hunting grounds of Southeastern Alaska and which my opponent claims belong to the Indians and of which he claims they have been robbed by the Government; that Wickersham and Paul are to act as attorneys for those two tribes in prosecuting those claims before the Court of Claims, and are to receive a percentage of the money thereby recovered, and that the Brotherhood is to collect the sum of ten dollars from each of its members for the purpose of defraying the expenses in

connection with this project. The sum thus to be collected is estimated at from fifteen to twenty thousand dollars.

I think I can show you why this contract is not likely to be made public.

There is a statute of the United States which provides as follows:

“Whoever, being elected or appointed a Senator, Member of, or Delegate to Congress, or a Resident Commissioner, shall, after his election or appointment, and either before or after he has qualified, and during his continuance in office, practice in the Court of Claims, shall be fined not more than \$10,000 and imprisoned not more than two years; and shall, moreover, thereafter be incapable of holding any office of honor, trust, or profit under the Government of the United States.

This statute speaks for itself and you need no lawyer to tell you what it means. A few years ago two different Senators had to go to the penitentiary for violating this law.

If you Natives want a man for attorney in your cases against the Government you can't at the same time have him as Delegate You will at least have to choose. My hunch is, that when you Natives contribute money to the violation of this statute which I have just read you are getting your legs pulled. You get no more for your money than the canners did for theirs. So much for that.

There is now pending before Congress a bill introduced on the 8th of January by Mr. Sutherland which undertakes to carry out a part of the Haines contract with the Brotherhood. It is designed to give the two tribes in question the right to sue the Government in the Court of Claims. But why should not the other dozen or more tribes in Alaska be given the same right? Why is it that our Delegate undertakes to look out only for the interests of those natives who have in advance agreed to divide their spoils with Paul and Wickersham/

Answer that if you can.

Is it for the purpose of compelling the other tribes to rush into the arms of certain lawyers before they

can get recognition by their representative in Congress? Is the Delegate's office to be used as a collection bureau for political mercenaries?

Of course not.

No one who knows Mr. Sutherland will believe that he intended to lend his aid to any dishonest act. Whatever else he may be he is absolutely on the square. He evidently did not take the trouble to read the bill. He has got into such a state of mind that he does not read a document unless you smear it with fish oil.

One thing I can assure you of, -if elected I shall endeavor to represent all the people at all the times irrespective of whether they have agreed to pay tribute to any particular lawyer or not.

On the title page of the Alaska Fisherman for last November Mr. Paul publishes a signed article wherein he is making an attack upon the "Forestry Department," and his charge is that it is the "creature of the Pulp Mills."

Do you realize what this means?

It is a charge that the men of the Forestry Bureau, though on the payroll of the Government, are really the hirelings of private interests at work robbing the public.

It has the ring of the battle cry we heard so persistently twenty years ago when the sure way to get votes was to help save the country from the investor. It was saved all right, and that's what's the trouble with it.

Our Delegate to Congress is charging the Bureau of Fisheries with being the cause of Alaska's diminishing population. With all due respects for my friend Sutherland, it is evident that he is barking up the wrong tree. It was the muckrakers of twenty years ago and their lingering echos who stopped suddenly the development of the Territory. The Government was by those people forced to place such restrictions of the country that investors were driven away. Fishing is the only industry that has been able to withstand the assault of that class of politicians.

The only excuse Paul assigns for his charge against the Forestry Bureau is that he was refused

permission to ship saw logs from the National forests to Japan to be there sawed into lumber by cheap foreign labor. The Forestry Bureau takes the position that all the timber in Alaska must be worked up into lumber or pulp in Alaska by Alaska labor. In this stand I thoroughly agree, and so I say in my platform.

On this subject Canada has the right system. In that country, in order to encourage home industries, it is required that all timber be worked up into merchandise, whether lumber or pulp, before it leaves the country. To encourage paper manufacturing they have an export duty to pulp; to encourage smelting and refining of metals they have an export duty on ores, at least on nickel ores.

We have no pulp or paper mills in Alaska as yet, but there are several men of means who are looking forward to investing many millions of dollars to start such industries in Alaska. Let them come, let them come. They are the men who can help build up the country and restore the vanishing population.

By Paul and his pals we are now put in a position where the first thing to confront these people when they land on the wharves of the "First City" is the threatening attitude of men who bluster about having five thousand votes at their command. They are threatening to start the same kind of warfare which drove investors out of the coal fields, and oil fields, and forests twenty years ago.

What is the purpose? It is to levy the same tribute upon all the other industries as was levied upon the canners?

Any man who undertakes to use his political following to obstruct or discourage men of means in the building up of our industries is a menace to the public and should be driven out of politics so effectively that he will never again be able to attract any attention. You Indians owe it to yourselves to show the country that you will not be parties to the methods pursued by those who claim to be your leaders. You, more than anybody else, will profit by the establishment of new industries. Do not let

	<p>anybody make you think he is the friend of labor simply because he stands on the wharf and barks at approaching investors.</p> <p>Now, let us look the present situation fairly in the face:</p> <p>Paul boasts in his paper that he has five thousand votes at his command.</p> <p>His opposition to the canners made it expedient for them to come to him with at least \$6,000.00 which we know of. His friend, received even more for similar service.</p> <p>The tow have already succeeded in having our Delegate urge a bill having the tendency to compel all tribes of Indians to come to them and agree to divide before they can have equal rights with those Indians who have entered into such contract.</p> <p>This naturally leads us to wonder what is the purpose of this new attack launched against the prospective pulp mills.</p> <p>Finally, let me say this, and I say it with regrets: Many of us in Alaska have for years been burning candles before the picture of the candidate who heads the Paul ticket. A very few individuals have been blessed with the faculty of stirring public imagination with enthusiasm and devotion towards themselves. My opponent has been one of those favored few. Out of that enthusiasm and devotion the people of Alaska placed him in imagination upon a beautiful pedestal before which they performed their rites of patriotism, homage and devotion. I confess to have myself performed their rites of patriotism, homage and devotion. I confess to have myself performed priestly duties at those ceremonies.</p> <p>What has recently been exposed convinces many of us that our idol is made of ordinary clay-very ordinary, and we are wondering whether his enemies of old may not, after all, have been right in their contention.</p> <p>We are lead to wonder whether, after all, the Indian leader is any more than an understudy? We have it from that gentleman himself that it was his present candidate for Delegate who first showed him how to smite the rock that gives forth the sweet</p>
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	water.
	<p>[next diary page] [political pamphlet]</p> <p>Paul and the Salmon Cannery (Paul's Own Explanation.)</p> <p>What was Wm. Paul paid the \$6,000.00 for? Was it for legal advice or was it for work as a lobbyist?</p> <p>Is it true, as Paul argues, that because a man has been admitted to the bar he has a moral right to take money any time for anything? Or to do anything at any time so long as he is paid for it? Or to take fees on both sides of the case?</p> <p>"ABOLITION OF ALL FIST TRAPS" is the slogan Paul has carried at the head of the editorial column of his "ALASKA FISHERMAN" for the last four or five years.</p> <p>His explanation of his on page of front is that he wanted to help the cannery to get such a title to the trap that they could borrow money on it. Why then abolish the trap?</p> <p>As a politician he is against the trap; as a paid lobbyist he is for it.</p> <p>PAUL'S SPEECH</p> <p>The following is from Paul's speech delivered at Ketchikan, Alaska, Nov 3rd, 1928, as reported by Lawrence Kerr, Stenographer:</p> <p>Oh, George Grigsby, candidate for Delegate to the United States Congress from Alaska, he has been going up and down the Territory telling how I was bought by the canneries. Now listen to me - this great Democrat, the head of the ticket, went down to Seattle within two months and asked the canneries to put up his expense money; then he came up to a prominent attorney and asked him to use his good influence to collect some campaign money from the cannery interests, and then because he failed in both instances, he went up to Fairbanks and this is the story he told at Fairbanks: "I do not want to be under obligations to the cannery interests, therefore I have refused all "cannery money." I am going to depend upon my friends - on small amounts from my friends - so</p>

that I will not be under obligations to the cannery trusts." You know George Grigsby (Applause)

George Grigsby has got four mortgages on his little home over here, and everyone that took a mortgage thought they were getting a first mortgage. I could tell you about - more about George Grigsby, this good Democrat, and the reason why he wants to represent the people as Delegate to Congress; he is well known to the people of Alaska. * * * * Why don't the Democrats tell about the fees that lawyers on the opposition ticket get? It is all right for them to get money - there is only one lawyer that ought to starve to death - it is William L. Paul (Applause.) Now we will pass on to A.H. Zeigler - who is Zeigler? Mr. Zeigler and I are very good friends, but Zeigler you take money, you get your fees wherever you can get them, I know your record - your record as an Attorney. * * * * Zeigler is only doing what every other lawyer does, he takes his fees from every source from which he can yet them.

Now I come to the specific charges made against me, that is, that I am in the pay of the canneries. In the first place, there isn't a person here but will admit that a lawyer having a general practice has the right to accept fees from any source he can get them. My work as a private attorney and my work as a legislator is a different thing.

I was called to Seattle, Washington by JUDGE WICKERSHAM - oh those friends of Judge Wickersham don't mention his name, always mine, he can take his fees where he finds them - they take care they don't mention Wickersham's name because he has got their number. (Applause.) I was called to Seattle, Washington, to consider the question of a certain bill that certain cannery interests wished to introduce in Congress; among the cannery interests were the Nakat, Sunny Point and Deep Sea, represented by Mr. Friele, Mr. Skinner and Mr. Buschmann; it seems that these men had been in conference with cannerymen, Judge Wickersham and Bob Heckman. The question came up in this way: These cannery interests are obliged to borrow money at the beginning of each

season, each year, to carry on their cannery business; the banks have to lean them sometimes as much as five hundred thousand dollars. When it comes to obtaining the money the banks are not willing to loan this money without proper security having no assurance that any fish will be delivered the cannery. At the present time every single trap site location is open to be jumped and the cannerymen know this very well; I can go on the ground and take Stevens (?) trap site away from him merely by going out there first, and, you know very well that is the law, and every canneryman knows it and because - the reason we have not had trouble is because there is a gentlemen's agreement between the various trap owners that they will not jump another's location, that is the reason. Therefore the banks require the canneries to give them the assurance that the traps will be operated the succeeding year - the year for which the money is borrowed to carry on the business. Therefore they made their proposition - that a bill be passed through Congress giving the trap owners the right to lease their trap sites, and on that point I was called into consultation. * * * * When I came down there I was asked how much pay I anticipated; I was sure that Judge Wickersham or myself would have to go back to Washington; I had a consultation with Bob (Heckman) and he told me that I ought to get at least five thousand for it; I thanked him very much for the information and I made it six thousand (Laughter). I therefore think I have answered the question propounded by the Democratic Committee.

Now when I went back to Washington to find out whether or not such a bill could pass Congress, one of the first things I done was to go to Dan Sutherland's office; he had seen the bill and we entered into a discussion; Dan Sutherland at the time said I am utterly opposed to that kind of bill; I don't want any bill introduced in Congress that is going to legalize traps or give preferments - he answered my question. I then went to other members of Congress and asked them what was

the chance of getting the passage of the bill leasing trap sites from year to year and they told me that they did not feel that a bill could be gotten through Congress over the opposition of Dan Sutherland. So it was about a week or ten days later I got a long distance call from Seattle, Washington; Judge Wickersham was at one end talking at the rate of about fifty dollars per minute, and over the telephone and demanded that I see Mr. Sutherland and ask him to introduce the bill. From my end I said, "Wickersham, I shall do no such thing as that because Dan is opposed to the bill."

{Memo: The last two sentences above are incorrect. He did have a talk with Friele, Mgr. of the Nakat Pk. Co. but not with me & no such language was used.

James Wickersham
May 2, 1930.}

[political pamphlet]

PLATFORM OF
JOHN RUSTGARD

In obedience to custom and in response to the demands of intelligent electors to be informed as to the policies which each candidate for office intends to pursue if elected, I submit to the people of Alaska the following

DECLARATION OF PRINCIPLES.

It would seem obvious that the peace, progress and prosperity of Alaska demands the closest and friendliest possible cooperation between the Territorial and Federal agencies within the Territory. Wit all the navigable waters, 99% of the land, the fish, the game and the wild fur bearing animals under the jurisdiction and control of the Federal Government, and with Territorial development dependent on that Government for financial assistance amounting to several million dollars per annum, it would be unwise for the people of Alaska to enter into acrimonious disputes with the authorities at the National Capital. It shall, therefore be my aim to establish and maintain the friendliest relations with the Federal Government

and its several agencies in Alaska, while at the same time I urge upon all these what I conceive to be the majority of the people of the Territory.

At the earliest opportunity I shall seek such amendment of the Organic Act as will not only give us as much home rule as was invariably granted other Territories, but which will enable us to gradually assume more and more of the functions of government until full Statehood is attained.

I propose to cooperate with the Bureau of Fisheries in securing the best possible fishing regulations, and intend to do all in my power to secure such legislation as will leave the fisheries of Alaska open only to leave the fisheries of Alaska open only to the bona fide residents of the Territory wherever that is practical and where, by such policy, the settlement of the Territory wherever that is practical and where, by such policy, the settlement of the Territory can be materially stimulated.

I shall also recommend that the residents along the Yukon River be authorized to engage in such limited commercial fishing in the river as will not appreciably interfere with the propagation of salmon.

I commend the Bureau of Forestry for its determination to have the timber within its keeping manufactured into articles of commerce within the Territory instead of shipped to foreign countries in the raw state to be there prepared for the market by foreign labor.

All who have made substantial improvement on land for residence purposes should be given a deed to whatever they improve, occupy and use. The quasi communistic system at present practiced by the Government is bad in principle and should be abandoned.

Farming is an inevitable prerequisite to the stability of the population and the permanence of industries. Every effort should, therefore, be made to assist experienced farmers in settling on and in starting the utilization of our agricultural and grazing land.

The construction of the International Highway, so

called, is a worthy project which promises much for the country and should be given ample support as soon as definite steps are taken by the Canadians to meet us at the boundary line.

The fullest cooperation will be given the Alaska Road Commission in its effort to secure the largest possible appropriation for roads and trails. The Bureau of Forestry and Bureau of Public Roads should be given full authority to use the funds at their disposal to build trails instead of roads wherever such course seems the wiser.

Every fair and humanitarian reason speaks for the native Indian population the kindest and most helpful consideration by the public and the Government. The opportunity of those races for acquiring a practical education and for earning a living is of foremost importance and must be supplied whenever and wherever it is reasonably possible to do so. I shall urge increased appropriations for the establishment and maintenance of industrial schools and medical attention for the native population. Both governmental and private employers should be induced to give these people employment.

I believe that the people of Alaska, when entitled to litigate any questions in dispute with any of the departments at Washington, should be authorized to institute the legal proceedings for that purpose in the courts of Alaska instead of being compelled, as now, to go to the Capital to do so. The present order is tantamount to a denial of the right to submit such disputes to the courts and tends to encourage autocratic attitudes by the various bureaus.

In consonance with this view I also believe that the War Department should be relieved of the burden of adjudicating private rights to the water front or to navigable waters, a function which does not belong to it, but which the peculiar conditions prevailing in Alaska have forced it to assume.

I also believe that owners of fish traps and trap sites should be protected in such ownership against all interference except by the Government, and to that end should receive leases for their trap

sites for a fixed period, subject always to revocation and whatever rules and regulations the Government may see fit to impose.

I believe in eliminating from the public life of the Territory all those individuals who make a business of stirring up antagonism against industrial institutions for the sake of getting a hand-out.

In addition to the foregoing I shall advocate:

1. Repeal of all laws and revocation of all regulations protecting useless sea fowls or aquatic animals which are destructive of fish and fish eggs.
2. Salary for United States Commissioners.
3. Establishment of radio stations in all isolated communities of importance.
4. Regular and more frequent mail facilities for the settlements west of Cook Inlet.
5. Additional Coast Guard ships fully equipped to give aid to the fishing population during fishing season.
6. Increased force for the Federal Mining Engineer's office to enable him to examine and report on mining prospects and advise prospectors.
7. Improvement of harbors for the fishing fleets at convenient points.
8. Erection of public buildings at the several places where now urgently needed.
9. Erection of bridge connecting Juneau and Douglas Island if the same can be done at such cost as will render the undertaking practical.
10. Establishment of naval air ports and all strategic points, and to have army and naval airplanes stationed in the Territory and all times for use in emergencies.
11. Acceptance of and support for the various recommendations made by the Governor in his last report.
12. Right of appeal in all criminal cases.

JOHN RUSTGARD,
Republican Candidate for
Delegate to Congress.

October 1, 1928.

Grace Elizabeth Wickersham, my Wife to whom I was married on June 26th 1926, and I moved into our new home at 7th and Seward St. Juneau,

Diary 39, 1928
October 1

	today. I have lived at the Zynda hotel since 1921, and it seems quite an adventure to move into a new house at the summit of Chicken Ridge - We have been repairing & putting the house in shape since early in August, and are now about finished: The place has cost me \$10,000, and is not yet finished! But I am impatient to get a home with my library and other comfortable surroundings - hence the expenditures.
Diary 39, 1928 October 1-4	<p style="text-align: center;"><u>Octo. 1, continued.</u></p> <p>Court in regular session today for the first time since Judge Reed died some months ago. Cases being set for trial. Receive copy of my Copyright Notice on act. "<u>A Bibliography of Alaskan Literature.</u>"</p> <p style="text-align: center;">-Octo. 2nd-</p> <p>Engaged in trial of Gallwas, et. al. v Reide, a jury case. Henry Roden assisting me. It's a doubtful case at best on the facts, though it seemed good on the law. Our big new house seems empty for we have little furniture yet, and no rugs.</p> <p style="text-align: center;">-3rd -</p> <p>Trial ended & goes to the jury tomorrow.</p> <p style="text-align: center;">-4th -</p> <p>Jury decided case Gallwas V Reid against us.</p>
Diary 39, 1928 October 4-6	<p style="text-align: center;">-4th continued.</p> <p>Am busy paying bills on my house - bills for laborers, carpenters, painters, etc. Had to borrow \$500. for 30 days to finish payments. Tried divorce case of Snyder v Snyder - second divorce for my client. We are getting the house habitable slowly - There are 14 rooms, etc. etc. - quite enough it seems for two people.</p> <p style="text-align: center;">-5th -</p> <p>Mrs. Dr. L.P. Dawes is giving Grace a luncheon party today.</p> <p style="text-align: center;">-6th -</p> <p>Motion calendar in court today. Argued exemption question on gas boat before court - nice points. <u>Moving private books etc. from office to house.</u></p>

Diary 39, 1928 October 7-10	<p style="text-align: center;">-7th -</p> <p>Sunday. Worked most all day at the house arranging my library etc.</p> <p style="text-align: center;">-8th -</p> <p>Drew instructions in case of Assault with Dangerous Weapon. U.S. v Malmberg. L. M. Sullivan, clerk in my office, will occupy a room in our new home on Chicken Ridge. He is a fine young man, and I think will make a good lawyer.</p> <p style="text-align: center;">-9th -</p> <p>Same as usual in the office.</p> <p style="text-align: center;">-10th -</p> <p>Dinner last night at J.A. Hellenthals, present Mr. & Mrs. Walstein G. Smith, Major and Mrs. Elliott, U.S.A. Grace & I and the Hellenthals - fine dinner.</p>
Diary 39, 1928 October 10	<p style="text-align: center;">10th continued.</p> <p>Delegate Sutherland, M.C. arrived in town last night on SS. Yukon, to begin his campaign in S.E. Alaska. He took dinner with us tonight. The Empire is very kind to boost the mine & Lerch is surely a good publicity man:</p> <p>[clipping]</p> <p style="text-align: center;">THE ADMIRALTY ISLAND COAL COMPANY.</p> <p>The interview given to the empire by Howard Lerch of the Admiralty Island Coal Company tells a remarkable story of efficiency in the development of the coal mine at Harkrader, and one that makes it quite evident that the company has a large quantity of excellent coal. It was only last April that the Admiralty Island Coal Company began developing the property it had acquired. It started shipping coal in small quantities to Juneau in an incredibly short time there after, and the shipments have continued regularly. Mr. Lerch says by about October 20th the mine will be producing 100 tons of coal daily, and that this figure will be increased to 200 tons within three months. At this rate, within less than a year from the opening of the property, the production will cut a wide swath in the coal consumption of this section.</p> <p style="text-align: center;">That sort of work speaks for itself. The record</p>

	<p>shows competency in management and it would seem to a layman to be proof that the property contains coal in quantities that will make a mine with a continuation of the sort of management that it has had. All the indications are that this section has acquired a new industry, one that will contribute a great deal toward the growth of population and business. A steady stream of 200 tons of coal a day, and that will in the course of time be increased - will keep a lot of money in this region that heretofore has heretofore has been sent away for fuel.</p> <p>The Admiralty Island Coal Company is apparently becoming one of the leading industrial and business institutions in Juneau, and one that deserves the well wishes and Company operation of the entire community. From the beginning, it proceeded to work and it has kept at it. Without ostentation or hot air of any sort, it appears to be driving its way to success.</p> <p><u>My clerk, L.M. Sullivan is trying his first case in the Dist. Ct. – U.S. v Malmberg.</u></p>
<p>Diary 39, 1928 October 1</p>	<p style="text-align: center;">-11th -</p> <p>Roy Sullivan, from my office was asked by Judge Hill to defend one Malmberg, who is indicted for Assault with Dangerous Weapon - Case began yesterday and went over until this morning to instruct the jury. I would not assist in the trial. I want Roy to begin to stand alone in trying cases & this is his first "<u>stand alone</u>" case. Of course, the defendant is technically "<u>Guilty</u>," but if he should secure a conviction on a lesser crime it would be quite a victory for him. But I do not expect that, even.</p> <p><u>Jury found Malmberg - Guilty.</u> Dinner with Mrs. Hooker. Grace & I also it & Mrs. DeVigne & Dan Sutherland.</p>
<p>Diary 39, 1928 October 12-13</p>	<p style="text-align: center;">-12th -</p> <p>I was employed to defend Innocent Herman, accused of having seduced a Russian creole at Sitka, under promise of marriage. We had proof that other men had prior favors, etc. but they got innocent before the Grand Jury today & persuaded</p>

	<p>him to marry the lady - which he did with the Dept. Dist. Atty. & a lady member of the Grand jury as his supporters! Anyway I had collected my fees in advance!</p> <p style="text-align: center;">-13th -</p> <p>Call of the motion calendar. Argued several cases. demurrers etc. Everything as usual in the office.</p>
<p>Diary 39, 1928 October 14-17</p>	<p style="text-align: center;">-14th -</p> <p>Wet Sunday. Cleaned & polished furniture all day! at home, & enjoyed it very much. Am reading "Catherine Paris, by Bebisco.</p> <p style="text-align: center;">-15-</p> <p>Same as usual in office - & house.</p> <p style="text-align: center;">-16th -</p> <p>Preparing notes for talk tomorrow to School children on 61st Anniversary of raising the American flag at Sitka. Oct. 18. 1967 Sutherland is back from Sitka.</p> <p style="text-align: center;">-17th -</p> <p>Sutherland, Paul, Otis & other politicians in the office this forenoon - they are on their way to Skagway to speak in the</p>
<p>Diary 39, 1928 October 17</p>	<p style="text-align: center;">17</p> <p>campaign. I took Sutherlands affidavit to his Report of Political Expenditures & sent it by mail to Page, Clerk House Representatives. Delivered a "talk" to the Juneau High School at 1³⁰ p.m. half an hour long. Anniversary tomorrow, 61st occupation Alaska 1867, & the raising of the American flag at Sitka. I enjoyed the talk & the children seemed to.</p> <p>Many persons compliment me about my Bibliography, and ask for autographed copies. Letter from Darrell. He has been sick. Jane is East and I think he gets downhearted when she is away. He is not strong as I am notwithstanding his size and superior weight.</p>
<p>Diary 39, 1928 October 18-20</p>	<p style="text-align: center;">-18th -</p> <p>Working in office notwithstanding it is a Territorial Holiday.</p> <p style="text-align: center;">-19th -</p> <p>Same as usual in the office.</p> <p style="text-align: center;">-20th -</p> <p>Same as usual in the office.</p>

	<p>Sutherland rally at the "Palace Theater" Brass band, torches, speeches. For the first time in 20 years I was not on the stage, nor a party to the proceedings - publicly. Sutherland, Paul, Winn, McCormack & Benjamin & Olts - the first a candidate for Delegate - the others candidates for the Legislature. It was a good, quiet & respectable meeting - present a large crowd, earnest & friendly.</p>
Diary 39, 1928 October 21-22	<p style="text-align: center;">21st</p> <p>Sunday. Mail, recd. a letter from Darrell urging that I make an earnest effort to sell my mining claims on Cleary Creek to the Fairbanks Exploration Co. Judge Bunnell sends me a copy (of an original copy) of "<u>The Fairbanks Gazette,</u>" a type written newspaper issued at Fairbanks on July 17, 1903, editor Alfred L. Smith, No. 5077, "Bibliography of Alaskan Literature," etc. etc. -22nd -</p> <p>As usual in office. In court trying to get Whaler v Harvie set for trial Agreed with Roden to try case 24th.</p>
Diary 39, 1928 October 23-24	<p style="text-align: center;">-23rd -</p> <p><u>Had Paul, McCormack, Olts & Benjamin to dinner.</u> A beautiful dinner, a pleasant visit from four friends & an enjoyable evening for us. & our friends seem to have a pleasant hour also. Grace put the whole function over in a very friendly way! -24th -</p> <p><u>Hon. Dan Sutherland, Delegate from Alaska left Juneau, I suspect, for the last time this forenoon - going to Petersburg, Wrangell & other towns south to finish his campaign. The last thing before he left he came to tell me, that he would not be a candidate</u></p>
Diary 39, 1928 October 24	<p style="text-align: center;">24</p> <p><u>for delegate again. That he would permanently retire from political, life in Alaska with this term. I understand he will remain in Pennsylvania, in some relation to the Ogontz Girls School, at Philadelphia - which is owned by his sister, so he may never come back to Alaska! He has been one of the strongest items of force in the political history of Alaska for 20 years and more. He is a brave,</u></p>

	<p><u>honest, intelligent man, and has had the support and confidence of the people of the territory for all that time, because of those high qualities. His place will be</u></p>
Diary 39, 1928 October 24	<p style="text-align: center;">24</p> <p><u>hard to fill. I feel that I have lost an invaluable member of the Republican party in Alaska, an old and active prospector and miner, one who worked in the fishing of halibut, a first class boatman, and all round fine character and good citizen. He has been, always, an active supporter of good American ideals in the creation of government in this territory, and his retirement will be a distinct loss to the Territory. My relations with him for all those years have been of the closest and kindest character. I greatly regret to contemplate his going.</u></p>
Diary 39, 1928 October 5-28	<p style="text-align: center;">-25th -</p> <p>Trial case of Wheeler v Harvie, equity case before Judge Hill. adjourned. -26th -</p> <p>Casa Wheeler v Harvie continued but not finished. Roden for Plaintiff. case goes over until Saturday or Monday, for witnesses from Wrangell. -27th -</p> <p>Grace & I went to the Coliseum Theatre last night, to see moving picture "<u>Sparrows,</u>" by Mary Pickford. Not bad. In court today. - call motion calendar. More work on house, but finally finished, I <u>hope.</u> -28th -</p> <p>Sunday. Worked at home. Dinner at the Gastineau "Tavern" - went to Palace to see "<u>The Overland Stage</u>"</p>
Diary 39, 1928 October 29-30	<p style="text-align: center;">-29th -</p> <p>Same as usual in the office. Grace & I both wrote good long letters to Darrell & Jane. She is just home from the East & wrote to me from Chicago. -30th -</p> <p>Sold B.M. Behrends \$1500.⁰⁰ of my McKinnon Investment Co. bonds at par and accrued interest = \$1519.³⁰ Paid a note I gave them Sept. 1. 503.10</p>

	<p>Bal. dep. in bank = 1016.20 Bal. in bank prior = 184.20 Present Bal. in Bank \$1200.40 Concluded trial of Wheeler v Harvie, before Judge Hill tried "<u>from time to time</u>" a very unsatisfactory way to try cases. Some time ago I wrote a "political" letter to my friend W.H. Holmes, who is a candidate for Governor of Texas</p>
<p>Diary 39, 1928 October 30</p>	<p style="text-align: center;">30</p> <p>on the Republican ticket, "boosting" him so that he might use it in his campaign for Governor. I am just in receipt of a letter from him thanking me for it and saying his campaign manager had it published - he sends me copy. He also says Texas will cast 75,000 majority - for Hoover! which I cannot believe! Following is clipping from Texas paper,</p> <p>[clipping]</p> <p style="text-align: center;">AMARILLO SUNDAY NEWS AND GLOBE SUNDAY MORNING, OCTOBER 14, 1928. HOLMES IS PRAISED BY NOTED JUDGE WICKERSHAM COMMENDS AM- ARILLO MAN FOR WORK IN ALASKA.</p> <p>Friends of W.H. Holmes, Republican nominee for Governor of Texas, are elated over the splendid letter he has received from Judge James Wickersham, formerly Federal judge in Alaska. Judge Wickersham lives at Juneau and is the judge who sent the entire Federal court personnel at Nome to penitentiary. This incident was covered by Rex Beach in his novel "The Spoilers."</p> <p>Judge Wickersham served Alaska eight years as a Republican delegate to congress; was delegate to the last Republican convention at Kansas City and was the author of a bill creating the Alaska railroad, which was secured by him under a Democratic administration.</p> <p>The letter from Judge Wickersham follows: Law Offices of JAMES WICKERSHAM</p>

	<p style="text-align: right;">Juneau, Alaska. September 3, 1928</p> <p>Hon. W.H. Holmes, Amarillo, Texas. My Dear Sir: The press dispatches announce that the Republican in Teas have nominated you as their candidate for Governor of that great state, and I hasten to send you my congratulations. Your many friends among the pioneer prospectors and miners in Alaska are greatly pleased at this recognition of your manly and courageous character by the Texans. There are, as you know, always a scattering of hardy Texans in very Alaska mining camp, from the Klondike to Nome, and all these are highly delighted at your nomination by the Republicans of their home state, and all hope you will be elected.</p>
<p>Diary 39, 1928 October 30</p>	<p style="text-align: center;">30</p> <p>Personally I have admired your high character and fine courage ever since our earliest acquaintance in the Nome camp years ago. There you bore a man's part in bringing order into a wild frontier mining camp, and giving the people safety and law and order. As United States District Judge in that region in those hectic days I well remember your firm support of the law and the courage with which you gave that support to the court and its officials. Later in the Yukon mining camps your example and courage did much to establish law and order in that hostile wilderness and give the people peace and safety.</p> <p>We Alaskans have continually heard the same approval of your public support of law and order by the people among whom you cast your lot since you left us years ago. The people of the Oklahoma oil regions, and now in Texas, seem to find you the same fine citizen that we say in you in Alaska. We are pleased to have our judgment about your high character so fully approved by the people of those two great states.</p> <p>We cordially recommend you to the vigorous and loyal men and women of Texas, as an able and faithful citizen in Alaska, and we are sure the</p>

	<p>thousands of friends you made in Oklahoma will join us in the statement that you are entirely worthy of the highest confidence and support of the people of Texas, and will make them a loyal and courageous governor if you shall be elected to that high office.</p> <p>We wish you a success in the campaign, and a happy and successful term as governor of the old Lone Star State.</p> <p>Sincerely your friend, (Signed): JAMES WICKERSHAM</p> <p>Judge Hill decided a case against me today which I think was very unjust & I am consequently as mad at him as the usual "poor loser" ever is! We reached an agreement tonight on the accounting & saved something for Harvie: it is not far from right.</p> <p>[clipping]</p> <p style="text-align: center;">Swindler of 2 Women Sentenced to Quentin</p> <p>Los Angeles, Oct. 18 (AP).-Samuel Wickersham, to have posed as a "man of millions," today was sentenced to San Quentin, penitentiary for a term of from two to 20 years. Wickersham was found guilty of defrauding Mrs. Frank Newmann, aged widow, and her daughter, Mrs. Frances Fay, out of \$70,000.</p> <p>A rose by any other name would smell as sweet: he was some worker!</p>
<p>Diary 39, 1928 October 31- November 2</p>	<p style="text-align: center;">-31st -</p> <p>Same as usual – nothing new. Nov. 1st</p> <p>Paid all my bills! Recd. letter from Darrell cautioning me about my extravaganza in building, etc.!!</p> <p style="text-align: center;">-Nov. 2nd -</p> <p>Working on opinion etc. in the case of First Nat. Bank v Mrs. C.J. Peterson, Fairbanks: she wants me to come & defend her claim to mining ground, but I am trying to get out of trip by preparing a statement, opinion & instructions to the attorney</p>

	<p>(either Albrecht or Irwin) who must try the case. Mr. Sullivan, my asst. is doing much better work & will make a good lawyer!</p>
<p>Diary 39, 1928 November 3</p>	<p style="text-align: center;">-Nov. 3rd -</p> <p>Things as usual in the office. Mr. Lerch, Treas. Admiralty Island Coal Co. has been having "hard sledding," this week to get money enough to keep the Coal Co. going, but John Reck, Pres. of the First Nat. Bank, came to the rescue - doubled his subscription for stock & others assisted, & the shape is moving along easier.</p> <p>We are to have Mr. & Mrs. Walstein G. Smith, (Ter. Treas). & Mr. & Mrs. Lerch to dinner this evening. Grace is getting in shape finally to pay our social debts - they are not numerous but need attention - no carpets etc yet, but our friends know the situation - will have them soon.</p>
<p>Diary 39, 1928 November 4</p>	<p style="text-align: center;">-4th -</p> <p>A good dinner - with bridge - last night with the Smiths and Lerch's. The Empire had an ugly attack against Paul - put out by Hunt, of Petersburg, charging Paul with having sold out to the cannery interests on the trap site matter! Poor Hunt is bitter and a hard loser!</p> <p>Sunday - at office concluding statement, instructions, etc. to my client, Mrs. C.J. Peterson, of Fairbanks in the case of First Nat. Bank v. Peterson - a contest over a placer mining claim No 1. above discovery on Gilmore Creek at Fairbanks. I may have to go there and try the case.</p>
<p>Diary 39, 1928 November 5-6</p>	<p style="text-align: center;">-5th -</p> <p>Concluded examining facts in two cases from Fairbanks. I think Mrs. C.J. Peterson has good defense to suit in adverse patent proceeding for placer claim No. 1. above Discovery on Gilmore Creek & so advised her by letter & telegram. Advised Mrs. Mary E. Pedro that I would not take over case for think she has lost her rights by laches[?] & returned her papers.</p> <p style="text-align: center;">-Nov. 6th - Election Day.</p> <p>Hunt at Ketchikan & the Democrats are making supreme efforts to defeat W^m L. Paul for election to</p>

	the Legislature on account of charge that he received \$6000. to go to Washington
Diary 39, 1928 November 6	<p style="text-align: center;">6</p> <p><u>this summer and support my Bill providing for leasing trap sites!</u></p> <p>Democrats are fighting Indian voters - who are supporting Paul - trying to prevent them from voting!</p> <p>This is a sample ballot & contains all the names voted for in that Div.</p> <p>[ballot page]</p> <p style="text-align: center;">Sample Ballot</p> <p style="text-align: center;">FIRST JUDICIAL DIVISION</p> <p>Mark "X" in the square at the left of the name of the candidate for whom you desire to vote. If the names for whom you desire to vote do not appear on the ballot, insert with pencil in blank spaces.</p> <p style="text-align: center;">For Governor</p> <p style="text-align: center;">[blank]</p> <p style="text-align: center;">For Delegate to Congress</p> <p style="text-align: center;">Vote for One</p> <p style="text-align: center;">GRIGSBY, GEORGE B. Democratic</p> <p>X SUTHERLAND, DAN A. Republican</p> <p style="text-align: center;">For Territorial Senator</p> <p style="text-align: center;">Vote for One</p> <p>X BENJAMIN, CHAS. Republican</p> <p style="text-align: center;">WALKER, NORMAN R. Democratic</p>
Diary 39, 1928 November 6	<p style="text-align: center;">6</p> <p>For Territorial Representative</p> <p style="text-align: center;">Vote for Four</p> <p>ANDERSON, NELS, Democratic</p> <p>X McCORMACK, P.C. Republican</p> <p>X OLTS, A.L. Republican</p> <p>X PAUL, WILLIAM L. Republican</p> <p>BEAM, J.S. Democratic</p> <p>SHATTUCK, ALLEN Democratic</p> <p>X WINN, GROVER C. Republican</p> <p>ZIEGLER, A.H. Democratic</p> <p>For Attorney General for Territory of Alaska</p> <p style="text-align: center;">Vote for One</p> <p>X RUSTGARD, JOHN Republican</p> <p>TRUIT, JAMES S. Democratic</p>

	<p style="text-align: center;">For Divisional Road Commissioner</p> <p style="text-align: center;">Vote for Two</p> <p>X ADKINS, ALEX Republican</p> <p>AVEY, CLARENCE T. Independent</p> <p>X GILMORE, PETER F. Republican</p> <p>The names marked with a cross are the Republican candidates!</p>
Diary 39, 1928 November 7	<p style="text-align: center;">-7th -</p> <p>Hoover is elected by a veritable "landslide" of the voters, probably by the greatest relative majority ever given in a really contested election. Locally, however, the Republican ticket seems to be in trouble. Always we are in doubt for some days - until we can hear from the Indian and outside districts. Grigsby ran strong - and is giving Sutherland a closer race than he has ever had. The Legislative ticket seems to be in such doubt that only the final returns will settle question of who is elected.</p> <p>Texas & some southern States reported to have gone for Hoover!!</p>
Diary 39, 1928 November 7-8	<p style="text-align: center;">-7th continued-</p> <p>Grace gave a dinner to Mrs. Tupper, one of her school teacher friends. whose birthday happens today: Present Mrs. Tupper, Mrs. Tilden, Stabler, Roy H. Sullivan, Grace & myself. A nice birthday cake please "Tupps".</p> <p style="text-align: center;">-8th -</p> <p>Everything as usual. Hellenthal & I interviewed Judge Hill & consented to a trial of Goldstein v Pond, et. al. before the judge, but he did not fix date. The great "landslide" for Hoover continues to slaughter Democratic candidates! They lost Texas, Florida, Oklahoma, Tennessee, New York, etc. but the Empire boosts that they <u>defeated Paul!!</u></p>
Diary 39, 1928 November 9-11	<p style="text-align: center;">-9th -</p> <p>The Indian precincts are helping those Republican candidates who ran behind. But may not help quite enough. It now looks as if Paul and Otis may be defeated. <u>Sutherland is again elected by a substantial majority.</u></p> <p style="text-align: center;">-10th -</p> <p>Case of Goldstein v Pond set for trial Monday</p>

	<p>morning</p> <p style="text-align: center;">-11th -</p> <p>Sunday. Spent afternoon in office with witnesses in Winter & Pond case getting ready for trial. Invited Dr. Chase & Williams to dinner tomorrow evening.</p>
Diary 39, 1928 November 12	<p style="text-align: center;">-12th -</p> <p>Conducted defense in Goldstein v Pond today. The plaintiff made a formal proof case. We then put on our witnesses. Pond did not make a good witness. Was easily led into wrong admissions. Had Dr Chase and Williams two members of the U.S. Alaska Game Commission to dinner with us. They are long time friends of mine & after dinner we talked the "inside" from '98 to the present & had both an excellent dinner and an enjoyable evening & visit. Williams lives at St. Michael where I have visited him many times.</p>
Diary 39, 1928 November 13-15	<p style="text-align: center;">-13th -</p> <p>Concluded taking testimony in Goldstein v Pond. Court took case under advisement. We are to file briefs – 30 & 15 days. Court & officials will go to Ketchikan to hold court tomorrow. I will go & try Lynch case if possible.</p> <p style="text-align: center;">-14th -</p> <p>Leave for Ketchikan on SS. "Northwestern" at noon, -boat late left 3 p.m.</p> <p style="text-align: center;">-15th -</p> <p>Petersburg early this morning. Arrived at Wrangell at noon. John G. Grant is in Nova Scotia & Judge Thomas goes on this boat to Seattle, and I hear Paul is in Sitka - so I</p>
Diary 39, 1928 November 15-16	<p style="text-align: center;">15</p> <p>cannot hope to try the case of Grant v Patenaude nor the case of Lewis v Lewis. in both of which Paul is an attorney. Saw Benjamin & McCormack. Both are safely elected. Benjamin by a very small majority, to the Legislature. Arrived in Ketchikan, Sunny Point Cannery. at 9 p.m. Took a "taxi" up town & went to the "<u>Gilmore Hotel</u>."</p> <p style="text-align: center;">-16th -</p> <p>Call of cases etc. I think I can get my case of U.S. v Lynch, involving title to land in Ketchikan set for Monday or Tuesday. While Paul is defeated for the</p>

	<p>Legislature - both he and Olts (Olts), he "licked" Grigsby one day this week. It seems Paul</p>
Diary 39, 1928 November 16	<p style="text-align: center;">16</p> <p>wrote a letter to Marsden, Metlakatla, in which he used some mean phrases about Grigsby, called him a "crook, gambler, wife beater, etc. and Marsden sent it on to Grigsby. The latter & his wife went to Pauls law office where he found Paul & Mrs. Paul. He assaulted Paul & the two families fought! Paul succeeded in beating Grigsby at the assaulting game, blackened his eyes, cut his face with his fists, nearly broke a leg for him & otherwise, etc. Paul went off to Sitka to attend the A.N.B. Convention. Grigsby is confined to his house & all their cases today are "passed" to await their appearance in court.</p>
Diary 39, 1928 November 16-18	<p style="text-align: center;">16</p> <p>Saw "Eddie Cantor" in the "Postman" at the movies tonight. I am trying to get my Lynch case ready for trial. All others will go over - I fear - until the next term on account of the absence of my witness and Paul!</p> <p style="text-align: center;">-17th -</p> <p>Court set my Lynch case for trial Monday. My other cases must go over this term because Paul is not here!</p> <p style="text-align: center;">-18th -</p> <p>Sunday. Getting Lynch case ready talking with witnesses etc. Mrs. Gartley from Wrangell came today to consult me about her interest in Wrangell Lumber Co etc. Out walking.</p>
Diary 39, 1928 November 18-19	<p style="text-align: center;">18</p> <p>Saw Adolph Menjon at the movies in skit called "<u>Evening Clothes!</u>"</p> <p style="text-align: center;">-19th -</p> <p>Tried case of U.S. v. Lynch, ejectment from tide lands today before Judge Hill. Indian claim to tide lands. Missed my chance to go home on the boat at noon & cannot tell when I can go now. Sent Grace a night letter explaining the matter. Interviewed by one Simon Hanson, who was badly burned nearly two years ago in the Virginia, while tarring the interior of the hold - tar took fire etc.</p>

	<p>First boat toward home goes next Friday, tough for I have nothing worth while to do in the meantime. Recd. letter - copy of - from Paul</p>
<p>Diary 39, 1928 November 19</p>	<p style="text-align: center;">19</p> <p>addressed to Senator Curtis, urging him (Curtis) to renewed effort to secure my appointment as District Judge. I think Paul is pressing the Senator too hard! Sent telegram to Grace tonight saying I would come home on the Friday's boat! This evening "Chronicle" Morriseys paper contains this unfair statement.</p> <p>[clipping]</p> <p style="text-align: center;">COURT HEARING THOMAS BASIN TIDELAND CASE Government Starts Action to Oust Jennie Lynch From Tide Flats</p> <p>Can Jennie Lynch and her scow defeat the government in its efforts to obtain Thomas basin tide-land necessary to the Ketchikan harbor project scheduled to be started in the summer of 1930?</p> <p>That is the question which is to be decided by Judge E. Coke Hill in a case which came to trial in district court here today, after hanging fire for four years.</p> <p>Claiming that she made use of the property in 1900, the Indian woman, through her attorney, James Wickersham, is resisting efforts made by the government to out her from the tide land and seeks permanent title to a 150x150 plot. In 1924, Mrs. Lynch was enjoined from building on the land until the present case is decided.</p> <p>Through H.D. Stabler, assistant district attorney, the government is basing its case to out Mrs. Lynch on three main contentions, as follows.</p> <ol style="list-style-type: none"> 1. That by a reservation passed by congress in 1905, the land in question was reserved for the landing of Indian craft and that therefore Mrs. Lynch could not have permanent title to any portion of it. 2. It must be decided whether or not any one person has the right permanently to own tidelands,

	<p>except by act of congress. 3. It must be decided if Mrs. Lynch will interfere with navigable waters, and if so, if she has the right to do so. A.J. Ela, engineer, and George L. Sterner, pioneer resident of Ketchikan were called as witnesses this morning by Mr. Stabler. Both testified regarding the location of the land in question. Mr. Wickersham introduced official decisions in an effort to show that the reservation of 1903 was invalid and has no bearing on the present case.</p>
<p>Diary 39, 1928 November 20-22</p>	<p style="text-align: center;">-20th -</p> <p>Nothing much for me to do today so I visited with the lawyers. Some of them talked about the <u>Judgeship</u> to me, etc. Roden is back from Seattle. his eyes are better and he feels quite brave again.</p> <p style="text-align: center;">-21st -</p> <p>Attending trials in court - & waiting for the boat on Friday or Saturday to go home.</p> <p style="text-align: center;">-22nd -</p> <p>Fine day. Rape case in court - the girl is about 17 years old and a natural born prostitute - also a clever actress & will probably convict the fool man: Dinner tonight with Mr. & Mrs. F.J. Hunt. a good home dinner & attended meeting of the Pioneers of Alaska. It was worthwhile!</p>
<p>Diary 39, 1928 November 23-25</p>	<p style="text-align: center;">-23rd -</p> <p>Listening to trial of slander case in court today. The defendant repeated the alleged slanders & swore to them! Dinner tonight with Jim Vedin & Frank Aldrich. Nothing - just waiting.</p> <p style="text-align: center;">-24th -</p> <p>A beautiful sunshiny day! Leave Ketchikan for home today. <u>SS. "Queen,"</u> Atty. Genl. & Mrs. John Rustgard on board returning home.</p> <p style="text-align: center;">-25th</p> <p>Reached Juneau 10 a.m. & am glad to get home. Good mail. Skinner suggests I come to Seattle by Dec. 1, in re trap site matter - will go, of course.</p>

Diary 39, 1928 November 26	<p style="text-align: center;">-26th -</p> Catching up correspondence. [clipping] {Nov. 1928} [photograph of W.H. Holmes of Amarillo]
Diary 39, 1928 November 26	<p style="text-align: center;">26</p> [clipping continued] <p style="text-align: center;">DISTINGUISNED ALASKAN LAUDS PARTY NOMINEE FOR GOVERNOR</p> <p>Texans in Alaska, who knew W.H. Holmes during the twelve years he lived in that northernmost territory, are "highly delighted" over his nomination by the Republicans of their native State for the office of Governor, according to word received by Mr. Holmes at his home in Amarillo from Judge James Wickersham, of Juneau, Alaska.</p> <p>Judge Wickersham served seven years as a federal judge at Nome under the Roosevelt administration, and is best remembered as the judge who sent the entire federal court personnel there to the penitentiary. This incident is preserved in Rex Beach's novel, "The Spoilers."</p> <p>During his residence in Alaska, Mr. Holmes and a fellow-worker established the four northernmost precincts in the world, by dividing up the territory of Alaska north of the Arctic Circle and which is bounded on the north by the Arctic Ocean. Previously, in Oklahoma, he had started in politics by managing a successful congressional campaign for a friend at the age of twenty-before he himself was old enough to vote.</p> <p>Judge Wickersham's letter follows: "My Dear Holmes: "The press dispatches announce that the Republicans in Texas have nominated you as their candidate for Governor of that great State, and I hasten to send you my congratulations. Your many friends among the pioneer prospectors and miners in Alaska are greatly pleased at this recognition of your manly and courageous character by the Texans. There are, as you know, always a scattering of hardy Texans in very Alaska mining camp, from the Klondike to Nome, and all these are highly delighted at your nomination by</p>

the Republicans of their home State, and all hope you will be elected.

"Personally I have admired your high character and fine courage ever since our earliest acquaintance in the Nome camp years ago. There you bore a man's part in bringing order into a wild frontier mining camp, and giving the people safety and law and order. As United States District Judge in that region in those hectic days I well remember your firm support of the law and the courage with which you gave that support to the court and its officials. Later in the Yukon mining camps your example and courage did much to establish law and order in that hostile wilderness and give the people peace and safety.

"We Alaskans have continually heard the same approval of your public support of law and order by the people among whom you cast your lot since you left us years ago. The people of the Oklahoma oil regions, and now in Texas, seem to find you the same fine citizen that we say in you in Alaska. We are pleased to have our judgment about your high character so fully approved by the people of those two great states.

"We cordially recommend you to the vigorous and loyal men and women of Texas, as an able and faithful citizen in Alaska, and we are sure the thousands of friends you made in Oklahoma will join us in the statement that you are entirely worthy of the highest confidence and support of the people of Texas, and will make them a loyal and courageous governor if you shall be elected to that high office.

"We wish you a success in the campaign, and a happy and successful term as governor of the old Lone Star State.

"Sincerely yours,
JAMES WICKERSHAM

The Admiralty Island Coal Co. is "on the rocks" - they are out of money and do not seem able to get more.

<p>Diary 39, 1928 November 26</p>	<p style="text-align: center;">26</p> <p>Personally I have lost confidence in Donaldson. He does not give us - the Board of Directors, and Stockholders frank statements and accurate information. <u>He is not dependable.</u> I feel that I am lucky, though, for I have refrained from making any representations about the project to the public or to private persons, for I fear Donaldson has not been so careful. He now wants to go to Seattle with authority from the Board of Directors & Stockholders to sell the property!! I am not in favor of giving him any such power & will vote against it!</p>
<p>Diary 39, 1928 November 27</p>	<p style="text-align: center;">-27th -</p> <p>Have just completed a ten page letter to Hon. Dan Sutherland, the Delegate from Alaska, exploring my reasons why he should introduce a "<u>bill to amend Sec. 8, of the Act of Congress of June 6, 1924, entitled "An Act for the protection of the fisheries of Alaska, and for other purposes."</u>" I am in receipt of a letter from Mr. D.E. Skinner, Seattle, asking me to come down for a discussion concerning this proposed bill, and I have written this letter of explanation to Don in anticipation of such an interview with the cannery men. I approve the proposed bill and give my reasons therefore at length.</p>
<p>Diary 39, 1928 November 27-29</p>	<p style="text-align: center;">27</p> <p>Wickersham, James, 1857- ...A bibliography of Alaskan literature, 1724-1924; containing the titles of all histories, travels, voyages, newspapers, periodicals, public documents, etc., printed in English, Russian, German, French, Spanish, etc., relating to, descriptive of, or published in Russian America or Alaska, from 1724 to and including 1924, by James Wickersham. Cordova, Alaska, Cordova daily times print, 1927. xxvii, 635 p. 24cm. (Miscellaneous publications of the Alaska agricultural college and school of mines, Fairbanks ... vol. 1) In two sections: (1) General publications, arranged alphabetically under subjects; (2) United States public documents, arranged under</p>

	<p>departments; with general index. 1. Alaska-Bibl. 2. U. S.-Government publications-Bibl. Library of Congress Z1255.W63 28-20975 -----Copy 2. Copyright A 1053253 -28th - Above is card Cong. Lib. of my Biblio. Have just purchased my tickets for "Queen" tomorrow evening for our trip to Seattle. Took more insurance on my house & contents - now amounts to \$7,000.⁰⁰ -29th - <u>Thanksgiving Day.</u> Had Mr. & Mrs. Howard Lerch & Roy Sullivan to dinner - & the usual Turkey. An excellent dinner & we left a great quantity - with instruction to Roy to help himself - when</p>
<p>Diary 39, 1928 November 29- December 2</p>	<p style="text-align: center;">29</p> <p>we came away from Juneau on the S.S. "Queen" at 8 oclock p.m. <u>Donaldson left two days before to go to Seattle to sell the Ad. Is. Coal Co's mines.</u> I refused to sign papers authorizing him to act as agent for the Company. -30th - Petersburg, Wrangell & Ketchikan. -Dec 1st- Dixons Entrance & Millbank. -Dec 2nd - Seymour Narrows. at dinner time the vessel lost one of the blades to her propellor - we were going into Ladysmith for coal but this changed the plan & we are ordered to go into Seattle. I had a cold coming on when we took the boat at Juneau - and it has been rapidly</p>
<p>Diary 39, 1928 December 2-4</p>	<p style="text-align: center;">2</p> <p>growing worse. I am miserable - though it is good weather and the boat is not crowded. -Dec. 3rd- <u>We reached Seattle this morning at 8 a.m.</u> - we went to the Frye hotel & both of us to bed - we are afflicted with "flu," or a bad cold of the worst kind. I wrote a letter to Mr. D.S. Skinner & sent him with it a copy of the letter I wrote to Dan. He</p>

	<p>telephoned me this afternoon that he had received it, etc. My cold is better tonight & Grace is not bad. Mike Sullivan at hotel & a lot of other Alaskans.</p> <p style="text-align: center;">-4th -</p> <p>Remained in the Hotel most of the day act. my bad cold & flue.</p>
<p>Diary 39, 1928 December 4</p>	<p style="text-align: center;">4</p> <p>Had long talk with Wm A. Steel, senator from Juneau. He had letter from Sutherland - asking to assist in securing endorsements for me for the Judgeship = I read my letter to Dan, to Will, and gave him the full explanation - he does not think Paul ever explained the bill to Dan when he went to Washington or at any other time. Gave the P.I. an interview on the fishing situation last night. in todays paper =</p> <p>[clipping]</p> <p style="text-align: center;">PROTECTION OF SALMON URGED {P.I. - 3rd}</p> <p>Commercial fishing in Washington faces extinction unless the government takes some such drastic action as the federal government has done to save salmon in Alaskan waters, according to former Federal Judge James Wickersham of Juneau, now in Seattle on business.</p> <p>Wickersham said if state authorities continue to neglect the matter, it will be up to the people to pass some such drastic measure as was proposed last summer to ban seines and traps altogether.</p> <p>"It is drastic, of course, but drastic action is essential," he said. Fishing should be mane the first industry of Wash- and could be maintained permanently with proper regulation.</p> <p>"In no case should the annual catch exceed the annual increase. In that way the industry lives on the surplus and the capital remains untouched.</p> <p>In a few years Alaska fishing will be restored which will benefit this state, he said.</p> <p>"But no benefit from that source will profit you without regulation here."</p>

<p>Diary 39, 1928 December 5</p>	<p style="text-align: center;">-5th -</p> <p>Conference with D.E. Skinner, & other cannery Representatives at Mr. S. office. They were all very much pleased with my letter to Sutherland - which they had all read, but we can do but little more, the concluded, until I hear from him in answer to my letter of Nov. 27. We are to have another meeting soon & they wished me to get an answer from him as soon as possible.</p> <p>Will Steel is to write to Dan at once - tonight in support of my view.</p> <p>I am very much relieved that Skinner & associates are satisfied - for there is quite a sum of money due on my contract of employment & I can now get a liberal advance on it.</p>
<p>Diary 39, 1928 December 6</p>	<p style="text-align: center;">-6th -</p> <p>Went over to Tacoma this morning - to the Hist. Soc. rooms & began the work of packing my Alaskan library in boxes to take it to <u>Alaska</u>. We got some six great boxes packed - when I came back to Seattle in time for dinner. Grace is much better & tonight we went to the theater - the "Music Box" - where we saw the play "The Trial" - all parts are shown by the vitagraph - "movie talkies" as they are commonly called. It was a marvelous exhibition - the movements by the camera - pictures, while the dialogues are by the - both so exactly acting together to be really talking pictures.</p>
<p>Diary 39, 1928 December 7-9</p>	<p style="text-align: center;">-7th -</p> <p>Grace & I went over to Tacoma on the 9 a.m. interurban - she got a few Attu baskets out of my cases in the Ferry Museum & came back. I remained until 4 p.m. boxing Alaska books for shipment to Juneau</p> <p>Came home on the 4 oclock car. Ruth Coffin, Grace's niece took dinner with us, & we then went to the new Seattle Theater - it is a beautiful & new one - we enjoyed the play, etc.</p> <p style="text-align: center;">-8th -</p> <p>Over to Tacoma packing books - big job. We went to Pantages Theater.</p> <p style="text-align: center;">-9th -</p> <p>Sunday. Letters from Darrell etc. A great day. nothing to record.</p>

<p>Diary 39, 1928 December 10-11</p>	<p style="text-align: center;">-10th –</p> <p>Over to Tacoma & finished packing books - cost boxes, carpenter etc. 12³⁵ lumber \$18⁰⁰ packers \$10⁰⁰ [clipping]</p> <p style="text-align: center;">Justin W. Harding Is Nominated For Alaskan Judgeship</p> <p>By Associated Press WASHINGTON, Monday, Dec. 10. -Justin W. Harding of Juneau was nominated by President Coolidge today to be federal judge of the First Division of Alaska. Samuel H. West of Ohio was nominated to be federal judge for the Northern District of Ohio.</p> <p>Coliseum tonight to see "Smoke Bellow". Jack London - staged badly!! bum - n.g. etc. -11th -</p> <p>In Seattle today - eyes examined - good, & glasses repaired. Many errands. Helen & Harold came - gave them a nice dinner & took them to the 9th Ave. Theater - they went home. We will go up Saturday.</p>
<p>Diary 39, 1928 December 12</p>	<p style="text-align: center;">-12th -</p> <p>Wrote letter to P.A. Knowlton, Editor Educa. Dept. The Macmillan Company, 60 Fifth Ave. N.Y. & sent him my Ms. "Old Yukon Trails," He is an old Alaskan - and will, I think, be interested in its character.</p> <p>Also wrote long letter in answer to telegraphic request from Dan Sutherland to send him the facts justifying the Dept of Justice to dismiss the remaining indictment against Neil McGregor.</p> <p>Grace has been sick in bed, all day, & is still there tonight. The "flu" is widely epidemic. I am almost well, but she gains but slowly. She must remain indoors until she gets permanently well!</p>
<p>Diary 39, 1928 December 13-15</p>	<p style="text-align: center;">-13th –</p> <p>Went over to Tacoma: Hopping & Co had more than \$600. balance due me, so I put enough to make up my balance with the Tacoma Loan & Sav. Co \$3250.⁰⁰ & got check for \$490.⁸⁷ & came home. Also arranged to ship my library in 32 large boxes,</p>

<p>Diary 39, 1928 December 15-17</p>	<p>via Pacific SS. Co. boat from Tacoma to Juneau. Wrote instructions, etc. My "flu" is getting worse again!</p> <p>[clipping]</p> <p style="text-align: center;">WICKERSHAM COMES SOUTH Says Had President Harding Lived, Would Have Made State Out of Southeast- ern Alaska</p> <p>Judge James Wickersham, outstanding citizen of Alaska, a former federal judge and a former delegate to congress from Alaska, is a Seattle visitor this week, a guest of the Hotel Frye. In a reminiscent mood, Judge Wickersham declared, "If President Harding had lived, another state would have been carved out of the Southeastern and Southern part of the Territory, the boundary line going north to the Copper river district. The presidents mind was made up after his visit and favorable action by congress would have been assured. He would have omitted the northern unsettled part, leaving it as a territory to become a state later or to be annexed to the first part."</p> <p style="text-align: center;">-14th –</p> <p>Recd. letter from Dan & saw Mr. Skinner. Dan refuses to do anything "just now." -15th -</p> <p>My flu is growing worse again. I have telephoned to Dr. O. A. Nelson, whom Dr. DeVighne says is an expert</p>
<p>Diary 39, 1928 December 15-17</p>	<p style="text-align: center;">15</p> <p>on prostate gland & urinal obstruction cases. He came to see me & at once urged me to go to the Hospital. Finally he and Grace persuaded me to go – and I concluded to take the Swedish Hospital - for the "flu". I am really sick tonight.</p> <p style="text-align: center;">-16th –</p> <p>Sick with flu in Swedish hospital. 17th</p> <p>Same: Dictated letters to Grace - one to D.E. Skinner</p>

	recommending sending Will A. Steel, to Wash. to press Dan on acceptance my bill about trap sites, and one to Jack Hellenthal, Juneau, asking more time on Brief in Goldstein v Pond, also letter to Roy Sullivan about business matters in the office.
Diary 39, 1928 December 18-21	-18 th -20 th - Sick with flu in Swedish hospital. So much better today that I am sent back to my hotel - but "woozy" yet! Recd. letter from D.L. Skinner declining to send any one to Wash. to ruse Dan! And I am now inclined to think he may be right about it. Asked to see me as soon as I can come to his office. -21 st - Went to see Mr. D.E. Skinner - good conference - but he will not consent to have Will A. Steel employed to go to Wash. D.C. & talk to Dan as I suggested in my note to him. Says Dan will not approve etc. etc. so that is off. <u>Bob Donaldson</u>
	-21- came to see me. He has nothing to report except hopes - & a nebulous scheme to get some Seattle promoters to take the Ad. Is. Coal Co. off our hands at an additional loss! <u>Will not tell me who the promoters are</u> , and I think his <u>talk</u> is mostly <u>talk</u> . I have no confidence in anything he does or says. -22 nd - Grace went over to Kent to visit with her sister. I remained in my room all day to prevent a relapse after the "flu". Wrote letters & caught up with my correspondence. Letters to Sutherland etc. -23 rd - Remained in doors all day with flu. Sunday. Ruth called & she & Grace out walking: Letter from Darrell.
Diary 39, 1928 December 24-25	-24- Remained in all day. Cold & cough stick like a cocklebur. Mr. Elfendahl, assistant to Mr. Skinner called & talked about his trip to Wash. - about the chances of trap site bill at this short session. - expects a special session as soon as Hoover is seated etc. and will telegraph me conditions from Wash. D.C. and advise about my coming on there!

	I am getting better - slowly. -25 th - We went out to Kent & had Christmas dinner with Mr. & Mrs. Fancier. She is Graces sister. Other members of her family there - good dinner. back to bed. my cold is still bad!
Diary 39, 1928 December 26	-26 th - I am yet annoyed by a cough - a bronchial irritation - which gives me much trouble. Dr. Nelson examined my prostate gland - location. Says I must have an operation - but not before June next year. Dr. Samuels throat specialist examined those past says cannot find anything seriously the matter. Says I can smoke if I want to etc. So altogether I feel better - for the want of any disease to feel bad about! Anyway I am still coughing like an old cow who is choked on a turnip. Grace bought carpets & furniture today. \$670. ⁰⁰ or thereabouts! Harold, Helen & Ginger called - & want us to go up & visit them at Enumclaw on Friday.
Diary 39, 1928 December 27-28	-27 th - Arranged our SS. Tickets & we will go north on Jan. 2, on the " <u>Queen</u> " Grace bought more furniture today. Twin beds, etc. She had bought about all the carpets, rugs, furniture, etc. she wants. I do not bother for I do not know values so she has had entire charge of buying. I bought lumber for bookcases, from Farrell Lumber Co. it will go on Saturday's boat. -28 th - Nothing new - sent telegram to Sullivan, Juneau office, saying will start home on next Wednesday Same as usual.
Diary 39, 1928 December 29	-29 th - Dr. Nelson gave me another examination for my prostate gland trouble & a slight operation & thinks I am in pretty good condition for the present. Because of these operations and the hang-over of my cough I am obliged to remain pretty closely in the hotel. Grace had an old time girl friend from Juneau to dinner with us tonight & they went to the theater to see or rather to <u>hear and see "Arizona"</u> , a full movie, talkie" a natural play. Nothing new,

	and I will certainly be happy when we can start home on Wednesday evening.
Diary 39, 1928 December 30-31	<p style="text-align: center;">-30th –</p> <p>Sunday. Remained at home all day. Spent the evening at Seattle Theater listening to good music.</p> <p style="text-align: center;">-31st -</p> <p>Nothing today. My flu hangs on like cockle burs - remained in the house - except went to have Dr. Nelson give me the last look. I am very much better so far as my prostate gland difficulty is concerned - as well as ever it seems, but my flu cough is persistent. We went to the "Blue Mouse" theater, good play & good music. Big crowd gathering on the street to greet the New Year!</p>
Diary 39, 1929 January 1-2	<p style="text-align: center;">Jan. 1, 1929</p> <p>Grace went out to Kent to pay her sister a last call. I am in the room at the hotel so as not to encourage the "flu," also writing letters - to Harry, Yancey, Waiden, about Buckley lots, <u>etc.</u> We went to the Metropolitan Theater to see "Simba" the Johnson African moving pictures of lions, elephants, & other big game! <u>It was a rare treat</u></p> <p style="text-align: center;">-Jan 2nd -</p> <p>Confirmed with Mr. D.E. Skinner this morning about trap site bill. I had suggested some amendments & he some - corrected bill accordingly & his stenographer copied bill as</p>
Diary 39, 1929 January 2-5	<p style="text-align: center;">2</p> <p>amended. Seems satisfactory to both of us. Had talk with Senator Will A. Steel of Juneau, about the coming session of Legislature & its organization. We will try to elect Steel, Pres. of the Senate. Bought office supplies at Lowman & Hanfords, new shoes, etc. We will leave for home on the S.S. "Queen" at 9 p.m.</p> <p style="text-align: center;">-3rd –</p> <p>Gulf of Georgia. Seymour Narrows.</p> <p style="text-align: center;">-4th –</p> <p>Ketchikan late this evening. We saw the Hunts at their store, but it was too late to see others.</p>

	<p style="text-align: center;">5th -</p> <p>Arrived Juneau this evening at</p>
Diary 39, 1929 January 5-7	<p style="text-align: center;">5</p> <p>8 p.m. - snow on the ground but mild & raining gently. Home looked like the best place on Earth. Mail. but nothing important</p> <p style="text-align: center;">-6th Sunday.</p> <p>Gentle rain - snow disappearing. Roy Sullivan , who lived in our house while we were away, had the "flu" but everything o.k.</p> <p style="text-align: center;">-7th -</p> <p>At the office at work - drawing checks & paying my bills - also getting the lumber etc. to the house for shelves in my library. The lumber came with us on the "Queen" from Farrell Lum. Co. Seattle. Berg & Larson are at-work erecting the shelves, etc.</p>
Diary 39, 1929 January 8-9	<p style="text-align: center;">-8th –</p> <p>My library shelves are going up & soon the books will be on them. Am busy preparing law brief in the case of Goldstein v. Pond, et. al.</p> <p style="text-align: center;">-9th -</p> <p>Same as yesterday. Donaldson & Lerch have made a miserable failure in financing the Admiralty Island Coal Company, and the stockholders are complaining. A meeting called for the 14th to consider matters & elect new officials for the year. I shall favor appointment of a Com. of Stockholders to rearrange the financial basis of the Co. <u>Too Much Promotion!</u></p>
Diary 39, 1929 January 10-12	<p style="text-align: center;">-10-</p> <p>Finishing up Brief in Goldstein V Pond. Working in office as usual, & arranging to put my Alaskan Library on the shelves in my home library!</p> <p style="text-align: center;">-11th –</p> <p>Same as yesterday. Brief finished & served.</p> <p style="text-align: center;">-12th -</p> <p><u>Working on last months private accounts etc.</u></p> <p>Grace got our new rugs & carpets on the floors last week - new beds up, etc. and now has two boys carrying my library books up to their quarters. We ought to be moved in another week. after 4 or 5 months! The home now looks comfortable & we</p>

	must enjoy it!
Diary 39, 1929 January 13-14	-13 th - A beautiful spring day. Rested at home. Palace Theater movies. -14 th - Annual Meeting of Admiralty Island Coal Company at office near City dock. Almost every stockholder present. Reck, Lerch, George Gallwas and Wickersham elected Directors for coming year. A committee of 3 appointed to audit books, and a Committee of 5 on Reorganization will meet with the Board of Directors & the Stockholders on Jan. 25. with the hope that a plan of reorganizing the Company can be approved. There is general condemnation of Bob Donaldson's management, some of which is fair & justifiable.
Diary 39, 1929 January 15	-15 th - Wrote letters to Hon. J.W. Good, a former Congressman and member of Com. on Ter etc. while I was in Congress - & just now one of the most powerful supporters of Hoover - also to Senator (Vice President elect) Curtis. Both of them have written letters and spoken to the Coolidge administration in favor of my appointment as judge, and I am thanking them for that friendly act. <u>Judge Hardings appointment was confirmed today by the Senate</u> , and we have a judge again in this Division after nearly a year delay. I will be interested to know whom he will appoint for his court officials, but I assume he will retain the present clerks etc.
Diary 39, 1929 January 16-18	-16- Working office correspondence as usual. -17 th - Working in office as usual. Dr & Mrs. DeVighne & Jack & Mrs. Hellenthal are to take dinner with us tonight. We had a find dinner & an enjoyable hour in my library. -18 th - We had a meeting - a joint meeting - of the Board of Directors and the Special Committee on

	Reorganization of the Admiralty Island Coal Company in my office this afternoon. It was an exciting meeting but finally we adopted a motion which I offered to buy Donaldson's stock for \$500, but the stock first to pay the two notes at the bank, & the purchase price of \$500,
Diary 39, 1929 January 18-20	18 and the stock not needed for the payment of Donaldson's obligations & the costs to be turned into the Treasury of the Company, etc. Cash Cole fought the matter - <u>but finally voted for the motion!</u> After the meeting Gallwas sent Donaldson a telegram in accordance with my motion offering to take over his stock & pay his debts to the bank! & pay him \$500. additional. -19 th - Am at work on brief in case of U.S. v. Lynch, tideland case of interest. -20 th - Sunday - at home working on arranging and marking my library in accordance with the numbers in my Bibliography.
Diary 39, 1929 January 21-23	-21 st - Same as usual in the office. -22 nd - Same as usual in the office. Dinner tonight with Mr. & Mrs. Wallstein G. Smith, (Territorial Treasurer). Dr & Mrs. DeVighne and Mrs. Elliott. An excellent dinner - the ladies played whist - while we men talked Lincoln! -23 rd - As usual in office - working on Brief in U.S. v Lynch tideland case. Grace is having friends for dinner tonight, Dr & Mrs. Kazer & Mrs. Tupper & Mike Sullivan present & we all enjoyed both the dinner & the visit.
Diary 39, 1929 January 24-25	-24 th - Gallwas, Pres. Admiralty Is. Coal Co. has telegram from Donaldson agreeing to take \$500. for his full equity in stock etc. in Co. We will send him money & Bill of Sale on first boat. He is a fool for it is the best chance he will ever have to make a good bit of money & he is deliberately throwing it away.

	<p>Dinner tonight at Newmarkers – the Simpson McKinnons, Mrs. Tupper, Mrs. Tilden, Grace & *, Stabler – were the guests. A fine dinner, cards radio music, & a nice visit with Jack – gave me a pleasant evening. Snowing & wind threatening. -25th - As usual in the office. I am getting</p>
Diary 39, 1929 January 25	<p>25 interested in my own argument in my brief in U.S. v Lynch, a tideland case involving the title to the reservation at Ketchikan for landing places for Indian canoes, etc. Temporarily I have convinced myself as to the main law points in the case - <u>but</u>. A meeting of the Stockholders of the Admiralty Is. Coal Co. at my office tonight. <u>Moved</u>, by Cash Cole to adjourn meeting for a week because books were not audited & ready. Carried - but they then gave an hour to open criticism cussing Lurch & Donaldson - with a few intonations against me. It is <u>so</u> much easier to burn a house and destroy it than to repair it - and Cash & John Peck are ready to burn destroy - and not repair.</p>
Diary 39, 1929 January 25	<p>25th continued. I prepared & had typed in my office a form of Bill of Sale & Power of attorney to be sent to Donaldson to sign, upon his agreement to sell his \$24,500 of stock in the Company to Gallwas, for \$500. & the payment of \$3,000 of his debts out of the sales of his stock - & the donation of the balance of his stock to the Company. I gave Reck my check for \$250. as my share of the \$500. to be paid to Donaldson & Gallwas gave his for \$100. Mifs Todd is to put up another \$100 & Dr Jenne \$50. The meetings of the Stockholders are held in my office & have to furnish lights, chairs, etc. etc. all of which I do - & hear Cash Cole & Dr. Jenne “cuss” me for it - but I am patient – waiting.</p>
Diary 39, 1929 January 26-29	<p>-26th - Same as usual. busy on Brief in the case of U.S. v Lynch, tidelands. It is a very interesting question. -27th - Sunday. I worked all day in my library, arranging, numbering etc. Grace and Roy Sullivan assisted</p>

	<p>me & we did a big days work. Grace & I went to the movie theater to see the Jack London play “<u>Burning Daylight</u>.” -28th - As usual in the office. Wrote a letter to Darrell. -29th - Same as yesterday. Dr. Jenne refused to pay his subscription of \$50. to purchase the Donaldson stock - <u>& I paid it!</u></p>
Diary 39, 1929 January 30	<p>-30- Same as usual. The minority stockholders in the Admiralty Is. Coal. Co. are now trying to get Lerch to surrender part o f his stock as excessive & unfair toward the cash subscription stock buyers. Lerch came over & wanted me to turn in part of my stock also - as excessive on organization. I gave a 1/2 interest in the patented land - real value & full value - he gave nothing for his stock & drew a salary besides from the stock buyers! I criticized him for presuming to ask me to give up my stock & pointed out the difference in our positions – but he is blind when such views are presented to his mental vision. X</p>
Diary 39, 1929 January 31- February 1	<p>-31st- Same as usual in the office. Finished and served brief & argument in United States v. Lynch - tide land case. -Febry. 1st- Meeting of Stockholders Admiralty Is. Coal Co. to quarrel about Donaldson, Lerch stock. Meeting was not so bad - for we all agree that something <u>must</u> be done to put the Co. on its financial feet. We talked - & then adjourned till next Tuesday evening. In the meantime we are to work out a plan of reorganizing our finances - or rather, reviewing them, - or else Reck promised us the First Nat. Bk. would attach the property of the Company & close up the corporation. I think I can see a way to reorganize.</p>
Diary 39, 1929 February 2	<p>-Feb. 2nd - I have this day made this offer to the Admiralty Island Coal Co. in my effort to assist in reviewing its capital and credit:</p>

	<p style="text-align: center;">Juneau, Alaska, Feb 4, 1929</p> <p>To the President, officers and stockholders of the Admiralty Island Coal Company, a corporation.</p> <p>Gentlemen: In response to your request that I aid in rehabilitating the financial condition of the Company, in which I am a stockholder, and in consideration of your financially reorganizing the business of the Company so as thereby to save our investment therein, I agree with you as such stockholders as follows:</p> <p>1. I agree to use my best efforts to reduce the financial condition of the Company to a cash basis by eliminating all watered Stock, or stock outstanding which has not been fairly paid for at par; and I further agree to surrender to the Company for cancellation the sum of \$7,500.00 preferred stock of the Company on the basis of my offer to sell my property in the Harkrader Coal Claim to Donaldson and Lerch and their Seattle associates, on September 1, 1927. This will leave me the owner of \$17,500. of the common stock of the Company in addition for the sum mentioned in the following paragraph.</p> <p>II. I further agree to accept common stock of the Co. at par for the sum of \$325. which I loaned the Company. \$300.00 to buy the Donaldson stock, and \$25.00 to pay the</p>
<p>Diary 39, 1929 February 2</p>	<p style="text-align: center;">2</p> <p>Standard Oil Co. bill against the boat?</p> <p style="text-align: center;">Very truly yours, James Wickersham</p> <p>I am persuaded to do this because I am in doubt about the ?[] liability of my increased price for the sale of my 1/2 interest in he Harkrader Coal Claim, and 2, we must get relief from the debts of the Company either by turning in and cancelling doubtful stock, or by issuing new and additional stock. Both reduce values, but I prefer the cancellation method, since it clears the records of doubtful stock and gives those who bought stock at par a sense of fair treatment and increases the value of their stock by throwing out the doubtful. This action on my part may afford a fair precedent for Lerch to follow - for the stockholders are</p>

	<p>anxious to dispose of his promotion stock without a lawsuit - though I fear they cannot get him to act except under compulsion.</p>
<p>Diary 39, 1929 February 3-5</p>	<p style="text-align: right;">-3rd -</p> <p>Sunday. Read & visited.</p> <p style="text-align: right;">-4th -</p> <p>Roden got Leech to reduce his promotion stock to \$16,000, but matter is to come before a meeting of Board of Directors & Com of 5 on reorganization - at my office tonight.</p> <p>Meeting tonight insisted on reducing Lerch \$3000. <u>more</u>, & he will agree with Roden tomorrow, so he says.</p> <p style="text-align: right;">-5th -</p> <p>Roden got Lerch to reduce his promotion stock to \$16,000, but matter is to come before a meeting of Board of Directors & Com of 5 on reorganization - at my office tonight.</p> <p>Meeting tonight insisted on reducing Lerch \$3000. <u>more</u>, & he will agree with Roden tomorrow, so he says.</p>
<p>Diary 39, 1929 February 5</p>	<p style="text-align: center;">5</p> <p>and the majority (in numbers and Stock both) were present. Lerch refused to yield. He demanded his stock & salary, etc. After much loud talk & threatened legal proceedings, Biggs asked Lerch to come out in another room as he would like to talk to him privately - they went out & in about ten minutes returned, and Lerch had changed. he addressed the angry meeting in a gentle & pleasant manner & offered to retain \$12,000 of his promotion stock & accept \$500. as a compromise! - thus returning to the Company about \$10,000. in stock and yielding more than \$500. in back claim for salary. His offer-was accepted by a unanimous vote of the Stockholders - & I hope order and peace & square dealing are</p>
<p>Diary 39, 1929 February 5-6</p>	<p style="text-align: center;">5</p> <p>once again restored to the Company's affairs. Lerch was voted a salary of \$200. per month for his services as Sec & Treas. from Feb. 1. and he gives up all back claims except the \$500. & will be permitted to retain the \$12,000 stock. So that's ended!</p>

	-6 th -
	Grace invited the Rustgards to dinner tonight - this afternoon Mrs. R. called me up & said R- was sick & they could not come! We are working industriously - Grace, Roy Sullivan, my secretary, & I, preparing the books in my Library for the shelves, and placing them in order as they are numbered in my Bibliography. it is slow but sure, & we are getting along nicely - if slowly.
Diary 39, 1929 February 7	-7 th -
	When the Rustgards could not come to dinner last night on account of his sudden sickness Grace invited Jimmy & Harriet Barragar, and their friend Ann Elliott, the daughter of Col. Elliott, and Roy Sullivan, of my office & we had a delightful evening with the young folks. I am making a comparison between the corporation laws of Delaware, Nevada and Alaska, for the purpose of determining which law offers corporations the most liberal provisions for business purposes - the greatest freedom and the least burden in carrying on its business <u>in the Territory of Alaska</u> . I am doing this on inquiry from Mr. D.G. Skinner.
Diary 39, 1929 February 8-10	-8 th -
	As usual in the office. I am working on a Comparison corporation laws of Delaware, Nevada and Alaska, to determine if the Alaska law is quite as liberal as the others.
	-9 th -
	Court called motion docket! Working on Corporation Law Comparison.
	-10 th -
	Received letter from MacMillan & Co. N.Y. declining to accept Old Yukon Trails - complimenting me on its qualities, suggesting that some other publishing house might publish it for me, etc. just what my friend in Lawman & Hanfords said!
Diary 39, 1929 February 11	-11 th -
	Sent Paul copy of my letter of Jan 15th addressed to Senator Curtis - asking him to secure recognition from the incoming administration for

	-12-
	W ^m L. Paul, also Curtis reply. Paul wrote asking permission to print in the "Fisherman" my letter to Sutherland asking him to support my draft of bill leasing trap site locations etc. Recd. long political letter from Sutherland & answered it. Sent him copies of my correspondence with Solicitor Genl. Mitchell about charge that I was too blind to act as judge, etc. - a story said to come from Faulkner. I want Dan to ascertain facts about charges to prevent my appointment though I am quite sure that I cannot have any recognition from the Hoover administration - <u>except V.P. Curtis</u> .
Diary 39, 1929 February 12-14	-12-
	One of the coal miners from Admiralty Is. Coal Co. diggins came in yesterday & reports better conditions, enlarged vein of coal, etc. which helps some. <u>Lincoln's Birthday</u> , brings back the years I spent in Springfield, Illinois in association with men who knew him & how often I walked his roads.
	-13 th -
	Worked on my Income Tax report all day yesterday - have it blocked out & ready for a bookkeeper to reduce to an expert shape.
	-14 th -
	Valentine's Day. Grace got one! Working on Comparison of Corporation laws of Nev. Del. & Alaska.
Diary 39, 1929 February 15	-15 th -
	My stock account with the Admiralty Island Coal Company has been rearranged and settled in accordance with my offer heretofore made to it: I now own in Common Stock, Febry 1, 1928. - 1500 Shares Febry 13, 1929 - 225 " Febry 13 1929 - <u>50</u> " <u>1775</u> Shares of the par value of \$17,750 ⁰⁰ I surrendered 750 shares of Preferred Stock and took 225 Shares of Common in its place, and bought the 50 shares of Common for cash! so as to help out the Company. Everything looks good in the mine at this time - it looks like a winner!

Diary 39, 1929 February 16	-16- Working on comparison of corporation laws of Alaska, Nevada and Delaware. John Reck, president of First National Bank, has had a row with Cash Cole, over the attempts Cole is making to "reorganize" the Admiralty Island Coal Co. Cash has taken his account out of Recks bank etc. & Reck seems happy to be rid of him. Reck is to finance Lerch to go south - to Seattle & San Francisco to look for funds to finance the Coal Co. My young office assistant, L.M. Sullivan has been offered an appointment by Judge Harding as Commissioner at Hyder. I am trying to persuade him not to accept it. The opportunities are better for him here in Juneau!!
Diary 39, 1929 February 17	-17 th - A snowy Sunday! We had Lockie & Mrs. McKinnon & Walstein & Mrs. Smith (Ter. Tr). to dinner last night. Among other unimportant things Mrs. S. disclosed was that my political opponents had secured a photographic copy of my Check donating \$50.00 to the La Follette Presidential Campaign Fund. 1924, and filed it against me in the matter of my proposed appointment as Judge! They evidently procured it from my office files by theft - any way they got it!! Faulkner with his cunning, etc. probably secured it. I will investigate. I may find out where it came from. Anyway it was his kind of politics. Still I shall not regret aiding honest old LaFollette that much, though I knew he would not be elected!
Diary 39, 1929 February 18-19	-18 th - Recd. my Ms. <u>Old Yukon Trails</u> back from MacMillan with a beautiful letter - but declining - on account of other manuscripts, etc. to publish it. Of coarse I am disappointed but I will send it to Joel E. Erickson, manager book Dept. Lowman & Hanford, Seattle and see if he can persuade some Coast Publisher to put it in type. Clark, Cleveland, O. would publish it if I would help out some, but I cannot make up my mind to do that. 19 th - Sent my Ms. Old Yukon Trails to Joel E. Erickson, Lowman & Hanford Seattle, with letter. Preparing

	Income Tax Report. Naghel assisting me.
Diary 39, 1929 February 20-22	-20 th - Completed signed & mailed my Income Tax Return today. -21 st - Busy with office work - correspondence etc. A foolish woman client in Fairbanks. Sent her vigorous telegram to sit down and keep still. She is annoying Albrecht & Taylor & will ruin her case - am trying to make her keep her seat & let her lawyers run the lawsuit. -22 nd - Washington's Birthday. Calm, mild and snowing. Remained at home all day and worked on arranging & numbering my Alaskan library in accordance with arrangement & numbers in my Bibliography.
Diary 39, 1929 February 23	23 Received this telegram from Sutherland: <u>Washington, Feb. 23, 1929</u> <u>Hon. James Wickersham. Juneau.</u> <u>Mailed you by air mail today copy of an opinion by Solicitor of Interior Dept. on Controller bill of last territorial legislative session which holds some features of bill illegal, evidently prepared for Parks to guide him in veto power stop. Bill for this session should not be drafted until you have read the opinion stop Only thing solicitor seems to be dead sure about is illegality of appointment notaries public although he almost raises question of right to select territorial officials by popular vote of the people stop</u>
Diary 39, 1929 February 23-25	23 <u>he seems to think that the Governor should be the whole show.</u> <u>Dan Sutherland.</u> My! How the bureau officials fear an organized government by the people! Even when it is only a beginning. How they do hate to give up a little graft! <u>This makes it all the more interesting, and will give Senator Steel and our friends in the Legislature something to do worthwhile.</u>

	<p style="text-align: center;">-24th –</p> <p>Sunday. Thawing & pleasant. We had to dinner tonight Mrs. Hooker & Mildred & Mrs. Lerch.</p> <p style="text-align: center;">-25th -</p> <p>Recd. letter from C.C. Dowell, member</p>
Diary 39, 1929 February 25	<p style="text-align: center;">25</p> <p>of Congress, & House Com. on Territories sending me Senate & House Reports on Senate Bill 4257 <u>“An Act to Authorize the Payment of Certain salaries or compensation to Federal officials and Employees by the Treasurer of the Territory of Alaska,”</u> which is a bill approved by Sutherland to pay Karl Thieles backpay as Sec. after Judge Reed held the treasurer had no authority to pay it out of Territorial funds. Also a letter from Dan about the same bill, which passed the House and became a law on Feb. 13 - also copy Cong. Record of Feb 13, with the full proceedings in the House on the passage of the bill. S. 4257. I am greatly pleased with the wording of the Act - which is now a law - because of</p>
Diary 39, 1929 February 25	<p style="text-align: center;">25</p> <p>proviso attached thereto which reads as follows: <u>“provided that subsequent to March 31, 1929, all appropriations by the Alaska Territorial Legislature shall be in conformity with the provisions of the act of Congress approved August 24, 1912, entitled “An Act to Create a Legislative Assembly in the Territory of Alaska, to confer legislative power thereon, and for other purposes” and amendments hereto.”</u> It seems to me that a member of the Alaska Legislature ought to understand that kind of language. I have written a letter to Sutherland approving this bill and congratulating him on its passage. It strengthens the controller bill!</p>
Diary 39, 1929 February 25-26	<p style="text-align: center;">-25th continued</p> <p>Rustgard came in to talk about the Bill which has just passed Congress & <u>speaks very strongly against it to Dan.</u> I defended both. Also sent the bill, Reports etc. to Smith, Treasurer for examination.</p> <p style="text-align: center;">-26th -</p>

	<p>Got stipulation signed by Hellenthal and by Rustgard - & myself - to dismiss my suit against Smith, Treas. on account of the above matter, for the Act of Congress validates the appropriations & I have no case left!! Filed motion to dismiss & stipulation in the court & cause & that ends <u>that</u> phase of the contest for an American form of government in Alaska. Things in the office as usual!</p>
Diary 39, 1929 February 27-28	<p style="text-align: center;">-27th –</p> <p>Same as usual in the office. I am working on comparing the corporation laws of Alaska and Delaware.</p> <p style="text-align: center;">-28th -</p> <p>The empire reports that Paul is having trouble with Judge Harding, who is threatening to find him guilty of contempt of court because the Indian Brotherhood at its meeting a month or so ago declared that certain Indian boatmen were being threatened with the seizure of their boats unfairly for alleged violations of the fishery laws, by Harding and Stabler. These new officials are now giving Paul trouble because of his assertion in that matter in a proceeding in court. Paul has filed an affidavit of prejudice.</p>
Diary 39, 1929 March 1	<p style="text-align: center;">-March 1st 1929.</p> <p>The SS. “Aleutian” is going north. My friend James Barrack, of Fairbanks, came up to inquire if I would sell my lots in Fairbanks & at what price? Finally said he would write to me about them from Fairbanks. Also said he would inquire about my interest in the nine quartz claims on Goessman Hill - as to assessment work etc. Guy B. Erwin is very sick in the hospital at Seattle. Barrack tells me he is taking mind treatment from Christian Science Practitioner for shrinking of prostate gland!! and suffering from excess urine in the meantime. Its too bad they cant mix common sense with science.</p>
Diary 39, 1929 March 1-4	<p style="text-align: center;">Mch. 1, continued.</p> <p>Charlie Goodell, from Cordova also came up from the boat to say <u>“howdy do.”</u> Most of the members of the legislature are in on this boat. Legislature meets Monday. Will Steel in - and thinks the Senate O.K. an organization, Controller Bill, etc.</p>

	<p style="text-align: center;">-2nd -</p> <p>Same as usual in the office.</p> <p style="text-align: center;">-3rd -</p> <p>Sunday. Worked around the house, but also 2 hours at the office on the Comparison of Corporation Laws of Alaska and Delaware.</p> <p style="text-align: center;">-4th -</p> <p>Legislature meets today. Senate met & appointed its officials & Clerks. My office man L.M. Sullivan was elected</p>
Diary 39, 1929 March 4	<p style="text-align: center;">4</p> <p>Engrossing Clerk. He will be a good Eng. Clerk. but I will be out of a lawyer - he is a first class young man. Wm. A. Steel was elected Pres. of the Senate - a bitter dose for the Empire & the Faulkner crowd. They hate the very ground he walks on - & his friends fill all Senate Offices. The House did not organize, but adjourned until tomorrow to wait the arrival of two of its members - Zeigler from Ketchikan has a law suit on there, & McDonald a sick wife in Seattle. McCain of Anchorage, also, who was not declared elected until too late to catch the boat, but will be here soon.</p> <p><u>There is now a chance for the controller bill to pass!</u></p>
Diary 39, 1929 March 5-6	<p style="text-align: center;">-5th -</p> <p>Same as usual in the office. Sullivan has gone to work for the Senate as Engrossing Clerk. Attorney Genl. & Mrs. Rustgard & Senators Steel and Flame will take dinner with us tonight.</p> <p style="text-align: center;">-6th -</p> <p><u>Received today, from Sutherland, copy of an opinion by the Solicitor of the Interior Dept. in which he forwards to the Governor the data for a veto of the Controller Bill, if the Legislature shall pass it.</u> Passed it along to the Attorney General for his examination. I shall read and study it carefully a little later, for it is an important attempt to prevent the People of Alaska from forming an American type of Government in this Territory.</p>
Diary 39, 1929 March 7	<p style="text-align: center;">-7th -</p> <p>Same as usual in the office.</p> <p>The legislature is slowly organizing its business,</p>

	<p>and its thoughts on the Controller bill & other matters. In his message Gov. Parks recommended that some official should be provided - to be elected by the people, to take over the duties heretofore performed by the Sec. of the Territory. He informs the Legislature that the court held in my case that Theile was ineligible to hold both the Federal and the Territorial jobs! There is a better spirit evinced toward some form of a Territorial Organization than I expected - though there will be formidable opposition to the proper form.</p>
Diary 39, 1929 March 8-9	<p style="text-align: center;">-8th -</p> <p>Grace is having the Bridge Club with her today. She is a member & enjoys their games. Her party was a success. We work in the library in the evenings numbering the various volumes, pamphlets, etc. to agree with the numbers of the same title in the Bibliography of Alaskan Literature.</p> <p style="text-align: center;">-9th -</p> <p>The members of the Legislature are now yielding in the matter of reorganizing the Territorial Government on the general plan of the Controller Bill of 2 years ago. I think it will result in laws for the Election of a Ter. Treas. Ter. Auditor and Ter. Engineer, and always the Governor.</p> <p><u>but the other officials are to be elected and not, as now, appointed by</u></p>
Diary 39, 1929 March 9	<p style="text-align: center;">9</p> <p>the Governor. These officials will constitute the Board or Boards of Control - but in each the Governor will <u>be the power!</u> Still its a great gain over having the Governor the <u>more than power</u> in Boards appointed by the Governor. The people of the Territory are not yet interested in the organization of a real Territorial Government responsible only to the People of the Territory. But a long step in that direction can now be taken, and I hope it will be done. The Senate is now friendly - though not enthusiastic, to the idea, which drives the Federal officials to a point of getting the best they can out of the situation. In other words the Jones To[?] are yet powerful!</p>

<p>Diary 39, 1929 March 10-11</p>	<p style="text-align: center;">10-</p> <p>Stormy Sunday. Remained in the house all day working in library marking, numbering & arranging books.</p> <p style="text-align: center;">-11th -</p> <p>Case set for trial at Ketchikan on Mch. 20th - which will compel me to be there on that date. Some interest in Legislature over electing Supt. of Education by Governor and 4 senior Senators. Senators Steel, Frame & Anderson have majority of the Board & threaten to elect a man from California & defeat Henderson, who has held the office for years - & has made it a political power - and always against <u>our</u> side, so I hope he is defeated, but I do not</p>
<p>Diary 39, 1929 March 11</p>	<p style="text-align: center;">11</p> <p>favor electing a man from California. I favor electing Keller, Supt. Juneau Schools. Steel does not care who it is so he defeats Henderson, but Frame was the California one & without his vote they cannot defeat Henderson so Steel stands by with Frame! I shall be interested to learn who gets it.</p> <p><u>Later.</u> Kellar withdrew - think the Governor told him to do so - that Henderson still has a chance - to Kellar laid down - the election was then adjourned for a week - on the motion of Senator Dunn seconded by Senator Anderson. Steel still thinks Anderson is loyal - but there is strong pressure being brought by members of the Nome delegation - & he <u>might lay down.</u>"</p>
<p>Diary 39, 1929 March 12</p>	<p style="text-align: center;">-12th -</p> <p>Working on Alaska - Delaware corporation laws. Comparing them etc.</p> <p>Have invited Senators Sundquist and Anderson, from Nome, also Nysten and Zeigler from Ketchikan to dinner this evening. <u>I am incubating a scheme of organizing the Tlingit Indians & having them apply to Congress for compensation for their lands, fishing rights etc. etc. in connection with Paul when I go down to Ketchikan next week.</u> Many of them have complained to me about the U.S. taking their garden sites, fishery places, hunting grounds, etc. and I think they are entitled to compensation - such</p>

	<p>as Wash. State Indians are now securing through acts of Congress.</p>
<p>Diary 39, 1929 March 13-15</p>	<p style="text-align: center;">-13-</p> <p>We had a very pleasant party with the two Nome senators, and Representatives Nysten and Zeigler, last evening. After a good dinner, we smoked in my library which greatly interested them. They went to the Governors Reception at 9 o'clock. We did not go - neither Grace nor I seem to care for receptions.</p> <p>As usual in the office. Snow is gone <u>again</u>, and I hope it does not fall again, for I am tired of the sloppy stuff!</p> <p style="text-align: center;">-14th -</p> <p>Same as usual - working on Comparison of Delaware & Alaska Corporation Laws.</p> <p style="text-align: center;">-15th -</p> <p>Finished my work of comparing the Corporation Laws of Alaska and</p>
<p>Diary 39, 1929 March 15-16</p>	<p style="text-align: center;">15</p> <p>Delaware ready for typing. Consulted by Brown about organizing <u>Alaska Investment Company</u>. Promised attention on my return from Ketchikan court - in 10 days. <u>Also read new Controller Bill, prepared by Atty Genl Rustgard & Senator Steel. It is a pretty good law - satisfactory if we can get it passed and approved. Substantially the same as that introduced two years ago, except the Governor is left on the Board of Control!</u></p> <p style="text-align: center;">-16th -</p> <p><u>I am greatly pleased at the final result of the two suits I brought to enjoin the Territorial Treasurer from paring out Territorial Appropriations</u></p>
<p>Diary 39, 1929 March 16</p>	<p style="text-align: center;">16</p> <p><u>to Federal Bureau Officials, and in addition to Federal Appropriations.</u></p> <p>The first of these suits was begun the day after the Legislature adjourned in 1927, against the Treasurer, and on May 28, 1927 Judge Reed rendered his lengthy opinion (7th Alaska Reports, 522-555, in which he sustained my principal contention that the attempt by the Legislature to</p>

	<p>pay a salary in addition to that paid by the United States to the Federal Secretary of the Territory was illegal and void. For political reasons and being influenced by the Governor and other Federal officials and the Juneau Empire Judge Reed refused - or openly neglected to enter final judgment in the case so I could never appeal the case to the</p>
Diary 39, 1929 March 16	<p style="text-align: center;">16</p> <p>U.S. Circuit Court of Appeals, 9th Circuit, which I wished to do. Judge Reed died later and the case stood - until I dismissed it, accepting his favorable opinion on the law as far as it was favorable instead of what I thought to have received.</p> <p>To hurry up matters and to keep the Federal officials awake I brought the second suit on June 29, 1927, to restrain the Treasurer from paying out of the Territorial Treasury certain additional salaries etc. to the appropriations made by Congress for Federal Employees and expenses of repairs etc. to Federal buildings. These suits caused the Federal Departments in Wash. to take notice of the litigation and a bill was introduced</p>
Diary 39, 1929 March 16	<p style="text-align: center;">16</p> <p>in Congress by Sutherland, Delegate from Alaska, to pay those Federal officers who actually performed services under the illegal Acts of the Territorial Legislature, cut concluding with this significant proviso, That subsequent to March 3, 1929, all appropriations by the Alaska Territorial Legislature shall be in conformity with the provisions of the Act of Congress approved August 24, 1912, entitled "An Act to Create a legislative assembly in the Territory of Alaska, to confer legislative powers thereon, and for other purposes, amendments thereto." This bill passed the U.S. Senate May 3-10, 1928 and the House on Feb. 13, 1929, and was signed by the President later. This opinion of Judge Reed and</p>
Diary 39, 1929 March 16	<p style="text-align: center;">16</p> <p>the Act of Congress compelled the Federal officials to consider the matters involved from the standpoint of the Law. I assume the Governor was instructed to pay attention to the law, for in his</p>

<p><u>message</u> to the Legislature, 9th Sess. 1929, he frankly called their attention to the law applicable to both cases, as follows:</p> <p>[clipping]</p> <p style="text-align: center;">AUDITOR'S OFFICE</p> <p>The District Court for the First Judicial Division, just after the close of the last legislative session, held that the Secretary of Alaska is ineligible to perform the many duties that have been conferred on his office for the past fifteen years by the Legislature. The Court stated that the present incumbent in performing these duties as a defacto officer and may continue to act in that capacity until removed or other arrangements are made to meet the situation. The suit was later withdrawn, but it is not proper that this question should remain subject to attack. It is suggested that this matter be given immediate consideration and I recommend the creation of a department of audit with provisions for the election of a Territorial Auditor authorized to assume all of the Territorial duties now performed by the Secretary of Alaska. Since it is necessary to reorganize the office of the Secretary it is advisable for you to consider whether or not certain functions, which were assigned to that office at a time when there was no other place for them, should be taken out and assigned to the proper department. The recording of vital statistics and all matters pertaining to health and sanitation should be under supervision of the Commissioner of Health. However, until the new capitol building is completed the records and clerk in charge should remain in their present location. If this change is made a saving of \$1200 to \$1500 per year can be made because it will not be necessary to make an appropriation for additional stenographic services for the Commissioner of Health or the Boards of Medical and Dental Examiners.</p> <p>This suggestion applies to the decision of Judge Reed in the Alaska, 522-555,</p>

<p>Diary 39, 1929 March 16</p>	<p style="text-align: center;">16</p> <p>against the Secretarys salary: Further over in his Message the Governor also said: The last appropriation bill carried certain items aggregating \$6,450 to supplement the Federal appropriations, including personal services at the Governor's House, traveling expenses of the Governor, entertainment of representatives of the United States and foreign nations, and repairs to the executive Mansion. There is some doubt as to the validity of these items and they have not been expended. The justification for the appropriations is not material here, but the reasons for questioning their validity are of the utmost importance in considering future appropriations bills. It is contended that all items in a general appropriation bill are invalid unless they are made pursuant to the authorization contained in a specific law. In other words, an item in the general appropriation bill, to cover the rent for a building for example, is not valid unless there is a specific law authorizing someone to rent the property. Past appropriation bills have contained numerous items which were subject to attack for the reason stated and the matter is submitted at this time so that we may avoid similar mistakes in our next appropriation bill.</p> <p>This is an admission of the legal correctness of my contention in the second case against the Treasurer to prevent him from paying the items mentioned by the Governor in the above quotation from his Message. He is now willing & his faction is forced to accept amendments to the law creating an officer, a Territorial official, to take the place of the Secretary and to cut out Territorial appropriations for Federal purposes - a complete victory for my two suits & Sutherlands Bill.</p>
<p>Diary 39, 1929 March 17-18</p>	<p style="text-align: center;">-17th –</p> <p>Sunday - Worked in library arranging & numbering my Alaskan books to agree with arrangement & numbers in Bibliography. Grace & I went to picture show in evening. Friends to Sunday lunch etc. Read an interesting book.</p>

	<p style="text-align: center;">-18th -</p> <p>Senator Luther C. Hess, from Fairbanks came in office to call - we talked old times in Fairbanks & finally the Colleges & remains of mammoth etc. in Fairbanks mines. I suggested to him the importance of preserving the bones of the mammoth, horse, buffalo, etc. being & to be uncovered in the mining on Cleary & other creeks by the College; it struck him as a good idea and he asked me to prepare a bill for the Legislature to accomplish that result.</p>
<p>Diary 39, 1929 March 18-19</p>	<p style="text-align: center;">18</p> <p>The Board of Education consisting of the Governor and the four Senior Senators met today to elect a Commissioner of Education. The Gov & Dunn, of Ruby, voted to retain Henderson, but Steel, Anderson and Frame voted for Brower of Cordova. <u>& elected him, provided the 4 senior senators are competent to constitute a perpetual board of education, & still remain members of the Senate.</u></p> <p style="text-align: center;">-19th -</p> <p>I have prepared a bill for Senator Hess providing an appropriation of \$10,000 for preserving remains of mammoth etc. while the heavy mining is going on in the Cleary & Goldstream Creeks.</p>
<p>Diary 39, 1929 March 20</p>	<p style="text-align: center;">-20th -</p> <p>Am going to Ketchikan on tonights boat - to try the case of Matheson Heirs v Patenaude, to recover on an endorsement on a note made by Russell & endorsed by Patenaude, etc. also two other small case, & I hope to get a scheme established with Wm. L. Pauls assistance to recover from the U.S. the tribal values for the Tlingit Indians of their lands and properties taken by the U.S. and its citizens without Treaty or any other rights but just by force! If I can get Paul interested we will act as the attorneys for the Tlingit's, as a tribe - through Congress etc.</p> <p>Mrs. Tupper will stay at the house with Grace while I am away.</p>
<p>Diary 39, 1929 March 21-22</p>	<p style="text-align: center;">-21st –</p> <p>Left Juneau last night on the Yukon. We passed Petersburg without stopping & reached Wrangell afternoon. Judge Thomas & John G. Grant came</p>

	<p>with me as witnesses in the Patenaude case & the Patenaudes came also. Reached Ketchikan at 8 o'clock in the evening & went to the Gilmore Hotel.</p> <p style="text-align: center;">-22-</p> <p>Our case cannot be reached today but the court agreed to permit us to take our testimony by referee if he cannot hear us tomorrow. Am advising with Paul about an appeal in the case when Judge Harding fined him \$175⁰⁰ for contempt of court.</p>
Diary 39, 1929 March 23	<p style="text-align: center;">-23rd -</p> <p>I am old and tired tonight & I will go to bed early. Attended court all day listening to the trial of Harry Nixon & his son for having in possession intoxicating liquor. Also tried my own case of Matheson v Patenaude to set aside a deed from husband to wife for fraudulent conveyance to defraud creditors. Concluded taking the testimony & have 2 weeks to file brief for the plaintiff. I am to take dinner tomorrow – Sunday - with W^m L. Paul and his family. Also have an engagement with him at 10 a.m. in the morning to talk over the plan of getting Congress to pass an Act permitting the Tlingit Nation to present its claims to the Courts for their lands etc. taken by the United States without Treaty.</p>
Diary 39, 1929 March 24	<p style="text-align: center;">-24-</p> <p>Sunday - Dinner with Mr. & Mrs. W^m L. Paul. Spent some time at his office in consultation with him about an appeal in the case when Judge Harding fined him in two cases - \$100 in one & \$75 in the other.</p> <p>Also I proposed to him the project of attempting to secure the passage of an Act of Congress to permit the Tlingit & Haida Indians to bring suit in the Court of Claims to recover the value of the homelands, fishing sites, etc. taken by the U.S. without compensation. We agreed to join as attorneys & work together as attorneys for the Indians. I wrote out the agreement & he is considering it.</p>
Diary 39, 1929 March 25	<p style="text-align: center;">-25-</p> <p>The SS. Yukon came in this morning at 7 a.m. & I am going home on her.</p>

	<p>Made a contract with W^m L. Paul & his wife to join with them in the plan of securing compensation for the Tlingit & Haida Indians. Olts came to urge my attention to the Asbestos mines & our interest with De Roux therein. He is trying to crowd us out! He is taking money from other people & promising to convey title to them etc when we (Olts & I) own 1/2 interest by deed from him, properly recorded!! Yukon left Ketchikan at noon. Mrs. Luther C. Hess is on board and many others from Fairbanks, <u>also</u> my Fairbanks friend Mrs. "Jennie O'Brien" - with whom I passed some interesting hours some ten years ago. She ran when she</p>
Diary 39, 1929 March 25-26	<p style="text-align: center;">25</p> <p>saw me & has kept in her room. Verily conscience makes cowards of us all. Of course she married after our Fairbanks acquaintance - but she ought to know I never forget to be a discreet gentleman - even to my diary. Jennie is a very competent business woman and has made a fortune even in Fairbanks. She is a fine pioneer character and has the respect of the people of the Tanana, and well deserves it.</p> <p style="text-align: center;">-26th -</p> <p>Our ship remained last night at the mouth of the Wrangell Narrows in a snowstorm. J. O'B. came out of retirement this evening and I had a pleasant interview with her & Mrs. Bess in the main reception room.</p>
Diary 39, 1929 March 27	<p style="text-align: center;">-27th -</p> <p>We landed in Petersburg late yesterday afternoon. I saw the Arctic Blue Fox Co. Officials but nothing was done about Wheeler suit. Also McGregor - who promises to pay me the \$250. he owes me - as soon as he can! Went by Kake & arrived in Juneau this morning at 2³⁰ & found Grace in bed sound asleep and glad to see me!</p> <p>The struggle is on in the Legislature about the Controller Bill - the Senate for it by a vote of 5 in favor and 3 against the House is apparently opposed by an equal majority, so the battle stands. Letter – copy - from Sutherland addressed to Senator Borah, stating that he cannot support on Capt. A.D. Williams for Governor of Alaska since</p>

	his choice is Judge James Wickersham - he is just making me an excuse for I am not a candidate.
Diary 39, 1929 March 27	<p style="text-align: center;">27</p> <p><u>Yesterdays Empire says:</u></p> <p>[clipping]</p> <p style="text-align: center;">SENATE PASSES CONTROL BOARD MEASURE TODAY Steel Controller Bill Passed Five to Three Without Word of Debate</p> <p>The Senate this afternoon by a vote of five to three passed Steel's new Controller Bill, Senate Bill No. 35, creating a board of Control to be the executive branch of the Territorial Government, establishing the office of auditor and providing for his election and the election of the Territorial Treasurer by popular vote.</p> <p>The bill was read by title only. There was no debate of any kind. Not a single word was spoken in either defense or condemnation. The emergency clause, however, failed to pass, being one vote short of the necessary two-thirds of the membership. Senators Frame, Anderson Sundquist, Benjamin and Steel voted both for the bill and the emergency, while Senators Dimond, Dunn and Hess voted against both.</p> <p style="text-align: center;">Kill Other Measures</p> <p>The majority machine then moved on to wipe off its calendar the other two measures for governmental re-organization. It took off the table the bill providing for the popular election of Treasurer and another creating the office of Auditor and providing for his popular election. Both were read for the second time.</p> <p>The treasurer measure was first to get the axe. Mr. Sundquist, seconded by Mr. Frame, moved its indefinite postponement. For the second time during the day's session, the Senate voted without debate, and the bill was killed by the same vote and division as the Controller Bill carried.</p> <p>The same procedure was followed on the bill to</p>

	<p>elect an Auditor. But before the vote was taken, Senator Dunn, its author, urged the Senate to defeat the motion to kill it.</p> <p style="text-align: center;">Recognize Futility</p> <p>But he, himself, recognized the futility of such a plea. "Even if an angel from Heaven came down and defended the measure, I know it wouldn't make any difference to," the majority, he asserted. The purpose of the bill, he added, was to give the people of Alaska a needed office to be filled in the only American manner, by election, to have its duties imposed on the officer occupying it directly. The Steel Controller Bill, he said, was an effort to mix up several offices, to create an arbitrary board with extensive powers.</p> <p>"If you believe in the principles of American Government, there is no reason why you cannot support this measure," he asserted. He charged that the majority members were saddling the Territory with an experiment in government, and no one knew where it might lead to. "We have had a very efficient system of Government up to now, but God knows where it might lead to. "We have had a very efficient system of Government up to now, but God knows where we will go under this Control Board," he concluded.</p> <p>The vote of the Senate remained unchanged. Anderson, Benjamin, Frame, Sundquist and Steel voted for indefinite postponement and Dimond, Dunn and Hess against it.</p>
Diary 39, 1929 March 28-29	<p style="text-align: center;">-28th -</p> <p>Same as usual in the office. Busy on appeal of Wm L. Paul, fined by Judge Harding for contempt of court; also in preparation of Brief in Patenaude case.</p> <p style="text-align: center;">-29-</p> <p>Same as usual in the office. Senator Dimond has introduced a new school bill, to codify the school laws - but particularly to repeal the present law & enable a new Board of Education to reelect Henderson as superintendent notwithstanding his defeat by Bruer two weeks ago. The 5 Senators are not asleep and Tony's bill will be carefully pruned before its passage. Since</p>

	Judge Bunnells arrival here to secure appropriations for the Agri. College, the opposition of the Controller Bill has softened, for he has been notified that if his 4th Div. friends fight the Controller Bill there will be reprisal.
Diary 39, 1929 March 30-31	-30 th - Holiday - Treaty Day - but I am working on brief in Matheson v Patenaude. Roy Sullivan is also working typing my Comparison of the Corporation Laws of Alaska and Delaware. -31 st -
Diary 39, 1929 April 1-3	-April 1 st 1929- Same as usual in the office. -April 2 nd - Darrells 47th Birthday. I wrote him a nice loving letter, and one also to Harold, at Enumclaw. Busy on Patenaude Brief. Received letter from Darrell saying he cannot visit us in June! I am very much disappointed. Court is in session beginning yesterday. Luckily I have no case for trial before the new Judge - Harding - but have three pending before Judge Hill who will be here to hold court tomorrow. -3 rd - Same as usual in the office. Finished
Diary 39, 1929 April 3-4	3 writing my Brief in Matheson - Grant Guardian v Patenauds - a case brought by me for plaintiff to set aside a series of deeds made by a husband to his wife to hinder, delay & defraud his creditors. -4 th - We have had a "Taku wind" blowing over the mountains for three days, but it is bright & warmer today. I am assisting in preparing an " <u>8 hour law</u> " bill to be introduced by Representative Fisher of Fairbanks. Some new business coming into the office & I am kept very busy - especially that I am now alone - my former assistant Leroy Sullivan being engaged as Enrolling Clerk in the Senate. The Senate & house seem to be hopelessly in opposition on the Controller Bill & other legislation!

Diary 39, 1929 April 5-6	-5 th - Working on brief of Acts of Congress authorizing submission of Indian tribes to sue U.S. for legal and equitable rights in U.S. Court of Claims. Dinner tonight at home. Senator and Mrs. Hess, Major and Mrs. Elliott, Mrs. Tupper and Judge Bunnell, of the Alaska Agri. College, the men enjoyed my library - the women Bridge. Mrs. Holbrook came in after dinner to play cards with the ladies. -6 th - As usual in the Office. Writing letter to Senator Jones asking for reports on Indian Claims bills etc. -7 th - Sunday. Home all day - dinner down to town with Grace & we went to theater.
Diary 39, 1929 April 7-10	-7 th - Sunday - worked in my library - went to Club Café for dinner with Grace - not so good as her own home cooking but a change for her & a Sunday rest! -8 th - Same as usual in office. Judge Harding is trying a long mining case. Roden is in case - can do nothing in Pauls Appeal until that case is ended. -9 th - Busy in office, nothing extraordinary. -10- Same as usual in the office. Judge Bunnell & Mrs. Tupper paid their dinner calls this evening and remained until midnight talking. He talked " <u>college and its opportunities</u> "
Diary 39, 1929 April 10	10 and invited me to attend his Commencement exercises the last of June and deliver the address! I promised to answer his invitation in ample time. My acceptance will depend on things not yet certain - but I hope to go. Capt. A.D. Williams, of Kokrines, called. He is a candidate for Governor but I declined to give him an endorsement because it would do him more harm than good! He assured me that Holmes stands no chance of appointment, and quotes Senator Borah to that effect. He thinks Parks will

	be reappointed! I wrote a letter to Sutherland today saying I would not be a candidate & urged him to suggest to the President that he appoint <u>us</u> a <u>Stinson, a Wood or a Taft!</u>
Diary 39, 1929 April 10-21	10 and not a Pollyanna! That Alaska needed a man of high executive ability, experience and Eastern influence! <u>But Dan wont do it - and neither will Hoover!</u> -11 th - Working in the office. We had to dinner tonight: Mr. & Mrs. Harry Donnelly, of the 4 th Div. Mr. & Mrs. Frank Foster of the 3 rd and Mr. & Mrs. Lomen of the 2 nd . We had an excellent dinner & a very pleasant after dinner party. -12 th - The House Committee having in charge Senator Steels Senate Bill No. 35, made its report yesterday. It strikes out of the Senate bill about everything that was good, especially all its pro-
Diary 39, 1929 April 12-13	12 visions creating a Board of Control consisting of the Governor, Auditor and Treasurer, and leaves all political powers of appointment and control in the hands of the Governor! It even proposes to punish the Senate by taking away its power of confirming appointive offices, and giving that to the Senate & House combined! It is the basis for a contest that may yet cause charges to be filed against Park's confirmation in case he is reappointed. -13 th - <u>Will Steel was just in and told me that his enemies were at work before the Grand Jury trying to indict him for voting in Juneau at the city election!!</u>
Diary 39, 1929 April 14	-14 th - The situation in respect to the Controller Bill has become a stalemate. The House has set its face against the Board of Control feature in that bill - the Senate takes a Strong stand the other way - <u>so</u> I am drawing a Memorial to the President, to Congress & to Sutherland setting up the Senate View, & will ask Steel & the five Senators to adopt

	it as their statement of the facts and principles, & then drop the subject. If the Governor & the House accept the challenge & do not pass any satisfactory law to take the place of those which are conceded to be deficient – void - they the Territorial government may just have to take a rest until Congress intervenes.
Diary 39, 1929 April 15	-15 th - Same in office. <u>Had the five senators, Steel, Frame, Sundquist, Benjamin and Anderson up at my house tonight: I had prepared a Senate Memorial No. 1 for them, in the matter of the Senate Bill No. 35, Controller bill: it was read by me discussed & the senators agreed on their course of action: they will amend the memorial in some particulars & introduce it at proper time, and thereby place the responsibility for failure of the Governor & the House to act to amend the well know defects in the laws creating a Territorial Executive Department on the Governor & House, and also refer the whole matter to Congress!</u>
Diary 39, 1929 April 16-17	-16 th - <u>I sent a copy of my Comparison of the Corporation Laws of Alaska with those of Delaware this day to Hon. E.D. Skinner, canneryman & capitalist, Skinner Bldg. Seattle.</u> Invited Rothenburg, Speaker House, and Fisher, McDonald, Members House, Senator Dimond & his wife, to dinner tomorrow evening, also Mr. & Mrs. Newmarker, <u>neighbors</u> . Invited Bishop Rowe, but he leaves town on the boat today & could not come. There will be no politics talked because all these gentlemen oppose the Controller Bill. -17 th - The Controller Bill, with every feature of Territorial Government cut out
Diary 39, 1929 April 17	17 <u>by amendments, passed the house today & it will now go to the Senate.</u> We had a very nice dinner tonight Rothenburg, Fisher, McDonald, from the 4 th Div. & Diamond & his wife from the 3 rd , but Murray, from the 3 rd , was so "sick" he could not come! - in other words, <u>Joe,</u>

	<p>was drunk! Mr. & Mrs. Newmarker & Mrs. Lerch made up the party & we had a pleasant evening, the ladies played bridge & we men smoked and talked about early days in the Tanana. Also just as dinner was over Mr. & Mrs. Hutchinson, from Fairbanks called. their boat was at the wharf & they went on home. They are always nice & friendly.</p>
Diary 39, 1929 April 18	<p style="text-align: center;">-18th -</p> <p>As usual in the office. I am just now preparing an Agreement between myself and W^m L. Paul & his wife, Frances L. Paul, as parties of the first part, and the Tlinket and Haida Indians, providing for our services in collecting the claims of the Tlingit and Haida Indians for fisheries, lands hunting grounds, etc. taken by the United States at the time of making the Treaty of Session, Mch. 30, 1867, and for which no compensation whatever has been made to these Indians by treaty or otherwise. It will be a big task and I am very careful in the preparation of our Contract with the Indians, hoping thereby to impress Congress & the courts, if we ever reach either with our entire good faith.</p>
Diary 39, 1929 April 19-20	<p style="text-align: center;">-19th -</p> <p>The Legislature is unable to agree on the Controller Bill & especially the Board of Control feature of it. Senator Frame, representing a majority of the Senate, is just now engaged in studying the legal aspects of the situation & I have loaned him my brief and authorities, used in the cases which I brought in the District Court, so he may familiarize himself with the principles involved, and with the decisions of the Courts in relation thereto.</p> <p style="text-align: center;">-20th -</p> <p>Same in office. Nothing in court except briefs in pending cases. Wrote a letter to Darrell about our declining income in Price Co, Tacoma, property & asked him to attend to matter if he can.</p>
Diary 39, 1929 April 21-22	<p style="text-align: center;">-21st -</p> <p>Sunday - remained in library nearly all day. Grace & I took dinner down town at Mary's Restaurant - not as good as cooking as at home. We then attended the Palace Moving Pictures. Beautiful day - robins sang all night.</p>

	<p style="text-align: center;">-22nd -</p> <p>Wrote Mrs. Patton, Hoquiam, and thanked her for sending me a beautiful library table - bless her kind heart! Senators Anderson, Benjamin, Frame, Steel and Sundquist introduced the Senate Memorial No today: it is an arrangement of the Governor & those who oppose creating an American Form of Territorial Government in Alaska, and may yet form a basis for charges against the confirmation of Gov. Parks in case</p>
Diary 39, 1929 April 22	<p style="text-align: center;">22</p> <p>is reappointed Gov. of this Territory. I wrote this Memorial & the Senators agreed to introduce it - this is the 50th day & the last one on which they could introduce the same, for no measure can be introduced under the Rules, after this date, without suspending the Rules, & that requires a two thirds vote - or 6 out of 8 votes of the Senators - & that they could not get - secure, for Hess, Dimond and Dunn oppose! Henry Roden & I are preparing the Assignment of Errors today in the Contempt case against Paul, for whom we are to appear. It is a pretty close case - we fear, though we think the facts & the law are in his favor, and we are certain Judge Harding ought never to have had the case!</p>
Diary 39, 1929 April 23-24	<p style="text-align: center;">-23rd -</p> <p>O.D. Cochran, prominent attorney from Nome, & "Teddy" Kettleon, Supt. of the Pioneers Home, Sitka, called today. Invited Cochran & his wife to take dinner with us this week Thursday - 25th.</p> <p style="text-align: center;">-24th -</p> <p>Busy closing up ay letters etc. A man occupying a room on the same floor as my office had small pox and was removed from the room this morning & taken to the jail - as a pesthouse! Meeting of the Stockholders of the Admiralty Is. Coal Co. in my offices tonight - to hear Lerch's report of his failure to get financial aid for the Co. in Seattle or S.F. without a Report from a Coal Expert! Meeting was without Explosions - it</p>

<p>Diary 39, 1929 April 24</p>	<p style="text-align: center;">24</p> <p>now transpires that Reck & Cann. are deeply interested in trying to get the property of the Admiralty Is. Coal Co. transferred to another Corporation under such conditions as will give the new Co. great advantages etc. and they hope to be in on the "advantages" – <u>as promoters</u>. With the notes etc. in his bank & his control of our financial affairs Reck may be able to destroy us, etc. Cann proposed a plan last night of taking the A.I.C.Co. into a million dollar scheme at a reduction of our stock price 50% - which I openly opposed. We finally agreed to sell our property for \$250,000 if a buyer can be had, but the buzzards on the fence are waiting for the old Cow to die –so they may eat!</p>
<p>Diary 39, 1929 April 25</p>	<p style="text-align: center;">-25-</p> <p>In office as usual. At the meeting of the Stockholders of the Admiralty Is. Coal Co. last night a Committee of 5 - Reck, Cann, Lerch, Briggs and myself was appointed to call on Messrs Harris and Elfendahl - 2 representatives of the wealthy Alaska Cannerymen to discuss the future & finances of the Mine. We called - & talked - but without point or result. They did halfway promise to stop in the Inlet & look at the mine, but promised nothing else. Dinner tonight at home. D.D. Cochran & wife, Mr. & Mrs. Eggleston - Supt. of Fairbanks Exploration Co, & Harry Pratt, Cochran & Pratt attorneys for the Fairbanks Co. engaged in Mining on Cleary & Gold Stream etc. Just a social occasion.</p>
<p>Diary 39, 1929 April 26</p>	<p style="text-align: center;">-26th -</p> <p>As usual in the office. The Senate Memorial No 1. introduced but not passed yet, has caused the opponents of the Controller Bill features in the Senate Bill introduced by Senator Steel to <u>stop, and look & listen!</u> The Governor and his friends are now afraid of the possible results, both in his reappointment as Governor, and in the appeal to Congress for assistance to combat their efforts to make the Governor the sole, automatic Authority in Alaska. I think they may weaken & concede something fair</p>

	<p>to the people of Alaska. Steel, Anderson, Benjamin, Fame & Sundquist, the majority Senators are standing firm as a rock wall, & holding up many bills much wanted.</p>
<p>Diary 39, 1929 April 27</p>	<p style="text-align: center;">-27th -</p> <p>Senator Steel tells me that the opponents of the Peoples Control in the Territorial Government in the House are weakening. The conferees on the Free Conference Committee on the Steel Controller Bill exhibit signs of yielding. The members of the house from the South Division, who had led the fight against the Steel Bill, are exceedingly anxious about the Appropriations bill for the College & the Senators turn all appeals in favor of that bill to a discussion of the Steel Bill. Bully for Bill Steel! he has shown courage and American patriotism and will deserve the credit for what they get - if the opponents of his bill do yield - as I hope they will.</p>
<p>Diary 39, 1929 April 28-30</p>	<p style="text-align: center;">-28th -</p> <p>Sunday. In the Library most of the day.</p> <p style="text-align: center;">-29th -</p> <p>Steel tells me there is a chance that the House will recede from its opposition to the Board of Control feature, and agree to it in a modified form.</p> <p style="text-align: center;">-30th -</p> <p>Meeting of Board of Directors Admiralty Island Coal Co. in my office to raise \$300.⁰⁰ to pay the coal miners at work on our Mine. I agreed to put in \$300.⁰⁰ more for that purpose and take stock in the Co. for it. Am working on form of a Bill to be introduced in Congress authorizing the Tlingit & Haida Indians of Alaska to bring suit in the Court of Claims to recover for their lands etc. in Southeastern Alaska.</p>
<p>Diary 39, 1929 April 30</p>	<p style="text-align: center;">-30th - continued.</p> <p>Grace gave a party tonight - a bridge card party - to the schoolteachers with whom she taught, and it was a very gaudy one. They all seemed to enjoy it - but Senator Anderson from Nome, Mrs. Tupper, teacher and I seemed out of place - we "holed up" in the Library & talked books etc.</p> <p>[clipping]</p>

	<p style="text-align: center;">E.W. SAWYER IS PLANNING ALASKA TRIP Administrative Assistant to Wilbur Is Coming- Purposes of Tour</p> <p>WASHINGTON, April 30.-Ernest W. Sawyer, Administrative Assistant to Secretary of Interior Wilbur, will leave May 20, for an inspection tour of several western states and Alaska.</p> <p>Sawyer plans to go first to Chicago to confer with officials of the Alaska Railroad, then after investigation of western reclamation projects, will proceed to Alaska and study in detail the administration of that territory.</p> <p>Now I just wonder what <u>this</u> means? Another hunting trip like that Mitchell, Atty. Genl. had last summer?</p>
Diary 39, 1929 May 1	<p style="text-align: center;">-May 1st -</p> <p>The Admiralty Island Coal Co. has raised almost enough money to pay its coal miners their wages, and an Expert Coal man is coming to examine the property - there are rumors of sale etc. & things are looking up. We had a meeting of the Board of Directors today. Reck & all of us agreed to take more stock & pay in the money for the purpose of paying the miners, - from \$200 to \$2000. I put in \$300. & told Reck I would <u>not pay the note for \$2500. in his bank until he and the bank replaced the Donaldson & Lerch stock which was attached to it as security when I signed the note. He was rather nasty about the matter</u> - but he is on the wrong side legally.</p>
Diary 39, 1929 May 2-3	<p style="text-align: center;">-May 2nd -</p> <p>The Legislature will adjourn [?] tonight: things there are in a jam and no one can quite tell what they have done until a survey is made tomorrow. It looks now as if they have defeated the Controller Board feature finally.</p> <p style="text-align: center;">-May 3rd -</p> <p><u>Well, its all over, and while the 5 senators - Steel, Anderson, Benjamin, Frame and Sundquist did not</u></p>

	<p><u>get everything they wanted, they finally got enough to put the Government of the Territory on the road to development, for which they are to be highly congratulated, and the Territory also. The final result of their courage and Americanism is: the election by the People of the Territory</u></p>
Diary 39, 1929 May 3	<p style="text-align: center;">3</p> <p><u>of Four major officials: Treasurer, Auditor, Supt. of Schools and Highway Commissioner.</u> These four will be hereafter elected by Alaskans, and they will, naturally, in good time, be jealous of Federal appointive power, and around them, and this prejudice, will gather that sentiment of a few people which will soon strip Federal officials of the power to control the Territorial Government. These five Senators, also, reduced the appropriations for the Agri. College & School of Mines some \$30,000 in remembrance of the efforts of Pres. Bunnell of that institution, to defeat their efforts to free our Territorial Government from Federal Control.</p>
Diary 39, 1929 May 3	<p style="text-align: center;">3</p> <p>Yesterday was the last day freed by the Organic Act for legislation, but these 5 held up the General Appropriations Bill & the bills creating the Auditors office etc. <u>and compelled their opponents to agree to elect Cash Cole, Auditor, before they would yield, & won that also.</u></p> <p>They defeated Henderson, Supt. Education, one of the worst enemies they had to contend with & <u>in his place elected Bauer</u>, who is at least a stranger to the Governor's forces - the Gov. and Senator Dunn voted for Henderson & <u>lost</u>. These 5 also eased Senate Memorial No. 1. in strong criticism of the Governors attitude - altogether a fine record for Freedom in a legislature overwhelming against them.</p>
Diary 39, 1929 May 3	<p style="text-align: center;">3</p> <p>The House passed a House Resolution in answer to Senate Memorial No 1. as follows:</p> <p>[clipping]</p> <p style="text-align: center;">HOUSE PRAISES GOV. PARKS FOR HIS ATTITUDE</p>

	<p style="text-align: center;">Passes Resolution Endors- ing His Administration by Vote of 14 to 1</p> <p>The House this morning by a vote of 14 to one, the remaining member being absent, passed a House Resolution unreservedly endorsing the administration of Gov. George A. Parks and praising him unqualifiedly. While it does not refer directly to Senate Memorial No. 1, attacking the Governor and alleging him to have been politically active, it makes reference to it indirectly.</p> <p>Mr. Winn, First Division, was the only member to vote against it. He assigned no reason for his vote. Mr. McCain was absent, having left last night for Ketchikan to visit his son H.G. McCain and family.</p> <p style="text-align: center;">Text of Resolution</p> <p>The text of the resolution follows: "BE IT RESOLVED, by the House of Representatives of the Alaska Territorial Legislature in Ninth regular session assembled: "That we commend, without reservation, the honorable George A. Parks, Governor of Alaska, as a true and loyal Alaskan, an honorable and upright man, and an excellent administrator, of whom Alaskans may well be proud. We commend Governor Parks for the marked ability with which he has performed the duties of his office; we commend him for his fairness and impartiality; we commend him for the labor he has taken to acquaint himself with the needs of the various regions of Alaska, and the thoughtful consideration he has given to the many problems which confront him; we commend him for his scrupulous care in confining his activities to the proper performance of his own duties, and in never invading the field of action reserved for the Alaska Territorial Legislature by the provisions of the Organic Act of Alaska; we commend him for his good temper and sanity when he has been (and that lately) vilified and traduced by men who in their eagerness to obtain political jobs at public expense have passed far beyond the bounds of truth and decency; we commend him because he is a gentleman.</p>
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	<p style="text-align: center;">Ten to Delegate</p> <p>"BE IT FURTHER RESOLVED, That a copy of this Resolution be sent to the President, a copy to the United States Senate, and ten copies to the Honorable Dan A. Sutherland, Delegate to Congress from Alaska, for distribution among the heads of the departments of the Government."</p> <p>The resolution was introduced by Messrs. Lomen and Foster by unanimous consent.</p> <p>The members of the House who fought the plan of reinforcing Territorial Government are greatly disappointed at the gains our friends made & from their talk one [?]</p>
<p>Diary 39, 1929 May 4-5</p>	<p style="text-align: center;">-May 4th -</p> <p>Members of the Legislature cannot get away, on account of the way the boats run, for several days, and are yet quarreling over the recent struggles. I am working on W^m L. Pauls contempt case. It is on appeal to U.S. Ct. Ct. of Appeals - but I am preparing a statement of the facts & may send it to the Atty. Genl. & ask him to dismiss the case - if he will. <u>But he wont!</u></p> <p>Grace is quite sick. Dr. DeVighne attends her. It seems to be intestinal trouble. I think it is a slight attack of ptomaine poisoning.</p> <p style="text-align: center;">-5-</p> <p>Sunday - attending Grace & working in the office. Good walk in the sun.</p>
<p>Diary 39, 1929 May 6-7</p>	<p style="text-align: center;">-6th -</p> <p>At work in the office as usual. Lerch & John Reck went over yesterday to examine the Coal Mine & <u>pay the men</u>. Also they expect to meet the Coal Expert who is coming up. from Seattle to make a report on the mind & surrounding prospects. If his report is favorable it is their intention to try to sell the mine.</p> <p style="text-align: center;">-7th -</p> <p>Boat north and south today carrying members of the Legislature home. Grace does not seem to be recovering as quickly as expected. Sent Paul copy of the proposed Bill for the relief of the Alaska Indians - claims for their lands, <u>etc.</u> Working on Pauls Contempt Case.</p>

<p>Diary 39, 1929 May 8</p>	<p style="text-align: center;">-8th -</p> <p>Letter from Darrell who is quite exercised over my financial condition: He thinks I put too much money into my new home, and urges me to quit paying Nan & Harry, etc. I am impressed with his objections & will do just about as he suggests in those matters.</p> <p>The last member of the Legislature has gone home & peace reigns once more. Will Steel, Senator from Juneau, sent south with the rest of them. to Seattle - and says he will attempt to get money – capital - to start a <u>Republican newspaper in Juneau!</u> With four major Territorial officials to be elected by the people we may now be able to really organize a Territorial Government & a Republican newspaper is greatly needed.</p>
<p>Diary 39, 1929 May 9-12</p>	<p style="text-align: center;">-9th -</p> <p>Wrote Darrell - sent him statement of my assets & copy of my Income Tax Return for last year, <u>etc.</u> Grace is better and the Doctor, DeVighne says she is cured, but weak. She will be as usual in a few days etc. Cash Cole, Auditor, took possession of his office the day after the Legislature adjourned & is "<u>carrying on.</u>"</p> <p style="text-align: center;">-10th -</p> <p>As usual in the office.</p> <p style="text-align: center;">-11th -</p> <p>Same as yesterday.</p> <p style="text-align: center;">-12th -</p> <p>Yesterday Lockie McKinnon asked me to prepare papers in Butterbaugh Est. am doing it today - Sunday.</p> <p>Also received telegram from three</p>
<p>Diary 39, 1929 May 12-13</p>	<p style="text-align: center;">12</p> <p>High School girls at Ketchikan complaining that School Board had forbidden outside residents children to come to school in Ketchikan & asking advice. I interviewed Henderson, Com. of Education & Rustgard, Atty. Genl. - both say the law is against us. I do not think so & telegraphed girls to that effect.</p> <p style="text-align: center;">-13th -</p> <p>Am preparing letter to Cole, Auditor & Smith, Treasurer, about payment of appropriations made</p>

	<p>by Legislature to Governors Sec. Clerk & Stenographer, & also salary Highway Engineer - warning them appropriations illegal & not to pay them. I shall bring another suit to restrain payment but think it fair to give warning.</p>
<p>Diary 39, 1929 May 13-14</p>	<p style="text-align: center;">-13th – continued.</p> <p>Recd. telegram from Ketchikan asking me to bring suit about school matter. Judge Harding left on steamer yesterday for Yakutat -"bear hunting" - <u>again</u>, so nothing can be done! <u>Served copies of objections to paying appropriations for Governors secretary, Clerk and Stenographer - & salary Highway Engineer & Auditor & Treasurer.</u></p> <p style="text-align: center;">-14th -</p> <p><u>The more I study Chap. 114, 118 & other laws recently enacted by the legislature the more satisfied I am with what we obtained thereby in the organization of a Territorial Form of Government.</u> Am working in the office as usual - though there is not much business in the law work these days.</p>
<p>Diary 39, 1929 May 14</p>	<p style="text-align: center;">14</p> <p>[clipping]</p> <p style="text-align: center;">DAILY ALASKA EMPIRE, TUESDAY, MAY 14, 1929.</p> <p style="text-align: center;">Wickersham Warns Auditor and Treasurer Not to Pay Salaries, Clerks, Sommers</p> <p>Reviving his two-year old fight against the Governor's office and starting one on the Territorial Highway Engineer, R.J. Sommers, Judge James Wickersham has started a movement designed to prevent the payment of Territorial funds to clerks in Gov. Parks' office and Mr. Sommers for salaries. His first step was to write a letter to Treasurer Walstein G. Smith and Auditor Cash Cole warning them they would violate the law if they paid out moneys for that purpose.</p> <p>Wickersham cited the penal provisions of the so-called Controller Bill, warning the Auditor he would be guilty of a felony and the Treasurer that he would be guilty of embezzlement if they made such payments.</p> <p style="text-align: center;">Claims Items Overlooked</p>

The letter to the two officials follows in part:
“. . . In the excitement of the last two hours of the session the members of the Legislature overlooked two of the most important mandatory provisions of the Steel Bill, and violated their provisions in two instances, and your attention is now called to these two violators of the law.
“The two mandatory provisions mentioned are Section 8 of the Act, contained in Article I, relating particularly to the Auditor, and the other is subdivision (d) in Section 16, relating particularly to the Treasurer, though both are in the same Act, and control the actions of both Auditor and Treasurer.
“Section 8, Article I, provides (italics mine):
‘Section 8. *If the Auditor shall allow a claim against the Territory which he knows to be false or fraudulent or for which there is not an existing appropriation against which a warrant may be drawn, except where otherwise provided by law, or knows to be not a just, true or legal charge against the Territory he shall be guilty of a felony and, upon conviction, shall be punished*’ as provided.
“Section 16, subdivision (d) of Article II, provides (italics mine):
“ ‘He shall pay no monies or funds out of the Treasury *except in pursuance of laws authorizing the payment thereof, and whenever any moneys are paid they shall be paid from the appropriation provided therefore and from no other fund.*’
“Section 19, Article II, makes it the crime of embezzlement for the Treasurer to pay out money in his possession as Treasurer in violation of this Act.”

Attacks Governor’s Office

Continuing Wickersham’s letter declared:
“In view of these drastic provisions of the law your attention is directed to the first three items in Chapter 120, Session Laws of 1929, being the general appropriation bill. These items attempt to appropriate the funds of the Territory for the additional salary to the Secretary of Governor, and for his clerk and stenographer. These are not a *“legal charge against the Territory,”* and the Auditor

will violate the law by allowing them; they are not made *“in pursuance of laws authorizing the payment thereof,”* and the Treasurer will violate the law by paying them.”
Appropriations covering these identical items were attacked two years ago by Wickersham in a suit filed to enjoin their payment. The case was heard on demurrer before the late Judge T.M. Reed in the local Federal district court. On May 28, 1927, in a lengthy decision covering these and other points, Judge Reed upheld the validity of the items, concluding:

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“I am of the opinion that the appropriation for the salary of the Secretary to the Governor and the appropriations for the Governor’s office for an extra clerk and a stenographer are valid.”
Engineer New Issue
The question of payment of the salary of Highway Engineer Sommers was not raised in the Wickersham suit of 1927. It presents a new issue. Judge Wickersham contends that there is no authority anywhere for payment of a salary for that office; that although the Legislature passed a measure creating it, making it elective, it refused to appropriate money for a salary, and that, lacking an emergency clause, it does not become a law for 90 days after the Legislature adjourned.
The office of Highway Engineer was created in 1923 by the Legislature and the Territorial Road Commission authorized to fill it by appointment. It has been held since that time by Mr. Sommers, and the salary and contingent expenses have been paid out of the appropriation for roads and trails made at each succeeding session of the Legislature. Wickersham asserts there is no direct appropriation for the office, no salary can be paid to Engineer Sommers.

Cole Seeks Ruling

Auditor Cole submitted the Wickersham letter to Attorney General Rustgard for an official opinion. The latter said today he had not been able to consider the matter in all of its phases.
Treasurer Smith had no comment to make.

	<p>Since all salary warrants are drawn up and issued by the Auditor, the question of their payment will not confront the Treasurer until the Auditor has taken action.</p> <p>Gov. Parks declined to do more than to point to the decision of Judge Reed in the former case which he apparently considers guiding. Engineer Sommers was inclined to regard the attack on his own official status as a joke.</p> <p>Auditor Cole tells me he want into the Atty. General's office - as he went in Pegues, the Empire reporter came out - his empty chair sat in front of Rustgards desk, & on the desk - lying facing Pegues empty chair was my letter & Coles - showing that Pegues had been reading & copying both. Cole is mad as March hare - while I am not. <u>Rustgard is making friends!</u></p>
<p>Diary 39, 1929 May 15</p>	<p style="text-align: center;">-15th -</p> <p>I have given much careful consideration to the Chap. 118, Sess. L. 1929, creating the office of Auditor, etc. also Chap. 97, codifying the School Laws & providing for the election of Com. of Education, and I am of the opinion that so far as these Chapters provide for the election of these officers by the Legislature they are unconstitutional as in Conflict with the other laws of Congress creating the Executive Department in Alaska.</p> <p>I have written a statement and Brief for Sutherland. Cash Cole is having his clerk & typist copy if for me - and I will forward it on the first boat asking Sutherland to secure the passage of a curative act validating both these important laws.</p>
<p>Diary 39, 1929 May 16-18</p>	<p style="text-align: center;">-16th -</p> <p>Finished my statement & brief on the law of Chapters 97 - and 118 and will send the whole matter - with copies of the laws etc. to Sutherland on the boat tonight.</p> <p style="text-align: center;">-17th -</p> <p>As usual in the office – quiet. Recd. card from Helen & Geo. McGovern announcing the birth of Charles Hanson McGovern. a baby boy. <u>April 27th</u>. Must send the “tike” a cup or something babylike.</p>

	<p style="text-align: right;">-18th -</p> <p>As usual - quiet about the office. The Empire is happy this evening for the Attorney General has spread his opinion against my efforts to secure information about the Auditors duties all over its front</p>
<p>Diary 39, 1929 May 18</p>	<p style="text-align: center;">18</p> <p>page in a political speech. It is a combination of Pegues & Rustgard & John gets publicity etc. Anyway it is a satisfaction to know that he has an opinion which he can make public even if it is a borrowed one - Judge Reed's.</p> <p style="text-align: center;">DAILY ALASKA EMPIRE, SATURDAY, MAY 18, Rustgard Riddles Protests Of Wickersham on Payment of Salaries by Territory</p> <p>In an exhaustive opinion rendered yesterday to Auditor Cash Cole, Attorney General John Rustgard upheld the legality and validity of salaries paid from Territorial funds to the Highway Engineer, and to the Secretary to the Governor and Clerks in the Governor's office. In his opinion the Auditor and Treasurer have nothing to fear from prosecutions for misfeasance and malfeasance in office-although he did not use those terms- in approving for payment and paying vouchers for such services.</p> <p>The opinion is an answer to a letter addressed to Auditor Cole and Treasurer Walstein G. Smith recently by Judge James Wickersham in which it was charged that appropriations for the clerical staff in the Governor's office were illegal, and that as there was no specific appropriation for that purpose no salary could be paid to the Highway Engineer.</p> <p style="text-align: center;">Without Foundation</p> <p>Attorney General Rustgard's opinion takes up the Wickersham protests in the order they were made, deals with them conclusively in seriatim and finds them to be wholly without foundation. “Judge Wickersham asserts,” said the Attorney General's opinion, “that the three items (citing them) appropriated for the Governor's office are illegal,</p>

	<p>but he does not state wherein the illegality exists. "The appropriation Act of 1929, so far as these items are concerned, is identical with the Act of 1927. Immediately after that act was passed and approved Judge Wickersham instituted proceedings in the district court against the Treasurer of the Territory to enjoin him from paying the appropriation made for the Governor's office, the Secretary's office and various other appropriations, including those here in question. As to some of the items the plaintiff was sustained by the district court, but the items here in question were held by the court to be legal and valid. The suit was then dismissed and a new proceeding started solely for the purpose of enjoining the payment of the appropriations for the Governor's office,"</p>
Diary 39, 1929 May 18	<p style="text-align: center;">18</p> <p>which suit was later dismissed after the appropriations involved had been disbursed. Discusses Objections</p> <p>The Attorney General then entered into a discussion of the Wickersham objections as set forth in the 1927 cases. These were two, first, "that the Governor is a federal official discharging federal functions and the legislature cannot lawfully appropriate funds to operate a federal office, and second, that there is no law providing for salaries for the Governor's clerks and appropriation for these is therefore improperly included in the General Appropriation Act.</p> <p>Continuing, he said: "It is to be assumed that these were the objections in Judge Wickersham's mind when he made his protest to you that the appropriations here in question were illegal and should not be paid." He points out that "the legal problems involved receive a most careful study by His Honor Judge T.M. Reed in the first of the Wickersham cases, and this learned jurist, after discussing at length and eruditely each proposition advanced, reached the conclusion that the appropriation here in question were legitimate though others were not found to be so."</p> <p>He added although he had not been able to</p>

	<p>follow Judge Reed in all his reasoning, "it would not seem justifiable by this office in a case of this character at this time to hold that he is so clearly in error that this office cannot accept the decisions as authoritative.</p> <p style="text-align: center;">Legislature Accepted It</p> <p>"The questions involved have been argued pro and con during a period of several years and has agitated the public during several pre-election campaigns. The recent Legislature evidently accepted Judge Reed's ruling as legally correct, and unless it appeared clearly that the Legislative branch of our Government were in error in doing so it would seem presumptuous for this office to say they were so obviously mistaken that their decision should be disregarded."</p> <p>Saying there was no need for repeating the arguments of Judge Reed's rulings, Mr. Rustgard makes a "few reflections" on the same subject matter.</p> <p>He points out "from the very beginning of our moiety of home rule every session of the Legislature has insisted upon imposing upon the Governor's office a large number of new duties, and no session went farther in this respect than the recent one . . . " some of them may be in conflict with Section 11 of the Organic Act, he admits, but adds that the "great majority of them are germane to the functions of the chief executive and of a character that the Legislature believed could naturally be best discharged by his office. Nearly all of those duties involve the disbursement of territorial funds. If the Acts imposing those duties and appropriating those funds had provided that the clerical, postage and telegraphic expenses connected with the Governor's end of the work should be paid out of the appropriation the same as other incidental expenses connected therewith, it is not likely any reasonable objection could be interposed.</p> <p style="text-align: center;">System Is Simplified</p> <p>"But instead of providing in each act carrying an appropriation that the office expenses of the administration thereof shall be paid out of the</p>
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	<p>appropriation itself, the Legislature has abbreviated and simplified the system by making one separate appropriation for the office and administrative expenses of all such acts. That this system is illegal I am not prepared to say. Especially will this office be loath to pronounce illegal any system adopted by the Territory, which has received the tacit approval of Congress during the last fifteen years . . . While inaction on the part of Congress cannot be construed as approval of a legislative violation of an express inhibition, tacitness in the face of the assumption of a right which is doubtful will be construed as consent.”</p> <p>He holds there is no such office as Secretary to the Governor and that Congress does not appropriate any specific sum for payment to such an officer, but does appropriate funds for incidental and contingent expenses and clerk hire.</p> <p style="text-align: center;">Can Impose Duties</p> <p>There can be no doubt, declared the opinion, that the Legislature can impose additional duties on Federal officials in the Territory as long as such duties are germane to the offices of those officers. If</p>
<p>Diary 39, 1929 May 18</p>	<p style="text-align: center;">18</p> <p>they are duties of that class and not in effect new offices, the Legislature has the power to impose them and that without the express authority granted it in the amendment of August 29, 1914 to the Organic Act. In support of this contention Mr. Rustgard cited a Montana case coming up before the Territorial Supreme Court of that Jurisdiction where the same question had been raised, and in which the court held that Territories generally were empowered by Congress to impose additional duties on Federal officers where those duties were germane to their respective offices.</p> <p>This position, Mr. Rustgard believes, cannot be gainsaid, saying: In absence of any authorities to the contrary I am constrained to accept the judgment of the Supreme Court of Montana as correctly stating the law. It follows in my opinion the appropriations in question (for the Governor’s</p>

	<p>office) are legitimate.”</p> <p style="text-align: center;">No Highway Engineer</p> <p>There is no such office as “Highway Engineer,” and will not be until March 1, 1931, under the terms of the Act recently passed by the Legislature, Mr. Rustgard held. In fact, that law, while in effective on August 2, next, cannot by its very terms become operative until the election of a Highway Engineer at the general election of November, 1930 who does not enter upon his duties until the following March.</p> <p>There is an “engineer” in the employ of the Territorial Board of Road Commissioners now composed of the Governor, Treasurer and Auditor, employed by it under the authority of the general road act of 1919 as amended. By statute enacted by the Legislature in 1923 that engineer is also a member of the Board.</p> <p>No doubt can be entertained as to the right of the Board to hire, or if so desired by it, to discharge “such engineer,” he said. This right is in no way abridged by the newest act creating the office of Highway Engineer since no conflict can exist until the latter becomes operative, and “until there is a conflict there is no constructive repeal” of the provisions of the general act.</p> <p style="text-align: center;">Salary is Valid</p> <p>The general act as amended in 1923 empowers the Board to employ an engineer who shall be a member of the Board at a salary not to exceed \$5,000 per annum. Mr. Rustgard points out there never has been made any special or separate appropriation for that engineer’s salary, traveling and incidental expenses. Even without the amendment of 1923, the Board had “full authority to employ the servants or agents, and purchase the machinery and equipment they needed in building roads.”</p> <p>Continuing he said: “. . . the Board of Road Commissioners may employ as many engineers as they find proper and for such a time as they find necessary, and may pay these men out of the appropriation placed at the disposal of the Territorial Board of Road Commissioners. . . . The</p>
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	<p>fact that one of the engineers, while serving, is supervisor and a member of" the Board does not change his legal status nor the method for payment of salary and expenses. He has no fixed term of office and he has no fixed salary, nor a fixed place of residence established by law.</p> <p>Approved By Legislature</p> <p>The practice of the Board in hiring such an engineer and paying his salary and expenses out of the general road fund is well established. Since 1923 it has been done and "this has not been objected to by the Legislature. On the contrary, each Legislature in succession has made the same appropriation in the same manner with full knowledge of the facts, and the system must be considered to have received the approval of the lawmakers, and, when all is said, the whole problem reduces itself to the question of what was the intent of the Legislature."</p> <p>Summing up, Mr. Rustgard said: "I am forced to the conclusion that the Territorial Board of Road Commissioners have full control over the expenditures of the general road appropriation, and may order salaries, traveling expenses or incidental expenses for engineers or others in their employ necessarily connected with road work paid out of such appropriation."</p>
<p>Diary 39, 1929 May 19-21</p>	<p>-19th – Sunday - worked all day in my library numbering books, pamphlets, etc. to agree with the numbers of the same titles in my Bibliography.</p> <p>-20th – Am working on case of Martin, Deed on claim for accidental death v. Alaska Consolidated Canneries. Have secured compromise, but it must go through the Probate Court, to be effectual.</p> <p>-21st - Same as yesterday in office. Bob Hurley, democrat, is out in tonights Empire wits a letter denouncing Cash Coles election by the Legislature as illegal! Probably no attention will be paid to his attack, though I fear he is correct on the law.</p>

<p>Diary 39, 1929 May 22-23</p>	<p>-22nd – John Reck, Pres. 1st Nat. Bank & a member of the Ed. of Directors of the Admiralty Island Coal Co. tells me he has just received a letter from the mines saying that our expert has discovered 4 other veins of coal as thick as the one we are working on. Two weeks ago - on the 6th - our expert met Lerch & others at the mines & he and Lerch & the men there have been prospecting & preparing a "Report" on the property. No report has come yet, except this note to Reck from one of the men.</p> <p>-23rd - I am in trouble over discovering some way to handle the question of the rights of the <u>slaves</u> held by the Tlingits & Haidas in 1867, when the U.S. purchased Alaska, in our proposed suit for the Indians</p>
<p>Diary 39, 1929 May 23-24</p>	<p>23 to recover the value of their property taken by the U.S. without compensation. The "<u>slaves</u>" were not Tlingit or Haida Indians. - Can we leave them out safely - or can we include them legally? Have written to Paul about it, <u>for it is a serious problem.</u></p> <p>-24th - Recd. telegram from Charles T. Petterson, attorney for Foshay & Co. residence Tacoma, saying: <u>will probably require your services at Petersburg and Juneau our Company about June tenth will you be available answer collect. Charles T. Peterson.</u> I shall, of course, answer in the affirmative. Also received copies of agreement with Tlingit & Haida Indians, signed by W^m L & Mrs. Frances L. Paul & will now prepare same for Indian signatures.</p>
<p>Diary 39, 1929 May 25</p>	<p>-25th - Same as usual in the office. <u>Lerch is back this morning with Amos Slater, the coal expert, and his report is not enthusiastic! He says we do not have but 20 acres of coal on our patented 132+ acres, and that coal does not cover the 2400+ acres we have under permit from the United States; that it will be necessary to fix new boundaries to the permit and take in other lands:</u></p>

	<u>that the coal lies in several basins - separated from other basins by dikes - that he and the expert will go to work at once to arrange the boundaries of the coal carrying areas, - that the situation is not as promising as we hoped, etc.</u>
Diary 39, 1929 May 25-26	25 th continued. <u>& that the whole area is badly broken by faults - this all sounds bad to me! and will probably end our local enthusiasm! Lerch also says that it will be impossible for our small company to work the mine - that is a "big interest project! He still thinks, however, that he and he only, can get a big interest to buy and develop the-mines!!</u> -26 th - Sunday - We had Mr. & Mrs. Lerch & Amos Slater, coal mining engineer for examination Admiralty Is. Coal Co. to dinner tonight. We had a good dinner and a pleasant evening visiting & getting acquainted.
Diary 39, 1929 May 27	-27 th - We are informed today that Mike Hudson, while pretending to work for the Admiralty Island Coal Co. at the Harkrader mines was really spying on us & gathering information. That last week he prepared and forwarded to Washington, D.C. <u>application for permit on coal lands alongside of our permit - including the lands being surveyed by the Admiralty Is. Coal Co. surveyors & expert - which the Co. intended to take into its boundaries. I am now preparing telegraphic application and we will send it tonight by telegraph asking for amendment our boundaries & asking Hudson application be held up until our formal application & affidavits are received.</u>
Diary 39, 1929 May 27	-27 th - (continued) Board of Directors of Admiralty Island Coal Company had meeting tonight my office with Mr. Amos Staley, our boat expert. He talked frankly and freely to us & advised about future plans etc. He will write a full report when he gets back to Seattle. Mike Hudson has attempted to locate part of the lands we must have - worked for Ad. Is. Coal Co. & watched & waited for a chance. I prepared a

	telegraphic application to change boundaries of our permit area - and it was sent on to Washington by telegraph tonight. The effect is to head off the Hudson application, etc. Staleys report is much better than I expected it would be & is quite satisfactory.
Diary 39, 1929 May 28-30	-28 th - Same as usual in the office. -29 th - Same as yesterday. -30 th - Decoration Day - sunny & bright. I was amused - I recd. letter this week from Mr. E.D. Skinner, Seattle canneryman in answer to one I wrote to him concerning Dan Sutherland attitude on the trap site leasing bill - in which he criticised what I said - in the letter to Dan. He did not read it right - this morning August Buschman, his brother Eagle, and Friele, Supt. Canneries came in to explain to me that Mr. Skinner had not understood when he criticised & now acknowledged that he was wrong, etc. I am glad he saw it, - for it wont
Diary 39, 1929 May 30-31	30 be necessary to say anything more! In my letter to Mr. Skinner I told him my judgment was that the rule against traps - on " <u>abandonment</u> " between seasons was incorrect & ought to be tested by his company etc. that cases, 5 Alaska 538, and 6 Alaska 277, are too broad and the rule established is not unusual. I advised him to bring a suit to test it, etc. I also prepared our application for the Admiralty Island Coal Co. to correct and amend the boundaries of their coal lands. -31 st - Finished up the Application to amend the description of lands in the U.S. Permit to prospect Ad. Is. Coal Co. lands on Admiralty Island. Mr. Slater,
Diary 39, 1929 May 30- June 2	30 engineer and expert coal man goes home to Seattle tonight. His examination & report is very satisfactory & will tend to put us on a sane basis for

	<p>we now know the limitations of the coal areas surrounding the Harkrader Coal Claim & our mines. It is not a bad situation though not as good as I hoped for.</p> <p style="text-align: center;">-June 1st –</p> <p>As usual in the office.</p> <p style="text-align: center;">-June 2nd -</p> <p>Spent the day in writing an article for the 4th of July Editions of the <u>Ketchikan Chronicle</u> on the activities of Thos. G. Murphy, at Sitka, in 1867 - 8, in organizing government, & issuing the Alaska Times. 1st newspaper, <u>etc.</u></p>
Diary 39, 1929 June 3-4	<p style="text-align: center;">-June 3rd –</p> <p>Busy in office. Van Orsdel, for the Foshay Co. in purchasing public utilities is here & I am interested in whether I am to assist in negotiating for purchases of electric light & power plants, <u>etc.</u></p> <p style="text-align: center;">-4th -</p> <p>About a year ago I met a rather poorly dressed young man in the hall opposite my office door looking for work. On talking to him I found that he had been admitted to the bar as a lawyer in Texas, etc. so I employed him at \$75. per month as clerk in my office. He is now clerk in the Auditors office at a salary of \$175.00 per month & is ex officio Ter. Auditor!</p>
Diary 39, 1929 June 5-6	<p style="text-align: center;">-5th –</p> <p>We had a dinner last night at home for Mr. John P. Van Orsdel, engineer here in the interest of Foshay & Co in purchasing public utilities - the water, electric light & Cold Storage plants: Present Mr. & Mrs. W.G. Smith & Mr. & Mrs. Harland, Mr. Van Orsdel & ourselves. It was a real home dinner & we men enjoyed looking at my Alaska books - so did the ladies later on.</p> <p style="text-align: center;">-6th -</p> <p>Same as usual - busy in office.</p> <p>Am writing to W^m Hopping etc. trying to arrange for Nan and Harry to secure life support in a Home, with their own property - sent Darrell a copy - for he is getting excised about my supporting them at my own expense while they have property.</p>

Diary 39, 1929 June 7	<p style="text-align: center;">-7th -</p> <p>Same as usual in office. I am preparing a communication - statement of conditions & law in relation to W.B. Foshay Co. creating an extension of its American corporation providing for a shipping business at Ketchikan, so as to include an organization with the Canadian National Railway at Prince Rupert whereby freight coming to that terminal from Eastern U.S. may be carried on through rates into Alaska. Intend to send it through Chas. T. Peterson, Atty. Tacoma, to the Foshay Co hoping to induce - or encourage that Co. to extend to Alaska the benefits of this through business to the merchants of Alaska.</p>
Diary 39, 1929 June 8-13	<p style="text-align: center;">-8th –</p> <p>Same as yesterday in the office.</p> <p style="text-align: center;">-9th –</p> <p>Sunday. Recd. letter from Peterson asking me to take charge of Petersburg Utility project, & make arrangements for submitting Foshay proposition to purchase Petersburg Light , Water & Power to a vote of the people of that town. <u>Also letter from Sutherland about trap site bill - he declines to introduce the bill - but is not inclined to serious opposition!</u></p> <p style="text-align: center;">11th 12th 13th</p> <p>Working on opinion in Petersburg Electric Light & Power sale to Foshay Co. letter to Peterson, atty. Tacoma Wash.</p>
Diary 39, 1929 June 13-14	<p style="text-align: center;">-13th –</p> <p>Grace giving luncheon etc. to Goldstein friends. In office as usual, working on opinion for W.B. Foshay - Petersburg utilities. Sent telegram Gustafson, Fairbanks, extending option to sell quartz claims. 6 mo. on consideration that his Co. do this years assessment work.</p> <p style="text-align: center;">-14-</p> <p>Working on Petersburg opinion - am forced to conclude that that town has no power to sell its electric Light & Power plants to Foshay Co. and will give that opinion.</p> <p>We are to have Mr. & Mrs. Roy G. Lyle and his wife, Mrs. Maloney & Mr. Ragan. Mr. Lyles assistant, to dinner with us this evening.</p>

<p>Diary 39, 1929 June 15-17</p>	<p style="text-align: center;">-15-</p> <p>Concluded work on my opinion for the Foshay Co. letter to Charles T. Peterson, Atty. Tacoma, Wash, advising that the town of Petersburg had no power or authority to sell its light & power plant! & asking for instructions.</p> <p>Fred Rhind called: He tells me that he assisted in cutting the lines & setting the corners, etc. on the survey of Juneau - he is a relative of Garside, the surveyor who did the surveying.</p> <p>I knew Fred in Fairbanks - 20 years ago, & greatly enjoy his call.</p> <p style="text-align: center;">-16th -</p> <p>Sunday at home - in library.</p> <p style="text-align: center;">-17th -</p> <p>Same as usual in the office. Sent Paul bound copies of our agreement with the Indians for Signatures.</p>
<p>Diary 39, 1929 June 17-19</p>	<p style="text-align: center;">-17th -</p> <p>Recd. telegram from Sutherland asking me to telegraph him the names of the cannery corporations represented by Faulkner, as agent or attorney: Sent it from files of Secretary (auditors) office.</p> <p style="text-align: center;">-18th -</p> <p>Sent letter to E.D. Skinner, Seattle, about trap site bill, <u>and also copy of Sutherlands letter to me giving his reasons for not supporting the bill</u>: asked him to keep it confidential, although Sutherland sent me a copy for that purpose.</p> <p style="text-align: center;">-19th -</p> <p>Hear that Foshay Co. has purchased the Goldstein Building! You can hear most anything - Van Orsdel says it is just a rumor – nothing.</p>
<p>Diary 39, 1929 June 20-22</p>	<p style="text-align: center;">-20-</p> <p>The printed Record from the U.S. Ct. Court of Appeals, in the case against W^m L. Paul, came today, and I am prepared to begin writing the Brief. It is to be an interesting case - if we can only stay in court - the U.S. Atty. will move to dismiss the appeal, and that matter is in grave doubt.!</p> <p style="text-align: center;">-21st -</p> <p>The "Capital-to-Capital" - Olympia to Juneau - boat</p>

	<p>race came to an end today - the boats arrived in Juneau in a bunch! Working on Paul brief.</p> <p style="text-align: center;">-22.-</p> <p>Evidently Peterson, Foshay Attorney, Tacoma, concedes that my opinion is correct, for he has telegraphed Van Orsdel, their buyer, to</p>
<p>Diary 39, 1929 June 22-24</p>	<p style="text-align: center;">22</p> <p>go to Petersburg & take an option based on passage of Congress of an Act empowering the town to sell! Van Orsdel gave me copy of telegram & asked me to go to Petersburg and assist in arranging the matter on first boat after Monday. I am working today on Pauls case.</p> <p style="text-align: center;">-23d -</p> <p>Sunday - In the library all day. Also working on Pauls brief - there.</p> <p style="text-align: center;">-24th -</p> <p>Consultation with Van Orsdel about the Foshay matters and the necessity for going to Petersburg to arrange for an option etc. as soon as Congress can be persuaded to authorize the town to sell the electric Light & power plants.</p>
<p>Diary 39, 1929 June 25-26</p>	<p style="text-align: center;">-25th -</p> <p>Having trouble to get to Petersburg. No boat till the last of the week and Van Orsdel suggests that we go on an <u>airplane</u>, but I hesitate to do that - its something new and I do not care to trust one! Van Orsdel thinks it safe and I think I will be brave and go! In the meantime I am working on Pauls case.</p> <p style="text-align: center;">-26th -</p> <p>Grace and I have been married one year today. She is a good wife, agreeable, active, a persistent worker, a good housekeeper & cook - and I am very happy and comfortable. I will go to Petersburg tomorrow morning with Van Orsdel, the</p>
<p>Diary 39, 1929 June 26-29</p>	<p style="text-align: center;">26</p> <p>buyer of Public utilities for W.B. Foshay Co. to try and cure up the lack of authority in the town officials to sell the town electric light & power plant to the Foshay Co. We will go by air-plane - a new experience for me.</p>

	<p style="text-align: center;">-27th –</p> <p>The aeroplane did not come this morning & this evening I am at home hoping it wont! Working on Pauls Brief!</p> <p style="text-align: center;">-28.</p> <p>On Rogers to Petersburg at 5 p.m.</p> <p style="text-align: center;">-29th -</p> <p>At Petersburg this morning: Met Van Orsdel, Faulkner, Mayor and City Council. Drew franchise for Light, Power, & Water for Foshay Co.</p>
Diary 39, 1929 June 29-30	<p style="text-align: center;">29</p> <p>Council agreed on franchise without much trouble - but much outside opposition. We all went to hear the Westminster Soprano boys - it was excellent music & enjoyable.</p> <p style="text-align: center;">-Sunday – 30th -</p> <p>Worked all day with Van Orsdel arranging agreement with Mayor & Council about sale of Electric Light & Power plant & water to Foshay & Co. Preparing letter in connection with Van Orsdel, for his signature accepting offer of city to sell & <u>conditioned upon securing power from Congress.</u> Finished & Faulkner - city representative - and I left for Juneau at 8 p.m. on the SS. Queen. everything agreed on.</p>
Diary 39, 1929 July 1-2	<p style="text-align: center;"><u>July 1, 1929</u></p> <p>We arrived at Juneau 8:30 a.m. Grace was at the dock waiting for me. - the home looked very good to me.</p> <p style="text-align: center;">-2-</p> <p>Same as usual in the office. I am preparing a complaint in the case of Ames v Ames, for divorce. My client married Marie - a French woman 8 years his senior at Bordeaux, while he was a soldier in the U.S. Army - later he got acquainted with her - and ran away to Alaska. She stayed with his father & mother & got all their property - about \$10,000. in value & - & now wants my clients property, also! Am paying my monthly accounts today - and groaning over the way they increase - though Grace is careful & a good housekeeper.</p>
Diary 39, 1929 July 3	<p style="text-align: center;">-3rd -</p> <p>I was greatly pleased this morning to receive the following letter from W^m. B. Foshay, Minneapolis,</p>

	<p>Minn. who is making so many large investments in Alaska - in the way of public utilities, etc. This in answer to my letter of June 11th:</p> <p style="padding-left: 40px;">“W.B. Foshay Co. -incorporated- Foshay Tower Minneapolis, June 25, 1929.</p> <p><u>Mr. James Wickersham, Juneau, Alaska</u> <u>Dear Mr. Wickersham: Your letter of June 11, forwarded on June 18 to me by Charles T. Peterson, reached her just Friday.</u> <u>Over the weekend, I have had a little time to give this the deep thought and attention it deserves, as you have but us into thinking. Are we correct in assuming that we can build a boat or take one of our present</u></p>
Diary 39, 1929 July 3	<p style="text-align: center;">3</p> <p><u>boats and operate it from Prince Rupert to Alaska points with through freight made jointly with the Canadian National Railway without chance of any legal entanglements? If this is the correct conclusion that we draw from your letter, have you any idea of the volume of freight that might possibly be obtained?</u> <u>Am taking up this matter with our various executives who would be interested in this situation, and you will hear from us again at an early date. In the meantime we would be pleased to hear from you in reference to the above questions.</u></p> <p style="text-align: center;"><u>Sincerely</u> <u>William B. Foshay</u> <u>President</u></p>
Diary 39, 1929 July 3	<p style="text-align: center;">-July 3rd continued -</p> <p>Mr. Ernest Walker Sawyer, Executive Assistant to the Secretary of the Interior called & I had a very friendly talk with him - about Fairbanks,. resources - timber etc. but before he left I took up the subject of the appointment of a Governor. I told him that Gov. Parks was a good man, honest, etc. but not of the kind that ought to be Governor of Alaska. That it was of more importance to give us a man like Taft-Wood-Stimson - a big man competent to do big things in the development of Alaska! I asked</p>


	him not to appoint an Alaskan - but a successful business man from the –East - who could rise above the better things political & assist in organizing the development of the great resources of Alaska. He took the suggestion kindly - but non-committally!!
Diary 39, 1929 July 4-6	<p style="text-align: center;">4th of July-</p> <p>Got off my answer to Mr. W.B. Foshay about steamship line from Prince Rupert, B.C. to Alaskan ports. Sent him some data on extent of imports & exports & etc. Remained at home most of the day. Mrs. John B. Maloney to dinner.</p> <p style="text-align: center;">-5th –</p> <p>Same as usual in the office.</p> <p style="text-align: center;">-6th -</p> <p>Am writing a letter t o Sutherland in reply to one from him asking me to assist him in opposing the nomination of hart, for U.S. Dist. Atty. at Nome. I am telling him the reasons why I will not do it - among them that this Administration – Hoovers - is not friendly to him & will appoint his enemies anyway. So let them do it and appoint the worst possible.</p>
Diary 39, 1929 July 7-9	<p style="text-align: center;">-7th –</p> <p>Sunday - at home in library.</p> <p style="text-align: center;">-8th –</p> <p>Catching up with office correspondence.</p> <p style="text-align: center;">-9th -</p> <p>Working again on the Paul Contempt case. Meeting of Admiralty Is. Coal Company officers - with miners here from mine. Foreman is having trouble with the men, & wants to quit. We offered Jenk Williams the job & will settle matters tomorrow. John Reck, president First Nat. Bank is managing matters & I am standing by him - we hear nothing from Lerch, Sec. who is in Seattle & S.F. attempting to finance the project. but I fear he is not succeeding - <u>it is a valuable property.</u></p>
Diary 39, 1929 July 10-11	<p style="text-align: center;">-10-</p> <p>Learned that the miners for the Admiralty Co. will not go back to work because the Co. is behind in their wages - they will file liens as security and quit. I fear this may close the mine, though Reck says he will keep a watchman there & the mine free of</p>

	<p>water so work may be resumed at any moment. Letter from Lerch - but nothing has been done yet toward leasing or selling.</p> <p style="text-align: center;">-11th -</p> <p>Wrote to Darrell - also for book by Voltaire. Life of Peter the Great.</p> <p>Working on the Paul Brief. We go to dinner this evening with Mrs. John Maloney. She and Grace went to the theater.</p>
Diary 39, 1929 July 12-15	<p style="text-align: center;">-12th –</p> <p>Business correspondence - and at work on Paul's long brief!</p> <p style="text-align: center;">-13-</p> <p>Same as yesterday.</p> <p style="text-align: center;">-14th –</p> <p>Sunday - cleaned the flower beds of weeds and gathered a large pan of strawberries from our own vines. I am getting deeply interested in the law of contempt as applied in the Paul Contempt Case.</p> <p style="text-align: center;">-15-</p> <p>We buried Fred Harrison, former U.S. Dist. Atty. from Nome here today.</p> <p>He died here while enroute to the Pioneers Home. he was given a respectable funeral - the Nome bar Assoc. sent flowers.</p>
Diary 39, 1929 July 16-19	<p style="text-align: center;">-16th –</p> <p>Finished preparation of my brief in U.S. v William L. Paul, - for Paul, and I feel that I have presented it fairly and I hope successfully. Have sent the copy to Paul to be typed - at Ketchikan. It is a remarkable case of arbitrary power - run mad!</p> <p style="text-align: center;">-17th –</p> <p>Same as usual in office. I am again reading McCauleys Hist. of England. Grace has completed reading to me, The Royal Road to Romance, by Haliburton - we enjoyed it very much.</p> <p style="text-align: center;">-18th –</p> <p>Same as usual in the office – busy.</p> <p style="text-align: center;">-19th -</p> <p>Busy with bringing the Matheson cases</p>
Diary 39, 1929 July 19-20	<p style="text-align: center;">19</p> <p>up to date - they have been postponed by the failure of Judge Reed to try them awaiting</p>

	<p>Hellenthals effort to get the Probate Judge at Wrangell to find in his favor. I am now determined to press them & get an end to the long drawn out litigation.</p> <p style="text-align: center;">-20th -</p> <p>Same as usual in office. Also writing letters - one to the Russian Chief Librarian & asking him to hand my letter offering to buy Russian books concerning Alaska to some good book sellers etc. Another to the Librarian of the University of Uppala, Sweden, who wrote for a copy of my Bibliography: in reply I am asking him for some data about Catherine I, the wife of Peter the Great: Also letters to</p>
Diary 39, 1929 July 20-21	<p style="text-align: center;">20</p> <p>Rev. Edward Masden, Metlakatla, about Tsimpsean blanket making, to Rev. Sam C. Davis, Kasaan, about Haida blanket making & to Mrs. Lillie Paul. Lamaree (W^m L. Paul's mother) about the Tlingit blanket making, etc.</p> <p style="text-align: center;">-21st -</p> <p>Sunday: In last nights mail I received another letter from Mr. W.B. Foshay, about the transportation project, as follows:</p> <p style="text-align: center;"><u>Minneapolis, July 13, 1929</u></p> <p><u>Mr. James Wickersham Juneau, Alaska.</u> <u>Dear Mr. Wickersham your letter of July 3rd received, and I am sending copies of this to my associates, all of whom are giving your suggestions serious consideration. Some vacations are interfering with the consideration of this matter, but as soon as the opportunity</u></p>
Diary 39, 1929 July 21-22	<p style="text-align: center;">21</p> <p><u>presents itself we will exchange our ideas and arrive at some conclusion in the matter, and then you will hear from me. With kindest personal regards, Sincerely, Wilbur B. Foshay, President.</u></p> <p>Also recd. letters from Mr. E.D. Skinner, and Darrell. Nothing of importance. Grace & I will go out to Auk Bay this evening with Dr. Dawes & Mrs. Dawes & take dinner with Mr. & Mrs. Post - <u>a most excellent dinner.</u></p> <p style="text-align: center;">-22nd -</p> <p>More papers, etc. from Peterson, Atty. for Foshay.</p>

	<p>about Petersburg Public Utilities. repudiating Van Orsdales contract in their name - & submitting new contract. Evidently Van O. was straining on the leash.</p> <p style="text-align: center;">x x x</p>
Diary 39, 1929 July 23-26	<p style="text-align: center;">-23d -</p> <p>Same as usual in the office.</p> <p style="text-align: center;">-24th -</p> <p>After much telegraphing & writing letters - just in receipt of telegram from Chas. T. Peterson, Atty. for Foshay Co. saying he is coming north within a week & not to do anything in Petersburg Cold Storage plant purchase until he arrives here. I am glad he is coming it may enable me to get a better knowledge of what the Co. intends to do & when & why - and if I am go be a party to it, etc.</p> <p style="text-align: center;">-25th -</p> <p>Giving the Paul Brief the final "once over."</p> <p style="text-align: center;">-26th -</p> <p>Same as usual in the office.</p>
Diary 39, 1929 July 27-29	<p style="text-align: center;">-27th -</p> <p>Motions in case put over until next Thursday. Rainy - but warm. I am now commencing the work of preparing cards - a card index - for the outline of a Hist. of Alaska.</p> <p style="text-align: center;">-28th -</p> <p>Sunday - nothing unusual.</p> <p style="text-align: center;">-29th -</p> <p>We were greatly shocked this afternoon to hear that Gov. J.F. A. Strong had suddenly passed away in Seattle. We sent Mrs. Strong this telegram: <u>"We have just heard of your great loss and send you our sincerest sympathy stop Governor Strong was one of the finest characters that ever came to Alaska. A good Citizen, a great executive</u></p>
Diary 39, 1929 July 29- August 3	<p style="text-align: center;">29</p> <p><u>and a lovable old sourdough stop All Alaska mourns with you for we have lost a friend whom we loved.</u></p> <p style="text-align: center;"><u>James & Grace Wickersham"</u></p> <p style="text-align: center;">-30-31-</p> <p>Ruth Coffin, Graces niece came to visit.</p>

	<p>Same as usual in office. Argued demurrer in Matheson matter. <u>August 1-2nd</u> Court overruled my demurrers etc. Same as usual. -3rd -</p> <p>Motions in Matheson matter overruled - case set for trial Monday. Dinner tonight. Prof. Phil Smith, U.S. Geol. & Mr. Sargent of same dept. Mr. & Mrs. B.D. Stewart - & Ruth at our dinner. We then went to the Governor's Reception to four members of Congress - members of the Com. of Agriculture. House - slow but pleasant at that.</p>
	<p>[inside back cover – photograph of an earlier James Wickersham]</p>

	
<p>Diary 39, 1929 August 4</p>	<p>-Aug. 4th - Sunday</p> <p>Mr. Charles T. Peterson, of Tacoma, & his daughter around on the boat early this morning. We went out with them to Mendenhall glacier & along the Eagle River road. Peterson & I had a long talk in my office. Foshay matters. He brought my bill for June services back - he thought my charges were too small & raised them \$200.⁰⁰ Told me I was expected to do such work here as they had to do, etc. We had dinner with them at the Arcade Restaurant & then Grace took Mifs Peterson & Ruth to the movie picture show.</p>

<p>Diary 39, 1929 August 5</p>	<p style="text-align: center;">-5th -</p> <p>Peterson in the office - conference with Faulkner & they agreed on remodeled (?) contract between the town of Petersburg & the Foshay Co. former contract made by Van Orsdel set aside upon the ground that V.O. had no power or authority to conclude same - & the new one made generally on the same terms. "Polly" Peterson. C.T. P's daughter - at our house & C.T.P. had dinner with us this evening. Conference about Foshay matters - & general instructions to me.</p> <p>Trial of Estate of J. Matheson - due before Judge Harding. Roden for Admixt. Hellenthal for National Surety Co & I for the minor heirs. Peterson & daughter bid us goodbye.</p>
<p>Diary 39, 1929 August 6</p>	<p style="text-align: center;">-6th -</p> <p>Trial in Matheson Est. concluded. Harding decides the case against the minor heirs - we cannot appeal. I am greatly dissatisfied - but cannot change the result, & must make the best settlement I can - & let it go.</p> <p>Yesterday I called C.T. Petersons attention to the Admiralty Island Coal Co's property & secured his interest - he read the Slater Report, & also talked with John Reck - to whom I introduced him & arranged conference between them. Chamber of Commerce. or Ex. Com. will today consider the proposition of assisting the Ad. Is. Coal Co. - Com. of Ad. Is. Coal Co. stockholders are to present the matter & ask for subscriptions to stock etc.</p>
<p>Diary 39, 1929 August 7-8</p>	<p style="text-align: center;">-7th -</p> <p>Prepared & served & filed a motion to require the Am. Final Act. in the Matheson case to be set & tried on the issues raised by Answer - Exceptions & Objections filed in the Probate Court by the Guardian for the minor heirs - the only defense they can make is that we did not appeal, but I think the appeal of the National Surety Co. presents the whole case.</p> <p style="text-align: center;">-8th -</p> <p>U.S. Atty. served motion to dismiss Appeal in the Paul case, now on appeal to the Ct. Court of Appeals, San Francisco. This is the crucial point in</p>

	<p>the case, though I think the Motion cannot prevail. <u>Sent Paul copy.</u></p>
<p>Diary 39, 1929 August 9-10</p>	<p style="text-align: center;">-9th -</p> <p>Am preparing Motion to compel the Admixt. and Surety in Matheson Case to try the case on testimony in support of the Amended Final Account - & another Motion for Judgment on the Pleadings if they do not do so. Its a mean case - long drawn out.</p> <p style="text-align: center;">-10th -</p> <p>Concluded index & title page of the Brief in the case of Paul, on appeal to U.S. Circuit Court of Appeals. <u>Contempt.</u> Ruth - Graces nice, on excursion on the "Gannet," to Taku Glacier etc. The girls are giving a party tonight at our house - and will go out to Auk lake & the beach later - for midnight lunch - I do not attend any of the festivities.</p>
<p>Diary 39, 1929 August 11-12</p>	<p style="text-align: center;">-11th -</p> <p>Grace had a nice party last night. I enjoyed meeting the people, and the music, but I did not go out to the Barrager cabin on the Auk Bay Beach - where they went for midnight lunch & dancing. Four automobiles carried 20 of them out - about 11 oc. when they got back I was asleep.</p> <p style="text-align: center;">-12th -</p> <p>Argued motion in Matheson Est. before Judge Harding - did not convince him! Final reading & correction of Paul Brief in Contempt Case. Sent copy with letter of instructions to Paul. Taku miners in - have located some wild cat claims at mouth of Tulsequah - 2 1/2 miles up from Taku. I get an interest.</p>
<p>Diary 39, 1929 August 13</p>	<p style="text-align: center;">-13th -</p> <p>Chick Ashby, Charlie Erickson & J.E. Kelley - located the "Vista," "Little Bob" and "James" Lode mining claims at Tulsequah. 2 1/2 miles up that stream from the Taku. -I grubstaked Ashby & I get one third of his interest. 1/9 in the 3 claims. Agreement in writing signed & witnessed today. Location notices filed. I paid for 1. \$3.⁵⁰.</p>

	<p>Also the boys located four claims up the Crow?? Creek, on the Anklin, an upper tributary of the Taku - & will come in tomorrow & fix papers for them. I get a claim there - the "Anklin"</p> <p>Rock from adjoining claim on the Tulsequah - to the "Vista," "Little Bob," and "James" assayed \$65.⁰⁰ to the ton.</p>
Diary 39, 1929 August 14-15	<p style="text-align: center;">-14th -</p> <p>Nan has broke out again. Just received - collect \$2.⁰⁸, telegram demanding \$2558.40!!</p> <p>Made agreement with eight other owners of Tulsequah river claims to pool them - 9 claims - on an agreed division -9 claims recorded today including my claim. - "Inklen"</p> <p style="text-align: center;">-15th -</p> <p>Judge Harding ruled against me in the Matheson case -& I will appeal -if the appeal looks good on further examination. My friend Sargent, geologist, & the "Gannett" officers give a dinner tonight - Grace & I are invited - & will attend.</p>
Diary 39, 1929 August 16-17	<p style="text-align: center;">-16-</p> <p>The dinner last night was enjoyable. Probably 50 persons. ladies & gentlemen were gathered on the "Gannetts" barge - & the dinner was good, the company better and the pictures brought down from the aeroplanes - of mountains, lakes, forests, roads, towns etc. interesting.</p> <p>Busy in the office.</p> <p style="text-align: center;">-17th -</p> <p>Same as usual in the office.</p> <p>The Board of Directors of the Admiralty Is. Coal Co. had a meeting in my office this evening - present Gallwas, Pres. Lerch, Reck & I. Tom George did not attend. Henry Roden was also present. Nothing accomplished except that Reck & Lerch quarreled - things in bad shape & it looks as if the project is a failure - for want of intelligence & business management.</p>
Diary 39, 1929 August 18	<p style="text-align: center;">-18th -</p> <p>Ruth Coffin. Grace's niece is having a gay time with us for the month of Aug. She will go home soon to begin to teach as musical director in Washington schools. She graduated from</p>

	<p>University of Washington in June - is a bright, intelligent girl & we love her very much. Grace gave her this journey to Alaska - & she is enjoying it.</p> <p>I am just in receipt of a copy of an enlarged photograph of Leutze's painting of the "Signing of the Treaty for the Purchase of Alaska," from Hon. Dan Sutherland, Delegate. It seems the original painting has been lost & this is a photographic copy of a lithograph copy. 4 times enlarged of another photograph of the painting.</p> <p>I will hang it in my Library.</p>
Diary 39, 1929 August 19-20	<p style="text-align: center;">-19-</p> <p>We are just waiting for Lerch to get through "grouching" & threatening to sue the Admiralty Island Coal Co. - we may then be able to do something toward reorganizing. Reck thinks he may take \$200 or \$300, and quit after the 21st when his note at the bank comes due & his stock is taken over by the Bank.</p> <p style="text-align: center;">-20th -</p> <p>Barrett Willoughby - Alaska writer passed today - stopped off the Yukon for 4 hours: met her at wharf - took her & Mrs. Maloney to my library, where she spent 2 hours, etc. She seemed pleased - is on her way to Fairbanks to write an article on Aviation & Aviators in Alaska.</p>
Diary 39, 1929 August 21-24	<p style="text-align: center;">-21st -</p> <p>As usual in the office.</p> <p style="text-align: center;">-22nd -</p> <p>Ruth - Grace's niece - is very much excited - packing to go home today on the SS. "Alameda." She has been with us three weeks & has enjoyed her visit very much & we have enjoyed it too. She goes home to teach school.</p> <p><u>Recd. copy of Judge Hills Opinion - against my client - in Goldstein v. Pond. decided Aug. 19th.</u></p> <p style="text-align: center;">-23rd -</p> <p>Same as usual in the office.</p> <p style="text-align: center;">-August 24th, 1929 -</p> <p><u>My 72 Birthday: I am well and strong - and work every day in the office and in my home library</u></p>

<p>Diary 39, 1929 August 24</p>	<p style="text-align: center;"><u>Aug. 24th continued</u></p> <p>My client Pond has asked me to appeal the case of Goldstein v Pond to the U.S. Circuit Court of Appeals.</p> <p>[birthday greeting card]</p> <p style="text-align: center;">Birthday Greetings to the Organic Act and Its Author. 1912-1929 "Let me write the laws of a nation and you can have its gold."</p> <p>I was both surprised and pleased to find on my dinner table this evening a beautiful birthday case from our friends the Hermans, with the above card - the Organic Act of Aug. 24, 1912 was signed by President Taft on my birthday 1912. Hence the double birthday cake!</p>
<p>Diary 39, 1929 August 25</p>	<p style="text-align: center;">-25th -</p> <p>My client A.L - or L.A. Olts & I had a long conference this day (Sunday) in my office in regard to our interests in the Admiralty Island Asbestos mines - on Bear Creek. It seems that DeRoux, the locator sold Olts a large interest in the claims & made a deed to him which was recorded, etc. that he has also sold the claims to one Sheidley, of Kansas City. I tried to get Sheidley - who is in Juneau - to meet Olts so we might talk the matter over with a view of compromising the matters & adjusting same so that no one might lose & so we could also add other claims & finance the project, but Sheidley & his attorney, R.I. Robertson refuse to meet us - well, let them worry!</p>
<p>Diary 39, 1929 August 26-27</p>	<p style="text-align: center;">-26-</p> <p>Hellenthal served findings of Fact Conclusions of Law & Decree, <u>proposed</u>. I think Pond will appeal case of Goldstein V Pond, Winter & Pond, etc. Working on case today!</p> <p style="text-align: center;">-27th -</p>

	<p>Getting Goldstein v Pond in shape for Appeal. Pond has determined to appeal the case. I am just now deep in the Asbestos mine. Have had conference today with Mr. Sheidley, Mr. Crooks & R.E. Robertson their attorney about compromise over the Olts interest in the Asbestos Mine on Admiralty Island. I will look into the matter carefully with them & attempt to secure fair interest for Olts in Settlement.</p>
<p>Diary 39, 1929 August 28</p>	<p style="text-align: center;">-28-</p> <p>Conference with Sheidley, Crooks & Robertson in the DeRoux asbestos mines. I am to telegraph Olts tonight suggesting basis of settlement or compromise with DeRoux & make proposition to Sheidley tomorrow. Sent night letter to Olts asking to come to Juneau at once. We have a decidedly better position as to title of the asbestos mines than the Sheidley people, but he is a good man - a wealthy man - one who can do the Co. great good & I am anxious to keep him in the Co. so he can get the money to put the mines at work etc. De Roux has defrauded him badly & ought to be punished for it.</p>
<p>Diary 39, 1929 August 29-31</p>	<p style="text-align: center;">-29th -</p> <p>As usual in the office.</p> <p style="text-align: center;">-30th -</p> <p>I cannot hear from Olts - but in the meantime I have prepared a written proposal to be submitted to Sheidley & DeRoux & their friends for a reorganization of the Asbestos project. The Admiralty Is. Coal Co. directors held a meeting - Lerch resigned, etc. and I sincerely hope we are through with him. I am reserving rooms on the boats for Sept. 5th to go to Seattle. I am pretty busy in the office.</p> <p style="text-align: center;">-31st -</p> <p>Olts is here on Asbestos Co. matters. Agrees with me on our proposal to reorganize the Co. and will</p>
<p>Diary 39, 1929 August 31- September 2</p>	<p style="text-align: center;">31</p> <p>submit our proposal as soon as he can fully understand it. <u>Sunday, Sept. 1.</u> Olts & I went out riding with Lockie McKinnon - to</p>

	<p>Eagle River & on all the roads in that direction - the Glacier, etc. Olts had dinner with us. Mrs. Maloney present.</p> <p style="text-align: center;">-2nd -</p> <p>Olts & I signed a proposal dated Aug. 31st 1929, & gave copies today to Sheidley, Crooks & Atty. Robertson offering to accept 425 shares of the Asbestos - Alaska Asbestos, Inc. out of 4000 shares for our interest in our deed etc. dated Oct. 31, 1927, as a compromise & reorganization of the Company etc. See Proposal</p>
Diary 39, 1929 September 3	<p style="text-align: center;">-3rd -</p> <p>Sheidley, Crooks, Robertson met Olts & me in my office & presented their counter proposal - which on our subsequent examination has proved unsatisfactory & tonight we have answered by writing declining to accept it. & offering in addition to our former offer to accept \$10,000 for our interest under the deed we recd. from Olts of Oct. 31, 1927, & we will deliver our letter in the morning. Jimmie Fox, Douglas Indian, came to see me & told me that he staked the - ora - rich sulphide body of quartz on the Tulsequah - where Eaton or the Alaska Juneau Mining Co has</p>
Diary 39, 1929 September 3	<p style="text-align: center;">3</p> <p>recently purchased a great body of such property - He is not sure if it is the same body - but said his father was going up tomorrow to "look-see", & would come back & let us know - if not Jimmie will go up & stake it - when I come back from Seattle. He also told me of placer ground on Ad. Is & will go there in a day or two & I am to grub stake him etc. Olts is also going to secure an option & agreement on Dolomi quartz Claims & stake surrounding claims - across lake, & we are to be in on same equally. This may seem like crazy - but they may be sensible too.</p>
Diary 39, 1929 September 4	<p style="text-align: center;">-4th -</p> <p>We have been unable to secure an agreement with Sheidley about the asbestos mines owing to the technical & slippery methods of their attorney. If he was not in the way we could get a settlement without trouble, but he is in the way - so we do not get it. We have written a letter to them extending</p>

	<p>our first proposal of settlement to Dec. 1st & will let it sand there.</p> <p>We have our trunks packed - our bills paid - our tickets on the SS. Alaska & will go to Seattle tonight. Grace & I.</p> <p>Later. Olts & I wrote a letter to the Alaska Asbestos Co. Sheidley, et al. accepting their proposals to sell our interest & take 425 shares of Stock.</p>
Diary 39, 1929 September 5-6	<p style="text-align: center;">-5th -</p> <p>Left Juneau on S.S. Alaska. rounded Cape Decision, Shakan & Wrangell</p> <p style="text-align: center;">-6th -</p> <p>Ketchikan for 4 hours today. Saw Duggan - sour & insurgelet[?] Hunts were on the jury - did not see either of them. Long talk with Mr. & Mrs. W^m L. Paul. Brief in Paul Contempt Case will be printed first of next week - will send me copy to Hotel Frye, Seattle. Paul has a letter from Sutherland saying he may not wish to be a candidate for reelection to Congress. Paul is of opinion he cannot be elected anyway & urges me to consider becoming a candidate. Says he will write to Sutherland saying he cannot be reelected & suggesting me in his place.</p>
Diary 39, 1929 September 6	<p style="text-align: center;">6</p> <p>I frankly told him I would not be a candidate against Dan. and did not consent to become a candidate even if Dan requested me to be. Paul is very bitter against Rustgard as a candidate and declares he will not support him even if nominated. He gave me Dan's letter to take to Will Steel - for information. Paul suggested also, that if Will Steel does not return to Alaska soon & enter into a candidacy for Ter. Senator - he must not run & in that event he will support Henry Roden for that place. Henry & Paul have reread & corrected my Brief in the Paul Contempt Case. Called on McClain but he was not in his office.</p>
Diary 39, 1929 September 7-10	<p style="text-align: center;">-7th - 8th</p> <p>Queen Charlotte St. - in a fog. anchored, for 17 hours.</p> <p style="text-align: center;">-9th -</p> <p>Arrived Seattle at 8 a.m. went to Frye Hotel.</p>

	<p>Darrell & Jane here. Arrived last evening. -10th - Saw Dr Nelson with Darrell Dr. made a careful examination & says I will not need the operation for months - maybe a year, all of which relieved me very much. Ordered suit of clothes. Light gray. We are preparing to go to Tacoma tomorrow - en route to Grays Harbor. Out to see our lots etc.</p>
Diary 39, 1929 September 11	<p>-11th - Left Frye Hotel this morning with Darrell & Jane, & Grace, in Darrells new Automobile – Packard - came over the great new highway from Seattle to Tacoma. We stopped at Graces old home place & visited with Mrs. Miles & Peggy half an hour - they had some friends there also - when we came near Tacoma we went out on the Puyallup road to our Dairy farm - looked it over & then to Tacoma. Stopped at the Winthrop Hotel - After lunch we drove out to Point Defiance Park. We also inspected our house 230 C. St. Long talk with Hopping & Winden about Nan. They will assist me in getting a sale of her Buckley land & a life place in the Old Ladies Home</p>
Diary 39, 1929 September 12	<p>-12th - <u>Interview in this mornings Tacoma Ledger.</u> We spent the night at the “Winthrop Hotel,” Tacoma, & left there in the morning for a visit to Mrs. Sarah WcM. Patton at Hoquiam. <u>My cold is growing worse.</u> Stopped for an hour at Olympia and had a good visit with Uncle Jont Crouch, who is now 86 years old but in good health - happy & strong. Iva & her husband. Geo. Zeren were there & I delivered to Iva a gold pin with coral ornament which was left for her specially by Debbie. We also saw “Jimmy” Sauls, & family - our old Juneau friends. The road from Seattle via Tacoma and Olympia to Hoquiam is a well paved concrete highway- very different from the mud roads of former days.</p>
Diary 39, 1929 September 13	<p>-13th - I had a real chill yesterday after leaving Olympia. and a fever & they - Darrell & Jane & Grace -</p>

	<p>called a doctor - but it was a part of my heavy cold! In spite of this I insisted on continuing our trip. Mrs. Patton joined us and this morning we went from Hoquiam to the Quinault Lake - where we had lunch, and then on over the new road to the Quuts River - roads good but not paved. Back to Hoquiam for the night. Spent the evening in Mrs. Pattons library - she has a good many interesting old Oregon (Wash) books - and is herself a piece of N.W. History. We greatly enjoyed our visit to her home.</p>
Diary 39, 1929 September 14	<p>-14th - After calling on Mrs. P. & thanking her for entertaining us, & a nice visit to Quinault & the Quuts we left for Seattle - through Olympia & Tacoma without stopping - rested a while at the Frye Hotel & then we went on to see Harold at Enumclaw. <u>That</u> is the way we have been traveling for four days - at 40 miles an hour and I am just about worn to pieces! Grace stands the pace better than I do while Darrell & Jane, who are used to it, think it affords them plenty of time to observe & enjoy the country. I even go at that rate of speed in my sleep - and will be glad when I can stop & rest for a while.</p>
Diary 39, 1929 September 15	<p>-15th - I am informed that Mrs. A.J. Brooks, the widow of our old time Alaska friend - the geologist of Alaska - will be in from Alaska at noon today on the Alameda, so Darrell is taking Grace & me down to meet her. Also Mrs. Strong is there & other Alaskans - and we will return to Enumclaw later to visit with Harold - again. Our information was not correct. Mrs. Brooks is coming <u>next</u> Sunday - but I am glad to be able to rest at the Frye - for an afternoon. Graces niece, Ruth - came to see us & remained to dinner & we spent the evening resting - listening to the radio and visiting with Ruth.</p>
Diary 39, 1929 September 16	<p>-16th - We went over to Tacoma this morning. Called on Charlie Peterson (Foshay Atty) but there was nothing new - not even my check. Darrell & I talked at some length with Hopping & Winden about selling Nan's 24 acres at Buckley & buying</p>

	<p>her a life support in the Old Ladies Home in Tacoma - at the Point Defiance Park. Hopping agreed to look after the matter if Harold & I can get a buyer for the land. She is willing to do what she can to assist in the matter. Drew \$418.⁰⁰ from my Assoc. Deposits.</p> <p>We went out to my collection of Alaska curious at State Hist. Soc. and I gave Jane an old Russian Kettle. Grace a samovar & Kettle. Back to Seattle for the night.</p>
Diary 39, 1929 September 17	<p style="text-align: center;">-17th -</p> <p>Darrell & Jane are obliged to leave us at noon to go back home to San Francisco. Mr. Sargent of U.S. Geol. Sur. showed us (Mrs. Strong, Darrell & Jane, Senator Snodgrass, Grace & I) a large number of beautiful aerial photographs - made by the navy planes this summer in S.E. Alaska. Snodgrass has promised me he will go to Enumclaw a week from tomorrow & give a lecture to the Farmers Banquet. Harold asked me to go - about the Agri. conditions in Alaska.</p> <p><u>Darrell & Jane left us at 1 a.m.</u> for S. F. & Home. Mrs. Gov. Strong is here & we see her often - she looks lost & lonesome.</p>
Diary 39, 1929 September 18-20	<p style="text-align: center;">-18th -</p> <p>Busy with errands - saw Ames father of Jesse Ames, of Petersburg, about his sons divorce matters.</p> <p style="text-align: center;">-19th -</p> <p>Same as yesterday. We went to theater - Barrymore</p> <p style="text-align: center;">-20th -</p> <p>Called on Skinner's. father out of town saw Elfendahl who thinks I ought to go to Wash. D.C. in aid of passage of Trap Site Bill. but I told him I ought not to go, etc. It will be settled later. Saw Freide, Miller etc. Parson's Dexter Horton Nat bank invited me to lunch on Monday. Dr. Tolmie, B.C. Premier, spoke today at Chamber of Com. in favor of Int. highway - to Alaska, etc. Went to the "Blue Mouse". Vitaphone - talkies.</p>
Diary 39, 1929 September 21	<p style="text-align: center;">-21st -</p> <p>Grace had her tonsils removed by Dr. Samuels today - & must go to the hospital for a day or two.</p>

	<p>Ruth came to lunch with me. Had Will Steel to dinner with me - am persuading him to assist me in preparing an interview for one of the Seattle papers in relation to the International Aero-Auto Highway - from Seattle through British Columbia to Fairbanks. <u>No one has yet suggested the construction of the highway underneath the airway!</u> and that plan I hope to make prominent etc. Grace is at the Swedish hospital tonight with a very sore throat, but OK.</p>
Diary 39, 1929 September 22-23	<p style="text-align: center;">-22-</p> <p>Went up to see Grace. Swedish Hospital - she is much better than she was last evening and wishes to come to the Frye Hotel this afternoon. Brought her to the Hotel - she is getting well fast.</p> <p style="text-align: center;">-23rd -</p> <p>Called on Col. Perkins, who wrote to me about keeping a good feeling in the Admiralty Island Coal Co. but he is at Hyder, and wont be back for a week. Had lunch with W^m H. Parsons, Pres. Dexter Horton Nat. Bank. He was very kind & offered to assist me in securing business etc. and asked me to write to him if I saw any place where he could help.</p> <p>Finished a statement</p>
Diary 39, 1929 September 23-25	<p style="text-align: center;">23</p> <p>in relation to the proposed British Columbia - Alaska Airplane and Automobile Highway - to serve as an interview - gave it to Will A. Steel, who will prepare an interview for one of the Seattle papers, & also publish it in the Cordova Times Annual. Mr. & Mrs. Faucher, from Kent, took dinner with us. She is Grace's oldest sister & a fine good woman.</p> <p style="text-align: center;">-24th -</p> <p>Went of Tacoma to see Hopping and Winden. received \$418. from my moneys with Tac. L. & S. Assoc. Grace is not recovering from her operation as rapidly as I hoped she would.</p> <p style="text-align: center;">-25th -</p> <p>Harold sent automobile to take</p>
Diary 39, 1929 September 25	<p style="text-align: center;">25</p> <p>us to Enumclaw. Grace & Mrs. Strong could not go because each has a sore throat. Mr. Snodgrass of U.S. Experiment Stations - Agricultural, & I went,</p>

	early in the day. We had lunch with Harold at his home. In the afternoon I went to Buckley. Called on Harry, my brother - he is not well balanced - told me he could not pay taxes etc. & would not sell any property to pay his debts & a judgment against him - that they might put him out, etc. He is partly demented. Called on good old Aunt Kate. She is having her house enlarged & Lake France & Minnie (and Kates Daughter) are moving in with her. Also called & visited with Maude & Nellie - they are in great trouble because
Diary 39, 1929 September 25	25 Dick, their brother, has disappeared & They cannot hear from him - not for 18 months - they fear he is dead. I gave Maude some money & told her if she got to a point where she had to have more to call on me & I would assist her. Back to Enumclaw & Harold took Snodgrass & me to a Kiwanis banquet. Music etc. I was called on - talked for 5 minutes about Alaska. Snodgrass talked half an hour & showed a lot of pictures of Alaska farm scenes - & talked on Alaska farms & farming. At 11 oclock we returned to Seattle, arriving at Hotel Frye about midnight. Met several Alaskans at the banquet.
Diary 39, 1929 September 26-27	-26 th - Over to Tacoma - lunch with Hopping & Winden – nothing - must go back tomorrow & arrange for new lease on my dairy farm. Called to see Peterson. Foshay attorney - but he was in Seattle. Returned to Seattle. telephoned to Peterson - he wanted me to lunch with him & other Foshay officials Saturday – 28 th . Grace is slowly getting well. I am glad of her recovery. -27 th - Went over to Tacoma - the tenant on my dairy ranch wants me to build a new cow-barn - but does not want to pay any more rent - so I took the suggestion under advisement!
Diary 39, 1929 September 28-29	28 Went over to Tacoma - the tenant on my dairy ranch wants me to build a new cow-barn - but does not want to pay any more rent - so I took the

	suggestion under advisement! [clipping] AUTO-PLANE ALASKA ROUTE IS APPROVED Judge Wickersham Favors New Project PROSPERITY FOR GREAT BENEFITS GREAT DISTRICTS POINTED OUT BY SEEN AS RESULT JUNEAU VISITOR Settlement of Rich Areas Delegate to Congress for 12 and Development of Nat- Years Visualizes Internat- ural Resources Cited as tional Pathway Across Factors of Highway. Forests Into North <i>(For map and photographs along the route of the proposed international highway, see Page 1, of the Automobile Section of The Times today.)</i> ADVOCACY by Premier S.F. Tolmie of British Columbia, on a recent visit to Seattle, of the project for an automobile-airplane international highway between Vancouver, B.C., and Fairbanks, Alaska, drew approval from the rugged hills of Alaska. Judge James Wickersham of Juneau, here on a brief visit, spoke enthusiastically of the benefits to accrue to both nations through completion of the visualized project. As Alaska's delegate to Congress for twelve years after serving the territory as federal judge for seven, Judge Wickersham is secretary of an organization with headquarters at Fairbanks which seeks financial aid from both the United States and Canadian governments to make the highway project a reality. Sees Great Benefit "A combined airplane and automobile highway from Seattle through British Columbia and Yukon Territory to Alaska," said Judge Wickersham, "would be of far greater benefit in securing the further settlement of these territories and the development of their great natural resources than would the construction of a much more expensive railroad along the same route. It would bring population into the central parts of those regions,
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give close personal contact and create a feeling of friendship and common interest which no other project could do. It would establish towns along its line, and give settlers and prospectors an opportunity to develop the agricultural and mining resources of the regions opened, better than any other possible plan.

"The extension of the automobile highway idea to include combination with an airplane route ought to strengthen public support for both projects and insure official recognition and appropriations from both the United States and Canadian governments. Such a combined highway, the airplane route above the automobile road, both to follow a common course, with common supply bases, landing fields, roadhouses and hotels, will make travel by airplanes and automobiles safe and more interesting to travelers, and double the benefits to the regions traversed by the great highway.

"The region to be traversed is an untracked wilderness, covered by dark forests and mountains, while unbridged rivers add danger to airplane service. A plane forced down in such a country would be lost, and its occupants would run great risks of suffering or death before they could be reduced, even if they should land in safety. If, however, the right of way along such a highway through the forested areas should be cut a hundred feet wide, a plane following its general course would be enabled to land safely on the roadway at any point along its thousand miles of length. Even if it were forced to land off the roadway, its nearness to the highway and fixed bases of supplies would enable aviators to secure assistance quickly and also to repair any damage to their plane and continue their journey with little delay or danger.

Homes Would be Built

"Settlers will quickly erect homes along such a road and every valley would be opened to agriculture and every mineral region to prospecting. As an example of what always has followed and naturally will follow road building in

the Western wilderness, the government of the United States has in the past three years constructed a good graded highway from Juneau, the capital of Alaska, for forty miles north of that town, and during the progress of the work more than a hundred settlers have built homes along the line and new homes are being built as the road progress and reaches new good locations. This road crosses two small valleys and the one nearest town has a dozen dairy farms and many garden and farming patches and fields.

"The main line of this proposed airplane and automobile highway will cut British Columbia, Yukon Territory and Alaska through the center, in the great valleys between the Coast Range and the main chain of the Rocky Mountains, and will extend from Vancouver, B.C., to Dawson and Fairbanks. Shielded from excessive rain and snowfall along the Coast by the great barrier of the Coast Range, it will pass through a comparatively dry region, cold in winter and hot in summer. The snowfall is light and the winter road will be hard and passable every day, both winter and summer. To secure the best development from the great main road, however, it will be necessary to construct several branch lines from the main road to favored sea coast terminals.

Such an airplane and automobile international Highway with branch lines across the Alaskan boundary line to the sea coast, will require some legislation, probably, by both the Canadian and United States governments, to modify some of the present customs rules and regulations.

Present Rules Stringent

"These laws should be so liberalized as to give the utmost freedom in travel over these highways with both airplanes and automobiles. At present stringent regulations prevent the free flying of airplanes across the borders; these must be course be modified, and the highways made free.

"Alaska and Klondike pioneers have always subscribed to the Arctic brotherhood motto, "There is no boundary line between us," and that sentiment should be extended by law to this great

	<p>international highway and its branches.</p> <p>Some point on the Canadian side and Fairbanks, in Alaska, are to be made great landing stations on the intercontinental route from the United States and Canada to Asia, via Bering Strait, to connect with the Old World lines of aviation. This British Columbia - Alaska airplane and automobile highway should be so planned, constructed and managed as to be of the utmost benefit in the organization of the intercontinental route.</p> <p>"The aviation and automobile interests of the United States and Canada are interested in the proposed highway, and will give their earnest support."</p> <p style="text-align: center;">HIGHWAY VISIONS OF OLD ALASKANS MAY BE REALIZED</p> <p>The vision of old-time residents of the North – Alaska, Yukon Territory and northern British Columbia—a trunk highway connecting the district with the United States, may be realized within a few years. Sentiment has been crystallizing on both sides of the boundary line among officials and business men, and the project is now seen, not only as a possibility but as a probability. The proposed highway would connect with roads in the Peace River district of central British Columbia and run northward through Atlin and upper Yukon areas to Circle City on the American side and thence to Fairbanks, where it would connect with the Richardson Highway to Valdez on the Gulf of Alaska. Indorsements are being received from prominent persons all along the Pacific Coast and the movement is gaining momentum.</p> <p>Gov. Parks was reappointed Gov. of Alaska yesterday! Sorry, for it prevents Will A. Steel from starting his proposed Republican newspaper at Juneau! which he would have established if Holmes, of Texas, has been appointed. Today's Seattle Times has a fine interview - with my picture, etc. on the proposed Auto-Airplane Highway through British Columbia into Alaska</p>
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	-29 th - I have sent clippings of the fine interview from the Times to the Alaska and B.C. papers - & Darrell.
Diary 39, 1929 September 30	-30 th - The Times has a nice follow-up Editorial: [clipping] The Seattle Daily Times C.B. Blethen, Editor and Publisher HIGHWAY TO TAP RICH EMPIRE. JUDGE WICKERSHAM'S suggestion that an air route be established along the proposed extension of the Pacific Highway from British Columbia to Alaska is sound. It would be practicable to develop landing fields as the automobile road is extended through the wilderness. Whether the air route should be established first is a debatable question. At present, seaplanes, using the inside passage, parallel the proposed route over land. The course of the new highway will be through forests now trackless, across mountains and steep canyons and generally through the wildest and most picturesque region on the continent. On some of its unbridged steams trappers and miners have established feeble outposts. Moose, grizzly bear and mountain sheep are present in great numbers. Its rushing rivers have enormous potential water power. Its mineral resources are so great that their extent can be merely conjectured. The combination of air route and automobile highway, using the same bases of supplies, roadhouses and hotels, would be singularly attractive to tourists. It requires no special prescience to predict that it would be thronged with sightseers and with travelers with a more serious purpose from the day of its opening. Judge Wickersham, who knows Alaska and the Yukon Territory, does not exaggerate when he says that settlements with their industries and their farms soon would be established along that magnificent highway. Such a development always has followed roadbuilding in the wilderness. The road would open up an empire enormously rich to the uses of man.

	My friend Will A. Steel seems to be busy, for I think I ought to thank him for this long line of publicity!
Diary 39, 1929 September 30- October 2	<p style="text-align: center;">30</p> <p>[clipping]</p> <p style="text-align: center;">Sutherland Asks Study of Highway Into North Country</p> <p>(For Editorial Comment See Page 6.) By Associated Press. WASHINGTON, Monday, Sept. 30.-A study of the feasibility of constructing a highway to connect the northwestern part of the United States with British Columbia, Yukon Territory and Alaska, in cooperation with Canada, was proposed today in a bill introduced by Delegate Sutherland, Alaska. The measure would authorize the President to designate two special commissioners to cooperate with Canadian representatives in making a study of the proposal and to determine if it were economically practicable.</p> <p>One of the commissioners would be an official of the Department of Interior and the other president of the Road Commissioners for Alaska.</p> <p>Sutherland is busy also! I am sending out the foregoing editorial & this Assoc. telegram to the Alaska Newspapers. hope they will "boost" also. There is much discussion, favorable, of the project.</p> <p style="text-align: center;">-Oct 1st -</p> <p>Calling on friends and attending to small matters. About ready to go home. Bot my tickets on Alaska SS. Co. boat for Saturday.</p> <p style="text-align: center;">-2nd -</p> <p>Saw D.E. Skinner & Elfendahl today - about the Trap Site bill. Elfendahl will go to Washington</p>
Diary 39, 1929 October 2	<p style="text-align: center;">2</p> <p>about the last of the month to see Dan, & if he opposes the bill Elfendahl will probably get White. of Maine, to introduce it. He suggested Free, of California, but I strongly opposed that, and he agreed to get someone not so objectionable to Alaskans. Told him Free attacked the Alaska railroad 2 or 3 years ago - & his sponsorship would</p>

	<p>arouse a bitter prejudice in Alaska & both he and Skinner thought it better to have White introduce the bill.</p> <p>We had dinner tonight with Mr. & Mrs. Lyle at the Arctic Club. Very foggy & a pall of smoke obscures the sky.</p>
Diary 39, 1929 October 3-4	<p style="text-align: center;">-3rd -</p> <p>Had long conference with Van Orsdel who tells me he has been employed by Foshay Co. to go to Alaska as their representative, that he will reside in Juneau - and will come to my office, and probably use one of my rooms as his office, & will give me employment etc. He also talks favorably about purchasing the Admiralty Is. Coal Mine etc. Mr. Faucher, Grace's brother-in-law, residing at Kent had another "stroke" - apopleptic - today.</p> <p style="text-align: center;">-4th -</p> <p>Some days ago I had lunch with Mr. Parsons, Pres. Dexter Horton Nat Bank</p>
Diary 39, 1929 October 4	<p style="text-align: center;">4</p> <p>who suggested that if he could assist me in any business way he would be glad to do it. I told him the Foshay interests were coming into Alaska & that if he would interest himself enough to present such a request it would do some good, etc. Today I had a conference with Van Orsdel at his office - he told me he was to go to Juneau in a few weeks as their representative, - that might care to have one of my office rooms, -that he was friendly to me, etc. I told these items to Parsons - & he said he knew Van Orsdel, that Stacy knew him better etc. He had Stacy call up Van O. - & have a talk with him. I did not learn what they did or said - but feel sure P. & S. said enough - and its now up to Van Orsdel!</p>
Diary 39, 1929 October 5-7	<p style="text-align: center;">-5th -</p> <p>We left Seattle this morning at 9. a.m. for Juneau. A beautiful day. Small number on the boat, but among them are Ralph Lomen, reindeer man - & Dave Dunbar, traveling man, both of whom I have known for many years. Lomen is going to Juneau. Dunbar to Fairbanks. Grace & I are both glad to be going home.</p> <p style="text-align: center;">-6th -</p>

	<p>Sunday. Queen Charlottes & Mill bank - heavy fogs delay our boat. -7th - Ketchikan late this evening. Delayed by fogs. Long visit with Paul, who has a letter from Sutherland in which</p>
Diary 39, 1929 October 7-8	<p>7 he announces positively that "I will not be a candidate for reelection as Delegate to Congress from Alaska." He writes Paul that either Rustgard or I ought to be nominated & rather gives me the preference. Paul says he, too, prefers me & will not support Rustgard, etc. Paul & his wife came down to the boat & called on Grace & assured her also, & read Dan's letter to her. -8th - We reached Juneau this evening o.k. A letter from Sutherland came on our boat - in which he informs me he will not be a candidate for Congress again, and says</p>
Diary 39, 1929 October 8-9	<p>8 <u>"I have decided that I will not be a candidate for reelection to Congress next year," and in a second letter of the same date he says: "1st it goes without saying that if our friends decide that you shall run for the delegateship, I shall come to Alaska and do everything in my power to elect you. I would prefer seeing you in this office above any other man in Alaska."</u> -9th - Busy in the office getting work in shape again. Several of my friends came in to talk politics. I do not intend to make Dan's announcement public until I write to him quite fully about it.</p>
Diary 39, 1929 October 10	<p>-10th - Working trying to catch up in the office. While I was in Seattle "Chick" Ashby & Charlie Erickson, prospectors sent out by a group of my friends in which I was one of the nine parties - located a group of 9 claims on the mountain side across the Tulsequah river from the Alaska Juneau Group. on the Taku river. The locations were sent in and recorded - the Rev. Allen, of the Lutheran Church</p>

	<p>paid for my recording & I've paid him. When the specimens were sent in to the A.J. assayer & he had finished assaying them - that Company immediately sent its best miner and one of its</p>
Diary 39, 1929 October 10	<p>10 assayers up the Taku to the claims and Erickson went with them to the claims for samples. They got a number of bags of samples & brought them in for their own information. What the result is I have not learned, but their interest is such that we hope for good assays. I await the return of Ashby and Erickson to Juneau next week with much impatience, for full reports. Hendrickson who was so excited at the Frye Hotel in Seattle last week is located with us in the group. Wrote Sutherland a good letter today about the political situation. Also to Charlie Taylor, at</p>
Diary 39, 1929 October 10-13	<p>10 Fairbanks. Many of my friends are interested, and urge me to go into the April primary - Rustgard has returned from his trip to the Interior to Fairbanks - today and had a long conference in the street with Pegues, the Democratic schemer, who is boosting Rustgard. -11th - Same as usual in office. Answered correspondence. Consultation with Roden about Matheson appeal - he suggested compromise! -12th - Same as usual in the office. 13th - Sunday - at home. reading about Catherine I. of Russia.</p>
Diary 39, 1929 October 13-16	<p>13 The Empire copied the Times (Seattle) Editorial commending my stand on Airplane & Automobile road, <u>see page 240</u>. Letter from W^m M. Steel, Seattle, saying he has letter from Dan saying he will not run again & giving me encouragement. He is boosting among Alaskans in Seattle. -14th - Letter from Forest J. Hunt, Ketchikan urging me to be a candidate for Delegate - working in he office as usual.</p>

	-15 th – Getting business in the office in shape once more. -16 th - Same as usual in office: <u>sold my lot in Fairbanks to Barrack for \$500.⁰⁰</u>
Diary 39, 1929 October 17	-17 th - I am pleased that so many of my old friends are inclined to urge me to become a candidate again for Delegate to Congress. While I have made no announcement the story is getting out that Sutherland will not run again, and these old political friends hearing that come & express the hope that I will stand in his stead. I do not agree to run, but do not refuse: I just talk to them & ask them to talk with their friends and tell me what they think about the advisability of my doing so - that I do not wish to become a candidate without some considerable support – generally, so far, it seems favorable.
Diary 39, 1929 October 17-18	17 th – continued. Appointed Notary Public this day. My former commission expired Sept. 14th. Ashby, Erickson, & Kelly at my office this evening - discussed & mapped Taku mining claims. -18 th - <u>Alaska Day.</u> At Darrells request I have this day rewritten his will and ford. it to him. to be completed by him. Our Taku mining crowd met at my office tonight & signed 12 copies of an agreement to pool our 12 claims on the mountain above the junction of the Taku & Tulsequah rivers. Kelly, Erickson & Ashby take a half interest in the 12 claims; Harry Stonehouse, Olaf Forkelson, James Wickersham,
Diary 39, 1929 October 18	18 Harry R. Allen, Wyatt Kingham, and J.H. Henrichsen, own the other half interest in the 12 claims - undivided. The Alaska Juneau Mining Co. Juneau, has already made us an offer to buy the group. \$25,000. in four yearly payments, and \$200,000 out of the first profits. We unanimously agreed not to accept the offer, but to wait till spring when the snow is off and send the boys, prospectors Erickson, Ashby & Kelly up to the

	claims with drills & powder & do enough work to see what we really have - & then sell after giving other persons a chance to examine the property!
Diary 39, 1929 October 19	-19 th - Rev Harry R. Allen is one of the group of 9 interested in the location and ownership of the quartz mining claims located for us by Erickson and Ashby just above the junction of the Tulsequah & the Taku rivers: he - and others of our members are very much exercised at the thought that if young Ashby. or any one of us shall sell our interest to one of the great mining companies it would give that Co. practical power to prevent any other company from purchasing our interests, etc. and thereby spoil our sale & reduce the price ho just what the company first purchasing an interest may choose to give. So they - Allen, especially, to prepare
Diary 39, 1929 October 19	19 an agreement for the signatures of each and all the members of our group of nine, by which we bind ourselves not to sell any interest - but to hold for sale the whole group of claims as a single transaction. It seems a wise thing to do, and I am tonight preparing such a form of agreement. Tom Ashby, the father of "Chick" - one of our group, came to see me this afternoon and urged the same proposition. He also complains that his son did not act fairly in not letting him in on the Taku group - and denounces both Jim Kelly and Erickson for urging "Chick" to sell with them a small
Diary 39, 1929 October 19-20	19 group of 3 claims in the Alaska-Juneau, or Manville Group, at the forks of the Tulsequah & Taku for only \$700. [Manville Group is across the Tulsequah River from the Tulsequah Mine] Tom is quite right about this latter sale. I was interested in a small way in this group and did not know of the sale until it was concluded & the boys came to give me my letter share, but I said nothing & took what they gave me - only \$78.00! Allen will try to get the men in our group to sign the agreement mentioned on Monday. -20 th -

	At office & prepared a further agreement for Taku mining claimants to sign. Sullivan is copying for me.
Diary 39, 1929 October 21-22	-21 st – Major Gillette of the U.S. Alaska Road Commission has prepared for me an outline map showing the proposed Pacific -Yukon International Highway, and I am sending it to Will A. Steel in Seattle to be included in the All-Alaska Review, the Annual of the Cordova Times - with my interview Statement in support of that project. -22.- Busy in the office on preparing cases for appeal! Lynn Smith, U.S. Marshal from Fairbanks, Andy Dieringer, from Valdez & “Doc”, Caswell, Dep. U.S. Marshal had lunch with me at the Gastineau Cafe today - a good lunch & visit with my old sourdough friends.
Diary 39, 1929 October 22-24	-22 nd – continued Meeting of Taku group & we signed up new – additional agreement not to sell separate interests - but hold to sell as a unit. -23d – Last man. Ashby - today signed Taku agreement - puts the matter in good shape. Admiralty Is. Coal Co. meeting stockholders called for Friday evening. Busy in the office. -24 th - <u>Judge Hill has decided Lynch case against us. I think he does not understand the case, or has forgotten the facts.</u> I have not yet studied his decision to see how far it will affect other settlers on tide lands in Ketchikan.
Diary 39, 1929 October 25-26	-25 th – Busy on office work - getting ready to appeal nearly every case I have! My friends keep assuring me of support for Delegate! I am about persuaded! Meeting of stockholders of Admiralty Island Coal Co. tonight: <u>John Reck agreed to go to Seattle & try to raise necessary money from the cannery men interested in S.E. Alaska Co to pay his expenses: I and several others agreed to pay \$25.⁰⁰ each per</u>

	<u>month to pay the watchman at the mines in meantime.</u> -26 th - Same as usual in the office. Busy work of excavating for the new capital building is progressing nicely - to my quiet satisfaction.
Diary 39, 1929 October 27-28	-27 th – Rainy Sunday. I am reading Ludwigs Life of Bismarck - it is very interestingly written and I am thoroughly enjoying it. Also I am carefully studying Catherine 1 st of Russia. To me she is one of the most interesting characters in Russian History. -28 th - Had a “political” photograph made of myself for use in cuts for newspapers in the coming campaign for Delegate. Many letters & visits from my friends & former supporter urging me to become a candidate for delegate - one today from Sutherland & Paul & Hunt. My old friends will evidently support me as loyally as ever - are there enough of them? is the question.
Diary 39, 1929 October 29	-29 th - The SS. Yukon is in at the dock. “Bob” Lavery of Fairbanks came up to see me & to assure me of the friendly support of my old time friends at that place. Also Frank Foster of Cordova came in again - and tells me he had interviewed many of the Federal officials here - and they say they will support me etc. etc. Frank is going on to Washington and will see the President. I asked him to say to the President that if I am elected Delegate it will be my purpose to work with the Administration - that will come as a friend of his efforts to do constructive work in Alaska & will assist him in every way I can. Foster thinks Dan can do me more good by writing letters etc. than by touring the Territory in a speaking campaign.
Diary 39, 1929 October 29-30	29 My friend Dr. Chase came to town today also, and in to see me. I showed him Sutherlands letter speaking highly of Wallstein G. Smith, Ter. Treas. because I knew no one had yet broached his own (Chases) candidacy for the office & I wanted to

	<p>cause him to stop & think before Cole or some other impetuous friend should get him committed - he answered by saying that he was a candidate for U.S. Marshal, etc. Anyway he will not "jump" into the matter without taking counsel.</p> <p style="text-align: center;">-Oct. 30th -</p> <p>Reck threatens to sell the sum of \$12,000 Lerch stock in the Admiralty Is. Coal Co. & leave my endorsement on Lerchs former note unpaid - and worse</p>
Diary 39, 1929 October 30-31	<p style="text-align: center;">30</p> <p>he proposes to sell it for 50 cents on the dollar - pay himself & let me go! I shall notify him in the morning not to do it, or I will hold him and the Bank responsible for their action.</p> <p>I think I am to have the usual combination against me in Juneau. The Empire crowd, Faulkner, Robertson, McBride, et. al. - Rustgard is active and has strong support here in Juneau, and I will know that I have had a fight if I win in the primary.</p> <p style="text-align: center;">-Oct 31st -</p> <p><u>Gave John Reck & 1st Nat. Bank notice to pay note of \$2500 out of Lerch's stock.</u> Gave the notice to H.H. Post in the bank.</p>
Diary 39, 1929 October 31	<p style="text-align: center;">-Oct. 31st continued.</p> <p>Reck came in this afternoon & assured me that he had arranged that he a Gallwas & had agreed to buy Lerch's stock for 50% on the dollar, to pay Lerchs \$2000. note at the bank - the \$2500 note which I endorsed & something on the Gallwas note! Of course if the \$2500 note on which I appear as indorser is paid I have no further interest in the matter.</p> <p>Grace had a "dinner" this evening. Smiths - Breurs and Dunbars. Being Halloween the boys carried the neighbors cans etc. and put them on our porch - soaped our windows & otherwise comported themselves as <u>boys</u>.</p> <p>Have been reading Ludwigs life of Bismarck. Capital building excavations progressing.</p>
Diary 39, 1929 November 1	<p style="text-align: center;">November 1st</p> <p>The Evening Empire announces that Foshay & Co. Minneapolis have gone into the receivers hands: This will, I assume, destroy their project of taking</p>

	<p>over the Petersburg, Juneau and other public utilities! I send Charlie Peterson, Tacoma, a telegram saying "<u>evening paper here announces Foshay receivership to our surprise and disappointment stop if there is anything I can to do assist in Alaska matters it will be readily done.</u>"</p> <p>Incidentally, I suppose my account for June work amounting to more than \$500. will be lost! I wondered why Peterson raised the bill \$200. and held it up so long - I also wonder if he lost his!</p>
Diary 39, 1929 November 2	<p style="text-align: center;">-Nov. 2nd -</p> <p>Busy preparing papers on the appeal of the Matheson Estate - but I am having trouble to get John G Grant to agree to appeal the case: I sent him telegram to come to Juneau and assist in the appeal - a day message and a night letter - but he answers saying he has no money belonging to the Estate, and, also, that he is opposed to the appeal. But I intend to urge him further by letter - sending him the papers etc. to sign - and if he will sign the papers I will undertake to finance the appeal - for I think it very necessary to have the matters passed on by the Appellate Court. We may then win the case for the minor heirs!</p>
Diary 39, 1929 November 3-5	<p style="text-align: center;">-Nov. 3-</p> <p>Rainy Sunday, arranging books etc. in my private library. Grace is assisting me.</p> <p style="text-align: center;">-4th -</p> <p>Recd. telegram from Grant, Wrangell, saying he will come on "Alameda" today. Working on appeal in <u>Pond Case</u>.</p> <p style="text-align: center;">Nov. 5th</p> <p>Sutherland sent out a public W.U. dispatch today, printed in the Juneau Daily Empire tonight, saying he would not be a candidate again: Pegues the Empire reporter, who is a Rustgard supporter, got an announcement from Rustgard herein following. I am sending</p>
Diary 39, 1929 November 5	<p style="text-align: center;">5</p> <p>the following telegram to all the Alaska papers tonight - and the race is on!</p> <p>[clipping]</p> <p style="text-align: center;">SUTHERLAND TO</p>

**RETIRE AT END
 OF NEXT TERM**
 Says Is Through when His
 Fifth Term is Over-
 No Reason Given

The retirement of Delegate Dan Sutherland from that office at the end of his term that begins with the regular session of Congress next month was announced today in an Associated Press dispatch received by The Empire. No cause for this action was given.

The dispatch, under a Washington, D.C., date line said:

“Dan Sutherland said the biographical sketch appearing in the next Congressional Record would read:
 ‘Fifth and last term.’

“He added: ‘I think that is plain enough. I am retiring when my term is over.’”

Sutherland was first elected to Congress in 1920, defeating George B. Grigsby, Democrat. He has been reelected four times since, 1922, '24, '26, and '28, defeating E. J. White. F.A. Boyle and George B. Grigsby a second time.

Almost since he first took office, Sutherland has been, embroiled in a bitter fight over Alaskan fisheries policies with Herbert Hoover, who entered the Harding cabinet as Secretary of Commerce at the same time Southerland was seated as Delegate.

The two most important matters of general legislation enacted during his tenure were the White Fisheries Act, giving the Department of Commerce absolute and arbitrary power of administration over the Territory’s fisheries industries and the Alaska Game Act.

[clipping]

**RUSTGARD WILL
 MAKE RACE FOR
 DELEGATE POST**
 Announces Candidacy for
 Republican Nomination
 in April Primary

John Rustgard, Attorney General of Alaska, since 1920, late today announced his candidacy for the Republican nomination for Delegate to Congress. This means he will enter the Republican primary lists next April as an aspirant to succeed Delegate Sutherland, whose retirement at the end of his fifth term was announced from Washington today.

“I have been in correspondence with friends in all parts of Alaska for some time regarding the matter, and have received many letters urging me to be a candidate for the office,” said Mr. Rustgard. “Since the Delegate has positively declared his intention of retiring, I am taking this opportunity of declaring my own candidacy to succeed him.”

Mr. Rustgard was elected to office as Attorney General of Alaska in 1920. He was re-elected in 1924, and again in 1928. His present term would expire in 1933.

He did not undertake today to outline the issues of his primary campaign. “At the proper time, I shall make public in detail the platform upon which I expect to make the race,” he said.

Pegues throws a brick at Dan & boosts his friend John.

5

Diary 39, 1929
 November 5

The following is a copy of the telegrams I sent to every Alaska newspaper tonight:

[clipping]
Juneau, Alaska, November 5, 1929
 Editor Fairbanks News Miner,
 Fairbanks, Alaska,
Delegate Dan Sutherland publicly announced today he will not run again. stop At request of many friends through territory I will be candidate before the Republican primary in April for that nomination stop Will issue statement giving my stand on constructive legislation needed in Alaska at later date

James Wickersham

This will enliven the campaign, and make John run

	his best gait. Cash Cole cooperated with me in the arrangement of the above telegram.
Diary 39, 1929 November 6	<p style="text-align: center;">-Nov. 6th -</p> <p>The Empire gave publicity to my telegram:</p> <p>[clipping]</p> <p style="text-align: center;">WICKERSHAM TO RUN AGAIN FOR DELEGATESHIP</p> <p style="text-align: center;">Former Delegate Will Oppose Rustgard for Republican Nomination</p> <p>Judge Wickersham, former Delegate to Congress from Alaska, late yesterday announced his candidacy for the Republican nomination for the same office, following the public statement of Delegate Sutherland that he would not be a candidate to succeed himself.</p> <p>He is the second aspirant to appear in the field for the Republican nomination in the primary next April. Attorney General John Rustgard was the first in the field, his candidacy being announced as soon as it was learned that Mr. Sutherland had made known his intentions of retiring.</p> <p style="text-align: center;">Sent To Newspapers</p> <p>In telegrams sent out to all Alaska newspapers last night, Judge Wickersham declared his candidacy as follows:</p> <p>“Delegate Dan Sutherland publicly announced today he will not run again. At the request of many friends throughout the Territory I will be a candidate before the Republican primary in April for that nomination. I will issue a statement giving my stand on constructive legislation needed in Alaska at a later date.”</p> <p>Judge Wickersham held office in Alaska for a score of years before his retirement in 1921. He was appointed Federal district judge by President McKinley in 1900, serving in that capacity until 1908. In that year he actively entered the political arena and until his retirement he continued so, some of the hottest campaigns centering around him.</p>

	<p style="text-align: center;">In Two Contests</p> <p>The most notable Delegate elections, 1916 and 1918, had him apparently defeated. His Democratic opponent, the late Charles A. Sulzer, went to Congress on both occasions. The elections were both contested and Judge Wickersham was seated eventually after the terms had almost expired.</p> <p>In the second contest Mr. Sulzer died before the case could be heard. George B. Grigsby, Democrat, was chosen to succeed him in a special election, and defended the contest.</p> <p>In 1921 Judge Wickersham was not a candidate to succeed himself, retiring and making way for Dan Sutherland who has occupied the office since that time.</p> <p>I am amused and interested in that Mrs. Josephine Rustgard is flooding the town <u>today</u> - with personally written cards in an addressed envelop stamped in big blue letters:</p>
Diary 39, 1929 November 6-7	<p style="text-align: center;">6</p> <p>I have seen several and the run about like mine - for she honored me with one: <u>“Dear Judge. We find ourselves suddenly in the race for Delegate and since I feel that Mr. Rustgard has you to thank for the inspiration I am sure you wish us well. Sincerely, Josephine Rustgard.”</u> I shall be interested to see the reaction to that kind of campaigning. It is quite unique in this Territory and may add to the interest of the campaign. -7th -</p> <p>Working on appeal in Matheson case. Served Bill of Exceptions & filed same. We are to have a dinner party tonight - the members of the Game Commission.</p>
Diary 39, 1929 November 7-8	<p style="text-align: center;">7</p> <p>We had a most enjoyable party - first a good chicken dinner - a good smoke around the big fire in the fire place & then an hour or two in the library going over rare Alaskan books the best - examining my great books of Alaskan pictures - photographs of the Stampede to Dawson - the public men - mines & miners - saloons & the dance</p>


	<p>halls, the "girls" the gamblers etc. Dr. Chase was one of those who went to Dawson in '97, his remarks on the photographs etc. kept the company in a happy mood & greatly interested them.</p> <p style="text-align: center;">-8th -</p> <p>Same as usual in the office. Friends came in to assure me of potential support.</p>
Diary 39, 1929 November 9-11	<p style="text-align: center;">-9th -</p> <p>Grace & I had chicken dinner at the Methodist Church last evening - a darned good chicken dinner for a church dinner, at that. Trial of Weyland v Weyland, divorce. <u>Concluded appeal</u> in the case of "<u>In re estate of F. Matheson, deceased.</u>"</p> <p style="text-align: center;">-10th -</p> <p>Sunday - at home.</p> <p style="text-align: center;">-11th -</p> <p>Armistice Day. Another Sunday. Answering correspondence. Am now getting letters from supporters for my nomination for Delegate - rather early but am glad to have them. Recd 5 bundles of Russian books from Petroff, Chief Intimation Ex. Bureau, Moscow, Soviet R.S.S.A.</p>
Diary 39, 1929 November 12-14	<p style="text-align: center;">-12th -</p> <p>Paid my note at Behrends Bank. \$610⁵⁵. I am pleased at the books I received yesterday from the Academy of Sciences, Leningrad - an Academy established by Catherine 1 - the wife of Peter the Great. They help to fill my list, which is still poorly filled, but getting better slowly.</p> <p style="text-align: center;">-13th -</p> <p>Same as usual in the office.</p> <p style="text-align: center;">-14th -</p> <p>Same as usual in office - preparing the Appeal in the Pond Case. Frank Afric assignee of laborers employed in the Admiralty Is. Coal Co. mines, brought suit today to foreclose liens amounting to nearly \$4000, served Complaint on me as V.P. of Company.</p>
Diary 39, 1929 November 15	<p style="text-align: center;">-15th -</p> <p>Same as usual in office. I have a month yet in which to complete the appeal</p>

	<p>in the case of Goldstein v Pond, so I shall go to Haines to attend the meeting of the Alaska Native (Indian) Brotherhood which meets there next week. <u>I will present the matter of organizing the suit of the Tlingit and Haida Indians in S.E. Alaska, to recover from the united states the value of the lands taken from these Indians by the U.S. without any payment or compensation therefore.</u> I shall ask them to appoint a Committee to assist in the matter & sign a contract to pay myself & Paul as their attorney a fee of fifteen per cent upon what we can recover.</p>
Diary 39, 1929 November 16-17	<p style="text-align: center;">-16-</p> <p>Trial Brown V Territory: Rustgard for Ter- civil case. Politics is (are) warming up. I am told Rustgard will go to Washington, D.C. soon to organize support from the Hoover administration. <u>But I cannot credit the report.</u> However I shall write to Dan to keep an eye on him while there & try to discover of anything like that is attempted. Left Juneau about midnight on the SS. "Queen" to attend the grand camp convention of the Alaska Native Brotherhood at Haines.</p> <p style="text-align: center;">-17th -</p> <p>Our boat has 100 or more S.E. Alaska Indians on board bound for Haines, where we arrived at noon today.</p>
Diary 39, 1929 November 17	<p style="text-align: center;">-17th continued -</p> <p>Much trouble to get a room, but finally got a good bed in a good room at the Presbyterian Orphans Home, presided over by a good woman - an aged maiden lady - Mifs Jackson. In my room are two good beds; one of which I occupy and the other is occupied by Rev. Sam. G. Davis, Indian, missionary, and a fine good man: the Paul brothers, W^m L. and Louis, occupy the two beds in the adjoining - connected room. We are well satisfied. I have my meals with the house staff - and am greatly pleased! Attended church - Presbyterian - tonight. It was conducted by the Native Brotherhood Mr. Davis [?] - Paul presided - the Indian choir gave excellent music to a large audience of Indians.</p>

Diary 39, 1929 November 18	-18 th - Rev Bromley and Rev. Wagoner escorted me (Presbyterian Ministers) to the ancient Chilkat town of Klukwan, 22-1/2 miles north of Haines today. It is the ancient home of the old Chilkats, and has yet some old houses of the ancient type - and some rare interior carvings & paintings, and the old chief has the fine collection of rare knives, etc. which have been handed down from one chief to another. The old town is decaying and falling down. On the street I noticed three small iron cannon which once belonged to some Russian gunboat. Rusted & disreputable. I got very cold on our return trip and am still suffering with a chill tonight.
Diary 39, 1929 November 19	-19 th - A telegraphic dispatch has been received at Ft. W ^m H. Seward today announcing the death of the Secretary of War, my friend James W. Good, formerly Representative from Iowa, with whom I served on the Com. of Ter. He was always a good friend of Alaska and aided me in securing legislation for this Territory. I am sorry to hear of his death. He was a good, active man & his death will be a loss to the country. I spoke to the Brotherhood convention tonight for 2 hours on the project of requesting Congress to pass an Act authorizing the Tlingit & Haida Indians of Alaska to bring a suit against the U.S. in the Court of Claims to recover the value of their lands, hunting grounds, fishery rights
Diary 39, 1929 November 19	19 taken by the United States after the sale of the Russian dominion over Alaska in 1867, and sold. No Treaty was ever made by Alaska Indians with the U.S. and no transfer of their title to the U.S. The Indian title was never extinguished. The great audience of Indians listened most attentively as I explained the situation - young Johnson, an Indian from Klawock acted as interpreter & translated my English into Tlingit rapidly - and Paul says most accurately. After my talk was over the natives talked & asked me for many explanations, which I gave them. The Convention then elected a Committee of 5 to consult with me about further

	proceedings tomorrow.
Diary 39, 1929 November 20	-20 th - The Committee of 5, from the Brotherhood Convention and I had a session this forenoon and after asking many more questions, and explanations, they asked me to assist them in preparing a report for them to present to the convention - which I did. They seem greatly interested and exhibit a shrewdness and careful attention to their own best interest that is gratifying to me. I assume their report will be adopted and if so myself and W ^m L. Paul will act as their attorneys - and I, at least, appreciate that it will be a long hard job. The cannon at the post has fired every half hour all day - and is now firing the final salute of 19 guns in honor of the dead Secretary of the War Department.
Diary 39, 1929 November 20	-20-continued. I was asked to act as one of the Judges at the oratorical contest tonight at the Brotherhood Convention - 7 boys and girls competed. They were from 14 to 18 years of age - 3 girls and 4 boys. One girl from the home did very well & she recited "The Rebel" - the story of a patriots cow stolen by Lord Cornwallis soldiers - and she did very well but fell into a monologue manner of speaking though she had a wonderful memory. These boys won the prize - their voices were strong - clear and well modulated. The boy who won the first prize was from Klawock. I find they are very much interested in Education & I think Wm L. Pauls ready manner of speaking etc has powerfully impressed the scholars in the Indian schools.
Diary 39, 1929 November 21	-21 st - The Alaska Native Brotherhood had the matter of contract, etc. and appointment of a Committee of five as Trustees to act with the Attorneys, etc. Much inquiry & some controversy has arisen over the terms of my proposed contract and this afternoon I was called before the Convention and asked to explain the terms of the agreement. My

	<p>explanation was satisfactory, though two amendments were suggested, which I accepted: with these agreed to, the Convention, on a personal roll call, unanimously approved the contract and agreed to sign it when rewritten with the amendments included. They had a "Sisterhood Evening" tonight - a big chicken dinner & a swell ladies function</p>
<p>Diary 39, 1929 November 21</p>	<p style="text-align: center;">21</p> <p>in the Hall - signing, speaking etc. all conducted by W^m L. Paul as master of ceremonies! "Billie" is a hale [half?] fellow well met with them. He is quick at action, thought and organization - he keeps them moving, singing, talking - always interested. He is a young, handsome, energetic graceful - and flatters them to the limit. He is a real politician & the old folks are never neglected. He talks the Tlingit tongue - his mother tongue, fluently, and is never at a loss for something to say - or to do. The Army boat, the "Fornance," belonging to Ft. W^m H. Seward, will go to Juneau early in the morning & I have permission to go on her.</p>
<p>Diary 39, 1929 November 22-23</p>	<p style="text-align: center;">-22nd -</p> <p>The SS. "Fornance" blew her whistle at 1³⁰ a.m. and I caught the boat at the Army post wharf, and left Haines for Juneau. The boat ran into Barlow cove, on the East side of Admiralty Island, and put off a hunting party of officers from the Post - to hunt duck - and we arrived in Juneau at 1 o'clock. When I got home I found Grace was giving a party - an afternoon at home - & playing bridge - 28 ladies present & having a high time. -23rd - Worked in the office as usual. Everything ok - mail - political news satisfactory.</p>
<p>Diary 39, 1929 November 24</p>	<p style="text-align: center;">-24th -</p> <p>Sunday: In my mail is a copy of a letter which Sutherland sent me of a letter he wrote to Mrs. John Rustgard in answer to one of her letters announcing "our" candidacy". Dan told her he would support me because the Empire & its friends were supporting John. I think her personal letter campaign was - or is - a failure. Several letters</p>

	<p>from friends in Fairbanks & Anchorage - all helpful and friendly. Also letter from Will Steel, from Seattle. He sends me copies of my picture. I look as old & hooked nosed as the Pharaoh-of the-Exodus. see copy on the next page</p>
<p>Diary 39, 1929 November 24-25</p>	<p style="text-align: center;">24</p>  <p style="text-align: center;">-25th - Busy in the office - law & politics. Nothing of great importance.</p>
<p>Diary 39, 1929 November 26</p>	<p style="text-align: center;">-26th -</p> <p>W^m L. Paul was reelected President of the Alaska Native Brotherhood - thus breaking up the Rustgard scheme of electing Frank Peratrovich. The plan was to oust Paul and turn the Indian votes to Rustgard, etc. The vote was four to one</p>

	<p>for Paul.</p> <p>Busy in the office with law work. Also wrote letters to political friends in Fairbanks. The "Northwestern" went into Haines and brought away the delegates from the A.N.B: W^m L. Paul went to Sitka on one of the Indian boats. Louis J. his brother came into see me. Says everything went very satisfactory. Rev. Waggoner brought my forgotten razor shop.</p>
Diary 39, 1929 November 27	<p style="text-align: center;">-27th -</p> <p>Charles E. Taylor, my brother in law, an attorney at Fairbanks, writes that Rustgard & Bunnell claim to have a photostat copy of a check signed by canneryman purporting to pay me \$15,000. for services in the matter of trap site leasing bill, etc. and will make a great and thunderous noise about it at the last moment of the campaign. Well! Of course they have no such check - but I think I will tell the truth about that matter & tell it first - so there will be no chance for their "roorback" to make a noise like thunder!</p>
Diary 39, 1929 November 28	<p style="text-align: center;">-28th -</p> <p>Thanksgiving Day. Worked in the office preparing Assignment of Errors in Pond Case. Dinner - Mike Sullivan, Wolland the tailor, & "Larry" Sullivan with us. Finished reading biography of Queen Elizabeth of England. My opponents are threatening to make a big attack, politically, on me because of my employment by the Cannery interests to draft the Fish trap site law, & now they are trembling with anger because I have been employed by the Indians to recover from the U.S. the value of the Indian Lands in Alaska! I just wonder what they will discover against me next.</p>
Diary 39, 1929 November 29- December 2	<p style="text-align: center;">-29th -</p> <p>Same as usual in the office.</p> <p style="text-align: center;">-30th -</p> <p>Court called the docket today. Setting cases for trial, etc.</p> <p style="text-align: center;">-Dec. 1st -</p> <p>Sunday. at home all day.</p> <p style="text-align: center;">-Dec. 2.-</p> <p>Paying my bills. W^m L. Paul in town - take dinner</p>

	<p>with me. Had a good visit with Paul at our dinner - we talked politics, etc. etc. He wants to be a candidate for the Legislature but is doubtful whether he can win out in the election or not. He promises to support me strongly for delegate, with his Indian voters.</p>
Diary 39, 1929 December 3	<p style="text-align: center;">-Dec. 3rd -</p> <p>Paul went to the <u>Empire</u> with the story of the suit to recover value for the Indian land & they gave him a fine story!</p> <p>[clipping]</p> <p style="text-align: center;">INDIANS PLAN SUITS AGAINST UNITES STATES A.N.B. Employs Judge Wickersham and Others to Initiate Actions</p> <p>Suits against the Federal Government are contemplated by the Alaska Native Brotherhood seeking to recover compensation for certain rights claimed to have been held at one time by Alaska Indians but which have passed into other hands. Millions of dollars are understood to be at stake in the proposed actions which involve lands, fishing streams and waters, hunting and trapping grounds, forests and mineral lands.</p> <p>This was made known here officially today by William L. Paul, President of the Brotherhood, who with Mrs. Paul and Judge James Wickersham, local attorney, former delegate to Congress and candidate for the Republican nomination to succeed the present Delegate, has been retained to conduct the legal battle it is intended to wage.</p> <p style="text-align: center;">Must Get Permission</p> <p>Before any suit can be initiated against the United States, however, it will be necessary for Congress to grant legislative authority for such action. This is fully realized by the Indian leaders, Mr. Paul said. In order to obtain it, a measure has been prepared authorizing the Brotherhood to file the suits. It is planned to have Delegate Sutherland introduce this bill at the current session of Congress.</p>

	<p>At its convention at Haines, recently, the Indian organization adopted a resolution authorizing the employment of the three individuals mentioned and agreeing to finance the necessary costs including certain traveling expenses. It is understood the money will be raised by assessments against the individual members of the Brotherhood.</p> <p>Claims are Dispossessed</p> <p>It is contended by the Brotherhood, through its leaders, that the Indians were in possession, during the days of Russian ownership of Alaska, of vast fishing, hunting trapping, mineral and other rights. And that the lands occupied by them including tidelands as well as forested areas, were recognized as theirs by right by the Russian Government.</p> <p>The acquisition of the Territory by the United States, it is held by them, merely transferred sovereignty and ownership of unoccupied or unappropriated lands and resources, but did not deprive the Indians of any right they had held under Russian rule. They further content that Congress, itself, has upon occasion, recognized these rights, but that in the passage of years most, if in fact not all, of them have been taken away and are now held by others with the consent and support of the Government. Payment for those so lost will be sought in the suits.</p> <p>Appoint Political Committee</p> <p>At the Haines convention a political committee, composed of six Grand Presidents and the present head of the Brotherhood, was created. Its purpose, in diplomatic phraseology, is to peruse the platforms, study the credentials and records of the several candidates for office of both political parties, and advise the members of the organization for whom to vote.</p>
<p>Diary 39, 1929 December 3-4</p>	<p style="text-align: center;">3</p> <p>The Circuit Court of Appeals, S.F. has reversed Judge Harding in the Contempt Case, to the great delight of Paul, Roden & myself.</p> <p>[clipping]</p>

	<p style="text-align: center;">COURT APPEALS SAYS PAUL WAS NOT IN CONTEMPT Circuit Judges Reverse Judge Harding in Famous Ketchikan Contempt Case</p> <p>SAN FRANCISCO, Dec. 3.- The United States Circuit Court of Appeals reversed the order of the District Court of the First Division of Alaska for adjudging William L. Paul, Ketchikan attorney, guilty of contempt of court on two counts. The court was acting on an appeal of Paul from the District Court. Paul had represented to the Court in behalf of a client that the latter had been deprived of his property in the Commissioner's Court at Craig, without due process of law, representing that he had been arrested for illegal fishing and that the District Attorney had threatened that if he did not plead guilty and pay a fine his boat and other equipment would be confiscated.</p> <p>Judge Justin W. Harding, who had been the District Attorney complained of, charged that Paul had made untrue statements in behalf of his client, in his petition for a writ of review in the case, and was guilty of contempt therefore. Paul was sentenced to serve 35 days in jail or pay a fine of \$75. The second count involved statements, alleging to be untrue in an affidavit of prejudice filed by Paul in seeking trial before another Judge in the same case. Judge Harding held Paul to be in contempt and ordered that he pay a fine of \$100 or serve 50 days in jail.</p> <p>"It would certainly be an innovation of law, the Circuit Court pointed out, in an opinion handed down, "if an attorney could be summarily punished for contempt whenever a statement made by him in behalf of his client after investigation turned out untrue."</p> <p style="text-align: center;">-4th -</p> <p>Appealed the case of Goldstein & Simpson v E.P. Pond, et al. this day. Filed my appeal papers & the case is enroute. It is a close case but I think ought to be reversed on the</p>
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	facts - & probably on the law points involved.
Diary 39, 1929 December 5-6	<p style="text-align: center;">-5th -</p> <p>Busy getting cases appealed and in rewriting the Contract with the Indians for brining the suit against the U.S.</p> <p style="text-align: center;">-6th -</p> <p>Same as yesterday - receiving many letters about politics. Sutherland also writes that he is receiving many - that all are favorable to me - & that he will soon begin writing to his particular friends in the most distant precincts urging them to support me. Have just read "Mottleys Life of Catherine I," in whom I am greatly interested. Sutherland sent me Mottley from the Library of Congress - borrowed it for me for a month.</p>
Diary 39, 1929 December 7-9	<p style="text-align: center;">-7th -</p> <p>A beautiful clear morning - snow on the ground, no clouds in the sky - truly a Tanana day. Same as usual in the office.</p> <p style="text-align: center;">-8th -</p> <p>Read Voltaires "<u>Candide</u>," - illustrated by Rockwell Kent. Copying notes & body from Mettleys Life of Catherine I. The volumes were sent to me by Sutherland, from the Congressional Library, Wash. D.C. and must be returned immediately.</p> <p style="text-align: center;">-9th -</p> <p>Taku wind blowing - clear & cold. In the office as usual. Am writing fully to Sutherland about Act to permit the S. Alaska Indians to bring suit in</p>
Diary 39, 1929 December 9-11	<p style="text-align: center;">9</p> <p>the Court of Claims to recover value of their fishing places, homes, hunting grounds and other properties taken by the U.S.</p> <p style="text-align: center;">-10-</p> <p>Taku wind blowing - clear and cold. Sent night-letter to Paul asking him to send me by first mail his ideas of what we need in Republican platform on Alaska fisheries.</p> <p style="text-align: center;">-11-</p> <p>Same damned Taku wind blowing - blew two window lights out of my house. Otherwise the world seems as good as ever.</p>

	<p style="text-align: center;">- 11th continued -</p> <p>Meeting of Admiralty Is. Coal Co. stockholders in my office tonight to hear Recks report on his visit to Seattle for money - he did not get it!</p>
Diary 39, 1929 December	<p style="text-align: center;">12th [11th] - continued.</p> <p>John Reck, Pres. 1st Nat. Bank and Treasurer of Admiralty Is. Coal Company made a general report about his visit to Seattle & Tacoma trying to finance or sell the Ad. Is. Coal Co. - said prospect of selling to Perkins of Tacoma, - may be to some Seattle Cannerymen - nothing definite. Joe Care & others objected to selling & wanted to gather up \$15,000 & work the property. \$8,000 was offered. I to take \$500 of it. Reck stated publicly that all the note I once indorsed was paid but \$700.⁰⁰. General talk & stockholders adjourned.</p> <p style="text-align: center;">-12th -</p> <p>Same as usual in the office - busy. Will have Father & Mrs. Kashevaroff to dinner this evening. Good dinner & a pleasant evening in the library.</p>
Diary 39, 1929 December 13-14	<p style="text-align: center;">-13th -</p> <p>Busy as usual in the office. My political opponents are beginning a war of extermination! - but I will get around to the matter soon.</p> <p style="text-align: center;">-14th</p> <p>Busy in office - other matters quiet. Grace sending out Christmas cards & presents to the family. <u>On Friday evening - the 13th, Messrs. Allen, Henrichsen, Kingman, Torkelson & myself met in my office to arrange for loaning C.H. Ashley, one of our co-owners in the group of quartz mining claims at the Taku river - across the Taku [Tulsequah] river from the Alaska-Juneau group: we agreed to deposit a note for \$300. in the First National Bank, signed by us and Harry Stonehouse, & permit</u></p>
Diary 39, 1929 December 14	<p style="text-align: center;">14</p> <p><u>Ashby to draw \$50.⁰⁰ per month for six months: we prepared the note & all six of us signed it.- Today Allen and Ashby took the note to the Bank. Reck, president, started to carry out the loan - but Post, cashier, objected & said that Metzger, Supt. of the Alaska Juneau mines, and a director in the bank</u></p>

	<p><u>had instructed not to lend any money for the Ashby use - saying "Let him come to the office of the Mining Company where he can get money if he wants it." Poor Ashby is weak & easily "worked," and it is evident to all of us that Metzgers plan is to loan Ashby small sums on his interest in the mines we own & merely acquire his interest - or a lien on it - whereby to run our joint</u></p>
Diary 39, 1929 December 14-15	<p>14</p> <p><u>opportunity to sell the mines as a whole - & enable the Alaska-Juneau to get into possession, even on Ashbys interest & prevent us from selling to any other purchaser in the spring at an advanced price. Of course we will not secure a lone from the Behrends bank - or put up the money personally. Evidently the A-J. & Metzger must think our group is a valuable one!</u></p> <p>-15th -</p> <p>Sunday - mail in this morning. Recd. a copy of the opinion of the Circuit Court of Appeals in the Paul Contempt Case. It is written by Judge Wilbur, the new Circuit Court Judge & is fairly well done - & fully in our favor on every point. I am more than ever pleased with</p>
Diary 39, 1929 December 15-17	<p>15</p> <p>my Brief in that case. The Court followed my argument on every point!</p> <p>-16th -</p> <p>Sunday – readin, writin & restin.</p> <p>-17th -</p> <p>Busy in office: nothing exciting. I am writing a letter to Steward Edward White, author of Burlingame, Cal. in commendation of his article entitled "<u>Kidding Ourselves Along</u>, printed in the Saturday Evening Post, of Dec 14, 1927, & sending him copy of a Resolution adopted by the Alaska Native Brotherhood at its Convention at Haines, on Nov. 25, expressing the same idea for saving the Alaska salmon, as that in Whites article.</p>
Diary 39, 1929 December 18-19	<p>-18th -</p> <p>Busy in the office. nothing exciting. We have had a beautiful week of clear & cold weather moderating today - fine winter. I am advised the Dept. of Justice is looking into Judge Hardings action in the</p>

	<p>Paul Contempt case getting the whole record - brief, etc. Harding is scared stiff! Its a good thing, for he was mean & deserves to be scared.</p> <p>-19th -</p> <p>Am advised that Pegues, assistant Editor for years of the Juneau Empire, the most vicious Democrat in Alaska, is to go to Fairbanks to run Capt. Lothrop's paper the News-Miner - he goes Jan'y 1, at \$5000. a year. <u>Another Bi-Partisan newspaper owned by a Republican - edited by a Democrat.</u></p>
Diary 39, 1929 December 20-21	<p>-20th -</p> <p>A busy day in the Office. Stroller White asked me to write a statement of explanation of the Indian Suit to recover the value of their properties taken by the U.S. in S.E. Alaska, & I have done so.</p> <p>-21st -</p> <p>Busy in office - also sending out copies of todays Strollers Weekly which contains my interview about the Indian Suit, etc. Writing letter to Dan about his idea of what a platform should contain - also same to Paul. Auditor Cash Cole is having a row with Rustgard about Agri. College which will not make any report to Cole as Auditor about how the Terri. Appropriations are expended.</p>
Diary 39, 1929 December 21	<p>21</p> <p>[clipping]</p> <p>WICKERSHAM EXPLAINS INDIAN SUIT FILED Leading Attorney For Plaintiffs Tells of Early Conditions on Which Suit is Based</p> <p>Realizing that considerable interest is being manifested in the late suit filed by Attorney James Wickersham and W.L. Paul in behalf of the Indians residing in Southeastern Alaska, the object of the suit being to recover from the United States government for dispossessing of the Indians of rights to which, it is alleged they were entitled to hold under the Russian regime, which rights were denied them when America secured possession of Alaska, Judge Wickersham was requested to give a statement of the case and cause of the suit being</p>

filed which he did as follows:

"The Tlingit and Haida Indians, residing in Southeastern Alaska, when the Russians first settled here to trade in furs, owned homes, fisheries, hunting grounds and other properties and maintained a system of rules and customs for their protection and government. Their villages of great community houses, before which stood high, carved and painted totem poles, extended from Yakutat and Klukwan to those along Dixon's Entrance on the south.

"There were about 7,000 Indians in that area; they lived in permanent villages; were fishermen, boat builders, carvers, blanket makers; had fixed property rights, well understood by all, and respected by the tribes as well as individuals. The Russian fur traders always respected and protected these Indian property rights, and were forbidden by Russian law to interfere with or destroy them. When the United States purchased Alaska in 1867, it agreed with Russia to acknowledge and protect the Indians in their rights of property. No treaty or agreement of any kind had ever been made by the Russians to quiet or purchase the Indian properties, and none has since been made by the United States. Our government just assumed to own the lands and properties of the Indians in Alaska, and has gone on as an assumed owner to sell the same to its citizens. Their homes, fisheries, hunting grounds, etc. have been either reserved for sale in forest reserve, or sold to white settlers for salmon cannery sites, townsites, homesteads, mines, or such other uses as the government wished. The Indians have not been consulted in any way about these sales.

"It has been the universal and just rule of the United States from the date of the establishment of our government in 1776, to make treaties with all the Indian tribes in the west, and pay them a fair price for their Indian titles and lands. But no such treaty or settlement was ever made with Alaska Indians.

"Our Alaska Indians, cannot, and do not desire to recover these lands and property rights, so taken

from them by the government, but only ask for just payment for them by the United States, as they actually owned and occupied them when our government took such properties from them for sale to our white people.

"To secure payment for such property rights, the Indians must, first persuade congress to pass a law permitting them to bring a suit against the United States in the Court of Claims, in Washington, D.C. Second, bringing such suit and prove their ownership and the value of their property rights so taken, and, third, thereupon the United States Court of Claims will give such a judgment as to the law and the facts will warrant for the value of the property taken.

"Congress passed several acts within the last two years authorizing similar suits from California , Oregon, Washington and Idaho - and such suits are now pending in the Court of Claims. Application will be made to congress to pass an act authorizing the Southeastern Alaska Indians to bring such a suit to recover from the United States the value of their properties so taken from them by the United States without condescension. If that act is passed and becomes a law, and if they gain a judgment in their favor for these properties, the government will pay these Southeastern Alaska Indians the amount of that judgment, and the money will be spent in Alaska. Such a suit and

Diary 39, 1929
December 21-24

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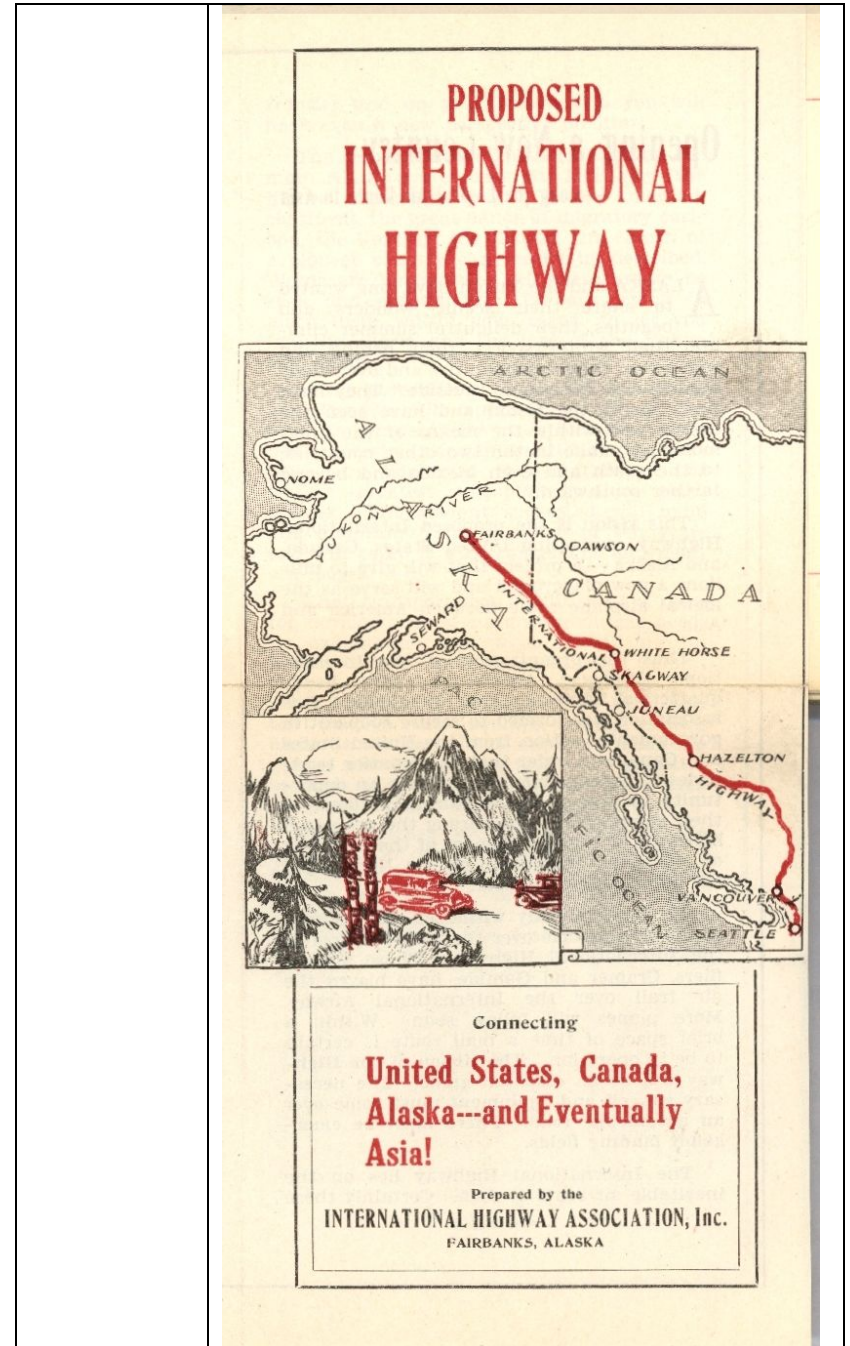
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judgment will not affect in any way any title to property held by the United States or its white citizens in Alaska, for the Indians can only recover, if anything, a money judgment against the United States for the value of their property. The bigger that judgment is, the more money the Indians will have to spend in Alaska stores."

[clipping]
From the statement made elsewhere in this paper by Judge James Wickersham, the claims of the Indians of Southeastern Alaska against the United

	<p>States government for being dispossessed of their inalienable rights to life, liberty and the pursuit of happiness are well founded. -22nd –</p> <p>The shortest day of the year - and now the days will begin to lengthen. Spent the day quietly – Sunday - writing letters etc. -23rd –</p> <p>As usual in the Office - am about caught up with my correspondence. Nothing unusual - just busy at work. -24th -</p> <p>Busy working on my political Announcement & Platform as a candidate for Delegate to Congress. I think I have it thought out to suit and I now desire to write it so carefully that there will be but <u>one</u></p>
Diary 39, 1929 December 24-25	<p>24 meaning in each phrase. I think the best way, always in such papers is to make them clear in phraseology so my opponents may not find a hidden meaning which I did not intend. -25th -</p> <p>Christmas Day - and a real white Christmas day at that. Six inches of snow and the trees all festooned with white – its a typically beautiful day for Christmas. We had a beautiful dinner table - a small tree lit by small electric bulbs & trimmings of holly with red berries everywhere. Grace's sister & Lucille Hunt both send us the holly leaves and berries, <u>also</u> a splendid turkey dinner.</p>
Diary 39, 1929 December 26-28	<p>-26-</p> <p>Finished my Announcement and Platform - but I shall now submit it to a few friends for criticism & suggestions, - though I shall probably not accept either! -27-</p> <p>Rewrote some features of my Platform & made new copy. -28-</p> <p>Same as usual in the office. Letter from Paul saying Will Steel is in Ketchikan - will probably be here on next boat - am glad for I want his assistance in relation to my Platform - first, his approval - or suggestion & second his assistance &</p>

	<p>suggestion in publishing and distribution.</p>
Diary 39, 1929 December 28-29	<p>28th continued. Grace & I had dinner with Mrs. Tilden & Mrs. Tupper this evening, also Mr. & Mrs. Stevens & a Mifs Heath, the Governors assistant Secretary. I am just now concluding the book "Henry VIII," by Hackett and am enjoying the beheadings, murders, marriages, divorces, heart aches, religious discussion, etc. etc. of old degenerate Henry! What a moron to be a King of England. -29th -</p> <p>Sunday. We had Mr. & Mrs. Ganty, of Skagway, to dinner. They enjoyed an hour in my library. I think.</p>
Diary 39, 1929 December 30-31	<p>-30th –</p> <p>Working in the office. I feel that I must go to Seattle soon & have an operation for the removal of my prostate gland - it is squeezing the canal from my bladder so the flow of urine is slow, and the urine content is breaking down, and I fear evil consequences will result if the opening is not free soon. It is my only weak spot, physically - but just one too many at that. -31st -</p> <p>Recd. \$500.⁰⁰ from the Cleary Hill Alaska Mining Co. for extension of lease & option to buy my 1/4 interest in 9 quartz mining claims on the Goessman Group at Fairbanks.</p>
Diary 39, 1929 December 31	<p>31 Charley Taylor made the option for me, and retained \$50.⁰⁰ for his services - leaving me \$450. net. The option is for \$4000. in 1 year. Will Steel came home last night & we have been talking politics most of the day. In the event of my election as Delegate to Congress he has agreed to go with me as Secretary! Senator Steel took dinner with me & after dinner we discussed my platform. He thought my plank No. 3 in my tentative platform, would not be readily understood, & urged him to make it more general so as not to create a mistaken idea. I will think it over carefully.</p>

Diary 39, 1930 January 1-2	<p style="text-align: center;"><u>January 1st 1930.</u></p> <p>A beautiful sunny day! Writing to Darrell & Jane. Also rewriting part of my political platform trying to meet the objections of Senator Steel.</p> <p>Grace is to have some friends to dinner - including Mr. W. G. Smith. Mrs. Martin, Miss Ann Coleman, Miss Sallie Shafer & W.G.S. A good dinner & a jollie evening <u>listening to Ann talk</u>. If she could any write as animatedly as she can talk - it would be a "best seller," for she is a wonder to talk.</p> <p style="text-align: center;">-Jan. 2nd -</p> <p>Paying monthly & other bills - talking politics with my friends, and answering correspondence.</p>
Diary 39, 1930 January 3-7	<p style="text-align: center;">-3rd -</p> <p>[pamphlet]</p>



Opening a New Country
—along the Logical Air Route to Asia
ALASKA and the Yukon have long wanted to share their scenic wonders and beauties, their delightful summer climate, their winter sports, their fishing and wild game, their opportunities and even their wealth with the people "outside." They have now caught the vision and have seen the logical way within the means of the great motoring public in the two other countries, to the south and even Mexico and beyond farther southward.

This vision is the proposed International Highway connecting United States, Canada, and Alaska — a project that will give to millions a new playground and will serve as the logical airplane route between America and Asia.

Thus the organization of the International Highway Association, with headquarters at Fairbanks, heart of Alaska. This association was formed to secure cooperative governmental action from the United States and Canada in order that the frontier territories of these countries may have an opportunity to give to the motoring millions of their countrymen, who throng the congested highways of travel, a glimpse of the grandeur of the great "outdoors" of the North, and the scenic sights of these.

We have recently witnessed the passage of the first vehicle over the future course of the International Highway. Those valiant fliers, Cramer and Gamble, have blazed the air trail over the International Airway. More planes will follow soon. Within a brief space of time a mail route is certain to be in operation. The ribbon of the Highway will be an essential guide. The necessary gas, oil and equipment must come over an automobile road. There must be emergency landing fields.

The International Highway lies on the inevitable air route to Asia. Certainly these

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are great days, and great are those things that are to come.

The whole modern world is on wheels. In the United States and Canada there are at least 20,000,000 car owners. Utility and pleasure, seated side by side, are only one turn of the wheels behind the construction crew. Having crisscrossed the United States and Canada, east, west, north, and south. they scan the horizon for a "newhere" to go. The great "newhere" is British Columbia, Yukon Territory and Alaska.

In round numbers it is 2000 miles from Seattle, Washington, to Fairbanks, Alaska. From Seattle to Vancouver generally paralleling the shores of Puget Sound, with an industrial city every forty miles or so, you would travel through wonderful forests of fir and cedar. Over highways already constructed, northward the course of travel would take you through the impressive canyon of the Fraser River. Bearing westerly through a country splashed with lakes and fed by streams alive with trout, Lillooet and Prince George fade in the distance, and Hazelton, the ancient camp site of a savage tribe of Indians whose totem poles still stand, would register you 1000 miles on the way.

Of the next thousand miles there is required a total of only seven hundred miles of new construction work to reach Fairbanks. Match the original cost of Alaska dollar for dollar and the feat will be accomplished! Road materials are right at hand — thus, a lower cost per mile for construction.

The road- will probably follow near the line of the old Telegraph Trail, a line of historic interest for it marks the path of those valiant pioneers who attempted in the late sixties to build a telegraph line to Asia and Europe and were defeated only by the success of the Great Eastern in laying the Atlantic cable.

At Telegraph Creek, 1200 miles from Seattle, the motorist would reach the head of navigation on the Stikine River and find a thriving outpost of hunters, traders, and trappers, who flourish in one of the world's greatest game regions. Atlin, on beautiful Lake Atlin, one of the principal sources of

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the mighty Yukon, already a notable resort reached by steamer from Carcross, would next extend hospitality to those who would find themselves 1350 miles from the metropolis of Puget Sound.

After leaving Whitehorse, famed for its treacherous rapids which took the lives and outfits of so many prospectors during the gold rush, Dawson would be reached. This city, the capital of the Yukon Territory, is the center of the Klondike Gold Fields rich in story of the days of '98.

Here the Yukon would be seen and crossed by ferry. Across the Forty-mile section to the International Boundary and down the Tanana Valley through the very heart of Alaska, the way will lead to the Richardson Highway. At this point one would be 70 miles from Fairbanks, the metropolis of Interior Alaska. Two hours more and the journey of 2000 miles would be completed.

You would not have come to the end of the trail but to the point of departure for Circle on the Yukon over the Steese Highway, a distance of 162 miles, or for Chitina on the Richardson Highway, 328 miles, to connect with the Copper River and Northwestern Railroad, or for Valdez on Prince William Sound, the terminus of the Alaska Railroad which has Seward on Resurrection Bay, a distance of 471 miles, for its ocean terminus. (But Fairbanks does not depend upon auto and train alone for transportation. From its flying field, you can take passage to any center of population in the Territory).

Fairbanks will hold you not for a day or two but for a fortnight. In an hour's drive you could see half a dozen monster dredges digging out the gold for which this section has been famous since the days of 1904. You could visit the "Fathest North College" in the world. You would take a few days for a trip by rail to McKinley National Park and eventually a connecting road will be built direct to the park; other roads to the Alaska cities and mining camps would certainly follow. You will see a country with its farms, its mines, and its schools making good. Imbibing the spirit of youth and the freedom of the great "outdoors," you will get a new perspective on

this great northern

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frontier and on your return trip you will have even a new perspective on life.

The canyons of the northern Rockies, the main Alaska range and Mt. McKinley, the highest mountain on the north America] continent, the great bands of migratory caribou, the hunting, the fishing, the charm o a pioneer country can hardly be described Words are inadequate. All these are to be seen and experienced. We are trying to place them within your reach, to let you feel the charm and the lure of the Yukon and Alaska.

If the governments of the United States and Canada will appropriate an amount equal to ten cents for every individual resident therein, the International Highway will be a boulevard to and through the world's greatest unexploited auto playground. The amount suggested will build and maintain it for a period of ten years and will equip it with convenient and modern lodges.

What transportation facilities have done for development of natural resources needs no explanation and what it will do for Alaska, Yukon Territory, and British Columbia can be illustrated better than it can be told. If men with packs on their backs can: toil through vast swamps, across endless plains to the summits of unnamed mountain ranges and on and on, and with primitive methods of working, dig up and bring back millions— what will transportation do?

This Highway will give to more of the people of the United States and Canada a - chance to visit and learn to know the North, and it will mean a new outlet for closer contact and a greater expansion for the people of Alaska. The International Highway will be the key unlocking a mighty empire.

It should be kept in mind that, so far as the British Columbia end of the project is concerned, this proposed highway is no new thing. The route it follows has already been incorporated in the construction program of the Province. It is a part of the proposed provincial highway which is to extend

from Vancouver to the Yukon Territory. About 800 miles of road, from Vancouver to a point about 30 miles north of Hazelton, has al-

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ready been constructed. This construction, occurring practically entirely within the last 10 or 12 years, will undoubtedly continue. The ordinary processes of economic evolution causing the construction of roads from one developing resource to another will assure that. However, this is a slow process which will undoubtedly consume many years.

And so the International Highway Association is merely trying to speed the development of a project that has already been conceived—to awaken our Canadian cousins to the importance of immediate construction, to inform them that we are quite willing to bear a part of the cost of this construction and maintenance in any suitable way.

The proposed Highway has already been endorsed by all the chambers of commerce of the Alaska towns, by the Seattle Chamber of Commerce, the British Columbia Board of Trade, and has the active support of the Automobile Club of Washington. A Highway Association has been incorporated at Dawson, Y.T., and similar forward action is proposed in other Canadian towns along the proposed route. The Alaska Delegate, Dan A. Sutherland, is vigorously behind the project. Major Malcolm Elliott, president of the Alaska Road Commission, has given it his unqualified approval. A memorial, requesting that Congress appoint a commission to confer with the Canadian government to secure international cooperation was unanimously passed by both houses of the Alaska Legislature, as was a bill appropriating \$1500 to present this project to the world.

Please get behind your local motor and aviation clubs, the national organizations with which they are affiliated and your Congressman or Members of Parliament asking them to endorse this proposed highway and airway.

If you are a member of Congress or Parliament,

won't you please study this project and give us your personal support and backing? More or specific information will gladly be furnished.

In order to defray the actual expenses of the International Highway Association (strictly a non-profit organization) and to tell our story to the world, stock is being

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sold at \$5.00 a share. A stock certificate is furnished all shareholders and will prove your interest in your Northern brothers and help your own countrymen enjoy this new playground. There is no limit as to the number of shares you may purchase!

Men of great influence in Alaska and Canada are among the officers of the parent organization and each town in Alaska and Canada interested in the project may have a branch organization with local officers.

We shall be highly appreciative of your moral and financial support.

“* * The Pacific Highway, extending from Tia Juana, Mexico to the forty-ninth parallel, is proving to be a tremendous asset to the Pacific Coast states. I have been wondering how we could take advantage of this immense traffic to a greater extent in British Columbia, and I think the solution lies in the extension of our roads in the north through the most suitable valleys to the Alaska boundary.

“If our roads in Northern British Columbia were connected up with the Alaska boundary at a suitable point, this would not only open up a vast area to settlement in our country, but would greatly increase our tourist traffic through British Columbia. We have 120,000,000 people south of the line and a large number of these spend their holidays on wheels, traveling about this continent. They have become somewhat surfeited with what there is to see, but to connect up Alaska with United States roads through British Columbia would open a vast

new field for tourist traffic, and thousands of Americans would take advantage of the opportunity to drive to Alaska to visit that interesting part of their country. Traveling through British Columbia back and forth, and they would prove to be a large source of revenue to this province.

"In addition to that we would vastly increase our tourist traffic, and as an extra attraction. could advertise this as a trip to the 'Land of the Midnight Sun,' where they have nearly twenty-four hours of daylight during the tourist season. This advantage is not offered on any other tourist route on the whole of this continent and would be a special feature that would prove a great attraction."—Premier Tolmie, quoted in *The Vancouver Province*.

"I have just checked over your proposed highway-airway route between Hazelton, B. C. and Fairbanks, Alaska, and it is my opinion that if a highway is constructed according to your map with airports situated at convenient intervals along its course, the matter a safe, year-around airway between the United States and Alaska will have been solved.

"Your proposed route, as outlined, will follow a northwesterly course from Hazelton, east of the Coast Ranger and will be protected from coastal

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storms and fogs which complicate flying conditions along the seacoast.

With your present airway between Fairbanks and Nome, it remains but to connect Fairbanks with the United States as suggested by your association, when the American portion of the American-Asiatic Air Route will have been completed, after which only the selection of the best air route from the Bering strait to China and Japan is necessary to establish an air mail service between the two continents.

"While there will undoubtedly be attempts made to fly from Hazelton to Fairbanks before completion of your highway project, still, I believe that any attempt to establish regular service between these places without established fields for landing and re-

fueling will prove too expensive and hazardous to make the proposition attractive from the standpoint of commercial aviation.

"In conclusion, it is my firm belief that your proposed highway-airway project is both feasible and practical and it will be of great benefit to Alaska and the entire territory thru which it passes. I hope you are successful in your work of impressing the peoples of both Canada and the United States with the importance of this undertaking, and that it may be hurried to completion." —Carl Ben Eielson of the International Highway Association, May 9, 1929.

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NOEL WIEN

A. A. BENNETT

R. H. MERRILL

-3rd -

A Taku wind raging. everything else is quiet - at least by comparison.

-4th -

	<p>Busy in office. nothing exciting. just the usual number of friends to talk politics & letters from others - looks alright. -5th –</p> <p>Sunday. At home all day reading -6th –</p> <p>Busy in the office - nothing exciting. Grace is addressing envelopes for carrying my Platform to voters in 2nd Division. -7th -</p> <p>I have this day written & mailed to Ed. H. Stroecker, in charge of the First National Bank, Fairbanks,</p>
Diary 39, 1930 January 7	<p style="text-align: center;">7</p> <p>with copies to Senator Hess, to H.H. Ross, Chas. E. Taylor, Andrew Nerland - a letter urging him to appeal to the officials of the College to accept and comply with the Act of the last Legislature authorizing the Territorial Auditor to audit and allow claims & draw warrants for the expenses of the College, as he does for all other public institutions, & claims. I waive the matter of the technical law points & put it on the sole ground that the failure to do so will cause prejudice & suspicion - that there is something to hide, some graft that they are afraid will be exposed. I have asked Charlie Taylor to write to me & give their reaction to the letter.</p>
Diary 39, 1930 January 8-11	<p style="text-align: center;">-8th –</p> <p>Busy in the office. Rustgard filed his declaratory statement as candidate for nomination at the primary election. Received 36 copies of letters written by Sutherland to his friends near Nome, asking them to support me! -9th –</p> <p>Busy in the office & in court today. -10-</p> <p>Same as yesterday. -11th -</p> <p>In court today - nothing important Have looked up Statute of Alaska in re filing declaratory statement by candidates for office: Am satisfied that no one can run for office as "Independent," except <u>Delegate & members of</u></p>

	<p><u>Legislature!!</u> <u>This may be very important later.</u></p>
Diary 39, 1930 January 12-14	<p style="text-align: center;">-12th –</p> <p>Sunday - but did a good day's work in the office studying important law points. No one around to bother! -13th –</p> <p>Big mail on last nights boat. Letters from Darrell - he sent me \$200. for my campaign fund! but I will pay our taxes with it & use my own money for political purposes! Am getting my platform finished at Stroller's Weekly office. -14th -</p> <p>While the SS. Alameda was at the wharf today - going south. Harry Cribb, Doussac & other Anchorage men came up to see me & promised me that majority etc. Am getting my platform printed. Boner will file as Republican and will work with our political forces. Busy getting ready to go to Ketchikan.</p>
Diary 39, 1930 January 15-16	<p style="text-align: center;">-15th –</p> <p>[Candidate for Delegate to Congress filing fee receipt]</p> <p>Filed my <u>declaration of candidacy</u> for the Nomination for Delegate to Congress at the Primary Election April 29th. Opposition to my candidacy is showing up. Bob & Frank Peratovich Klawock natives are traveling at the expense of some one – Rustgard - boosting for him & trying to break up the Indian solidarity in voting. -16th -</p> <p>Pd. for stamped envelopes \$172.⁸⁶ and paid Stroller White for printing 12000 platforms - \$72.⁵⁰. Grace & Will Steel will send them out. Those for Nome country ready & will be mailed tomorrow.</p>
Diary 39, 1930 January 17	<p style="text-align: center;">-17th -</p> <p>[clipping] JUDGE WICKERSHAM ON SELF-GOVERNMENT Judge Wickersham's "Platform Pledges" and "Part of Former Record" which make up a little pamphlet that he is circulating in the interest of his</p>

candidacy for the Republican nomination for Delegate to Congress are disappointing insofar as they relate to the question of a full Territorial form of government or home rule. The Empire has had a lot to say during the last fifteen or sixteen years about Judge Wickersham's record and what he was written and said on this question. It has contended that he has either not been at heart a supporter of self-government or that he does not think clearly on the subject. The pamphlet seems to support that position.

The Empire has always insisted that the powers given the people of Alaska in the government provided by Judge Wickersham's Organic Act were so meager, so much less than those given the people of the other Territories, that we have not real Home Rule, have not had it, and will not have it until Congress can be induced to give us what President Taft and President Wilson called the "full Territorial form of government."

In the Judge's resume of his record he declares that he drew bills and secured their enactment into laws, among which was:

2. The Organic Act of August 24, 1912, creating the Alaska Legislature and giving Home Rule to the people of Alaska.

In the same list he claims credit for the enactment by Congress of:

9. The Alaska Bone Dry Law, in response to a large majority of the electors of Alaska.

If the Organic Act had provided real Home Rule for the people of Alaska it would not have been necessary to go to Congress to get a law regulating the liquor traffic. The Territorial Legislature could have attended to it without the intervention of the National Legislature.

Further, if we had got real Home Rule with the Organic Act it would not have been necessary for the Judge to promise "to support self-government in Alaska game, fur and fisheries." We would have self-government in that respect.

And that suggests that the "platform pledge" regarding the fisheries would be stronger if it had been limited to the support of self-government in

the premises. If we should get that the elected representatives of the people in the Territorial Legislature would enact all the further legislation that would be necessary. That would be far better than to have one man, even though he be the Delegate to Congress, to decide upon the details of fisheries legislation and beg Congress to put the decisions in the National statutes out of reach of the Territorial Legislature. To make this point plain, we reprint the platform pledge regarding this subject:

5. To support self-government in Alaska game, fur and fisheries; the better seeding of salmon streams; a more equal distribution of the burdens of conservation on all forms of fishing gear; that bona-fide residents of Alaska shall be allowed to take fish at all times and places for their own family use; that non-resident fishermen, their boats and gear, shall pay a higher license tax than resident fishermen; and the continuation of Government investigations of halibut, herring and other food fish in aid of their preservation and increase.

This criticism does not apply, of course, to the proposed "investigation of the halibut, herring and other food fish in the aid of preservation and increase." Investigation in these matters is a proper function of the Federal Government, and we agree in that respect most heartily with Judge Wickersham.

Left on SS. "Queen" for Ketchikan to attend court. My platform - envelopes, lists of Voters, etc. are left with Grace and Will Steel - who will address the envelopes, enclose a printed Platform in each & put them in the Post Office. Those for the 2nd Nome division are in the P.O. before I left & the 4th Division will go next then the 3rd & lastly the First - or S.E. Alaska - home country.

We left Juneau at 10 a.m. and came into Kake - to load canned Salmon tonight. Doctor Borland is aboard - spends his time telling Alaska stories about Bristol Bay - Kuskokwim & the Nushagak - he has a wonderful

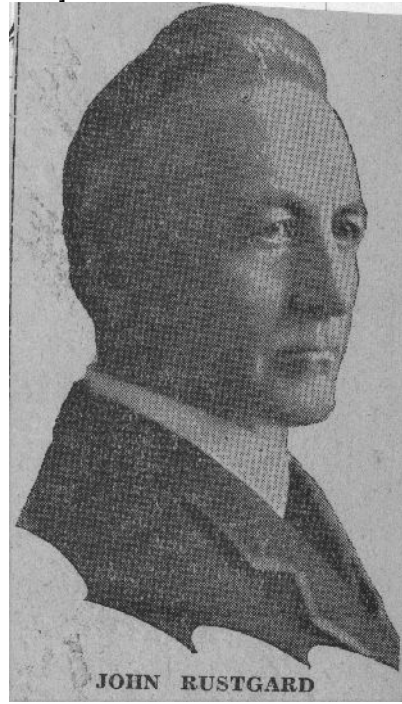
<p>Diary 39, 1930 January 17-18</p>	<p style="text-align: center;">17</p> <p>memory - a keen sense of humor & a steady flow of words - fine descriptive talent - & keeps the smoking room in a gale of merriment. I envy him his great gift as a story teller. -18th -</p> <p>When we woke this morning we were at anchor in Scow Bay - Petersburg. The tide was too low & the fog too heavy to enable us to go through last night. At Wrangell at noon. Saw some of my clients & friends - for an hour. We came into Ketchikan at 8 o'clock in the evening & I took a room at the Ingersoll Hotel. Visited around a while. Court meets Monday morning - court officials all here - ready.</p>
<p>Diary 39, 1930 January 19-20</p>	<p style="text-align: center;">-19th -</p> <p>Sunday - clear and cold. Slept late - long talk with Senator Hunt - Duggan & others. Had dinner with W^m L. Paul and his nice family. The town is unusually quiet. Read the late papers & two Lincoln articles in the Cosmopolitan Magazine - also a Dawson idyll, "<u>The Ice Worm Cocktail</u>," by Robert W. Service. Bum poetry - but a fair Service effort. -20th -</p> <p>Regular term of District Court convened. I have some matters in court & also the Cloudy Hd. contest for the 24th. Cloudy is not here & I am making a showing for continuance of hearing until he can get here from Seattle.</p>
<p>Diary 39, 1930 January 21-23</p>	<p style="text-align: center;">-21st -</p> <p>In court assisting trial Berger v Binkley. Filed affidavits & motion for continuance Cloudy case - Land Office matter. Had Senator & Mrs. Hunt to dinner. <u>Gave a copy of my platform to W^m L. Paul. who read it carefully and then assured me that he approved it fully.</u> He is the editor of the "Alaska Fisherman". President of Alaska Native Brotherhood & all round political boss! -22-</p> <p>At court all forenoon. Berger v Brinley decided in favor of my client.</p>

	<p>Lunch with Mr. & Mrs. W^m L. Paul. Visiting around talking politics etc. -23rd -</p> <p>Busy in court - also "visiting around" in politics. Attended Pioneers Lodge. Eulogy on an old - 90 years old. Joe King, who is leaving Alaska for the Walla</p>
<p>Diary 39, 1930 January 24-25</p>	<p style="text-align: center;">23</p> <p>Walla Wash Old Fellows Home. The Pioneers gave a good bye Smoker. -24th -</p> <p>Attended court. Today was the date fixed for taking testimony in the Land Contest between Vivian V. Walters vs. Frank A. Cloudy - land at Prince of Wales Is. wanted by Gov. Bill Sulzer for mining town, etc. Case was postponed until Mch 14th on stipulation. Cloudy not notified & is in Washington. Cloudy is my client. Wrote letter to Grace - it will go on "<u>Queen</u>" tonight. -25-</p> <p>Argued motion in Edwards v Monroe etc. Long conference with my friend Olts who thinks I will get a good support here. Will go home on Monday.</p>
<p>Diary 39, 1930 January 26-27</p>	<p style="text-align: center;">-26th -</p> <p>Sunday. Dinner with Senator Hunt. Sleeping, resting, smoking, waiting for tomorrows SS. "Alameda". -27th -</p> <p>McCain will look after Lewis case. I asked Judge Harding to postpone the argument on Motion to Dismiss the appeal in the Devinney v N.W. Mill Co case until his return to Juneau, but gave him my brief & left copy for Faulkner. Paid my bills & left Ketchikan for Juneau on "SS. Alameda" at 3. p.m. The boat went into Kasaan cannery with freight. Arrived at Wrangell about 2 o'clock & remained there until 3 a.m. waiting for the tide in Wrangell Narrows.</p>
<p>Diary 39, 1930 January 28</p>	<p style="text-align: center;">-28th -</p> <p>Interviewed Neil McGregor, Petersburg - says he cannot pay me the \$200. he owes me - that he is bankrupt - that his movie show is overshadowed by the competing House, etc. <u>broke!</u></p>

	<p>Reached Juneau at 9:³⁰ p.m. and found Grace at the dock waiting for me. Also Bishop Cremont was there to welcome good old Father Monroe, & he whispered his interest in my campaign, etc. Father Monroe took Christmas dinner with me at Eagle City, Christmas Day, 1900!</p> <p>Grace has nearly finished sending out 12,000 copies of my platform to voters in the Territory. It seemed good to be at home with her.</p>
Diary 39, 1930 January 29-31	<p style="text-align: center;">-29th -</p> <p>At work on my mail - nothing new or exciting.</p> <p style="text-align: center;">-30th -</p> <p>In my mail I had a very satisfactory letter from Senator Borah in re support of Dr. Chase, of Cordova, for U.S. Marshal. Sent the Dr. a copy "<u>Confidential</u>."</p> <p style="text-align: center;">-31st -</p> <p>Same as usual in the office.</p> <p>We had dinner this evening with Major & Mrs. Elliott: He is Chairman of the Alaska Road Com: Major & Mrs. Gillette & Mr. & Mrs. Jack Hellenthal were also present. Jack talked Prohibition. He is bitterly against all Prohibition laws - talks about nothing else.</p>
Diary 39, 1930 February 1-4	<p style="text-align: center;">-Feb. 1st 1930-</p> <p>Working in the office, preparing Brief on Appeal in the Matheson Estate case.</p> <p style="text-align: center;">-Feb. 2.-</p> <p>Sunday - but worked all day in the office preparing Matheson brief.</p> <p style="text-align: center;">-3rd -</p> <p>Same as usual.</p> <p style="text-align: center;">-4th -</p> <p>Last day for filing declaratory statements for candidacy for Territorial Offices. Dinner tonight at my home: invited Will Steel, Jack Renner and Perkins, the buffaloman - last two are old plainsmen - buffalo hunters, etc. before they came to Alaska in the 80's - here they are prospectors & hunters of bear, etc.</p>
Diary 39, 1930 February 5-6	<p style="text-align: center;">-5th -</p> <p>Working on Matheson Brief. Had a meeting of the miners interested in our Taku mining claims in the office tonight. Present, Henrichson, Torkelson,</p>

	<p>Allen, Stonehouse, "Chick" Ashby, Kelley, Kingman & myself - getting ready to send men up the Taku to our mines as soon as Charlie Erickson comes over from the Tenakee hot springs. All the papers put in my safe. Like all impecunious miners we talked about a Million Dollars for our group of 12 claims, on the mountain side apposite the Tulsequah.</p> <p style="text-align: center;">-6th -</p> <p>Same as yesterday in office.</p>
Diary 39, 1930 February 7-9	<p style="text-align: center;">-7th -</p> <p>Nothing unusual - am getting some promises of support here in Juneau that I did not expect, and it may be I will run up with the ticket here. Rustgard has some bitter enemies here - they do not like me but hate Rustgard more.</p> <p style="text-align: center;">-8th -</p> <p>On last pages of Matheson Brief.</p> <p>Grace is giving the young folks a party at our house tonight.</p> <p style="text-align: center;">-9th -</p> <p>Graces party last night was a success. It was a beautiful display of beautiful girls, handsome boys - & they had a gay time - music, lights, dancing, cards - fortune telling. etc.</p>
Diary 39, 1930 February 10-12	<p style="text-align: center;">-10th -</p> <p>Completed Brief in Matheson Case & took it to Strollers Weekly for printing when the west bound boat "Northwestern" came in Bob Lavery & wife & Vanhousen & wife. Harry Watson & wife & "Stroller" White & wife came up to my house & spent the evening talking, telling old time stories, smoking etc.</p> <p style="text-align: center;">-11th -</p> <p>As usual in the office.</p> <p>Rustgard went to the U.S. Marshals office & protested against the deputies supporting me for delegate. It had no effect - the deputies resent his action & will work all the harder.</p> <p style="text-align: center;">-12th -</p> <p>Completed my Ms. Brief in the</p>
Diary 39, 1930 February 12-14	<p style="text-align: center;">12</p> <p>Matheson case & it is in the hands of "Stroller" White - printer</p>

	<p>We are having some very cold weather. -13th –</p> <p>In office as usual - busy with my belated correspondence. Received printed Record in the Pond case & must get to work immediately on the Brief in that matter.</p> <p>Frank Mercer, Juneau Indian, just back from Sitka - says that some of the Indians there are supporting Rustgard & opposing me. -14th</p> <p>Will Steel has written W^m L. Paul a letter urging the Ketchikan - "Alaska Fisherman" & the Petersburg "Alaskan," both run by the Paul Brothers – Indians - to take up the local campaign - discussing candidates etc. Working in office</p>
<p>Diary 39, 1930 February 14-16</p>	<p>14</p> <p>on the Brief in the case of Goldstein et al. v Pond, et al. - a hard case. pending on appeal before the U.S. Circuit Court of Appeals, San Francisco. Nothing new today in politics. -15-</p> <p>Reports that Haley, halfbreed is working hard with Indian voters at Sitka for Rustgard - also W^m Chuck at Klawock. They are fighting Paul - jealous. As usual in the office. 16th</p> <p>Sunday - working in office making Index to Matheson Brief & also on Pond Brief. "Northwestern" in from westward. My friend Cochran, from Nome on board - good reports from him about politics at Nome & Valdez divisions.</p>
<p>Diary 39, 1930 February 17</p>	<p>17th -</p> <p>Grace & I attended dinner at the Holbrooks - present Mrs. H.H. Post, The Terhune's, & others - 13 in all. It was a good dinner and a pleasant party. Rustgard's Platform is in the Empire - with his picture - tonight.</p> <p>[clipping]</p> <p style="text-align: center;">RUSTGARD FOR HOME RULE IN</p>

	<p style="text-align: center;">HIS PLATFORM Candidate for G.O.P. Dele- gate Nomination Makes Platform Public</p> <p>Close and friendly co-operation between Territorial and Federal agencies and an amendment to the Organic Act such "as will not only give us as much home rule as was invariably granted other Territories but which will enable us to gradually assume more and more of the functions of government until full Statehood is attained," are the first two of 26 specific planks in the platform of Attorney General John Rustgard, on which he is making the race for the Republican nomination for Delegate to Congress.</p> <p>{Empire "boost." They will xx John if he is nominated.}</p> <p>[clipping cont]</p>  <p style="text-align: center;">JOHN RUSTGARD</p> <p>Not content with a mere general pledge of</p>
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	<p>support to the Hoover administration, he sets up specifically the matters in which co-operation will be given, and with unusual frankness pledges himself definitely on several subjects of importance.</p> <p style="text-align: center;">Favors Trap Leases</p> <p style="text-align: center;">There is no more dangerous –</p>
<p>Diary 39, 1930 February 17</p>	<p style="text-align: center;">17</p> <p>politically - issue in Alaska than fish traps. In the past, candidates for Delegate have not been unmindful of the dynamite in it and let it rest altogether in their platforms or treated it with generalities.</p> <p>Not so Mr. Rustgard. There is no hedging in his declaration that:</p> <p>“I also believe that owners of fish traps and trap sites should be protected in such ownership against all interference except by the Government, and to that end should receive leases for their trap sites for a fixed period, subject always to revocation and what-ever rules and regulations the Government may see fit to impose.”</p> <p style="text-align: center;">Co-operate With O’Malley</p> <p>Nor does his platform end there in dealing with “loaded” questions. For some ten years, Alaska’s representative in Congress has devoted most of his time to attacking the United States Bureau of Fisheries, substituting that Government agency as a main political issue for the “Guggenheims” which was the war cry of his predecessor. “O’Malley and “Hoover” took the place of “Steve Birch” and the “Guggenheim Trust.” Evidently Mr. Rustgard is convinced that such a policy is not only futile but costly to Alaska. He proposes a change and declares:</p> <p>“I proposed to cooperate with the Bureau of Fisheries in securing the best possible fishing regulations, and intend to do all in my power to secure such legislation as will leave the fisheries of Alaska open only to bona fide residents of the Territory wherever that is practical and where, by such policy, the settlement of the Territory can be materially stimulated.”</p> <p style="text-align: center;">Defends Forest Service</p>

	<p>The Forest Service, which has been attacked by the Paul faction and its allies for its pulp development policy, is defended by Mr. Rustgard. The recommendations made by Gov. George A. Parks in his last annual report are unreservedly endorsed. Eleven requests made of Congress, or Executive departments, by the last Alaska Legislature are specifically supported.</p> <p>The last Judiciary Act of Congress deprived Alaskans of the right of appeal in misdemeanor criminal cases. The Virgin Islands is the only other unit under the American flag so treated. Mr. Rustgard advocates a change and declares he will work to obtain legislation to cure the defect.</p> <p style="text-align: center;">Platform In Full</p> <p>His platform in full is as follows:</p> <p>“It would seem obvious that the peace, progress and prosperity of Alaska demands the closest and friendliest possible cooperation between the Territorial and Federal agencies within the Territory. with all the navigable waters, 99% of the land, the fish, the game and the wild fur bearing animals under the jurisdiction and control of the Federal Government, and with Territorial development dependent on that Government for financial assistance amounting to several million dollars per annum, it would be unwise for the people of Alaska to enter into acrimonious disputes with the authorities at the National Capital. It shall, therefore, be my aim to establish and maintain the friendliest relations with the Federal Government and its several agencies in Alaska, while at the same time I urge upon all these what I conceive to be the wishes of as well as for the benefit of the majority of the people of the Territory.</p> <p style="text-align: center;">Seek Home Rule</p> <p>“At the earliest possible opportunity I shall seek such amendment of the Organic Act as will not only give us as much home rule as was invariably granted other Territories, but which will enable us to gradually assume more and more of the functions of government until full Statehood is attained.</p> <p>“I propose to cooperate with the Bureau of</p>
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	<p>Fisheries in securing the best possible fishing regulations, and intend to do all in my power to secure such legislation as will leave the fisheries of Alaska open only to the bona fide residents of the Territory wherever that is practical and where, by such policy, the settlement of the Territory can be materially stimulated.</p> <p>"I shall also recommend that the residents along the Yukon River be authorized to engage in such limited commercial fishing in the river as will not appreciably interfere with the propagation of salmon.</p> <p>"I commend the Bureau of Forestry for its determination to have the timber within its keeping manufactured into articles of commerce within the Territory instead of shipped to foreign countries in the raw state to be there prepared for the market by foreign labor.</p>
<p>Diary 39, 1930 February 17</p>	<p style="text-align: center;">17</p> <p style="text-align: center;">Title to Lands</p> <p>"All who have made substantial improvement on land for residence purposes should be given a deed to whatever they improve, occupy and use. The quasi communistic system at present practiced by the Government is bad in principle and should be abandoned.</p> <p>"Farming is an inevitable prerequisite to the stability of the population and the permanence of industries. Every effort should, therefore, be made to assist experienced farmers in settling on and in starting the utilization of our agricultural and grazing land.</p> <p>"The construction of the International Highway, so called, is a worthy project which promises much for the country and should be given ample support as soon as definite steps are taken by the Canadians to meet us at the boundary line.</p> <p>"The fullest cooperation will be given the Alaska Road Commission in its effort to secure the largest possible appropriation for roads and trails. The Bureau of Forestry and Bureau of Public Roads should be given full authority to use the funds at their disposal to build trails instead of roads wherever such course seems the wiser.</p>

	<p style="text-align: center;">Aid for Indians</p> <p>"Every fair and humanitarian reason bespeaks for the native Indian population the kindest and most helpful consideration by the public and the Government. The opportunity of those races for acquiring a practical education and for earning a living is of foremost importance and must be supplied whenever and wherever it is reasonably possible to do so. I shall urge increased appropriations for the establishment and maintenance of industrial schools and medical attention for the native population. Both governmental and private employers should be induced to give these people employment.</p> <p>"I believe that the people of Alaska, when entitled to litigate any questions in dispute with any of the departments at Washington, should be authorized to institute the legal proceedings for that purpose in the courts of Alaska in stead of being compelled, as now, to go the Capital to do so. The present order is tantamount to a denial of the right to submit such disputes to the courts and tends to encourage autocratic attitudes by the various bureaus.</p> <p>"In consonance with this view I also believe that the War Department should be relieved of the burden of adjudicating private rights to the water front or to navigable waters, a function which does not belong to it, but which the peculiar conditions prevailing in Alaska have forced it to assume.</p> <p style="text-align: center;">Leases for Traps</p> <p>"I also believe that owners of fish traps and trap sites should be all interference except by the Government, and to that end should receive leases for their trap sites for a fixed period, subject always to revocation and whatever rules and regulations the Government may see fit to impose.</p> <p>"I believe in eliminating from the public life of the Territory all those individuals who make a business of stirring up antagonism against industrial institutions for the sake of getting a hand-out.</p> <p style="text-align: center;">Other Aims Enumerated</p> <p>"In addition to the foregoing I shall advocated:</p> <p>"1. Repeal of all laws and revocation of all</p>
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	<p>regulations protecting useless sea fowls or aquatic animals which are destructive of fish and fish eggs.</p> <p>"2. Salary for United States Commissioners.</p> <p>"3. Establishment of radio stations in all isolated communities of importance.</p> <p>"4. Regular and more frequent mail facilities for the settlements west of Cook Inlet.</p> <p>"5. Additional Coast Guard ships fully equipped to give aid to the fishing population during fishing season.</p> <p>"6. Increased force for the Federal Mining Engineer's office to enable him to examine and report on mining prospects and advise prospectors.</p> <p>"7. Improvement of harbor for the fishing fleets at convenient points.</p> <p>"8. Erection of public buildings at the several places where now urgently needed.</p> <p>"9. Erection of bridge connecting Juneau and Douglas Island if the same can be done at such cost as will render the undertaking practical.</p>
<p>Diary 39, 1930 February 17-19</p>	<p style="text-align: center;">17</p> <p>"10. Establishment of naval air ports at all strategic points, and to have army and naval airplanes stationed in the Territory at all times for use in emergencies.</p> <p>"11. Acceptance of and support for the various recommendations made by the Governor in his last report.</p> <p>"12. Right of appeal in all criminal cases."</p> <p>We think Pegues, Asst. Ed. Empire "assisted" in furnishing ideas for Rustgards platform.</p> <p style="text-align: center;">-18th -</p> <p>As usual in the office. The opposition has put out an anonymous folder giving a part of W^m L. Pauls speech of two years ago in relation to the bill I drew authorizing the leasing of trap site locations, - which Rustgard now distinctly approves!</p> <p style="text-align: center;">-19th -</p> <p>Working on Pond Brief. The Matheson Brief finished and served on Hellenthal and 20 copies sent to Clerk U.S. Ct. Court Appeals.</p> <p style="text-align: center;">Very busy in the office this week.</p>

<p>Diary 39, 1930 February 20-22</p>	<p style="text-align: right;">-20-</p> <p>Working on Pond Brief. Attended "Old Indian Custom and Costume Dance," of Auk (Juneau Indians at Elk hall - with Grace and Mrs. Martin - a friend.</p> <p style="text-align: right;">-21-</p> <p>Same as usual in the office.</p> <p style="text-align: right;">-22-</p> <p>Washington's Birthday. Working in the office on Pond Brief. Dispatch in this evenings <u>Empire</u> reports that the Committee on Claims, Congress, has reported unfavorably on our Bill to give the S.E. Alaska Indians the right to bring a suit to recover for their homes, fishing grounds, etc. taken away from them by the U.S. without compensation. This</p>
<p>Diary 39, 1930 February 22</p>	<p style="text-align: right;">22</p> <p>action of the Committee will hurt my candidacy for Delegate & also Pauls for representative in the Legislature</p> <p>[clipping]</p> <p style="text-align: center;">INDIANS LOSE IN EFFORT TO BRING SUITS House Committee Kills Measure Backed by Wickersham (Special to the Empire)</p> <p>WASHINGTON, D.C., Feb. 22.-The Claims Committee of the house of Representatives yesterday killed House Bill 8,301, introduced January 8 by Delegate Sutherland permitting Alaska Indians to bring suit against the Government in the Court of Claims for loss of lands and other alleged rights.</p> <p>The measure, which was introduced at the instance of Judge James Wickersham, candidate for the Republican nomination for Delegate to Congress and with W.L. Paul employed as attorney to prosecute the suits, was designed to authorize the Indians to sue the Government for rights claimed to have been acquired under Russian rule in Alaska and alienated since Alaska became a</p>

	<p>part of the United States. Open Wide Field Two tribes – the Tlingit and Haidas – were involved. Their claims embraced hunting, trapping and fishing rights, timber lands, minerals, developed waterfront property, etc., all located in Southeastern Alaska. Claiming that these rights had been taken from them without their consent, the Indians sought permission from Congress to sue for compensation. The Alaska Native Brotherhood, speaking for the tribes, at its 1929 convention held a Haines, entered into a contract with Judge Wickersham and W.L. Paul to represent the claimant Indians. Seeks to Clear Way Endeavoring to clear the way for the legal battle, the Delegate introduced the measure early last month and it was promptly referred to the Committee on Claims. It would have authorized the two tribes to sue jointly or separately in one or more actions at anytime within five years from the date of the passage and approval of the measure. Laps of time, the statute of limitations, failure to present claims to some other tribunal, and the fact that the Indians in the interim may have become citizens of the United States by Acts of Congress, it was provided should constitute no bar to prosecution of the suits. Evidently some of the opposition got to the Com. on Claims - they acted very hurriedly.</p>
<p>Diary 39, 1930 February 23-24</p>	<p style="text-align: center;">-23rd -</p> <p>Working in the office on the Pond Brief. It is interesting as the two new books I have just received "Life of Peter the Great." I received a nice letter from my friend and the old Alaskan, W.H. Holmes, of Amarillo, Texas, where he has made a million or so in oil, congratulating - on becoming a candidate for delegate & sending \$250.⁰⁰ as a contribution to my campaign fund. It will pay my expenses on the trip to Fairbanks! -24th - Same - working on Pond Brief. & writing letters on political matters to some of my supporters.</p>

	<p>The Rustgards are busy also.</p>
<p>Diary 39, 1930 February 25- March 1</p>	<p style="text-align: center;">-25-</p> <p>Same as usual – politics & law. -26- Working in the office on the Pond case. Rustgard is sending out his platform and the copy of Pauls speech in regard to the trap site bill, which really is an attack on me. The public may discover that in his platform he has specifically approved the bill. -27th - At work on Pond Brief - & politics. -28th Same as usual in the Office - Politics & working on Pond Brief. Both look "fair to middling." March 1 Paying monthly bills! & working on the long winded Pond brief.</p>
<p>Diary 39, 1930 March 2-3</p>	<p style="text-align: center;">-Mch 2d-</p> <p>Working on Pond Brief - Sunday. Called on <u>Frank Knight, Rep. candidate for Ter. Treas., Mr. Mozee Supt. Reindeer Service</u>, from Nome, Mr. Minor & Jackson, residents of the upper country & invited them to dinner Tuesday evening. They will come - provided their boat does not go north before that time! -3rd- Paid my taxes & monthly bills. As usual in the office. The political rumor today is that Harry Watson, recently the Governors private secretary is to be an independent candidate for Delegate to Congress - supported by Faulkner & those Representatives who cannot run the party!</p>
<p>Diary 39, 1930 March 4</p>	<p style="text-align: center;">-4th -</p> <p>As usual in the office - reached the end of my Ms. Pond's Brief. <u>I hope</u>. We had Mr. Frank Knight, Republican candidate for Ter. Treas. - Mr. Mozee, Supt. Reindeer Service under Gov. Parks, & Mr. Ramsay, special agent, U.S. Land office - to dinner tonight - also Senator Wm A. Steel. A good dinner. Grace is an</p>

	excellent cook - and a most enjoyable evening talking Alaska and Alaskans. I found out that Mozee married the daughter of W ^m H. Elliott. She was here in Juneau some four years ago - a nurse - & went to Anchorage & Fairbanks - nurse, teacher - bright girl. Married Mozee - they live in Nome
Diary 39, 1930 March 4-5	4 and have a son. Elliott Mozee, one year old. Gave Mozee a copy of my Biblio. with the name of his son & mine on the fly leaf. The Gentlemen all seemed to enjoy the evening. -5 th - Same in office, - correspondence. Tonight those interested in the Erickson-Ashby group of Quartz claims on the mountain between the Taku river & South Fork met in my office. Erickson and Ashby authorized to go to the claims at once - morning of the 6th on boat & take \$400. in grub, etc. establish camp on property and begin work on the
Diary 39, 1930 March 5-6	5 claims - prospecting, at once. Six of us will provide the \$400. ⁰⁰ Hendrickson, Stonehouse, Allen, Stonehouse, Torkelson & Wickersham - probably on note at Behrends Bank. Allen & Hendrickson are to attend to getting the money & Erickson will buy the grub at the Behrends Store. -6 th - Turn back to page 337, this book a you will find a telegraphic dispatch " <u>Special to the Empire,</u> " saying the Com. on Claims, House of Representatives had killed the bill to enable the Indians of S.E. Alaska to bring suit to recover from U.S. for their lands, hunting rights, etc. etc.
Diary 39, 1930 March 6	6 I sent copy to Sutherland, and today received the following reply: [telegram] James Wickersham, Juneau Referring yours February twenty fifth there has been no Action on Bill to Enable Indians Bring Suit

	Court of Claims Stop Secretary Interior been asked for report which has not yet been made stop am assured full hearing on this measure before Subcommittee of Com on Claims Stop Wire me official collect name of paper date and text and press source in Washington of dispatch published in Juneau stop Cannot understand purpose of press organization in sending out such stuff an am sure Alaska newspapers doing considerable faking stop will trace matter this end if you will wire me exact data Dan Sutherland
Diary 39, 1930 March 6-7	6 I sent copy Sutherlands telegram to Louis F. Paul, Petersburg to be Published in the "Alaskan" the Indian paper with request for prominence. Will Steel went to see Troy, Ed. Empire. Troy said the telegram he published came from Tom Marquam, in Washington & he thought, of course, it was correct. -7 th - Same as usual in office. finishing up belated correspondence. Two Indians from Auk Village came in to find out why their bill was thrown out of Congress - they were greatly relieved when they read Sutherlands telegram saying the Empire dispatch of Feb. 22 was false and untrue - they wont believe reports in Empire any more.
Diary 39, 1930 March 7	-7 th - Received telegram from Sutherland asking me to send him two copies of Empire of Feb. 22. - he is after Tom Marquam for sending out false telegrams. I hope they give Tom an unhappy hour for he is all the kinds of a liar mentioned in Roget's Thesaurus of English words. We seem to have more words to describe a liar than any other language - and Tom is all of them. Am getting my Income Tax Statement prepared - its a nuisance - but this last year it will not be interesting to the Government. I do not think I will have to pay a tax - for my income was too small.

<p>Diary 39, 1930 March 8</p>	<p style="text-align: center;">-8th -</p> <p>The Paul brothers are trying to convince the public through editorials in the Petersburg Alaskan, of which Louis F. Paul is editor, that William L. was induced by me to support the Trap-site Leasing Bill, and to go to Washington to persuade Dan Sutherland to introduce it in Congress, etc. & that poor Billy was entirely misled & innocent. I will not, of course, say anything in my own defense, but just take whatever burden they pile on - for the more Billy explains the deeper he sinks into the mud & I intend to sit quietly on the bank and let him do all the futile struggling he pleases.</p>
<p>Diary 39, 1930 March 8</p>	<p style="text-align: center;">8</p> <p>If he would just keep his mouth shut - it would not amount to anything - but his loud cries & struggles attract attention to his situation & people are now growing to wonder if he is not guilty of something - they do not know what - but something bad, anyway. With Cash Cole I pay \$50. the two of us \$100. a month to assist their paper - the Alaskan. & they are giving me the hot end of the paper to hold. We lay the papers away & do not distribute them to the public. Billy did nothing bad - but he thinks people think so - hence his loud cries and silly struggles. If he would only either</p>
<p>Diary 39, 1930 March 8-9</p>	<p style="text-align: center;">8</p> <p>keep still or just tell the truth - neither of which he has the courage to do. Even if he would turn the conversation - in the Editorials - to the Tom Marquam telegram! But he lacks political judgment, and also loyalty to his friends. A little power over the Indian vote, which he thinks he can control - has spoiled him! He is not even a fairly good political "boss." - Maybe he will get hoarse & quit crying soon! Dinner with Dr & Mrs. DeVigne tonight.</p> <p style="text-align: center;">-9th -</p> <p>Sunday - Am gathering up my papers & getting ready to go to Ketchikan to try the Cloudy Hd. contest case! Will Steel & Mrs. are to take dinner with us this evening.</p>

<p>Diary 39, 1930 March 9</p>	<p style="text-align: center;">-9th - continued</p> <p>Recd. telegram from Sutherland saying "Washington, D.C. Mar 8-9 – 1930. Hon James Wickersham, Juneau. I find that bill for relief of Tlingit and Haida Indians in court of Claims was referred to Governor of Alaska by Interior Department February nineteenth stop Treat this as confidential for present. Dan Sutherland." Marquams telegram to the Empire came Feb. 22nd - 3 days later! Gov. Parks has not said anything publicly - and I just wonder what he will do in the matter? and whom he will consult. Rustgard? or will he go it alone. Its getting interesting!</p>
<p>Diary 39, 1930 March 10-11</p>	<p style="text-align: center;">-10-</p> <p>Recd. copy of this weeks "Alaskan" - Paul paper. It is now in proper line. and has quit talking about Paul's trip to Washington & attempting to hold me responsible for his seduction by the cannery companies on the Trap Site leasing question - which Rustgard has approved in his platform!</p> <p style="text-align: center;">-11th -</p> <p>Will go to Ketchikan tomorrow to try the Cloudy case on the 14th. Recd. telegram yesterday from H. Warman, Wash. D.C. asking me to attend to his claims against the Charles Williams Mining Claims at Hawk Inlet. Answered fully by telegram & letter saying I would attend to matters for him.</p>
<p>Diary 39, 1930 March 12</p>	<p style="text-align: center;">-12th -</p> <p>Politics is gathering warmth -Rustgards friends - or rather his friend, N.G. Nelson, is offering to be on Johns nomination & my friends are anxious to and are taking the chance with him. Henry Roden bet him \$500. that I would win & others tried to get in - but failed to get the money. I am informed that my friend Lynn Smith, U.S. Marshal at Fairbanks, is supporting Rustgard - that Bunnell is forming a compact to defeat Clegg judge at Fairbanks etc. and that that combine is "boosting" Stabler, Dist. Atty. here, for his place, etc. Rumors of this kind are now going the rounds. I leave for Ketchikan at 7 o'clock p.m.</p>

	Will be gone 4 or 5 days only.
Diary 39, 1930 March 13-14	-13 th – Enroute to Ketchikan on SS. Northwestern. John W. Troy, Ed. Juneau Empire on board & we talked for 2 hours - politics, Alaska, etc. John is very friendly - but of course he will not support me for Delegate - being a Democrat. My friend Lowe, from Bristol Bay - was on board & thinks I will run well to the westward - if they hold a primary there. Advises me to send a telegram to Tom Gardner, at Kanatak - asking him to get my friends out to vote, etc. Arrived at Ketchikan at 1 o'clock a.m. went to Ingersoll Hotel. -14 th - Hearing in my Cloudy Had, contest put off until tomorrow. Long talk with Paul, who read me a long letter he has written to the officers of the local camps of the Alaska Native
Diary 39, 1930 March 14	14 Brotherhood against Rustgard. He urges the Indians to vote for me against Rustgard - there is much bad blood between the two & Paul will leave no stone unturned to defeat Rustgard. The business men in Ketchikan are suffering from the breakdown of the fishery trade, and many of them are now declaring that Paul is right in his opposition to the cannery interests. They say these interests are taking all the trade away from Ketchikan - to Seattle etc. to their great injury - and many of them will support Paul & our ticket - which they have never done before. However, they are not united - and merely feel resentful toward the cannery interests - but to not act & I think will not except in a poor disjointed way - they are sad!
Diary 39, 1930 March 15-16	-15 th – Tried Case of Watters v. Cloudy, Hd. Contest for land near Jumbo Mines - Sulzer P.O. Prince of Wales Island. Zeigler, Atty. on opposite side. A dozen witnesses. I think we got much the best of the case. Ex. Gov. Sulzer of N.Y. is behind the contestant Walters - the Governor's mining

	Company wants Cloudy's ground in connection with its mining plans. -16 th - Sunday. Am asked by "Doc." Walker to go to a meeting of the Ketchikan Rotary Club tomorrow at noon luncheon & will be asked to talk. Am preparing my impromptu remarks in writing. One is not allowed to talk on politics
Diary 39, 1930 March 16-17	16 so I will write out my talk & then ask Morrissey, Ed. " <u>Chronicle</u> " to print them, while I will talk enough only to call their attention to the written statement in the " <u>Chronicle</u> ." -17 th - Did my stunt - at the meeting of the Rotary Club. Morrissey promised to print. I appeal to the businessmen of Ketchikan to support Paul & his ticket because they will thereby assist the resident Alaska fishermen etc. Had a pleasant luncheon. The SS. "Yukon" left Ketchikan at 6 o'clock - on my way home. John A. Clark - of Fairbanks, & many other Alaska friends aboard. Lynn Smith, U.S. Marshal, Fairbanks is aboard but shuns me like the plague.
Diary 39, 1930 March 18-20	-18- Reached Juneau tonight at 8 p.m. tired & home to bed. -19- At work in the office gathering up the ends - answering correspondence, etc. Ms. of Brief in Goldstein v Pond is finished & ready for the printers. Politics is getting warm, & many friends assure me - & I suppose an equal number assure Rustgard - of support. -20- Very busy with office Business & Politics. The Alaska Juneau Mining Co. is trying to buy our Taku-Erickson-Ashby claims & working with the weaker members of our group. They are ready to raise their former price - so I am told.
Diary 39, 1930 March 21-23	-21 st – Busy in the office trying to bring my law business up so that I can get away westward on Tuesday –

	<p>25th. -22nd – Attend court call - nothing much at this term - trying divorce cases & small matters. In anticipation of my trip to the westward I am asking Henry Roden to attend to my few matters while I am gone. -23rd - Sunday. Frank Price & two other Sitka natives came to my office & we talked over the political situation very fully. They think Rustgard is particularly strong in Sitka, Angoon & Klawock precincts. I am writing a letter to the Sitka Camp of A.N.B. in answer to a letter which they wrote to me for some information, etc.</p>
Diary 39, 1930 March 24-25	<p>-24th – Politics” is getting warm & John is flooding the country with a “speech” addressed to the Indians denouncing Paul & me. I am writing a letter in answer to one I have received from the Alaska Native Brotherhood Camp at Sitka, telling them about the Empire telegram saying the House Com. on Claims has “killed” their bill. -25- Wrote a letter to Senator Hunt in answer to one criticizing me for supporting Paul & Steel - who are both on my primary ticket. I put it strongly on that ground & think he will be satisfied - if not its just too bad - that’s all!</p>
Diary 39, 1930 March 26-27	<p>-26th – Left Juneau early this morning, on SS. “Northwestern” for Fairbanks. Many friends on board & I am encouraged by their expression. Unloaded cannery supplies at Port Althorp - 4 hours - & tonight we are at sea - not bad. -27th - Crossed Gulf of Alaska – clam - gentle roll - not seasick - ate & smoked as usual. Many friends on board from Fairbanks - Bill Campbell, Chas. Gris (Bob Gris son), J.H. Groves & wife (he aided me in laying corner stone Ag. College in 1915 (?) Mr. & Mrs. J.A. McIntosh (Jenny Obrien, of years ago),</p>

Diary 39, 1930 March 27-28	<p>27 Grant Murdock, Dan Weiss, of early Cleary Creek days - & many others. Reached Cordova at midnight. Dr. Chase & Allen came down & we talked politics. -28th - Arrived at Valdez dock at 1 p.m. Met a number of friends - Joe & Andy Derringer & others. The y assured me that I was sure of a majority vote at Valdez. A group of members of the Cordova “Elks” are on board going to La Touche to institute a new Lodge. They are pleasant but a majority of them are for Rustgard! Dr. Chase said, however, I would carry Cordova in spite of this fact!</p>
Diary 39, 1930 March 29	<p>-29th – We arrived at Seward this morning early - 8 oclock. I called on Mr. Jesson, editor of the “Gateway.” Gave him \$10.⁰⁰ for ad. also wrote interview in answer to a letter which the Gateway will publish - from Rustgard criticizing me for writing the trap site leasing bill. Jesson is friendly but will not take any part in fight. Left Seward at 10 a.m. on train for Anchorage. Big crowd on board. Met at Anchorage by Arthur Thompson, McCain, Waller & , who took me to restaurant for lunch. They assured me of a hearty support in the Anchorage region. Left Anchorage at 3 p.m. & reached Curry at 9 p.m. where I got a room at the Curry Hotel. Mr. Knight, Candidate for</p>
Diary 39, 1930 March 29-30	<p>29 Territorial Treas. who goes to Fairbanks with me - for political electioneering. -30th Had a good sleep - in a good room – at the Curry Hotel last night, Double room - single beds. Mr. Knight had the other bed. This morning we started - it was snowing when we reached Curry – it snowed hard all night - and all day. We got out five Miles when the heavy wet snow stalled us. We had a snow plow on the front of the train and engines - but we stuck - the snow plow jumped the</p>

	track & they pulled us back to Curry - and here we are tonight. The larger snow plow is coming from Anchorage, with Col. Ohlson & a crew of men & <u>they say we will probably get</u>
Diary 39, 1930 March 30-31	30 away from here in two days more. In the meantime I am getting acquainted with a crowd of about 100 men who are going into the Interior. Knight is also working his "side of the street" & altogether it is not a complete loss. Wrote a nice letter to Grace tonight. -31 st - We went out from Curry this morning in another attempt to reach Fairbanks - but only got 10 miles & were forced to return. The track is blocked for 60 miles, & it may mean that we will remain here for several days. We had a meeting at the Hotel tonight: I talked 30 minutes on the growth of Government in Alaska - have a cold & sore throat.
Diary 39, 1930 April 1-2	-April 1 st 1930 We left Curry at 10 a.m. with two snow plows ahead of us & they finally got us through the deep wet snow blanket and we reach Healey at 7 o'clock - we had lunch & on to Fairbanks where we arrived at 11:30 p.m. Knight & I went to the " <u>Nordale</u> " <u>Hotel</u> . -April 2 nd - Met many friends today. There is more tendered support than I expected - called on Larry, Bloom, Pratt, the E.T. people, etc. etc. the Bank people, Stroecker, etc. & others. Tonight I attended a meeting of Fairbanks Masonic Lodge - and met that group of friends. My brother-in-law, Charles E. Taylor is active. Hosea Ross - & the Republican candidates etc.
Diary 39, 1930 April 3	-3 rd - Down to Nenana on the early morning train - with Knight. We met Mike Cooney who took us around town and introduced us to the people. Jack Donald is here at the head of the N.C. Store. Called on him, & Fowler who was elected Mayor at yesterday's election on Coghill - former mayor - the man in the railroad yards - the business men generally - the cigar stores. Mifs Heid, the U.S.

	Commissioner & all others we could see. Met with general cordial reception & received many assurances of support. We returned to Fairbanks on night train finding that nothing was left undone in that camp.
Diary 39, 1930 April 4-5	-4 th - Visited the College this afternoon. Pres. Bunnell met me & showed me around - introduced me to faculty & a few scholars. Met many people around town - attended an amateur local play at the theater - it was as bad or worse than such plays usually are - but local pride was vociferous with applause. -5 th - Busy visiting around town - calling on people & renewing my old acquaintances. Have introduced Mr. Frank L. Knight, candidate for Ter. Treas. from Anchorage to all my friends. Am also preparing notes for my speech tomorrow night.
Diary 39, 1930 April 6	-6 th - When I reached here - on the 2 nd . I called at the Fairbanks Exploration Co's office & met Mr. Eggleston, manager, & discussed the sale of my three Cleary Creek mining claims. 1st Bench on Left Limit, Discovery, Cleary, 1/2 interest in Discovery Claim on Wolf (the E.J.E. Co. owns the other half), and the first bench Right Limit off, Discovery, Wolf. and offered to sell them to the Company for \$6000. ⁰⁰ . Today he called me to Taylors office & accepted my offer, - said he had telegraphed the N.Y. office for authority to pay & would secure such authority on Monday. I was indebted to the Co. for my half of the Expense of securing patent on Discovery on Wolf - which, will, of course, be taken out,
Diary 39, 1930 April 6	6 about \$120. While these claims are worth more than the sum I sold them for I cannot work them & so sell them. Mrs. Frank McGarvy invited me to dinner - present Mr. & Mrs. Murry Smith & Mrs. Jack Buckley, Mrs. McGarvey & myself. It was a delightful party & an excellent dinner. My meeting was on at 3;30 sharp. Bob Lavery

	<p>was chairman - on the stage were Frank L. Knight, Bruer, Com. of Education, Bob Lavery, H.H. Ross, Joe Ulmer, candidate for highway Engineer, Chas. E. Taylor, & two or three others. But the audience was fine - a crowded house. "<u>The Auditorium</u>" - about 500 people - nearly all the old Pioneers - with the business men & a great many ladies. It was a friendly audience - I could feel their friendship & spoke without effort, rapidly, - for an hour & a half.</p>
Diary 39, 1930 April 6	<p style="text-align: center;">6</p> <p>My last speech in Fairbanks - some dozen or more years ago - was made in this house - & it seemed like coming home. They rose to my talk & seemed to enjoy it as much as I enjoyed them. It was a very successful meeting & I received many hearty assurances of support & I came away feeling that I will get a good fair majority in that vicinity. My old acquaintances of a quarter century back crowded around me to shake hands and speak kind words. The meeting closed with almost a pioneer reunion. At the restaurants & at the Pioneer Hotel, where I was, they followed me up to talk & I greatly enjoyed their kindness and many friendly assurances of support at the primary.</p>
Diary 39, 1930 April 7	<p style="text-align: center;">-7th -</p> <p>Left Fairbanks this morning on the early morning train for Anchorage. Many of my friends came over to the depot to bid my good by, & to renew their assurances of friendship & support. Arrived at Curry at Midnight - lunch, and to bed. At very station I met friends and supporters - who had heard I was on the train. Both going to and from Fairbanks - on the train I met men - some going to the Kuskokwim - some to other distant points & others traveling locally, and I am quite sure that I had as good an opportunity to meet the voters as fairly and as satisfactorily as it would be possible to do - well enough - Anyway.</p>
Diary 39, 1930 April 7	<p style="text-align: center;">-7th -</p> <p>Reached Anchorage today at noon & went to the Hotel Anchorage. Saw my friends and supporters, who have secured a fine hall for my speech on Wednesday evening. There are two factions in the</p>

	<p>party here - both friendly to me - but very unfriendly to each other. I shall be obliged to choose a friendly chairman, myself - & thus keep my meeting free from the bitterness which would prevail if I let either side take charge of it. Already they are assuring me of a good majority of the vote at the primary election - though "Knight has a factional fight to face."</p>
Diary 39, 1930 April 8	<p style="text-align: center;">-8th -</p> <p>Spent the day on calling on business men & others. Called on Colonel Ohlson Mgr. Alaska R.R. & had a very pleasant and satisfactory talk. Told him if I was elected I intended to work in friendly relations with President Hoover and this seemed to please him very much. My friend Frank E. Lee - hunter - guide, of Eagle City days - 1900-1901, is here - 30 years older, but the same irresponsible Sioux Indian he was at Eagle. My friends here are delightful - and promise me a hearty support. I am in receipt of a letter from Edw. A. Allen, Seattle, saying that Capt. Lathrop. Rep. Nat. Committeeman has returned from Wash. D.C. & that his efforts to withhold Alaska appointments has resulted in a "dismal failure" - anyway. I hope so.</p>
Diary 39, 1930 April 9	<p style="text-align: center;">-9th -</p> <p>Spent much of the day in visiting the business houses, cigar & pool rooms & in talking to people, to secure a friendly support to my candidacy. Spoke tonight at a hall - about 250 or 300 people present - a fine & attentive audience. They were friendly and I think I will have a good big majority in this town. Many women present. I am not as well satisfied with my speech as I was at Fairbanks - but got away with no errors - said all I wanted to give them - but with less force than in Fairbanks. The newspaper - the Anchorage Times - is silent & only says what is paid for. It is not at all interested - but I am pleased if it will keep silent.</p>
Diary 39, 1930 April 9	<p style="text-align: center;">9th - continued-</p> <p>After writing what I did on the last page about the Times. I got a copy of the evening issue & found I was mistaken as the following clippings show:</p>

	<p>[clipping]</p> <p style="text-align: center;">Public to Hear Former Delegate Discuss Issues JUDGE WICKERSHAM TO SPEAK AT I.O.O.F. HALL THIS EVENING</p> <p>Important Alaska questions will be discussed by Judge James Wickersham at a public meeting to be held at the I.O.O.F. hall this evening. The judge, who served Alaska many years as delegate to Congress is a candidate for the republican nomination in the present campaign, and in his address tonight he will outline his policies and indicate some of the things he will endeavor to accomplish if he is again elected as the people's representative at the national capital.</p> <p>Judge Wickersham has not lost his interest in Alaska since his retirement from public office. He has made his home in Juneau, where he is engaged in the practice of his profession, and has continued to keep in close touch with Alaska affairs, both at home and at Washington.</p> <p>Everyone is invited to attend the meeting, which will start promptly at 8 o'clock.</p> <p>[clipping]</p> <p style="text-align: center;">Anchorage Club To Hear Address Alaska History JUDGE WICKERSHAM TO SPEAK AT REGULAR WEEKLY MEET TOMORROW</p> <p>Judge James Wickersham will address the Anchorage Women's club at their Thursday meeting at the Anchorage Grill on the subject of "Early Alaska history."</p> <p>No citizen of Alaska is more versed, on in possession of the fund of information that Judge Wickersham enjoys on this particular subject, so the members of the club appreciate the opportunity of hearing him.</p> <p>The educational department has conducted a study class on early Alaska history the past year and</p>
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	<p>Thursday's address will be an outstanding event in this department. A large attendance is anticipated at this meeting at the Anchorage Grill at 2:30 p.m., Thursday, April 10</p>
<p>Diary 39, 1930 April 10</p>	<p style="text-align: center;">-10th -</p> <p>"Politicizing around" today - visiting & meeting new supporters.</p> <p>This afternoon talked an hour to the Ladies Club on the History & Geography of Alaska, & tonight for ten minutes to the Ladies Auxiliary of the Pioneers of Alaska, etc. Am to talk to the High School children a few minutes.</p> <p>[clipping]</p> <p style="text-align: center;">Many Present To Hear Wick; Talk Enjoyed Veteran Campaigner Makes First Address in Anchorage – Odd Fellows Hall Crowded With Interested Listeners – Judge Reviews Early Achievements and Makes New Pledges – Rustgard Speech Used to Good Advantage</p> <p>Citizens of Anchorage turned out in force last evening to hear Judge James Wickersham discuss the issues of the campaign and those old-timers in the audience who were in Alaska during the years Judge Wickersham served the territory as delegate observed little change in the veteran campaigner. He has the same ability now that he had in the old days, to hold the attention of his audience and his reception at Odd Fellows hall last evening must have been gratifying to him, for his speech frequently was interrupted by applause.</p> <p>The judge was introduced by Frank L. Knight, president of the First National bank, who is Anchorage's candidate for the republican nomination for territorial treasurer. He referred briefly to his candidacy, explaining that he had entered the race at the request of numerous of his</p>

	<p>friends. As Judge Wickersham arose to begin his first Anchorage address, he was greeted enthusiastically. He remarked that he was both pleased and surprised to see so many ladies</p>
<p>Diary 39, 1930 April 10</p>	<p style="text-align: center;">10</p> <p>[clipping continued] in the audience, was glad to know that the ladies are taking a real interest in affairs of the territory. He told of having come to the territory many years ago to accept a judgeship in the interior, of serving that capacity for eight years and then becoming a candidate for delegate to congress, in which capacity he served the people of Alaska during the succeeding 12 years.</p> <p>He read the platform on which he had stood in 1908, of the pledges he had made at that time, and of their subsequent fulfillment. He told of the important part he had taken in bringing about the building of the Alaska railroad, under government supervision; of the passage of the Organic act of 1912 which had given Alaskans the right to elect their legislature; of the campaign which he had inaugurated for the construction of a capitol building at Juneau; of the construction of the Alaska college, with land grant support; of the establishment of a public school system in Alaska; of the control of indiscriminate locations of placer claims by power of attorney; of the creation of Mount McKinley National Park.</p> <p>After reviewing, at some length, his achievements of those early days, the judge turned his attention to his platform pledges of 1930, on which he is conducting his present campaign, and promised to work as hard for them at Washington, if he is elected, as he did for the earlier pledges. He paid high tribute to Delegate Dan Sutherland and while admitting that he was not in agreement with all of the present delegate's policies, he said he admired him greatly and felt that Alaska had in him a true and loyal friend.</p> <p>The judge pointed out that he had not had any serious difficulties at Washington during the time he was delegate from Alaska although he had</p>

	<p>experienced some trouble in convincing President Taft of the right of Alaskans to elect their own legislature instead of having them appointed at Washington. He made many friends at Washington during the time he was there and a considerable number of them are still there. The judge said he also hoped to have the good will of President Hoover and to encourage his interest in Alaska.</p> <p>Alaska should have jurisdiction over its game, fur and fish, the judge declared, and he promised to introduce a bill giving Alaskans the right to regulate those resources; but he did not promise that such a bill could be passed, because of the powerful influence of the bureau system. He reminded the audience that Alaskans are in a sense beggars when it comes to getting reforms at Washington, the delegate being in the nature of a licensed lobbyist. He must ask congress for everything.</p> <p>The judge strongly supported the proposed international highway and expressed the belief that its importance to Alaska cannot be overestimated. He told of having assisted to frame the bill which the Alaska legislature passed, for the building of the proposed Matanuska road, and declared that the road had not been built because the then general manager of the Alaska railroad, Noel Smith, had objected to such a highway running parallel to</p>
<p>Diary 39, 1930 April 10</p>	<p style="text-align: center;">10</p> <p>[clipping continued] the railroad. Influenced by Mr. Smith, the judge charged, the members of the territorial road board had prevailed upon Attorney General Rustgard to block the project by framing an opinion against it, "the rottenest opinion I have ever read."</p> <p>The judge said he believed in labor and in labor organizations and told of a growing sentiment in southeastern Alaska in favor of giving labor more protection-particularly to that class of labor engaged in the fishing industry. He spoke of the development of the canning industry and the growing tendency of the big packing companies, with their fleets of ships, to import their labor and</p>

supplies into Alaska each season, to the detriment of resident Alaska labor and Alaska business.

Praise was given to William L. Paul and the work he is doing to better conditions among resident fishermen of the southeast, whites as well as natives. He referred to Paul as an able lawyer and said there are men in congress who have more the appearance of being Indians than he has.

Reference was made to the work of the last legislature in making several of the important Alaska offices elective instead of appointive. He said he believed in electing every territorial official and gave his indorsement to the so-called controller bill but admitted that the name was an unfortunate one. He said he liked Governor Parks but did not want him to appoint Alaska officials, suggesting that Alaska might some day have a governor who would not be worthy of the responsibility of appointing anyone. As the result of the progress toward home rule which was made at the last legislature, Alaskans will have the opportunity at the next election, the judge pointed out, of electing all of their territorial officials, "and that," he declared, "is the right kind of government." The audience indorsed that statement with enthusiastic applause.

Referring to the Alaska railroad and its present efficient management, the judge promised to exert himself to induce congress to continue to provide funds to keep the railroad operating until development of the territory eventually will make the system self-sustaining. "We must keep the railroad going," the judge declared, and he reminded the audience that the road now has a "good man at the head of it," meaning Col. O.F. Ohlson.

The judge said he would help Anchorage get a new federal building but pointed out that success would depend to a very great extent upon local effort. He recalled that he had obtained the passage of the bill providing for the building of the Juneau capitol building but work was held up many years because of lack of support at Juneau.

A considerable part of the address was devoted

	to the reading of a
Diary 39, 1930 April 10-11	10 [clipping continued] speech made by John Rustgard in Anchorage in 1927, on which occasion the attorney general, not knowing that Judge Wickersham would be his opponent for the nomination for delegate, lauded the judge in flowery language. The judge said he made it a rule to defend himself against campaign attacks but not to attack the other fellow and he assured he audience that his reference to Rustgard's opinion on the Matanuska road project was the worst thing he had said about him. Reference was made to certain recent Rustgard charges, one of them being that the judge had accepted payment from a packing company for preparing a bill for the leasing of fish traps. He admitted that he had prepared such a bill and had been paid for it, although not so much as Rustgard had intimated. He then told of an instance where Rustgard had been in the pay of the fishing interests and concluded by assuring the audience that the honors were even on that score. The 1930 platform pledges of Judge Wickersham are as follows, the majority of them having been referred to at some length during the progress of the address: [clipping ends here] [clipping] No Action Taken On Indian Claim The bill which was introduced by Delegate Sutherland some time ago, providing for the granting of permission of southeastern Alaska Indians to sue the government for the value of lands and other possessions taken from them, is still pending before the committee on claims, to which it was referred, according to information received from Mr. Sutherland. The delegate says the telegram sent from Washington by Thos. A. Marquam last month, stating that the bill had been killed in committee, was not founded on fact.

	<p>Judge James Wickersham, who is at present in Anchorage, is acting as attorney for the Indians in question, but of course will be compelled to withdraw from the case in the event that he is elected delegate. In explanation of the bill now pending before congress, the judge says there is nothing unusual about it. Action of congress is necessary to permit Indians to sue the government because of the discontinuance long ago of the practice of making treaties with tribes and the settlement of claims in that manner. A number of such bills have been passed by the national lawmakers and Indians in several states now have suits pending in court. The Indians of southeastern Alaska believe they have just claims against the government also and there is no good reason, in the opinion of Judge Wickersham, why congress should refuse them permission to take their case into court.</p> <p style="text-align: center;">-11th -</p> <p>Made a talk this morning to the school children – high school -</p>
<p>Diary 39, 1930 April 11-12</p>	<p style="text-align: center;">11</p> <p>of Anchorage on Alaska history, geography, schools, etc. Enjoyed it very much it seemed to please them quite as much as it did me. Left Anchorage at 1⁴⁵ afternoon for Seward. Arrived here about 7 p.m. & spent the evening until late visiting the pool halls & cigar places, talking with my friends, etc.</p> <p>[clipping]</p> <p style="text-align: center;">Wickersham Guest At Women's Party</p> <p>Judge James Wickersham was a guest of honor last evening at the social gathering which followed the regular bi-weekly business meeting of the Women of Mooseheart Legion. The judge is a veteran Moose and he attended the social as a member of the organization, not intending to have any active part in the affair; but the ladies prevailed upon him to make a short talk and it was greatly enjoyed by the legionnaires and their Moose guests.</p>

	<p>Judge Wickersham also addressed yesterday's meeting of the Anchorage Women's club, discussing early Alaska history, and he spoke at the school this morning, to an interested gathering of students.</p> <p>The judge went to Seward this afternoon, having completed the tour of the rail belt in the interest of his candidacy for the republican nomination for delegate to congress.</p> <p style="text-align: center;">-12th -</p> <p>Called at the Gateway newspaper office - found them friendly & inclined to give me quiet support. Capt. Lathrop my most formidable political enemy came into town this morning on his return from Washington. He had sent Bernie Stone, his new editor</p>
<p>Diary 39, 1930 April 12</p>	<p style="text-align: center;">12</p> <p>on a week ago. I passed him at Healey on his train - and a copy of his first issue was received today in the Gateway office, <u>in which he praises Rustgard to the sky</u> - as a great lawyer. Lathrop kept out of sight of the public in Seward this forenoon & left on the noon train for Fairbanks - Col. Ohlson, manager of the Railroad went with him!</p> <p>I have visited every business man in Seward - all the cigar and pool halls, hotels, etc. and feel confident that I will have a good safe majority here - also in Fairbanks, Nenana and Anchorage - through Lathrop and his paper will do me</p>
<p>Diary 39, 1930 April 12</p>	<p style="text-align: center;">12</p> <p>considerable injury & will cut down my Fairbanks majority to some extent. Wrote letters to Seldovia to try to overcome the story there that I was opposed to the Seldovia appropriation for a plank street when they wanted the last Legislature to pass. Jesson, Editor of the Gateway asked me to prepare an interview which he promised to publish on Monday - in lieu of the speech which I had not time to deliver. I thought it not necessary to hold a public meeting - could not secure a hall to my satisfaction - so the interview idea.</p> <p>I leave the railroad towns satisfied that I could do</p>

	no more than I have done - & hope for good results.
Diary 39, 1930 April 12-14	<p style="text-align: center;">12</p> <p>Left Seward tonight on the S.S. Yukon, for Cordova, via Valdez – <u>satisfied</u>.</p> <p style="text-align: center;">-13th –</p> <p>Sunday. Beautiful clear sunshine – reached Valdez at noon – half an hour at wharf – met many people – friends, and they assured me of support at the primary. Reached Cordova this evening & went to the “Northern Hotel, Kept by my friend Vance. Visited many cigar & pool halls - & found friends and supporters – Wrote letter to Grace and got it off on the “Yukon” tonight.</p> <p style="text-align: center;">14th</p> <p>Spent today in renewing my acquaintances with many old friends – and feel much confidence in situation here. Will hold meeting about Friday or Saturday evening.</p>
Diary 39, 1930 April 14-16	<p style="text-align: center;">14</p> <p>The “Times” - newspaper here will not “Boost” for me. But the editor & the men are friendly & will vote for me - so they say - & I think truly. The Pioneers are to have a special meeting for me one night this week & I am assured the R.R. men are supporters.</p> <p style="text-align: center;">-15th –</p> <p>Called on the business men today in company with Dr. Chase, <u>mayor</u>. I am meeting with friendly promises. and feel that I will have general support here. Walking, talking. Have rented the Elks Hall for public meeting on Saturday night.</p> <p style="text-align: center;">-16th -</p> <p>Same as yesterday - talking & walking. Was entertained tonight at special meeting of Pioneers - talked & had a pleasant Smoker!</p>
Diary 39, 1930 April 17	<p style="text-align: center;">17th -</p> <p>Recd, telegram from Will A. Steel, Juneau informing me they are waiting for my arrival to go on a speaking trip to follow up Rustgard, Gardner, Scott & others of opposing group, in S.E. Alaska. I saw <u>Empire</u> of recent dates today. Rustgard is</p>

	<p>doing the speaking - usual stuff. Answered Steel saying coming - there Tuesday, and asking him to make plans for my speaking tour. Sent telegram to Jack Martin, Unalaska, asking him to take charge of my campaign there. Visited the Ry. Shops at Eyak - many friends. Attended the Rudolphs Symphony Orchestra Concert at the Elks Hall. Music by amateurs - Cordova children - was very interesting & satisfactory.</p>
Diary 39, 1930 April 18	<p style="text-align: center;">-18th -</p> <p>The SS. “Northwestern” at the wharves going to Seward - I will embark on her on the return trip on Sunday - for Juneau. Was invited to speak to the Children at the High School - same talk I gave at Anchorage - geography History of Alaska - development of school system & government. Also about the boys & girls who must control Alaska in a few years, governors, judges, etc. - wives of same, etc. Talked & walked - am promised a good crowd at my speaking tomorrow evening & my friends say I have made many new friends, and will get a majority of the votes at the primary.</p>
Diary 39, 1930 April 19-20	<p style="text-align: center;">-19th –</p> <p>Still walking and talking - to the voter! Went carefully over the “heads” to my speech for tonight. I had a fine meeting at the Elks Club rooms - about 250 persons attended & it was a very satisfactory meeting. My audience was interested, quiet, attentive and friendly. I am greatly pleased with my reception.</p> <p style="text-align: center;">-20th -</p> <p>Dr. Chase and Louis Belter are giving me every assistance, and Mr. Faith, Editor Times, is friendly. My boat is behind schedule & I will be late in getting home. Recd. telegram from Steele saying I am to make speeches at Juneau, Petersburg, Wrangell & Ketchikan.</p>
Diary 39, 1930 April 21-22	<p style="text-align: center;">-21st –</p> <p>The “Admiral Watson” came in this forenoon - paid my bills & took passage for Juneau. Beautiful day - clear & calm - gorgeous scenery. The purser gave me “103” stateroom - de luxe. Left Cordova confident of getting good majority.</p>

	<p>Dr. Chase will telegraph Juneau my departure. -22nd -</p> <p>Reached Yakutat at noon and had an hour on the dock. Met Max Italis, the Indian leader and the leading Indians. Billy Gray, an old trader, Dugdale, the Commissioner, his partner, Hardy Trusseth, merchant, Axelson, & many others. Had plenty</p>
Diary 39, 1930 April 22-23	<p>22</p> <p>of time to talk - the Captain was kind and waited, also induced me to his friends - it was as good a meeting - they all assured me of a big vote. Pictures of Rustgard & Tom Gardner pasted in prominent places - but no sample tickets had come for our candidates - they would use the Rustgard tickets - & vote just the other way. -23rd -</p> <p>Arrived at Juneau at 10 a.m. Am advertised to make a speech tonight & will then go on the "Northwestern" to Petersburg to make a speech tomorrow night. <u>Later</u>: I made my speech. Judge LeFevre acted as chairman and induced me - no one else was</p>
Diary 39, 1930 April 23-24	<p>23</p> <p>on the stage - a good audience and I spoke rapidly - an hour and a half. The court stenographer took my speech in short hand - for our opponents. Am satisfied with my effort - was particular not to criticize any one - not even my opponent - unfairly or with rancor. Grace & my friends seemed to be very greatly pleased with my effort. Grace returned home. I went to the dock at 11:³⁰ and boarded the SS. "Northwestern" for Petersburg. -24th -</p> <p>Arrived in Petersburg at 10 a.m. Paul & Cash Cole with me. Spent the day calling on business men, etc.</p>
Diary 39, 1930 April 24-25	<p>24</p> <p>Paid McGregor \$25. cash & credit on my claim against him for an equal amount for rent of theater for tonights use at my speech. Spoke two hours - satisfied & my friends say it was well received. Hope it did good - the big audience seemed</p>

	<p>pleased. -25th -</p> <p>Left Petersburg at 10 a.m. on George Demmerts gas boat for Wrangell. He is a Klawock Indian - with Indian crew, but offered to take us to Wrangell. Arrived at Wrangell - got room at the John G. Grant Hotel. Many friends. Meeting at Coliseum Theater - <u>house filled - and I enjoyed my own</u></p>
Diary 39, 1930 April 25-27	<p>25</p> <p>speech - the audience seemed to. My friends assure me of a majority here - & I think their judgment good. My old friends seem confident of my success here. Paul left us here & went with Demmert in his boat to Klawock - where he thinks he can do more good than at Ketchikan. -26th -</p> <p>Left Wrangell at noon in the gas boat "Emblem" for Ketchikan. Arrived there at midnight - got room at "Ingersoll Hotel". -27th -</p> <p>Tired & worn out & slept till noon. Meeting at Coliseum Theater tomorrow evening - conditions here look good.</p>
Diary 39, 1930 April 28-29	<p>-28th -</p> <p>Walked & talked. Meeting tonight in the Coliseum Theater - big meeting. good attention. I made the same speech I have been making since leaving Juneau - except as to local conditions, and am well pleased at the reception. I am sure I did not lose any votes & my friends think I made a few. The "<u>Chronicle</u>" carried a long editorial in favor of Rustgard - against me & will Steel, candidate for Senator. -29th -</p> <p><u>Primary Election Day</u>. Raining & short vote. Met Morrissey, Editor of the "Chronicle" on the street & in the conversation he congratulated me, said I had made a good talk, that</p>
Diary 39, 1930 April 29	<p>29</p> <p>he thought I would be nominated & that he did not care if I was. He has said pleasant things of that kind to my friends today</p>

	<p>[clipping]</p> <p style="text-align: center;">Judge Wickersham Addresses Crowd On Campaign Issues</p> <p>Judge James Wickersham, candidate on the Republican ticket for the nomination for delegate to congress, talked for two hours last night to a good sized crowd in the Coliseum theater on the issues of the primary campaign.</p> <p>J.E. Johnson, candidate on the Republican ticket for the Territorial legislature from the first division, introduced Judge Wickersham.</p> <p>I will leave for Juneau tonight on the SS. "Northland." Returns from Ketchikan precincts at midnight are: -</p> <table border="0" style="margin-left: auto; margin-right: auto;"> <tr> <td>Precincts</td> <td>Rustgard</td> <td>Wickersham</td> </tr> <tr> <td>Revilla</td> <td>12</td> <td>33</td> </tr> <tr> <td>Wacker</td> <td>4</td> <td>9</td> </tr> <tr> <td>Charcoal Point</td> <td>22</td> <td>24</td> </tr> <tr> <td>First-Ketchikan</td> <td>180</td> <td>199</td> </tr> <tr> <td>2nd - Ketchikan</td> <td><u>102</u></td> <td><u>96</u></td> </tr> <tr> <td></td> <td>320</td> <td>361</td> </tr> </table> <p>My majority = 41. Morrisey, Ed. Chronicle offering to bet that I will beat Rustgard by a three to one vote in the Territory!</p>	Precincts	Rustgard	Wickersham	Revilla	12	33	Wacker	4	9	Charcoal Point	22	24	First-Ketchikan	180	199	2 nd - Ketchikan	<u>102</u>	<u>96</u>		320	361
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<p>Diary 39, 1930 April 30- May 2</p>	<p style="text-align: center;">-30th -</p> <p>Left Ketchikan at midnight - at Chomly unloading cannery supplies this morning. Petersburg: I carried Petersburg & Wrangell.</p> <p style="text-align: center;">-May 1st -</p> <p><u>Recd. \$5878.19 for Fairbanks mines.</u></p> <p>Reached Juneau at 2 p.m. Returns Favor me, but not enough yet to be sure of election. Juneau went against me, <u>hard</u>, also against Cole & our ticket, but outside returns favorable - as returns come in my majority grows. <u>Empire</u> concedes my nomination.</p> <p style="text-align: center;">-May 2nd -</p> <p>Paying monthly bills & answering correspondence. My majority does not fall - but slowly increases. It now looks to be permanent.</p>																					

<p>Diary 39, 1930 May 3</p>	<p style="text-align: center;">-3rd -</p> <p>Same in office - talking to my friends. Empire now says my present majority is 511 - and it is slowly growing. Sent telegram to Darrell & W. H. Holmes, Amarillo, Texas. also sent Dan returns.</p> <p>[clipping]</p> <p style="text-align: center;">WICK IN LEAD BY 511 VOTES FOR DELEGATE</p> <p style="text-align: center;">Cole and Keller Also Make Gains as More Pre- cincts Heard From</p> <p>With returns from one precinct in the first Division and 20 more in the Fourth Division, Jude Wickersham today had increased his lead over Attorney General John Rustgard for Republican nomination for delegate to 511 votes, and was leading in all four Divisions.</p> <p>Cash Cole's lead over Elmer Reed for Auditor was 436, his gain being made in this Division, while Reed picked up a few votes in the Fourth where the race is narrowing down. W.K. Keller was slowly drawing away from L.W. Breuer for nomination as Commissioner of Education, his lead today being 266. Walstein G. Smith increased his advantage over Frank L. Knight in the Treasurer's contest to 927 votes.</p> <p>C.T. Gardner lost a portion of his lead over W.A. Steel for the Senatorial nomination in this Division, but was 650 votes ahead on the latest returns and no uneasiness was felt over the final outcome. Walter P. Scott also lost some of his lead over Pete Sommer in the House race, but was leading the latter by 424 votes which seemed enough to assure him of success. William L. Paul had drawn up to within 88 votes of Roy Noland for fourth place on the House ticket and seemed almost certain to replace him when all the returns are reported.</p> <p>Kake was the only First Division precinct to report today. It gave its usual majority for the Indian combination. The vote was unusually heavy there.</p> <p>Today there was 25 precincts in the First, 19 in</p>
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	the Second, 22 in the Fourth and 23 in the Third Division to be heard from. However, all the larger towns have reported.
Diary 39, 1930 May 4	4 th [clipping] Election Returns by Division and Precinct
Diary 39, 1930 May 5	-5 th - Rustgard driving the late campaign – drew petitions for the Indians at Kake, Hoonah and Angoon, for the incorporation of their towns as cities of the first class, as soon, however as he found they were not voting for him he held his services & today refused to appear for them, & they have asked me to present their matters to the court which I am now doing. He was “yaller.” [clipping] Election Returns by Division and Precinct
Diary 39, 1930 May 6-11	-6 th - Trial of Kake Incorporated case yesterday & today we are hearing the Hoonah case. Judge Harding is so bitterly prejudiced against the natives - & especially W ^m L. Paul, the leader and general counsel, that he cannot treat us fairly & I think he will not grant them the relief they ask for. Faulkner is the attorney against us & he is as bitter & unfair as possible & leads judge Harding against the natives. I am doing what I can to answer the very many letters & telegrams on my desk. -7 th - Election returns coming in slowly but my majority also slowly increases. It seems now that I will carry each of the four divisions in Alaska & will get 700 or 800 majority over Rustgard. -8 th - Working in the office as usual. I hear that Rustgard & wife will soon take a trip to Europe! Also that they may take up their residence in Germany!! -9 th – 10 th - No recent returns. Same as usual in office. -11 th - Sunday. Introduced Gov. Parks at the Catholic

	Hospital - on Hospital day. He made a very creditable address.
Diary 39, 1930 May 12-15	-12 th - As usual in the office. -13 th - Trying to catch up with belated letters etc. My majority grows slowly - but it grows - and I will evidently have 700 or 800, to the <u>good</u> - which is <u>good</u> enough for a primary election. -14 th - Wrote good long letter to Darrell. -15 th - Same as usual in the office. Homer, Cooks Inlet, gave me a small majority & Seldovia did better than I expected. The official count of the votes in the 1st Division is being made in the Clerks office today - my majority is about 250 - less than I expected.
Diary 39, 1930	[pamphlet] Announcement and Platform of James Wickersham Republican Candidate for Delegate to Congress From Alaska 1930 TO THE PEOPLE OF ALASKA: Hon. Dan Sutherland has publicly announced that he will not be a candidate for re-election to the office of Delegate from Alaska in 1930. At the request of many Alaskan voters I have consented to become a candidate for the nomination, on the Republican Ticket, at the PRIMARY ELECTION ON APRIL 29, 1930 for the office of Delegate from Alaska to Congress, to be chosen at the GENERAL ELECTION ON NOVEMBER 4, 1930

Diary 39, 1930	<p>[pamphlet continued]</p> <p style="text-align: center;">PLATFORM PLEDGES</p> <p>In the event of my election as Delegate to Congress I pledge the people of Alaska:</p> <ol style="list-style-type: none"> 1. To work with and support President Hoover and his administration, in friendly cooperation, in all matters for the welfare of the Territory; for a more perfect form of Territorial Government; for the development of the Territory's natural resources, with reasonable conservation, for the upbuilding of a permanent population in the Territory. 2. To support in every practical way the construction of a continuous International Pacific-Yukon Highway for the joint use of Airplanes and automobiles, from Seattle and Vancouver, through British Columbia and Yukon Territory Canada, to Fairbanks, Alaska, with branch lines to connect with Alaska seaports at the mouths of the Stikine, Taku, Skagway and Chilkat rivers, with equal privileges to Hyder and from Prince Rupert to Ketchikan, and branch lines to connect with the government highway in interior Alaska, and to Nome. 3. To favor the connection of the main line of the International Highway in British Columbia down one or more of the branch lines joining it to the coastal towns of Alaska with a free zone or roadway for the unobstructed flow of trade with the interior, and the passage of air-planes and automobiles, as nearly without restrictive regulations as possible. 4. To support and aid in every way the construction and immediate completion of the proposed Thomas Basin at Ketchikan, for the safety and accommodation of Alaska fishermen and their boats. 5. To support self-government in Alaska game, fur and fisheries; the better seeding of salmon streams; a more equal distribution of the burdens
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	<p>of conservation on all forms of fishing gear; that bona fide residents of Alaska shall be allowed to take fish at all times and places for their own family use; that non-resident fishermen, their boats and gear, shall pay a higher license tax than resident fishermen; and the continuation of government investigations of halibut, herring and other food fish in aid of their preservation and increase.</p> <ol style="list-style-type: none"> 6. To secure construction, as soon as possible, of public buildings at Ketchikan, Anchorage and Fairbanks; a bridge across the channel between Juneau and Douglas; the opening of the boat channel across the tide flats between Juneau and Auk Bay; the construction of an insane asylum in Alaska; continued necessary appropriations for the Alaska Railroad and road and highway work in Alaska. 7. To support river and harbor projects, coast and geodetic surveys and aids to navigation in Alaska. 8. To assist in securing the extension of all Federal Aids Acts to the Agricultural College and School of Mines at Fairbanks. 9. To support and vote for all the nominees of the Republican primary election. <p style="text-align: right;">JAMES WICKERSHAM</p> <p>January 15, 1930</p>
Diary 39, 1930	<p>[pamphlet continued]</p> <p style="text-align: center;">PART OF FORMER RECORD</p> <p>While Delegate to Congress from Alaska, 1908-1920, I drew the bills and secured their enactment into law for:</p> <ol style="list-style-type: none"> 1. The construction of the Alaska Railroad costing \$65,000,000 2. The Organic Act of August 24, 1912, creating the Alaska Legislature and giving Home Rule to the People of Alaska. 3. The permanent location of the Territorial Capital at Juneau. 4. The construction of the Alaska Capitol building at Juneau. 5. The construction of the Alaska Agricultural

	<p>College and School of Mines at Fairbanks, with land grant support.</p> <ol style="list-style-type: none">6. The creation of the Mount McKinley National Park.7. The establishment of the Public School System in Alaska.8. The control of indiscriminate locations of placer claims in Alaska by power of Attorney.9. The Alaska Bone Dry Law, in response to the demand of a large majority of the electors of Alaska.10. The improvement and protection of the Nome harbor. <p>- And many other Acts of Congress for the development of Territorial Government, and general progress, in Alaska.</p> <p style="text-align: center;">JAMES WICKERSHAM</p> <p>January 15, 1930.</p>
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