

<p>Diary 37, 1926-1927</p>	<p>[Front cover]</p> <p style="text-align: center;">Private Diary Of James Wickersham Aug 24, 1926 to July 5, 1927.</p>
	<p>[inside front cover]</p> <p>James Wickersham. Born at Patoka, Illinois. Aug 24, 1857. Married to Deborah Susan Bell at Rochester Illinois on Oct. 24, 1880. Deborah Susan Bell, born at Rochester, Illinois, Sept. 25, 1862. Married to James Wickersham, at Rochester, Illinois, on October 27, 1880. Died at Seattle, Wash. on November 23, 1926.</p> <p>Darrell Palmer Wickersham, born at Springfield, Illinois, April 2, 1882.</p> <p>Arthur James Wickersham, born at Tacoma, Wash. Ter. Dec. 21, 1886, died in Tacoma, February 20, 1888.</p> <p>Howard Sullivan Wickersham, born in Tacoma, Wash. October 19, 1893, died in Tacoma, January [1st or 11th] 1902.</p>
<p>Diary 37, 1926 August 24-26</p>	<p style="text-align: center;"><u>Juneau. August 24, 1926.</u></p> <p><u>My 69th Birthday!</u> Reached Juneau this afternoon on the SS. "Yukon," from trip to Seattle to see Debbie. Left her with my sister Jennie at Enumclaw - sick but improving: Large quantity of accumulated mail - will attend to it tomorrow. Back to my room at Zynda.</p> <p style="text-align: center;">-25th -</p> <p>Working in office answering letters and in other belated office work. Had dinner with Mr. & Mrs. Rustgard (atty. Gen.) Judge LeFevre also present.</p> <p style="text-align: center;">-26th -</p> <p>Letter from Oxford Press - One suggestion that there were "important omissions"-in my Biblio - <u>that if I would send them \$300. their editor would supply omissions, etc.</u> I wrote for particulars & may engage him to supply & "iron out" the Ms. errors.</p>
<p>Diary 37, 1926 August 27-30</p>	<p style="text-align: center;">-27-</p> <p>Left Juneau this forenoon on the "<u>Northwestern</u>" SS. for Ketchikan to attend court. Bishop Cremont, S.J. on board - also Gov Sulzer of N.Y. "Bill" is erratic - holds a meeting for talking singing etc. in the main social hall every evening - Bill does most of the talking. He acts as toastmaster - calls on the victims & conducts the ceremonies - & talks between each act - does most of the acting and is nearly the whole show!!</p> <p style="text-align: center;">-28th -</p>

	<p>In Ketchikan this afternoon & got a good room at the "Ingersoll" - A crowd in town. -29th - A beautiful sunny Sunday. Took a walk, wrote to Debbie & read magazines. -30- Boats brought more teachers to Institute. Court in session - our case tomorrow probably. Raining tonight - nothing new. Letter from Debbie</p>
<p>Diary 37, 1926 August 30-31</p>	<p>30th continued I gave Fred Handy & a Mr. Church special agents U.S. Prohibition Service copies of my letter of Dec. 2, 1924, to Atty. Genl. Stone, about the conditions in Ketchikan - about which so much fuss is being made by Sutherlands enemies who charge him with giving the data of the Department. I intend to give copy to Paul to print in the "Fisherman" - in answer to the letter of the Hearsts editor saying that Sutherland approved his matter - actually copied from my statement!! I will also send a copy to the Chairman U.S. Senate Judiciary Committee! -31st- Entered on defense of Andy Keogh today in U. S. v Keogh - whisky selling, etc. on board "Henry J." at Pybus Bay - resulting in death of Indian woman from excessive drinking. Met Mrs. Preston, of Olympia, Wash. noted educator & lecturer here attending Alaska Institute - Teachers annual Institute.</p>
<p>Diary 37, 1926 September 1-2</p>	<p><u>Sept. 1.</u> Concluded trail of Andy Keogh today - & the jury found him "Guilty." This result came about because of the death of an Indian woman from drinking the liquor alleged to have been sold by him. That fact prejudiced the jury against him. I have left a copy of Rev. S. Hall Young's letter to his Juneau Church - about Tom Marquam - with Senator Forest J. Hunt. He and Mrs. H- will show it to their friends & it will do some good! I shall go home to Juneau tomorrow. -2nd - Went out to "Wacker City" at Wards Cove, by Auto Stage. Called on John W. Frame - who came back to Ketchikan with me for dinner. He and I had conference with Langley & Savin [?] who are trying to form some SS. alliance for trade between Prince Rupert E.C. & S.E. Alaska with Japan! Left K. on SS. Watson for Juneau, at 10 p.m.</p>
<p>Diary 37, 1926 September 3-4</p>	<p>-3rd - Our vessel docked for 2 hours in Petersburg this morning. Louis Paul, Admr. Mrs. Hogue Est - paid me another \$100. on act. Arrived in Juneau at 9. p.m. - at home at <u>Zynda</u>. -4th -</p>

	<p>In office at work. John E. Meals, Albert S. Brown and I signed up Articles of Incorporation of "<u>Alaska Magazine, Incorporated</u>," today. H.F. Preston and R.L. Bernard are members of the Board Of Directors in connection with us three; it is the beginning - the legal beginning of a project of publishing an Alaska magazine & I am to write a dozen articles - one each month, while Meals, Kashaveroff and others are to assist in furnishing data. The first issue will be put out as of October first. Considerable work of advertising has already been done.</p>
<p>Diary 37, 1926 September 5-6</p>	<p style="text-align: center;">-5th -</p> <p>Another beautiful Sunday. Took a good walk & had dinner with the McKinnons, Lt. Simpson McKinnon, U.S. Navy (Whom I appointed to Annapolis Naval School) his wife & baby, Mrs. Jaeger, Donald & Lockie & Mrs. McK. A nice dinner and a pleasant visit. Wrote a good letter to Debbie. <u>Recd.</u> in last mail several copies (printed) of Valentines affidavit made 4 or 5 years ago, denouncing Tom Marquam - calling him "pimp & Crook," etc. Valentine was then fighting Marquam, but he is now supporting him for Delegate against Dan, & someone has caused Val's affid. to be printed as a campaign document against Tom! Its a good joke on both Val. & Tom" who are now friends etc.</p> <p style="text-align: center;">-6th -</p> <p>Labor Day! Working in office as usual. Invited the Rustguards to dinner with me at Gastineau Hotel & attended reception to Bishop Rowe - at Rice's residence.</p>
<p>Diary 37, 1926 September 7-9</p>	<p style="text-align: center;">-7th -</p> <p>The government has fleet of aeroplanes here mapping the country by photography. Their busy hum and high flying is interesting. Busy with my correspondence, and getting cases ready for court when Judge Reed returns here in two weeks. John E. Meals, head of the "Alaska Magazine" is threatened with suits & bankruptcy proceedings - and his troubles are holding back the publication. Hope to get him financed in a few days & the project off successfully - <u>but?</u></p> <p style="text-align: center;">-8th -</p> <p>Working on correspondence: Telegram from Gartley, Wrangell Mill Co. asking me to come on first boat to assist in arranging their corporation affairs - increasing capital stock.</p> <p style="text-align: center;">-9th -</p> <p>To Wrangell today on SS. "<u>Alaska</u>," Mike Sullivan put me "in on" Oil claim Yakataga with Jim McCluskey & another man.</p>

Diary 37, 1926 September 9-11	<p style="text-align: center;">-9th – continued.</p> <p>Proposed project of buying half interest in Harkrader coal claim to Karl Theile, & organizing project. <u>He is to consider it!</u></p> <p style="text-align: center;">-10th –</p> <p>Arrived in Wrangell at noon. Nothing but conference with Gartley and Grant. They brought me the corporation books of the Company and I advised them with respect to the legal aspects of Preferred Stock and Amendment to their Articles of Incorporation. Am visited by some persons who want assistance in small business matters - there is no attorney at law in Wrangell.</p> <p style="text-align: center;">-11th -</p> <p>Making a careful study and inspection of the corporation papers and books of the Wrangell Lumber & Power Companys books papers, reports, etc. Arranging plans for accomplishing change - increase of Capital Stock, by issuance of Preferred Stock, etc.</p>
Diary 37, 1926 September 12	<p style="text-align: center;">-12th -</p> <p>Wrote letter to Debbie and one to Darrell. In the afternoon took a nice walk along the new road -the only road - south of Wrangell, along the beach. Visited the old Indian grave yards on Shustuck point -the south part of Wrangell harbor - and that one on the next point south, where the white men have just cleared one for their people south of and adjoining the larger, old, interesting Indian cemetery long established there. Half a mile farther south, between the new wagon road and the sea beach is a small but interesting private cemetery where <u>Rufus Sylvester</u> is buried - his stone says he was born at Bodoin, Me. Oct. 11, 1834, and also records the names of two of his children - half breeds. A stone here has a single word on it - "<u>Mary</u>." There is much history, primitive & civilized, in these grave stones & totem poles, along this shore.</p>
Diary 37, 1926 September 13-14	<p style="text-align: center;">-13th –</p> <p>Finished the necessary corporation records in the books to lay the foundations for issuing a large increase in the Capital Stock of the Wrangell Lumber & Power Co - put the books in shape & got notice for publication for 8 weeks in the Wrangell Sentinel giving Stockholders notice of the proposed increase, etc. Had a hearing in Louis Gagne, Estate, & advised Lemieux and the City Council about their matters. Left for Juneau on Yukon at 11 oclock p.m.</p> <p>continued on following page.</p> <p style="text-align: center;">-14th -</p> <p>Through Wrangell Narrows before breakfast. Earl Roosman, Peter Vachon, Mrs. Flannigan and other friends on board - Mrs. Gordon, of Fairbanks days</p>

	<p>among them. Reached Juneau at 2 p.m. Mail & office & at work on writing up my books about the business done on trip. Beautiful clear weather - north wind blowing.</p>
<p>Diary 37, 1926 September 13-15</p>	<p style="text-align: center;">-13th - continued.</p> <p>[following page] <u>Made power of attorney authorizing W.D. Grant to locate mining claims for me. Entered into an agreement with him & son that they are to go to the next creek beyond the "Ground Hog" group, east of same, and locate a group of claims - W.D. Grant, B.Y. Grant, Dr. Shurick, Donald Sinclair and I, are to be equally interested in the locations. I paid Grant \$22. to buy the supplies for the locating trip which he and Brig. will make soon within 10 days.</u></p> <p style="text-align: center;">14th</p> <p>Back in Juneau at 2p.m. today. At work in the office as usual.</p> <p style="text-align: center;">-15th -</p> <p>Getting the office work in hand again. Some days ago I received a letter from Sutherland, Delegate, asking me to go to Skagway & Haines & speak for him. I am willing to do that, but feel that I must consult the Republican candidates for the Legislature in this Div. first, so today I wrote</p>
<p>Diary 37, 1926 September 15</p>	<p style="text-align: center;">15</p> <p>to W^m. G. Steel, candidate for Senator & W^m. L. Paul, candidate for the lower House, both at Ketchikan & asked their approval and advice - asked them if they approved to accompany me. I also sent this telegram to Sutherland: at Anchorage,</p> <p style="padding-left: 40px;"><u>"You will have same old majority in this division stop Will be glad speak for you anywhere you suggest even in Fairbanks stop will wait until interview candidates for legislature who should accompany me stop much good work being done for you here stop Your mail on next boat Seward."</u></p> <p>Earl Roosman, author of "<u>Black Sunlight</u>" came in to call & examine my Bibliography. Am in receipt of a letter from the Naturalization Bureau, Wash. D.C. asking me to sign affidavit & secure beginning of suit against Faulkner Naturalization Cert: Of course <u>I will not</u>: I am not an official & such a start would turn it into a political suit - & relieve the U.S. Bureau. <u>I will not!</u></p>
<p>Diary 37, 1926 September 16-17</p>	<p style="text-align: center;">-16th -</p> <p>Working in office as usual. Sent a deed prepared for signature and \$400. last payment for the land, to Gilbert M. Chambers, at Seldovia, to secure the signatures of J.W. Lamb and Alice Lamb: they sold me 160 acres of fine land, at the north side of Kachemak Bay, east side of Cook Inlet, and this concludes the contract and I</p>

	<p>will then own the land. It is underlaid with coal - <u>and may be oil!</u> Anyway its a fine tract of land - cost me \$600. I intend to buy more adjoining it - if I can get it at that price. I have an idea about what to do with it! Attended opening of Juneau Fair - a noisy, hoodum crowd, last night & heard Rustgard deliver a good talk about the possibilities of Alaska.</p> <p style="text-align: center;">-17th -</p> <p>In office as usual. Invited to dinner with Karl Theile & Earl Roosman - to talk Alaska Magazine. We are to have another conference Monday.</p>
<p>Diary 37, 1926 September 18-19</p>	<p style="text-align: center;">-18th -</p> <p>In office as usual. Trying to catch up with work and find it slow because so many friends come in to discuss politics. Five years ago Valentine prepared & ford. to Wash. D.C. an affidavit against Marquam - denouncing him as "pimp & crook" and - Now its being circulated & arouses much amusement as Vals. position - people come in and talk about the various matters, & it looks as if Dan would be elected again by usual majority - <u>but?</u></p> <p style="text-align: center;">-19th -</p> <p>Recd. telegram from Sutherland, at Anchorage saying: <u>"Use your own judgment about holding meetings but I want to smash the Donohoe outfit so hard they will never appear in Alaska politics again. There is no doubt of result but we must pile up a convincing majority. Perhaps Rustgard would take a hand."</u> Wrote to Debbie. Am writing a letter to Senator Norris, who will be chairman of Senate Jud. Com. about conditions.</p>
<p>Diary 37, 1926 September 20-21</p>	<p style="text-align: center;">-20th -</p> <p>Same as usual - in office. Have had good visit with Earl Rossman, Arctic traveler, who presented me with a copy his book "<u>Black Sunshine</u>" with complimentary inscription. Meals & Brown are having a hard time to get enough money to bring the first copy of their magazine - "<u>Alaska</u>."</p> <p style="text-align: center;">-21-</p> <p>Same as usual in office. Earl Rossman, author, came in to discuss my Mss. the Biblio and the Tanana Trail to Mt McKinley - he will talk to the Oxford Press when he reaches New York, whence he starts tomorrow. He seems to think well of the Tanana Trail, etc. Meals came in to tell me he is "broke" - & I loaned him \$25⁰⁰ to meet his present necessities. I fear the Magazine project is gone glimmering! Too bad for it would be of great assistance to Alaska if we had a good live Alaskan magazine devoted to literary - Alaskan subjects.</p>

<p>Diary 37, 1926 September 22</p>	<p style="text-align: center;">-22-</p> <p>Busy in office: Wrote statement to Senator Geo. W. Norris, U.S. Senate Com. on Jud. & sent him copies my letter to Dept. Justice - dated Dec 2, 1924, about exact locality of Govt. lands at Ketchikan where houses of prostitution, public liquor traffic, narcotics are protected - on Govt. lands etc. Also sent copies to Basil M. Manley, Sec. Peoples Legis. Service - also \$25 for his Service, etc. Gus. Conrad & Bob. Donaldson, from Healy & Fairbanks in office - talked over conditions - they are out raising money for new dredging plant on American Creek, back of Eagle City! Also came in mail from Fairbanks 1000 copies of Val's affidavit against Marquam & 500 copies of Dr. S. Hall Youngs letter to Rev. Stillman against Tom. Paper says Dan delivered speech at Seward last night & will then go to Valdes & Cordova & then to this Div. Am making arrangements to go on speaking tour to Skagway & Haines for Sutherland - waiting for W^m Steel.</p>
<p>Diary 37, 1926 September 23</p>	<p style="text-align: center;">-23d-</p> <p>After long efforts some time ago I received an offer from G.J. Harkrader, of Tonkawa, Oklahoma, to sell me his half of the George Harkrader Coal Claim - on Kootznahoo Inlet near Killisnoo, for \$6,000. - for 90 days. I am pleased that Donaldson and Gus. Conrad, of Fairbanks, now here on other business seem to be inclined to buy it. They are interested in the coal business at Healey, near Fairbanks, but think if they had this mine they could do a better business in the trade with the coast towns. I am attempting to induce them to buy and hope they will.</p> <p style="text-align: center;">-24th -</p> <p>The evening Empire is greatly distressed because some one has made public a letter from Dr. S. Hall Young to the Presbyterian preacher here saying that Tom Marquam is a pimp & his wife a prostitute! Stillman writes an apology to the Empire & regrets that the matter became public but denies he did it! Too bad! Too bad!</p>
<p>Diary 37, 1926 September 24-26</p>	<p style="text-align: center;">-24th -</p> <p style="text-align: center;">Continued.</p> <p>And Gus. Conrad, of Fairbanks, gives the Empire a long interview denouncing attacks on Tom Marquam's private character! etc.</p> <p style="text-align: center;">-25th -</p> <p>Nothing new today in politics. Attended court call of docket. Judge Reed says he will file written opinion in Bowersox v Beherends next week - and in Grant v Nat. Surety Co. some time soon.- two of my cases long waiting his action.</p>

	<p>Sent out notices to Wrangell delinquent tax papers -for town - today. May - will, climb Mt Juneau tomorrow - <u>if it continues clear.</u> -26th Sunday- Did not attempt to climb Mt. Juneau today for it is cloudy & threatens to rain. The more I think of the <u>Empire & Strollers Weekly</u> for attacking Dr. S. Hall Young for writing his letter denouncing Tom Marquam and his prostitute, the more I am surprised at their lack of judgment. They did not give even</p>
<p>Diary 37, 1926 September 26-28</p>	<p style="text-align: center;">26</p> <p>the substance of the letter - but only pages of wails and whines and denunciations. Every woman in S.E. Alaska is now advised that she is a prostitute, but they are without any statement of facts and are permitted to draw on their imaginations and rumor - and that is quite as bad as the real facts - may be worse. So the only thing they have really accomplished is to spread the fire but did nothing to extinguish it: Poor politics! -27th - At work in office as usual. Nothing new. -28th - Busy in the office. Bob Donaldson & Gus Conrad took samples of my Harkrader coal & are considering buying Harkraders (G.J.) half interest for \$6000. Wrote Debbie and good long letter: Mrs. John Marshall took 50 envelopes with Valentines affid. & Dr Youngs letter to address to her women friends in Juneau!</p>
<p>Diary 37, 1926 September 29-30</p>	<p style="text-align: center;">-29th -</p> <p>W^m Steel, candidate for Senator, returned from Ketchikan & says conditions look good there for the election of the Sutherland ticket. I am engaged in writing two or three additional chapters for my Mt. McKinley story - an Early History of the Yukon Valley, etc. -30th - For most of my time during the last month I have engaged in managing Sutherlands campaign in S.E. Alaska. I secured the letter from Dr. S. Hall Young, denouncing Marquam as a vicious character - in such a way as to prejudice the voters against him. I furnished the affidavit of Valentine for the same use, and a copy of my letter of Dec. 2, 1924 to the Attorney Genl. U.S. from which all the "slandorous statements" against Ketchikan & Alaska, were copied by the Hearsts press & Dr. Tone Clarence Wilson, etc. etc. All these are now being printed & circulated by Sutherlands friends - & they are the bulk of Sutherlands campaign & defense!</p>

<p>Diary 37, 1926 October 1-2</p>	<p style="text-align: center;">Octo. 1.</p> <p>Paid my bills this morning, and have worked all day on a new chapter in my Mt. McKinley Ms. on the Early History of the Yukon river region. I shall also add another on the trade of the river by the Alaska Commercial Co. and the influence of the Treadwell mines at Juneau, in sending competent prospectors upon the headwaters of the Yukon, from 1882. Politics growing warm, but we are waiting for Sutherland to arrive before doing too much. I received a letter from Albrecht, Pres. 4th Div. Republican Club, asking me to send Marquams record as it was filed in the Departments by Valentine & I sent him (through Bob. Lavery, Fairbanks) copies of indictments etc. today.</p> <p style="text-align: center;">-2nd -</p> <p>Judge Reed gave an opinion today sustaining us in good complaint in Bowersox v Behrends Bank. Working in office as usual - also on new chapters in book on Mt McKinley trip of 1903.</p>
<p>Diary 37, 1926 October 3-63-6</p>	<p style="text-align: center;">-3rd -</p> <p>Sunday. Got up late - worked in office some, took a long walk and went to the movie theater in the evening.</p> <p style="text-align: center;">-4th -</p> <p>Worked in office. Attended funeral of Mike Hirlock a mining laborer killed in the Alaska Juneau mine by accident. Talked politics with W^m Steel, and went to dinner - taking my old Tacoma carpenter friend, Ed. Sherman with me.</p> <p style="text-align: center;">-5th -</p> <p>In the office as usual. Telegram from Dan Sutherland saying he will be in Juneau on the "Northwestern" - she is due tomorrow evening.</p> <p style="text-align: center;">-6th -</p> <p>In office as usual. When I received my bank statement & checks today I ascertained that Valentine has been changing the statement on my checks for rent by erasures, etc. Notified the bank not to honor my checks when they are thus mutilated by erasures etc.</p>
<p>Diary 37, 1926 October 7</p>	<p style="text-align: center;">-7th -</p> <p>Sutherland arrived in Juneau on "Northwestern" this morning & has been active all day. Makes his headquarters in my office. He and Steel & I were invited to Rustgards for lunch at noon - and we could not find Dan. He was, we afterwards found out, down at the wharves out on a fishing boat at lunch with the men! We did the best we could, Steel & I, by eating heartily of Mrs. R's fine lunch & tonight Dan is up there "squaring" himself and apologizing. We have called a meeting for Saturday night - at the Palace Theater - I am to preside & Steel, LeFevre, & Sutherland will talk to</p>

	<p>the voters. So far it looks satisfactory & Sutherland feels confident of election.</p> <p>Preparing to bring suit against my old Tacoma friend, L.C. Patenude, of Wrangell, as indorser on notes given by Walker & Russell, at Wrangell, for Matheson store, etc. They have failed and left the territory & Patenude is threatening to go also - after selling all his property!!</p>
<p>Diary 37, 1926 October 8</p>	<p style="text-align: center;">-8th -</p> <p>Politics around the office warm - even hot. Rev. Stillman has written Sutherland a letter denouncing him & his friends for the Young letter against Marquam! He seems crazy about it, and is evidently being urged on by Faulkner and Robertson, who are deacons in his Church. He does not seem to care if Tom Marquam is guilty of being a pimp and his woman a prostitute, but that anyone should disclose the fact seems monstrous! It will be up to me tomorrow evening at the Republican Rally to push the matter squarely before the public: to say that Sutherland had nothing whatever to do with its writing, or publication - though he and every man who has lived in Alaska towns where Marquam is known - knows its statements to be true. Dr. Young is right & Stillman & his deacons are wrong.</p>
<p>Diary 37, 1926 October 9-10</p>	<p style="text-align: center;">-9th -</p> <p>Dan Sutherlands first campaign meeting will take place tonight & I am to preside & make the opening speech of his fight in S.E. Alaska.</p> <p style="text-align: center;"><u>Later:</u></p> <p>We had a big meeting in the Palace theater - it was crowded to the doors with an enthusiastic audience. I defended Valentine & Dr. Young for their affidavit & letter against Marquam, and denounced the 8 oily Editors of the Chronicle of Ketchikan, the Empire & Strollers Weekly of Juneau, the Miner of Valdes, the Gateway of Seward, the Times of Anchorage, & the News Miner of Fairbanks, for their support of Marquam on Cannery corruption funds. I was applauded loudly by the whole crowd at my attack & this unholy combination - 700 present and Dan & Will Steel also applauded. It was a highly successful meeting.</p> <p style="text-align: center;">-10-</p> <p>A clear day - strong north wind & Treadwell town burned for 5 hours - 50 houses destroyed.</p>
<p>Diary 37, 1926 October 11</p>	<p style="text-align: center;">-11th -</p> <p>Ouch! but Troy the Empire Editor is mad. He again makes a long - and the <u>third</u> one - explanation of his betrayal of Gov. Strong. I feel quite sure if I attack him again two years from now about his base betrayal of the Strong's he will again go through another long statement - for it hurts even</p>

	<p>John's tough hide: This is first issue since our Republican Rally Saturday night and here is how he groans and denounces: -</p> <p>[clipping]</p> <p style="text-align: center;">WICK WAS STAR ATTRACTION AT THEATRE RALLY Former Delegate Attacks Nearly Everybody, The Empire in Particular.</p> <p>Judge James Wickersham, former Delegate to Congress, was the star attraction during the Sutherland meeting at the Palace Theatre Saturday night, which was filled by the audience most of which remained until the end of the meeting, attentively listening. Delegate Sutherland, who made the closing speech, was a secondary part of the performance. The star of the evening made a characteristic speech, in which he attacked the "Fish Trust," their attorneys in Alaska, the character of T.A. Marquam, the independent candidate; his wife, the Presbyterian Church of Juneau, the newspapers and newspapermen of Alaska in general and The Empire and its editor in particular. Delegate Sutherland played second in a minor key in the attacks on the Fish Trust, their attorneys and the newspapers, but was silent so far as Mr. Marquam, his wife and the Presbyterian Church was concerned.</p> <p>Judge Wickersham charged, and Delegate Sutherland echoed the charge, that the "Fish trust" had contributed a "slush found" of something like \$6,000 for eight Alaska newspapers and the corruption of the Alaska electorate.</p> <p>Judge Wickersham began by praising Delegate Sutherland for making speeches throughout the Territory without criticizing anybody or mentioning the name of his opponent. "But," he said, "when he reaches the City of Juneau he reaches the very heart of the worst element in this</p>
<p>Diary 37, 1926 October 11</p>	<p style="text-align: center;">11</p> <p>[clipping continued]</p> <p>Territory: to-wit, The Empire. It is the center of graft and corruption in the politics of this Territory, as it always has been, and I haven't a bit of fear of looking John Troy and the whole bunch of them in the face."</p> <p>Judge Wickersham then accused the Democrats of first voting the Indians, following an opinion of then U.S. Attorney James A. Smiser, and followed that by a charge that "Col. Cracker from Florida and the smaller Co. Cracker from Mississippi" had attempted to "introduce old negro-hating methods</p>

into our politics." He then accused these two editors of importing into the North "the old scheme of the slave-driver," and said it was a shame because they had first "brought the Indian into line as a voter themselves." He declared "there isn't an Indian on the beach who isn't their equal" He proceeded to say that if the Indians are prevented from voting the next step would be to stop foreigners, "Swedes", "Danes," "Norwegians and all." "People like Dr. Kearsley and Mr. Roy want to ship them (Indians) back to the wilderness, reduce them to servitude and degradation again," he said. He promised to stand by the Indians and give them his assistance.

ATTACKS THE NEWSPAPERS

The speaker then pulled one of the "sensations" of his speech. He said: "You have discovered that Mr. Sutherland is being fought by a united press. The Chronicle at Ketchikan, Stroller's Weekly here, The Empire, the Cordova News, the Valdez Miner, the Seward Gateway, the Anchorage Times and the Fairbanks News-Miner are all together in one little bed. And how in the dickens did they all come to get together in one little bed? You know. Money! The degradation of the press and the shame of the men who are at the head of it in the Territory of Alaska!

"Not long ago the editor of one of the papers here -and it wasn't Mr. White either - and the editor of one of the papers down at Ketchikan went south to get the sack and they got it, and, like they did in the prohibition campaign of 1914, they have divided it up and now they're for the great fish trust in this district. They are making a fight against Dan Sutherland, alleging that he slandered somebody or some thing."

Later on in his speech he said: "this \$6,000 corruption fund was raised down in Seattle and spread out from Ketchikan to Fairbanks."

He attacked Stroller's Weekly and its editor for the letter the latter sent to Dr. S. Hall Young concerning the letter of the latter to the Rev. O.A. Stillman, which has been circulated by Sutherland workers throughout the Territory. He called attention to Mr. White's declaration that "90 per cent of the Presbyterians in Juneau" are for Mr. Marquam. He continued:

"Well, there are people who approve of those kind of things. There are people who want to associate with that class of cattle and elect them to represent the manhood and womanhood of Alaska in Congress, and ninety per cent of that church, Stroller assures us, are of that type. Good God! it doesn't seem possible, does it? It doesn't seem possible that a Christian Church would excuse

	<p>things of that kind. They don't deny it. They talk about character assassination, Stroller with them, too, but they don't deny these things that Dr. Young said."</p> <p style="text-align: center;">CLAIMS SLANDERS HIMSELF</p> <p>Notwithstanding that Delegate Sutherland had admitted his responsibility for slanderous publications in the East concerning Alaska, Judge Wickersham said that not Mr. Sutherland but he, himself, was the author of the attack on moral conditions at Ketchikan. He said, as representative of certain Indians at Ketchikan, he had written it all in a statement to the Attorney General and that the writer for the Hearst publications had based his sensational article on that statement. He added that "not a single one of us slandered Alaska, Alaska was not mentioned in it except that it contained the redlight district of Ketchikan."</p> <p>The speaker then went into a detailed account of his eight years fight with the "Fish Trust," and told how he defeated the passage of the Alexander bill. He said Delegate Sutherland is keeping up the fight that he started to prevent the Fish Trust from getting control of the fisheries. He said the "Fish Trust" has taken \$45,000,000 worth of can-</p>
<p>Diary 37, 1926 October 11</p>	<p style="text-align: center;">11</p> <p>[clipping continued]</p> <p>ned salmon out of the waters of Alaska this year. He said the Alaska salmon constitutes one of the great food supplies of the world and that the "Fish Trust" wants to get control of it, and "that is how scurvy newspapermen got the money to run this campaign against Dan Sutherland.</p> <p style="text-align: center;">ATTACKS BURCKHARDTS</p> <p>"The Burckhardts are at the bottom of this thing very largely," he said. "I see they have a friend here. They can't mistake what I say and I say it for the purpose of calling the attention of the business men of this town to the situation." He then told about the salmon pack put up by the Burckhardts and how "all they bought was one cake of Fleishman's yeast cake a week at Juneau."</p> <p>This was followed by a long attack on the fisheries interests in Alaska, after which he attacked the Juneau Presbyterian Church. He said that elders of the church were attorneys for the "Fish Trust" and were trying to deliver the church to the "Trust."</p> <p>(Then followed remarks that are omitted because their publication would constitute libel. He vouched for all that Dr. Young had said and more in a coarser language.)</p> <p style="text-align: center;">ATTACKS EDITOR OF EMPIRE</p> <p>The speaker then launched an attack on the editor of The Empire. He said:</p>

"Character assassination; In John Troy's paper I have in my office-and I have a good many things laid away-a copy of the original stuff that John Troy gave out to the Democratic members of Congress in Washington when he was after Gov. Strong-the most malicious piece of character assassination that has ever been perpetrated in this Territory. He was taken in by the Strongs when his pants couldn't cover his back sides and he was fed and clothed and put on his feet by them and they sold him their newspaper upon a shoestring because they thought he was their friend. And he betrayed them, but he told a story of the most vindictive and wicked kind which would have made Mrs. Strong not a wife; and when a member of Congress gave it to me, if John Troy could have heard the denunciation that the Democratic member of Congress gave him, he would have held his head down in shame. And that isn't the worst of it. Gov. Strong kept his mouth shut-for he never said a word. Nobody knows today what the truth about those matters is; nobody knows the truth. He kept his mouth shut and his wife kept her mouth shut and they both bowed their heads and when they went on their way and left the man stroke came, they quietly left and whom they had befriended in charge of a fortune given to him by them. And he wasn't satisfied with that. After Riggs was appointed Governor and was coming from Washington to take his place as Governor and Gov. Strong was to go out, Troy published the whole nasty mess in his newspaper, when it wasn't necessary to do it. Poor Mrs. Strong, who had paper when it wasn't necessary to do it at all, and yet that cowardly character assassin did it and now he talks about Emery Valentine and Doctor S. Hall Young being character assassins because they have told the truth about Tom Marquam."

Wickersham completed his talk at 9:35 o'clock and then introduced W.A. Steel, Republican candidate for Senator. Steel read a short synopsis of what he and candidates for the Territorial House intended to do if elected. His part of the program took less than 15 minutes and Dan Sutherland was introduced. The delegate completed his address at 17 minutes to 11 o'clock.

The Delegate reviewed measures he had successfully introduced in Congress, declared that he was not at odds with the Forestry Department, went into his attack briefly on the Judiciary, and among other things said:

"The opposition in this campaign is conducted by the legal firm of Donohoe & Dimond of Valdez and Cordova and several other sockeye lawyers of the Territory. Donohoe & Dimond are the attorneys for

	<p>the Alaska Packers' Association, for the Northwest Fisheries Company, a subsidiary of the Booth Fisheries Company of Chicago. These are two of the largest units of the fish trust that operate on the Alaska coast. Marvelous power this firm of Dono-</p>
<p>Diary 37, 1926 October 11</p>	<p style="text-align: center;">11</p> <p>[clipping continued] hoe & Dimond exercises in the Alaska wing of the Democratic party. They have the power to tell a candidate to run and they have the power to tell him to withdraw. In fact, Donohoe & Dimond are allpowerful. It may be well to say that the fish trust has absorbed the Alaska branch, or rather the Donohoe & Dimond branch of the Democratic Party. But let me tell you, there are many militant Democrats in Alaska who have followed the party's fortunes from principle and believe in its traditions, whose votes cannot be transferred to any candidate by</p> <p>The report above is a botched up - deleted one - but as good as one could expect from the Empire. There are many mistakes & much that had point - and the best points, too, is left out. And then follows two wide columns of editorials - he fell for the Strong explanation, again!!</p> <p>[clipping] DAILY EMPIRE, MONDAY OCT. 11, 1926 WICKERSHAM FURNISHED THE EVIDENCE. Judge Wickersham's tirade of falsehood and filth Saturday night furnishes all the additional evidence, if any were needed, why Delegate Sutherland and the character assassins, slanderers of Alaska, propagandists of class and factional hate and malice ought to be defeated. His speech answered itself. It was characteristic of the speaker and explains very clearly, indeed, why he was forced out of Congress by the people of Alaska.</p> <p style="text-align: center;">WICKERSHAM'S LIES ABOUT THE EDITOR OF THE EMPIRE.</p> <p>The Empire has no intention of wallowing in filth with Judge Wickersham. However, due to the cir-</p>
<p>Diary 37, 1926 October 11</p>	<p style="text-align: center;">11</p> <p>[clipping continued] cumstance that there are many people in Juneau and Alaska who were not here when the record was made, we believe it proper for the Empire to refer to his falsehoods about this paper and its editor. In another place it is shown that the charge that the Empire is a subsidized paper is a lie, purely and simply.</p>

The statement that Gov. Strong took the editor of the Empire in and fed him and later gave him the Empire was a base lie maliciously uttered. The editor of the Empire was Secretary of the Democratic State Central Committee that conducted a successful campaign in the State of Washington for the election of Gov. Ernest Lister in 1912 when Gov. Strong, during a personal visit to the Democratic headquarters in Seattle in 1912 and in letters written between that visit and about the middle of February, 1913, earnestly requested him to come to Juneau to take over the editorial control of The Empire with the purpose in view of purchasing it. The last letter was delivered in person by Judge Robert W. Jennings. The writer was in Olympia at the time, on invitation of Gov. Lister, and Judge Jennings went there to deliver the letter and to add his personal request that he would come to Juneau for a few months and investigate the situation at this place. Gov. Lister had asked the writer to accept an immediate appointment as Secretary of the State Board of Audit and Control and promised as an inducement for him to accept, that he would be appointed to one of the State commissionerships, probably Industrial Insurance Commissioner, within a year. At the same time the writer was investigating an offer of control of a daily newspaper at Everett. At the request of Judge Jennings the editor of The Empire came to Juneau and the same day he arrived Gov. Strong left for Washington to further his own campaign for appointment as Governor. Gov. Lister had agreed to hold his offer open until after the investigation of the Juneau proposition. Shortly after Gov. Strong's return the writer received a request from Gov. Lister to decide immediately upon whether or not he would accept the appointment that had been offered to him. The proposition at Everett was still open, however, but would remain so until the fall, so Gov. Lister's offer was declined with thanks. In the meantime Gov. Strong had not suggested definitely a price and terms for the sale of the Empire, and it stood that way until after he had made a trip throughout the Territory. On that trip he tried to sell the Empire to E.J. White, then a resident of Whitehorse, and to L.F. Shaw, then of Seward. After Gov. Strong returned to Juneau, I.M. Jensen, with whom the writer was formerly associated in the publication of the Daily Alaskan at Skagway, a lifelong friend and the man to whom the editor of the Empire is indebted for whatever opportunity the ownership of the control of the Empire might have been, came here for a visit. While he was here G.F. Kilroy

Diary 37, 1926 October 11	<p style="text-align: center;">11</p> <p>[clipping continued]</p> <p>arrived. He had recently sold some mining property in the Iditarod country. Mr. Kilroy asked the writer if he would object if he bought the Empire. He was told by both the writer and Mr. Jensen to go to it, that they had not determined whether or not they wanted the paper. Mr. Kilroy was offered the paper, but said he would have to make a trip south before making up his mind. In the meantime, Gov. Strong had made an offer of The Empire to a Mr. Dunn of Idaho. In the fall, Gov. Strong offered the writer The Empire at a price that was higher than he had offered it to Mr. Kilroy, for half cash and half on time with interest at 8 per cent, on the deferred payments. The offer was accepted exactly as it was made. Gov. Strong was paid in cash every cent, including the deferred payments and the interest, as stipulated in the contract. The editor of the Empire never owed Gov. Strong anything except money and that was paid when due. Gov. Strong sold the Empire to the writer because he wanted to sell the paper. He was paid his own price on his own terms for it. He had tried to sell it to at least five other persons before closing the deal that finally was consummated.</p> <p>The statement that the editor of The Empire was guilty of "character assassination" in connection with his campaign to prevent the reappointment of Gov. Strong is another base lie, and Judge Wickersham knows it. Gov. Strong had started a war on Judge Jennings and other public officials in Alaska, national Committeeman Donohoe and the Democratic organization. He had threatened that he would "get" all those prominent in office and the organization who would not accept his leadership. He said that he would be the leader or "tear down the house."</p> <p>The Democratic organization in Alaska, headed by Delegate Charles A. Sulzer, National Committeeman T.J. Donohoe, the Territorial and various Divisional Committees, began a campaign to secure the appointment of Thomas Riggs, Jr., to succeed Gov. Strong. After the campaign had progressed several months, it was discovered that Gov. Strong was not a citizen of the United States and never had been. It was not a case of legal technicalities but a case where a Canadian about 30 years of age came to - the U- Sutherland and assumed the functions of citizenship without attempting to become a citizen. The editor of the Empire supervised the assembling of the evidence to prove that Strong was not a citizen and therefore ineligible for the Governorship because it was</p>
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	<p>necessary to prove it in order to prevent his reappointment. The circumstance that one not a citizen, and knowing that he was not a citizen, would serve as Governor is in itself a sufficient answer as to his fitness for the office. The evidence which established the fact was submitted to Secretary Lane with the request that Gov. Strong</p>
<p>Diary 37, 1926 October 11</p>	<p style="text-align: center;">11</p> <p>[clipping continued]</p> <p>be given the opportunity to meet it or explain it. It was not until after Secretary Lane had had the data checked and authenticated and had secured a lot of additional evidence, and after Gov. Strong had had an opportunity to meet the issue, that, at the request of Delegate Sulzer, a copy of the evidence was delivered to Judge Houston, Chairman of the House Committee on Territories. If any other Senator or Congressman had a copy he got it either from Secretary Lane or Judge Houston. There was not a thing in the statement of facts that would reflect in the slightest degree upon Mrs. Strong or her status as a wife. One of the facts submitted to prove that Gov. Strong was not a citizen was a former marriage in New Brunswick. The writer naturally assumed that there had been a divorce before the second marriage. That is still the natural and believable assumption.</p> <p>When the editor of the Empire returned to Juneau there was a primary campaign on and the Wickershamites in Alaska were charging through their campaign sheets that charges had been made against Gov. Strong that the supporters of Delegate Sulzer would not dare make public; that Gov. Strong had been stabbed in the dark. Supporters of Mr. Sulzer and all those who had been active in securing the appointment of Gov. Riggs insisted that the facts should be presented in the open to the people of Alaska. They believed that the people of Alaska were entitled to them. The editor of The Empire agreed with them, and still believes that no newspaper man could have afforded to deny the just claim of the public to the facts. They were published in The Empire of April 13, 1918, and may be seen wherever files of the Empire are kept.</p> <p style="text-align: center;">SIGNIFICANCE OF ATTITUDE OF NEWSPAPERS.</p> <p>The circumstance that every daily newspaper in Alaska and most of the weekly papers that depend upon the public for existence are supporting Mr. Marquam for Delegate to Congress is edifying. There is no line of business that depends to completely upon the welfare of the people in its community for prosperity and continued life as that</p>

	<p>of newspaper publishing. A newspaper is absolutely tied to the locality in which it is published. It cannot move from it without sacrificing everything that gives it value – except the second hand machinery and such other physical property as it might possess. A merchant can take his goods and move. a lawyer or doctor can take a library and talent and wedge into another community. A newspaper cannot do that for the larger investment in a newspaper is not in machinery but in the development of business that will put it on a paying basis. That takes time and money, for its payroll must follow it wherever it might go.</p>
Diary 37, 1926 October 11	<p style="text-align: center;">11</p> <p>[clipping continued] Mr. Sutherland and his cohorts shout about “shyster journalists” and “subsidized” newspapers. They know there is no foundation in either charge so far as concerns legitimate Alaska newspapers. They simply offer insult to the intelligence of the man in the street and on the job by showing that they think he does not know. The fact that the newspapers of Alaska, and nearly every other part of the country, get a lot more business from individual employees of large corporations than they get from the corporations.</p> <p>It costs approximately \$200 a day to keep The Empire running. All the business it receives from all the cannery companies for a whole year, if subscriptions from their wage-earners are excepted, added to the annual business from all the transportation companies, big and little, operating in Alaska or out of it, would not pay the Empire’s expenses for one week of the fifty-two weeks in the year. What is true with The Empire is true with practically all the other newspapers in the Territory. They depend for their support upon the masses of the people.</p> <p>Under the circumstances there are no business institutions in the country that are more interested in the welfare of the masses of the people than the newspapers. If every wage earner in Alaska were getting from \$10 a day upward the newspapers of the Territory would be immensely prosperous. On the other hand, newspapers are not operated for a day. They are bound absolutely to the communities in which they are published. Their continued existence therefore depends upon the continued prosperity of their communities. If the employers of labor should fail and payrolls should cease the papers, like homeowners and all who work and do business in the community, would go broke.</p> <p>There have been subsidized papers in Alaska.</p>

	<p>There are one or two now that are being supported by doles that the poor Indians dig up. The Herron papers in Alaska sold "bonds" to cannery and transportation companies to an amount exceeding \$50,000. The Herron papers failed, leaving behind thousands of dollars of unpaid debts. Strange as it might seem, these papers, which depended upon corporations instead of the general public for existence, all supported the political ambitions of Mr. Sutherland. The man who was editor of the subsidized Herron Capital at Juneau is a Sutherland-Paul legislative candidate.</p> <p>(The foregoing editorial was written and in type before Judge Wickersham delivered his scurrilous speech Saturday night. It answers most of his statements and insinuations regarding subsidies. We might add, in answer to the plain inference from his remarks, that the statement that the editor of The Empire and the editor of the Chronicle went to Seattle and collected from "the Fish Trust" a sum of money - said to be some \$6,000 -with which eight newspapers of the Territory were induced to support Mr. Marquam is a lie. So far as The Empire knows not a paper has received one dollar for advertising or otherwise from the canneries, or any other source, in any way even remotely connected with the present campaign. The Empire Printing Company's commercial printing department has done a small amount of job printing for the Marquam committee.)</p>
<p>Diary 37, 1926 October 11-12</p>	<p style="text-align: center;">-11th - continued</p> <p>Sutherland went to Skagway last night on the mail boat -Steel went with him - they will be back tomorrow sometime.</p> <p>Prepared papers today to bring suit in Wrangell for Grant, Guardian Matheson children against Walker & Russell & L.C. Patenaude, indorser, on note for \$750. etc. Big fire at Treadwell destroyed the Indian town & many of them will move away - & thus Sutherland will lose many votes! <u>May be.</u></p> <p style="text-align: center;">-12th -</p> <p>Working in office as usual. Answer in Bowersox v Behrends Bank record & copy forwarded to attorneys in Albany, Oregon. Politics rather quiet, through Stillman, of the Presbyterian Church has a communication in the Empire in which Dr. Young lays all the blame for his letter on me! Really I thought the old man had more courage - but then his job may depend on his backing down!</p>
<p>Diary 37, 1926 October 13-14</p>	<p style="text-align: center;">-13th -</p> <p>Recd. telegram yesterday from Sutherland to meet him at Auk Bay with auto this morning at 10. Lockie McKinnon & I went out - Dan & Steel came</p>

	<p>in small boat with an Indian & we met them and drove them to town. They say they had good meetings & feel confident of a satisfactory vote there. Dan leaves tonight with Steel on the mail boat for Sitka & other points. Marquam's friends are looking for him on an early boat from westward.</p> <p style="text-align: center;">-14th -</p> <p>Answering Correspondence. Wrote to Oxford Press to send Ms. of my Bibliography to office of Sutherland, Alaska Delegate, Wash. D.C. and wrote letter to Morrison to get it and see if the Oxford Press "readers" criticisms are well founded, especially as to number of items of Alaskana omitted from the Ms: I want his report on the "readers" report of our delinquencies.</p>
<p>Diary 37, 1926 October 15-16</p>	<p style="text-align: center;">-15-</p> <p>Finished my correspondence today - wrote to Oxford University Press to send my Ms. to Sutherland, Wash. D.C. and wrote to Morrison & sent him copy of Oxford Press "readers" criticism showing many omissions etc. and asked him to send me a report about it. I think the "reader" mixed on <u>Alaskan</u> & <u>Arctic</u> items, not differentiating between them.</p> <p>Wrote to Debbie also: Boat south tonight.</p> <p style="text-align: center;">-16th -</p> <p>The Empire this evening contains an editorial threat that I may be arrested and sued both for slandering Tom Marquam in my last Saturday night speech. It may be they can make Tom. do it, but if they start it I will be in at the finish. They are both desperate and angry - and whom the Gods would destroy they first make mad!</p>
<p>Diary 37, 1926 October 17-18</p>	<p style="text-align: center;">-17th -</p> <p><u>Sunday</u>. The SS. Evans came in from westward & as she was casting off her lines to go on south Sutherland & Steel, aboard the "Margarita" which slid alongside & they got on and away they went. Sutherland went upward for me to send his mail to Ketchikan.</p> <p style="text-align: center;">-18th -</p> <p><u>Received my deed to N.E. 1/4 Sec 15, Tp. 6, S.R. 13 W. Seward Meridian, near Homer Spit, from J.W. Lamb & wife - paid for!</u></p> <p>Have consulted with Atty. Genl. Rustgard about my action in case Marquam has a warrant issued for my arrest for Slander. Upon his arrival in Juneau about the 21st they are threatening me with this "political gesture" - & Tom will do anything! & I may do something's as a "gesture" also, if he proceeds! As if one could Slander Tom and his floozie!</p>

<p>Diary 37, 1926 October 19</p>	<p style="text-align: center;">-19th -</p> <p>Read nice letter from Debbie: She is now insisting on paying Jen \$50. per month for board & lodging: I quite agree - but I cant help but remember how many of <u>my</u> family staid at our house for Debbie to cook for - & never even said "thank you." But the world changes - and the people in it.</p> <p style="text-align: center;">-20th -</p> <p>Henry Roden says there is no truth in rumor of Marquamites sueing me, etc. M. is here and he & his crowd are going to Sitka tonight - campaigning. Others tell me that Valentine will preside at Tom's meeting here & will score one on the old Tacoma scandal.</p> <p style="text-align: center;">-21st -</p> <p>Paper says Roden - not Valentine will preside at Marquam meeting. Invited to Rustgards for dinner this evening. His 74th Birthday - then to Theater.</p> <p style="text-align: center;">-22-</p> <p>Ordered some foreign printed books from Copenhagen Denmark - Stellers etc. Things as usual in office.</p>
<p>Diary 37, 1926 October 23-25</p>	<p style="text-align: center;">-23d-</p> <p>Working in the office - on writing a chapter on the American occupancy of the Yukon basin.</p> <p style="text-align: center;">-24th -</p> <p>A rainy Sunday. Worked part of the day in the office - writing on the American occupancy of the Yukon basin. Its an interesting chapter.</p> <p style="text-align: center;">-25th -</p> <p>The Marquam headquarters are in the rooms below my office. Tonight is their great night - for Marquam is to speak to them. They gathered in front of the Headquarters with a brass band & a few torch lights - a good many automobiles with horns blowing, followed the band & they paraded to the Coliseum Theater to hear the speech. Cash Cole came up to my office as soon as the parade started & abused Sutherland - <u>as a friend</u> - but he is constantly doing it - & is worse than an enemy. Cash is getting very cranky - because, he says, Dan would not appoint him Governor! As if Dan</p>
<p>Diary 37, 1926 October 25</p>	<p style="text-align: center;">25</p> <p>could have appointed him! Cash is an awful grouch - a fool and an ingrate! Undoubtedly Marquam will have a great audience all Sutherland men are going, & Tom's friends will claim all of them, too, as Toms supporters. A little cheap noise affects some people peculiarly. Cash assures me that Marquam will carry Skagway, Haines, Juneau, Douglas, Petersburg, Tenakee & Ketchikan, etc. etc. While that is quite possible I will not be half as happy to see Dan carry them as Cash is in anticipation that Marquam will carry</p>

	<p>them! The Marquam forces, of course, have a large campaign fund of Cannery money - and it is possible they may elect their man but I do not yet believe it.</p> <p>Recd. telegram from Dan today asking me to come to Ketchikan & speak Friday night. I answered saying I would come. I am amused at Valentine. He prepared a speech thinking he was going to preside at tonights</p>
<p>Diary 37, 1926 October 25-26</p>	<p style="text-align: center;">25</p> <p>meeting - but they asked Henry Roden to preside - then Val. <u>insisted that he be allowed to speak - but they refused to let him do that.</u> Poor Val. he is making a fool of himself.</p> <p style="text-align: center;">-26-</p> <p>The Marquam meeting was noisy & vicious. Valentine spent half an hour denouncing me - & denying that he wrote the Marquam affidavit - <u>he declared I did it!</u> He is now telling his listeners that I owe him a large amount of rent & says he will order me out of my offices on the first of the month. Well, its his building & I will move, of course, if he orders me to - I may move before, if I can get rooms.</p> <p>Henry Roden, manager for Marquam in this division, has just been in & says Marquams threat to sue me for libel is a bluff - & he thinks also that Valentine <u>does not</u> intend to compel me to vacate my offices in his building.</p>
<p>Diary 37, 1926 October 27-28</p>	<p style="text-align: center;">-27th -</p> <p>Wrote letter to Debbie for this mail. Have ticket on "<u>Yukon</u>" and will go to Ketchikan to make a speech tomorrow night. Dan telegraphed me to come & I am going. Cash Cole is fighting Dan openly! because Dan did not appoint him Governor two years ago- <u>the fool!</u> His father came in to see me today & told that he had a row with Mrs. Cole, who is also opposing Dan - I asked "Chips" to say nothing more & if they began it again just to walk away. He promised me he would. Ticket = \$15.50</p> <p>Yukon goes out about 6 p.m. - <u>Room 9.</u></p> <p style="text-align: center;">-28th -</p> <p>Arrived at Wrangell about noon. Marquam, Roden & Shattuck on the SS. "Estibeth", special conveyance at Wrangell. They will speak here tonight, Roden with them but he got on the Yukon with us & went on to Ketchikan. Arrived in</p>
<p>Diary 37, 1926 October 28-29</p>	<p style="text-align: center;">-28th continued.</p> <p>Ketchikan 8³⁰, went to the Ingersoll. Dan & Paul are over to Metlakatla tonight. Good visit with McCain, Duggan & Hunt. Talked with many people - its a hard fight here in Ketchikan for Dan and his ticket.</p> <p style="text-align: center;">-29th -</p>

	<p>Spent the day visiting around & getting ready for meeting tonight. McCain is to preside. Boat north bound left K- tonight at 8 p.m. & Will Steel went back to Juneau on her. Meeting 8 p.m. at the "<u>Coliseum</u>" Theater - Before 7 oclock the house & gallery were full - and before meeting began hundreds were turned away. House crowded & aisles full - the biggest meeting possible in that building. Our stage was crowded with women. Paul spoke first and made a good speech. Dan next and made a fine clean speech. I closed & got the greatest applause, but did the work of "<u>shock troops</u>" - just what I was called for - abused the other fellows.</p>
<p>Diary 37, 1926 October 30-31</p>	<p style="text-align: center;">-30th -</p> <p>Our friends all think we had a most successful meeting last night & congratulate me, equally with Dan, for making a strong appeal to the voters. Sutherland & Paul went to the west coast of Prince of Wales island, after the speaking, while I must wait till Monday to return to Juneau. Had dinner this evening with the Duggans, at their home.</p> <p style="text-align: center;">-31st-</p> <p>Sunday. Took walk. There are a dozen or so of cannerymen here - some came from Seattle - they are arranging to "<u>get out the vote,</u>" with <u>money, whisky & promises of jobs.</u> Had dinner tonight with the Blackman's - he is the Postmaster, Mr. & Mrs. Hunt, Mrs. Dale Hunt, - Mrs. Blackmans sister, & myself. It was a most excellent dinner.</p>
<p>Diary 37, 1926 November 1-2</p>	<p style="text-align: center;">-November 1st-</p> <p>Monday night Marquam meeting to be held tonight at "<u>Coliseum</u>" Theater - they cannot possibly have a greater crowd than we had last Friday night. The "<u>Alaska</u>" in at noon & I will go home. I can do no more, but I am satisfied with what I did do. Left K- at noon, arrived at Wrangell at 10. p.m. Saw WD Grant who tells me he and his friends will give Sutherland a good majority. Also saw John G. Brant, who is for Marquam & he thinks Marquam will win, etc. etc.</p> <p style="text-align: center;">-November 2nd-</p> <p><u>Election Day.</u> Arrived in Juneau at 4:30 in time to vote, which I did for the straight Sutherland ticket. I have all the time thought Marquam would carry both Juneau and Ketchikan because his organization has <u>all</u> the money - <u>all</u> the newspapers, <u>all</u> the publicity, and all the organization. It is <u>money, newspapers,</u></p>
<p>Diary 37, 1926 November 2</p>	<p style="text-align: center;">2</p> <p><u>publicity,</u> and a great well organized and <u>well</u> paid group of workers - in the interest of the <u>Seattle</u> <u>cannerymen.</u> Their principal fight has been made in <u>Juneau & Ketchikan,</u> where they will probably get</p>

	<p>majorities, but I certainly expect Sutherland to carry the Territory and be elected Delegate, though not by as large a majority- as he had two years ago. This is my judgment, <u>before the votes are counted!!</u> (Just recd. telegram from Jennie, at Enumclaw saying Debbie sick again & in Virginia Mason, Hospital, Seattle, and asking me to come soon. Sent telegram to Hospital - to Debbie - asking for report on her condition & saying I would come on the first boat after tomorrow). Midnight - Returns posted show that Dan is beaten in Juneau by 141 votes - they beat him in the same precincts two years ago by <u>143!</u> Returns show that he is carrying outside precincts by good majorities - <u>he carries</u></p>
<p>Diary 37, 1926 November 2-3</p>	<p style="text-align: center;">2</p> <p><u>Ketchikan!</u> & many other places, and I judge from returns & what I know about territory that he is elected by from 2000 to 2500 votes. The Marquamites concede his election. -3rd -</p> <p>Today's returns continue to boost Sutherland's majority - it is growing & there is no longer any doubt as to his election. Recd. telegram from Debbie saying "<u>Am not seriously ill at all, nothing to worry about.</u>" She is brave and sensible - God bless her! The Empire tonight concedes the Election of Sutherland - & the Paul Legislative ticket: -</p> <p>[clipping]</p> <p style="text-align: center;">SUTHERLAND IS RETURNED TO CONGRESS Incomplete Returns Indicate Delegate has Carried All Four Divisions.</p> <p>With incomplete returns from all four Judicial Divisions in Alaska, but with many of the larger precincts reported up to 3 o'clock this afternoon, Delegate Dan Sutherland has been re-elected, winning in all four Divisions.</p> <p>[clipping]</p> <p style="text-align: center;">PAUL NOMINEES SUCCESSFUL IN FIRST DIVISION Partial Returns Indicate In- dependent Candidates Will Be Defeated.</p>
<p>Diary 37, 1926 November 3</p>	<p style="text-align: center;">3</p> <p>Reports & returns from the Territory show that Sutherland will have probably 2000 majority.</p> <p>[clipping]</p>

	<p>ALASKA DAILY EMPIRE, WEDNESDAY, NOVEMBER 3, 1926. ELECTION RETURNS FROM FIRST DIVISION [clipping showing returns for each candidate at each precinct]</p>
<p>Diary 37, 1926 November 3-5</p>	<p>3 MARQUAM LOSES IN FOURTH DIV. DELEGATE RACE Early Returns Indicate Suther- land Leads – Dunn Probably Senator. -4th –</p> <p>Sutherlands majority in the Territory is growing. He will have 1200 or more in this Div. alone, and may have 2500 to 3000 in the Territory. Marquam, Shattuck & Roden came back to town today on their special boat. The Empire is as tame as a whipped dog! I am working in the office to get my affairs so arranged that I can go to see Debbie next Wednesday.</p> <p>-5-</p> <p>Marquam is here - but keeps out of sight. Am working on increasing Capital Stock of the Wrangell Lumber & Power Co - Everything political quieting down. <u>No snow on the mountains yet!</u></p>
<p>Diary 37, 1926 November 6</p>	<p>-6-</p> <p>Working in office as usual. Henry Roden assisted me today in verifying my accounts with Valentine & will undertake as my attorney to get a settlement with Valentine of my rent matters - & Vals. act. for what he (Val) claims he spent for my campaign in <u>1908 to 1916!</u> Of course I do not owe him anything for that, but he is so viciously mad at me that he is denouncing me for refusing to pay him about \$800. which he claims for such expenditures. Henry will undertake to go over the accounts with Grover C. Winn, who is acting for Valentine, and try and agree on a settlement. <u>I will not pay any such outlawed accounts.</u> He kept them secret - or rather did not make any such claim - for 18 years for the oldest, and 10 years for the most recent. I never did authorize him to make accounts against myself & <u>I do not believe he ever paid out any such sums! Its a fraud.</u></p>
<p>Diary 37, 1926 November 7-8</p>	<p>-7th –</p> <p>[clipping] THE ALASKA FISHERMAN Election Returns From First Division {Election – 1926.} [clipping showing returns for each candidate at each precinct]</p>

	<p>Sunday. A gloomy sort of a day, so I spent it in the office correcting Ms. Mt. McKinley.</p> <p style="text-align: center;">8-</p> <p>Getting ready to go to Seattle tomorrow night. Recd. a letter from Jennie in todays mail telling me about Debbies illness & promising to look after her until I get there. Bless her heart.</p> <p>On election day V.A. Paine, Commissioner in Juneau brought one Kerberger, a resident of Kake to the polls in the 1st precinct and procured him to "swear in" his vote when challenged. Russell the watcher who challenged Kerberger is preparing affidavits setting up the facts & will present copies to both Judge Reed & Shoup, and ask for Paines removal and the prosecution of both of them. I am also told today that Henry Roden, who presided at the Marquam meetings & N.O. Hardy then candidate for the Legislature did the same thing at Ketchikan and that both will be reported for violation of the law.</p>
<p>Diary 37, 1926 November 9</p>	<p style="text-align: center;">-9th -</p> <p>I have had trouble today to get a settlement of my rent account for the offices with Emery Valentine, but with Henry Rodens assistance finally got it arranged: I Paid him the sum of \$129.⁰⁰ and got a receipt to date for the rent. He still claims something like \$800, against me for money he claims he expended for me in the political campaign of 1908 - to 1916, - <u>pure bunk & a fraud.</u> Of course it is all barred by the Statute of Limitations, but I would pay it even then if I owed it - <u>which I do not.</u></p> <p>Dinner tonight with Mr. & Mrs. W.G. Smith, Ter. Treasurer - Lockie & Mrs. McKinnon & Donald present - a very good dinner.</p> <p>Have my ticket & will leave Juneau in the morning early for Seattle, where I will stay with Debbie till she is well again. I have asked Roden to look after my law matters until I return.</p>
<p>Diary 37, 1926 November 10-11</p>	<p style="text-align: center;">-10th -</p> <p>We left Juneau this morning - "<u>Alaska</u>" about 6 a.m. Found many of my friends from Anchorage & the Fairbanks country onboard & they seemed glad to see me again. Alex, Capewell, who ran the Model Restaurant at Fairbanks for many years, Milo Kelly from Anchorage, Jack Price, miner from Nizina, and many others. Coppernoll, U.S. Dist. Atty. from Valdez is on board going to Washington to secure appointment as <u>Dist Judge!!</u> All are talking about the result of the elections & generally seem pleased that Dan is elected.</p> <p style="text-align: center;">-11th -</p> <p>At Ketchikan at noon. Called on Duggan & McCain. Talked with them about some business matters & also politics. Saw Senator Hunt & Mrs.</p>

	H. & visited half an hour. Bob Heckman & a lot of people from Ketchikan filled the boat. Al. Beat, of Anchorage is a
Diary 37, 1926 November 11-13	<p style="text-align: center;">11</p> <p>prospector & hunter & has been in and around the Knik river mountains a great deal. he tells me has seen the "ibex" which Jack Renner told Hal. Evarts & me about, & he says it is a veritable animal, with long straight horns - neither a goat nor a sheep. <u>He suggested that I write to "Tex", Cobb, of Matanuska, for information about it.</u></p> <p style="text-align: center;">-12th -</p> <p>Queen Charlottes Sound. Everything on the boat pleasant & agreeable. Bob Heckman, Jack Price, Al. Beat & Dave Dunbar are having one long drawn out game of <u>Solo</u>, & everyone in the smoking room seems to be enjoying it as well as they do.</p> <p style="text-align: center;">-13th -</p> <p>Gulf of Georgia - fine day - <u>Seattle at 8 p.m.</u> Harold met me & I went to the Virginia Mason hospital with him - Debbie is much better - and seems entirely out of danger!</p>
Diary 37, 1926 November 14-15	<p style="text-align: center;">-14th -</p> <p>Sunday: After breakfast I went up to the Hospital and remained with Debbie until 2 oclock. She seemed tired & I did not go back. Harold and one of his cousins from Enumclaw came in to see her. I read the papers to her - her eyes are inflamed & she cannot read - but she enjoyed talking about the Alaska election & seemed pleased at the part I took in it - which is a relief to me! Staid in the Hotel all afternoon slept a good deal - I was very tired from my trip.</p> <p style="text-align: center;">-15th -</p> <p>Debbie had to have three teeth extracted today - they were strong, well rooted & hard to pull - the dentist had to break them into parts & take the parts out separately. She could not take an anaesthetic, but only a local, and is very sore and sick in consequence. My admiration for her</p>
Diary 37, 1926 November 15	<p style="text-align: center;">15</p> <p>courage and endurance almost equals my love for her. I engaged a special nurse to stay with her tonight, for I cannot stay. Had lunch with Chas. D. Miller, today, & afternoon I took Mr. Knight, from Anchorage over to talk to him. Knight is President of the First National Bank of Anchorage & a conductor on the Govt. Ry. & otherwise a fine man, and a strong friend of Sutherlands. He is going to Washington to stay three months to do some work in securing the removal of the seat of the District Court from Valdez to Anchorage & I wanted him to know Miller! I also had a talk with Heckman, from</p>

	<p>Ketchikan & Ed. Russell, - about politics. I tried to convince H. that the Alaska Cannery were wasting much time & money following Faulkner & Robertson in Alaskan politics - He is convinced, but seems unable to suggest a way out of their difficulties: Heckman</p>
<p>Diary 37, 1926 November 15-16</p>	<p style="text-align: center;">15</p> <p>insists that it was my generalship & speechmaking that enabled Dan & the Paul legislative ticket to carry S.E. Alaska, - & <u>Marquams bad reputation</u> - with he says I destroyed! I tried to get into his mind that the Cannery ought to be <u>friends</u> and not <u>enemies</u> of the people of Alaska, and ought to quit paying Faulkner - Troy, et. al. money to fight the people etc. <u>I do not know whether they can understand or not!</u> but they will get defeated every time they carry on such a campaign as they did this fall.</p> <p style="text-align: center;">-16th -</p> <p>Debbie was very sore & sick last night, but is much better today. Had Jennie & Mr. Allen to dinner with me at the Frye & I then went with Allen to hear Stefansson lecture about the Arctic & its explorations. Really, I was not impressed!</p>
<p>Diary 37, 1926 November 17-19</p>	<p style="text-align: center;">-17th -</p> <p>Debbie is getting better but slowly. Nothing today. Wrote letters to Senator Norris, about conditions in Alaska. Letter recommending Miller, also.</p> <p style="text-align: center;">-18th -</p> <p>Went over to Tacoma this morning. Conferred with Hopping & Winder about my property for sale, & about finances if I needed money. Afternoon I hunted up Mrs. Lusk, the half-breed Indian daughter of Geo. Harkrader & talked to her about the Coal claim, etc. Promised to write to her about making me a Q.C. deed - or to come & see her again. Came back to Seattle on 3 p.m. Interurban train. Went up to see Debbie - think she is getting better - but very slowly. Mrs. Patton of Hoquiam is at the Frye & I had a nice visit with her this evening.</p> <p style="text-align: center;">-19th -</p> <p>Debbie is not so well - She is suffering greatly and has developed a temperature. I am afraid she is worse than I thought:</p>
<p>Diary 37, 1926 November 20-23</p>	<p style="text-align: center;">-20th -</p> <p>Debbie is very sick - her face is badly swollen, & she is suffering with a complication of ills.</p> <p style="text-align: center;">-21st -</p> <p>Debbie is no better, and yet I think the crisis is passed - the doctor thinks so, too, and I hope for better appearances tomorrow. Jennie came from Enumclaw today & will remain tomorrow. Had dinner with Jen at the Olympic tonight. Debbie</p>

	<p>cannot have us in her room for more than a few minutes, & we are obliged to let her sleep. -22nd -</p> <p>Debbie seems drowsy & the doctor tells me he has given her something to make her sleep - she seems very nervous, and the median is quieting her down. She has slept all day. -23rd -</p> <p>At 3 o'clock this morning the nurse called me from the Hospital & asked me to come. When I reached there Debbie seemed much worse - unconscious and has remained so from that moment.</p>
<p>Diary 37, 1926 November 23</p>	<p>-23rd continued-</p> <p>She remained unconscious all day - and passed away at 7 p.m. without ever regaining consciousness. She was asleep all day yesterday & until the end, she did not seem to suffer - just finally ceased to breath & her poor weary, sick and sore life ended. She has been an invalid since Howards death in 1901 - for 25 years, yet she was the most courageous, uncomplaining and loyal woman I have ever known. We have been married since Oct. 17, 1880 - more than 46 years. During our whole married life I never knew her to do an immodest act - nor to utter a vulgar sentence. She was clean in mind and body - and always acted from a sense of justice and cleanliness. She was fearless in the defense of what she thought was right. Whatever I may be credited with doing that is good or worthy the greater part was hers.</p>
<p>Diary 37, 1926 November 23-24</p>	<p>23d – continued</p> <p>I sent telegrams to Senator Forest J. Hunt, Ketchikan, Lockie McKinnon, Juneau, & Charles E. Taylor, Fairbanks, tonight, saying: <u>"Mrs. Wickersham died tonight at the Virgin Mason Hospital she did not suffer but quietly fell asleep and never wakened. She will be buried by the side of her sons in the Tacoma Cemetery.</u></p> <p>-24th -</p> <p>Sent Dan Sutherland, Wash. D.C. copy above telegram. Went over to Tacoma today with Jennie & Harold, to inspect our cemetery lot, and determine where to bury Debbie. She expressly asked many times to be cremated - my sister May asked the same - and her urn was placed in Mothers coffin when she died - but mother was not cremated. I shall submit to Darrells wishes, though I shall ask him to permit cremation as his Mother so often requested.</p>
<p>Diary 37, 1926 November 25</p>	<p>-25th -</p> <p>Darrell came this morning on the 6:30 Shasta Limited: Harold & I met him at the train. After breakfast we went out to the Bonney - Watson funeral parlors and he saw his mother. She looked</p>

	<p>as if she were only asleep, and might waken. He was greatly relieved to be told that she did not suffer but went to sleep to rest, and sank into a comatose state and never awakened. He feared she would suffer - hut was glad she did not.</p> <p>After much inquiry and telegraphing to Victoria we found Bishop Rowe at Richmond Beach, and he promised to conduct the funeral ceremonies for us - Really I wanted Dr. S. Hall Young, the old Pioneer parson, Presbyterian but he is in New York & I am very glad the Bishop is here - for he knew Debbie as well as Dr. Young. Recd. many telegrams of sympathy and many Alaskans called personally. Tonights early issue of the Post Intelligencer of the morning paper has a nice note of the funeral services (see next page).</p>
Diary 37, 1926 November 26	<p style="text-align: center;"><u>November 26, 1926.</u></p> <p>[clipping]</p> <p style="text-align: center;">Alaska Weekly, Nov 26, 1926 SUMMONED BY DEATH Beloved Wife of James Wick- ersham, After Lingering Illness, Is Called to Rest</p> <p>Mrs. Wickersham, beloved wife of Judge James Wickersham of Alaska, passed away at the Virginia Mason hospital, Seattle, Tuesday, following a prolonged illness. The funeral was held Friday afternoon and was attended by many friends of the departed, among them many Alaskans.</p> <p>Judge Wickersham, the grieving husband, is one of the best known men of Alaska, going to the Northland as a federal judge in 1900. Serving on the bench there for many years, the distinguished jurist was elected delegate to congress from the territory, serving in that capacity for many years. Due to her delicate health, Mrs. Wickersham had not been able to live in Alaska since the judge had resumed his private law practice and made his headquarters at Juneau, but made her home in Southern California. She was suffered from lung trouble, which ultimately claimed her. She is survived by her husband and son.</p> <p>The deepest sympathy from Alaskans and former Alaskans goes out to Judge Wickersham in this sad hour, when his beloved helpmate is taken from him.</p> <p><u>Post Intelligencer:</u></p> <p>[clipping]</p> <p style="text-align: center;">Rites Today For Mrs. Wickersham Funeral services for Mrs. James Wickersham,</p>

	<p>wife of James Wickersham, former federal judge and delegate to congress from Alaska, will be held at the funeral parlors of Bonney-Watson and Company this afternoon at two-o'clock.</p> <p>Mrs. Wickersham was for twenty years a leader in women's affairs of the North and a resident of Washington, D.C. for twelve years during the terms of congress. Beside Judge Wickersham, who hurried to the side of his wife from Juneau, Mrs. Wickersham leaves a son, Darrow P. Wickersham of San Francisco, who was with his mother at the last.</p> <p>Bishop Rowe will officiate at the services.</p> <p>Debbies funeral today at 2 p.m. Bishop Rowe, of Alaska, read the services for the dead. Her Alaska and Washington friends carried her coffin with beautiful flowers.</p> <p>Jont. Crouch, and Iva?? and Jonts present wife were there. Aunt Kate Wickersham & Minnie, Jennie and Harold, and Frank and his wife, Harry my brother Ralph Merrills family - Ralph is in Alaska. Ms. A.F. McClaine, from Spokane and Mrs. Fred Olds, and Mave, and crowds of our friends.</p> <p>When we kissed her dear face - Darrell & I, good bye it seemed as if she were asleep and must wake. For more than 46 years - since October 27, 1880, she has been my loving wife, and now she's gone.</p> <p>After the funeral. ceremony Darrell & I came home with Jennie W. Hanson, Enumclaw, and will remain here until Monday.</p>
<p>Diary 37, 1926 November 27</p>	<p style="text-align: center;">-27th -</p> <p>[clipping] ALASKA DAILY EMPIRE, FRIDAY, NOV 26, 1926. MRS. WICKERHSAM PASSES AWAY IN SEATTLE HOSPITAL Former Resident of Juneau and Fairbanks Is Dead -Sufferer for Years.</p> <p>Mrs. James Wickersham, wife of Judge James Wickersham, died in a Seattle hospital last Wednesday after an illness of several months, according to word received here by friends of the family. Interment will be made in Tacoma where two of her sons are buried.</p> <p>Mrs. Wickersham is survived by her husband and son, Lieut. Commander Darien [Darrell] Wickersham, U.S. Navy, Retired, who resides at San Francisco. Judge Wickersham, who left here two weeks ago, was with his Wife when the end came.</p> <p>Mrs. Wickersham had been a sufferer for several</p>

	<p>years from asthma. She spent the early part of the summer this year in California and later came north to Enumclaw, Wash. where she visited with a sister of her husband until a few weeks ago, when she was taken to a Seattle hospital. About two weeks ago word was received from there that her condition had become aggravated and Judge Wickersham left at once for Seattle to be with her.</p> <p>She was about 65 or 66 years of age. A native of Rochester, Ill. her marriage to Judge Wickersham occurred in Rochester October 27, 1880. Her maiden name was Deborah S. Bell. Immediately they came to the Pacific Coast and established their home in Tacoma where they resided until 1900 when Judge Wickersham was appointed on the Federal bench in Alaska and they have maintained their residence in the Territory since that time.</p> <p>Much of that time was spent in Fairbanks, where, in addition to being Judge of the U.S. District Court for the Fourth Division, Judge Wickersham had property interests. With his election in 1908 to Congress as Delegate from Alaska, Mrs. Wickersham accompanied her husband there. Until 1921, most of the time in the intervening years was spent by her in Washington where she made many friends. Since 1921 Judge and Mrs. Wickersham have made their home in this city.</p> <p>Cards of those sending flowers to Debbie: Mr. & Mrs. James Frawley, Mrs. Hermit Lang, Mr. & Mrs. Ira D. Orton, Mr. & Mrs. J. H. Young, Mr. James P. Daly, Mr. & Mrs. J. Lomen & family, Mr. Otto Olson & Miss Edith Olson - <u>Nome</u>, Mr. & Mrs. W.B. Ballou (Rampart), Mrs. Charles Morton (Genl. Morton), Mrs. Poindexter's sister, Dan W Bass & P.H. Watt (Frye Hotel), Mr. & Mrs. J.R. Heckman, Ketchikan; Capt. C. J. Stewart, Mr. & Mrs. Fred A. Olds & Mave, Tacoma; Dr. De Vigne, Dr. Smith, and Dr. McKinnon; Mr. & Mrs. J.W. Maxwell, & Mr. & Mrs. W.J. Thompson, Enumclaw; Mr. & Mrs. R.J. McChesney and Mr. & Mrs. E.C. Russell (Alaskans); Mr. & Mrs. Dan A Sutherland, Washington, D.C.; Mr. & Mrs. D.D. Mills, Mr. & Mrs. Charles H. Miller; Officers Wrangell Lumber & Power Co. Wrangell, Alaska; Mr. & Mrs. A.S. Nickerson; Pioneer Igloo & Ladies Auxiliary of Ketchikan, Alaska (A.L. Tobin, Trustee); Mr. & Mrs. Will H. Southard; Edward W. Allen, A.R. Hilien, W.E. Froude, (Seattle); Mr. & Mrs. E.R. Peoples, Fairbanks.</p>
<p>Diary 37, 1926 November 27</p>	<p style="text-align: center;">27</p> <p>Mr. & Mrs. Robert Montgomery, Lake & Minie France; A.W. Winden, J.M. Harshberger, & W^m P. Hopping; Mrs. Saran McMillan Patton, Hoquiam;</p>

	<p>Officers Dexter Horton National Bank, Seattle; Mr. & Mrs. John Biglow (Fairbanks); Jennie, Helen, Harold & Lucille; Glen C. Bartell (Juneau); Mrs. Chamberlain; Mr. & Mrs. Alvah Eames; Mrs. A.F. McClaine, Spokane; Edna & Axel Hanson; Mr. & Mrs. Frank Hanson; Mr. & Mrs. J.A. Anderson, and Mr. & Mrs. McKinnon; Mr. & Mrs. E. R. Olson. The above names are taken from the cards attached to the masses of flowers.</p> <p>Went to Buckley with Darrell - called on good Aunt Kate - whom I did not see at the funeral yesterday, but who was there notwithstanding her more than 83 years!</p> <p>Johnt. Crouch is also that same age. Uncle Tom looks well but is helpless - though he is active in mind, he is helpless on account of his weak legs. Darrell. Jen & I had dinner with A.G. Hanson & wife, Enumclaw.</p>
<p>Diary 37, 1926 November 28-29</p>	<p style="text-align: center;">-28-</p> <p>Sunday. At Jennie's, Enumclaw. Harry came to dinner with us. Rested quietly. Called on all the Hanson family.</p> <p style="text-align: center;">-29th -</p> <p>This forenoon Darrell, Jen & I, examined into Debbie's trunk, etc. She had \$200. which I took. Gave Jen Debbies sunburst, Jane one of her rings, and divided her other small jewelry etc. with other members of the family. Darrell & I will go to Tacoma this afternoon to choose a grave stone & arrange to have it placed over her - Debbie, Howard. & Arthur. Darrell & I went to Tacoma - we first stopped at our farm - for I very much wished Darrell to see it, which he did fully. We then went to Tacoma & saw Hopping & Winden. Also inspected tombstones but I did not make a final choice, but will come back tomorrow & go out to the cemetery & then determine just what to get. I shall complete the grave surroundings before I leave for Alaska, and while Darrell is here. Back to Jen's for the night.</p>
<p>Diary 37, 1926 November 30</p>	<p style="text-align: center;">-30th -</p> <p>Jen, Darrell & I came down to Tacoma and I purchased a grave stone \$450. and went out to the cemetery & arranged for the burial. We have permitted Debbies body to be cremated, according to her expressed wish (my sister May was also cremated by her wish), and I have instructed the sexton to excavate the graves of Arthur and Howard, my sons, and place their ashes in a receptacle; there will need to be a concrete base about 4 feet wide and five feet long, reaching five feet in the ground, and Debbie's urn, and the urn with the boys ashes will be placed in this concrete base, and a granite base will stand on that, and then the gravestone will stand on that.</p>

	<p>One side of the grave stone will carry Debbies name with that of the boys, and all their dates, with a place for mine. The other side may be used by Darrell & Jane if they wish to be buried there - where there is plenty of room, for my lot is about 24 ft. square. My father, mother & sister Clyde are now buried there; Back to Frye Hotel Seattle. Jen remained to dinner with us.</p>
<p>Diary 37, 1926 December 1-2</p>	<p style="text-align: center;">-Dec. 1st-</p> <p>Remained at Seattle - Frye Hotel - Darrell had some work to do, and I went to the bank & over my accounts. Also saw George T. Myers about Harkrader Coal mine - and discussed with him the idea of purchasing the other half & organizing the industry. He was mildly interested, and I am to write to him setting out my plan of organization.</p> <p style="text-align: center;">-Dec. 2nd-</p> <p>Darrell & I take good long walks - wrote letter to Myers today about coal organization. Last night Judge Charles E. Miller, Darrell and I sent telegram to Sutherland, Wash. D.C. or rather I signed & sent the telegram though the others were present & approved it, in which I again endorsed Miller for a judgeship in Alaska, and consented, in answer to Dans letter, to accept one of the judgeships if offered to me - but will not become a candidate for</p>
<p>Diary 37, 1926 December 1</p>	<p style="text-align: center;">2</p> <p>it in the sense of making any effort or struggle to secure the appointment. Of course thats a poor way to play the political game, but I feel poorly about it, and decline to play any other way. I really do not want any office, and feel very much as if I want to be let alone. I specially asked Dan not to be embarrassed by my friends or by the thought that I wished to have an office. I permitted Darrell and Miller to force me into even acquiescence. Have my ticket to go home on Saturday. Visited Allen today with Darrell & talked business. Hope Darrell will employ Allen's firm as attorneys for his Ins. Co. - Marine. We will go over to Tacoma tomorrow to bury Debbies urn with Howards & Arthurs in the common grave & set the stone being now prepared for that purpose. I want to go back to Alaska as soon as that last act is done.</p>
<p>Diary 37, 1926 December 3</p>	<p style="text-align: center;">-3rd -</p> <p>Jennie & Harold came down to Seattle early this morning, & Darrell & I went in their automobile to the Bonney-Watson undertaking establishment and got Debbies urn, and went to the Tacoma cemetery. The sexton and the Pac. Mont. people had already excavated Rewards & Arthurs graves & gathered their ashes into a receptacle - they had also built a base of concrete between their two graves, five feet deep and almost that square, laid</p>

	<p>their bones in a hollow space on top and covered them with a marble slab. They left a similar space for Debbies urn, which we placed in it & a slab was laid in concrete over it. We then left the cemetery & went riding out on the prairie - near Lakeview and the Steilacoom Lake in an hour we returned to the cemetery. The stone masons & concrete men had laid the base stone over the top of the concrete and on that had placed the black grave stone with the inscriptions, and were</p>
<p>Diary 37, 1926 December 3-4</p>	<p style="text-align: center;">3</p> <p>finished when we returned, and the work was finished, except cleaning up the ground which they were doing. I paid the sextons bill and we went back to Tacoma. After lunch Darrell & I had a talk with Hopping and Winden about the property on the Reservation, after which I went to the office of the monument maker and paid him \$450.⁰⁰ for the stone, concrete, etc. in full. We then came back to Seattle. Jennie took a room here at the Frye, where Darrell & I have rooms, while Harold went back home. After dinner we talked till bedtime - Left a call for 7 a.m. boat goes at 9 a.m.</p> <p style="text-align: center;">-4th -</p> <p>Had breakfast with Jen and Darrell, and went to the boat with them - The <u>Alameda</u> sailed at 9 a.m. Sorry to leave Darrell and Jennie on the dock - and sorrier to go back to Alaska without Debbie. We sailed from this same dock on July 2, 1900, with Howard</p>
<p>Diary 37, 1926 December 4</p>	<p style="text-align: center;">4</p> <p>on our first trip to the north country - and now - nearly 70 years old, I am going back alone. I shall make Alaska my home until my days are ended. Before quitting Seattle Darrell & I went to the Dexter Horton Nat. Bank and I gave him there a list of my bonds on deposit, and made him a general statement of what property I own, so he will know where things are and how situated in case of my death. Some of my friends tell me there were a great many Alaskans at Debbies funeral - some 200 or more - many who did not send flowers but came personally. I have a comfortable room & berth. Mr. & Mrs. Van Orsdale, and others I know are on board. One of the most interesting is <u>Joe Walters</u>, a miner, prospector and an old Alaskan. Am quite tired & slept all afternoon. Tonight we are in the Gulf of Georgia - weather warm & fine.</p>
<p>Diary 37, 1926 December 5-6</p>	<p style="text-align: center;">-5th -</p> <p>Crossed Queen Charlottes - calm. Joe Walters has entertained me for hours with the stories of his prospecting trips in Alaska, especially on the Copper river & on the Yenta, where he tells me there are great deposits of high grade coal, - 60 or more feet thick, exposed ad</p>

	<p>easily quarried. Zeigler, attorney from Ketchikan is on board. He informs me that he and Mayor Sanborn of the Episcopal Church, went to Washington to represent the cannery companies who wish to secure a renewal of their lease on the Metlakatla island reserved fisheries, and not to support Reed, Shoup, & Ritchie.</p> <p style="text-align: center;">-6th -</p> <p>Crossed Dixon's Entrance this forenoon and will be in Ketchikan by noon. Van Orsdal wants me to stop off at Wrangell & assist the Wrangell Lumber & Power Co. to arrange their reorganization affairs.</p>
<p>Diary 37, 1926 December 6-7</p>	<p style="text-align: center;">6th – continued.</p> <p>Our boat remained at Ketchikan four hours. Senator Hunt informed me that Judge Reed removed Paine from office of Com. at Juneau, on Jim Russells office alleging election fraud with Kerberger, and the Grand Jury indicted both Paine & Kerberger! That will throw the fear of the law into that class of official scamps - even if he is cleared. Spent an hour with Duggan & McCain - the latter is going to Juneau on the "Alameda," this afternoon. Have made partial arrangements with Van Orsdal and Joe Walters to go to the Skwentna in May and June - to look over oil and coal prospects there. Van Orsdal & his party leave us at Wrangell.</p> <p style="text-align: center;">-7th -</p> <p>John Grant & Van Orsdal woke me up at Wrangell to talk business. - Matheson Est. & Wrangell Mill Co. Early this forenoon we entered Wrangell Narrows, Petersburg - saw Louis Paul - he promised to pay me \$150. immediately on Act. Hogue Estate. Saw Ohmer & he will assist me to collect from</p>
<p>Diary 37, 1926 December 7-10</p>	<p style="text-align: center;">7</p> <p>John Adams & wife. Will reach Juneau about midnight. Have understanding with Joe Walters to go with him & Van Orsdal to the upper Yentna River to see coal & oil in May & June. Arrived at Juneau at midnight. Mr. & Mrs. Rustgard kindly met me at the wharf & I rode to the Hotel in their automobile.</p> <p style="text-align: center;">-8th -</p> <p>Worked in the office all day - trying to get correspondence opened and arranged. Court in session but I did not go near. Some criminal cases on trial - nothing.</p> <p style="text-align: center;">-9-</p> <p>Finished sending cards to all those who sent flowers to Debbies funeral and letters or telegrams of sympathy to me.</p> <p style="text-align: center;">-10-</p> <p>Busy getting stenographer writing letters.</p>

	<p>Have office clean & warm again - things going along as usual.</p>
<p>Diary 37, 1926 December 10-14</p>	<p style="text-align: center;">10</p> <p>You have to go away from home to hear the news about yourself.</p> <p>[clipping] {Alaska Weekly, Seattle, Dec 3, 1926} WICKERSHAM IS CANDIDATE Will Seek Seat on the Federal Bench in Alaska, Probably in the First or the Third Division</p> <p>Hon. James Wickersham, former federal judge and former delegate to congress from Alaska, is a candidate for a judgeship in the territory. What judicial district he will apply for cannot be ascertained, but it is supposed that it will be either the First or the Third divisions, as Judge Lomen, of the Second, and Judge Clegg, of the Fourth, have been reappointed, and are not likely to be disturbed.</p> <p>Judge Wickersham, during the long illness of his beloved wife, never felt free to seek a suicidal office since he retired from the delegateship, because it was not possible for her to live in the territory.</p> <p style="text-align: center;">-11th -</p> <p>Same as usual in office.</p> <p style="text-align: center;">-12th -</p> <p>Spent most of the day going through Debbies trunk in office sorting out things to send to Darrell. Dinner in the evening with the Kashaverofs - Mifs Hance, of the National Red Cross Society present. Good dinner & pleasant evening.</p> <p style="text-align: center;">-13th -</p> <p>Busy in office as usual.</p> <p style="text-align: center;">-14th -</p> <p>In office as usual. Dr. W.H. Chase of Cordova passed tonight on the boat to Cordova. Has been in Wash. D.C. Says Sutherland spent 2 hours talking with Pres. Coolidge before he left Wash, and seems <u>confident</u> he will get things arranged to his satisfaction etc. etc. I am afraid Dan did most of the talking!</p>
<p>Diary 37, 1926 December 15-18</p>	<p style="text-align: center;">-15-</p> <p>[clipping] Alaska Weekly, Friday, December 17, 1926 RUSTGARD IN THE FIRST AND WICKERSHAM IN THE THIRD IS PROBABLE SLATE FOR JUDGES Responsible Man Who Was Himself Applicant, Is Advised by</p>

	<p>Washington City Supporters That Department of Justice Has Decided on Successors to Judges Reed and Ritchie, and That Harry G. McCain, Ketchikan Lawyer, Will Get the U.S. Attorneyship in First – Appointments To Be Made Soon After New Year Ushered In</p> <p>John Rustgard of Juneau, for federal judge in the First judicial district of Alaska; Hon, James Wickersham, of Juneau, for federal judge in the Third judicial district of Alaska, and Harry G. McCain, of Ketchikan, for United States district attorney in the First judicial district of Alaska.</p> <p>This is the slate that has been arranged by the department of justice in Washington, D.C., and those composing it will be appointed after the New Year is ushered in, unless the slate is broken before that time.</p> <p>This is the information that reaches The Alaska Weekly from a wellknown, responsible man, who was himself an applicant for one of these positions, whose name, for obvious reasons, is withheld. This man secured his information as to the slate from his backers in the national capital, who notified him that further efforts, on their part, in his behalf are useless, as the department of justice had looked into the qualifications of the three applicants tentatively selected, and is satisfied with their records, all having served, at one time or another, under the department of justice.</p> <p>Mr. Rustgard is now serving his second elective term as Attorney General for Alaska. Before that, he served as United States district attorney in the First Division. He is a wellknown Alaskan, who pioneered in Nome, in the early days of that placer camp. There he served as mayor and as city attorney.</p> <p>Judge Wickersham, one of the best known men throughout all Alaska, served as a federal judge for many years, up to the time he was elected delegate to congress from the territory.</p> <p>Mr. McCain is a member of the law firm of Duggan & McCain, in Ketchikan. When Mr. Duggan served as U.S. district attorney in the Third division, Mr. McCain was his chief assistant.</p> <p>Busy securing data about a saltery location at Halibut Cove for Wright Fronde, Allen & Hilien: Seattle.</p> <p>Busy as usual in office.</p> <p><u>Employed Mifs Virginia Jessup as stenographer - am to pay her \$60. per month - to work from 1 p.m. to 5 each working day.</u></p> <p>Senator Steel, Representative W^m L. Paul & our</p>
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	<p>mutual friend Harry G. McCain come into my office every evening & work on the Controller Bill & other bills for the next legislative session. Paul & McClain are attending court – Steel resides here. -16th – Busy in office as usual. -17- Working in office on law cases - nothing unusual. Sending our Christmas cards, also, & letters. -18th - In court on motions - over till Wednesday morning. Stenog. busy copying Mss.</p>
<p>Diary 37, 1926 December 19-20</p>	<p>-19th – Spent the day sorting out Debbie's clothes, & the mass of linens etc. prepared by her. Am sending most of it to Darrell & Jane, also her spoons - spoons that she collected from every town from Nome to New York - I will keep these - but the spoons Darrell sent her on his tour with the U.S. Fleet, Roosevelts Orders, from every port, I am sending to Darrell & Jane. A melancholy duty, But has to be done. A rainy Sunday - snow coming down. -20- Working on Motion to Strike & Demurrers in the case of Bowersox v Behrends. It must be argued on Wednesday morning. I have seen two or three letters from Sutherland saying he does not know what President Coolidge will do about Alaskan appointments. I fear Dan is not standing well with the Coolidge Administration - & may not have the influence in matters we hoped for!</p>
<p>Diary 37, 1926 December 21-23</p>	<p>-21- Busy preparing to argue Motion to Strike & Demurrers in Bowersox v Behrends tomorrow. Sent trunk (crated) to Darrell filled with his mothers keepsakes, <u>etc.</u> Wrote him a letter & sent receipt - bill of lading. McCain & Paul, who have been around the office for 10 days while attending court, went home today. During their presence here we have, with Senator Wrd A. Steel, discussed the work of the next Legislature. -22nd – Argued motions & demurrers in Bowersox v. Behrends Bank, bankruptcy case before Judge Reed. Robertson contra: Reed took case under advisement. Writing letters in answer cards from friends wishing Merry Christmas, etc. -23rd - Busy finishing up correspondence & sending cards to friends. Snowing and looks like a beautiful covering for Christmas.</p>

<p>Diary 37, 1926 December 24</p>	<p style="text-align: center;">-24th -</p> <p>I will go to Judge Rustgards for dinner tonight and to Lockie McKinnons for tomorrow night. Dr & Mrs. DeVighne also invited me to dinner tomorrow but of course I cannot go. Snowing & the trees look like real Christmas trees.</p> <p>Am sending my friend and co-bibliographer Edward N. Allen, of Seattle, as a Christmas present, a copy of Tyzhnov's Aleutian-Kodiak primer of 1848. I am sure he will enjoy and appreciate it. Judge Bunnell, president of the Fairbanks Ag. Col. & Sch. of Mines just called: We talked Bibliography & "big bones," - the bones & tusks of the mammoth etc. in the Fairbanks mines. A most excellent dinners the Rustgards - at 11:35 we went to midnight mass at the Episcopal Church - good singing and an interesting meeting generally. Took Biblio Ms. for Mrs. Rustgard & him to examine.</p>
<p>Diary 37, 1926 December 25-26</p>	<p style="text-align: center;">-25-</p> <p>Slept until noon today tired and worn. Recd. many Christmas cards from my friends in Juneau, - & two nice neckties from Darrell & Jane. Sent Jen \$43²⁵ to pay for presents which Debbie had ordered for Darrell - Jane, and for Helen. Dinner with the McKinnon's, - a nice home dinner. Besides the family, there were present W.G. Smith, Ter. Treas. and Billy Bosch, who was always so kind in sending his nicest flowers to Mrs. Wickersham while she was sick at the Zynda Hotel.</p> <p style="text-align: center;">-26th -</p> <p>A rainy Sunday. The snow is gradually disappearing, and its a bad raw day. Am going over the Ms. of "Old Yukon Trails" today and adding some material. Also writing letters - Have received many more cards from friends am attending to them.</p> <p>Some good letters of appreciation of Debbie, too.</p>
<p>Diary 37, 1926 December 27-29</p>	<p style="text-align: center;">-27-</p> <p>Working in the office as usual. Many more letters & cards of sympathy, etc.</p> <p style="text-align: center;">-28th -</p> <p>Same as usual in the office: Stenographer finished rewriting - retyping many pages of "Old Yukon Trails" - the new title to my trip to McKinley, Mt. in 1903, etc. I will now secure the photographs for illustrations & try it on Robt. Clarke etc. Cincinnati.</p> <p style="text-align: center;">-29th -</p> <p>Very busy in office today - correspondence. Recd. copy of "<u>The Columbia Unveiled</u>" by M.J. Lorraine - being a description of his trip down the full length of the Columbia River, with a particular description of its many rapids - sent to me by Mrs. Sarah Patton. of Hoquiam. I have read it & find it rather interesting. Got off a lot of mail southward, among others</p>

	<p>several letters to Sutherland - one for Nye about the Skagway road - etc.</p>
<p>Diary 37, 1926 December 30- January 1, 1927</p>	<p style="text-align: center;">-30th -</p> <p>Same in office as usual. Atty. Genl Rustgard comes in once in a while to discuss the probabilities of appointments in Washington, but seems not to have any special information. He hopes to hear results next week.</p> <p>The Empire this evening has a leading editorial on the appearance of the new Magazine - the Alaska Magazine, in which it mentions the various articles and authors - very nicely.</p> <p style="text-align: center;">-31st -</p> <p>Same as usual in office.</p> <p style="text-align: center;"><u>January 1st 1927.</u></p> <p>Worked in office as usual, though slept late. Dinner tonight at Gastineau Cafe - invited my friend Billy Taylor, candy maker to eat with me - good Turkey dinner - \$1.50 each, and fifty cents to the waitress.</p> <p>The snow has all melted off, and its raining - just enough to be warm & comfortable.</p>
<p>Diary 37, 1927 January 2-5</p>	<p style="text-align: center;">Jan. 2, 1927</p> <p>Am adding some small finishing touches to my "Old Yukon Trails" - Ms.</p> <p>Sunday - but I got up late and will go for a good walk.</p> <p style="text-align: center;">Jan. 3</p> <p>As usual in office: Prepared, forwarded application to U.S. Genl Land Office, Anchorage, Alaska, for James McCroskey, for location & lease on 256- acres of oil & gas lands at Cape Yakataga: I paid 1/4 cost of bond - \$40.00 = 1/4 equals \$10. which I paid & also 1/4 of \$32. for fees - equals \$8. or a total of \$18.00, which I paid besides preparing all the papers, etc. I am to have 1/4 of the proceeds - McCloskey agreed to it.</p> <p style="text-align: center;">-4th -</p> <p>Prepared papers in Probate case: Will of Mike Hirlock. Also at work on 7th Alaska Ms. etc.</p> <p style="text-align: center;">-5th -</p> <p>Filed papers in Probate Court in the</p>
<p>Diary 37, 1927 January 5-6</p>	<p style="text-align: center;">5</p> <p>estate of Mike Hirlock, etc.</p> <p>Wrote letters to Judges Lomen, Clegg & Ritchie asking for data to be included in the 7th Alaska Reports. Also wrote a letter to Ed. R. Jessen, asking him to talk with Senator Howard & prevail on him if he can to assist us in getting the Controller Bill & a new Primary Election law through the Legislature.</p> <p>Sent my brother Franks wife a box of Debbies</p>

	<p>things -she can use them. -6th - Have Begun the work on 7th Alaska, though I doubt if there is sufficient material for the usual sized volume. If not will postpone its publication until this years crop of opinions make it so. Sent Darrell his certificate of Graduation as an officer at Annapolis Naval School & his appointment by President Roosevelt as Ensign in the Navy - his mother had kept them all these years for him.</p>
<p>Diary 37, 1927 January 7-10</p>	<p>-7th - Preparing brief & argument on the law in the case of U.S. v Lynch - ejection from tide lands in Ketchikan - for tomorrow. Also working on syllabi for 7th Alaska. -8th - Argued the law in the case of U.S. v Jennie Lynch, involving a tract of land in Ketchikan, before Judge Reed - who is <u>hard</u> against me in the case & will do all he can to defeat us - but I dont care a damn what he does, - for the worse it is the better, for we will have to appeal anyway - so let him do his worst! Worked this afternoon on the 7th Alaska. -9- Sunday. A beautiful wintry day. -10- Working on 7th Alaska. Found Debbies will - prepared Petition for Probate, sent Darrell copies & originals to Frank M. Harsberger, Tacoma.</p>
<p>Diary 37, 1927 January 11-12</p>	<p>-11th - Working on 7th Alaska Ms. Also prepared orders etc. in the Gagne probate case at Wrangell, for determination of the heirs of Gagne. Ford. papers to, Judge Thomas, & Benjamin, Adm. by mail. Had dinner tonight with Mr. & Mrs. Rustgard (Atty Genl). Present also Senator Steel, Representative Paul, and Judge LeFevre. -12th - Working in office on 7th Alaska, Ms. Recd. through mail copy decision by Judge Reed in Bowersox v Behrends Bank, on my motions to strike from Answer, and demurrer to five affirmative defenses. He held with me in every point but one! and he is right on that - which does not help the Bank, but permits the defendant to stay in court and compel us to prove the allegations of our complaint. Beautiful clear cold weather.</p>
<p>Diary 37, 1927 January 13-15</p>	<p>-13- Same as yesterday. Working with Mifs Jessup on 7th Alaska & correspondence. Took Senator Jensen, of Nome, to dinner. Went to Movie Pictures to see Rex Beachs movie</p>

	<p>of "<u>The Winds of Chance</u>," Pure bunk, and not Alaskan in any respect. Probably made on the California or Nevada mountains.</p> <p style="text-align: center;">-14-</p> <p>Same as yesterday. Harry Lucas & Allen Shattuck, committee to build up Juneau Chamber of Commerce called & asked me to join - <u>politely declined to do so</u>. Its a mere side power controlled for and on the interest of the Transportation Co's & the Cannery Politicians.</p> <p style="text-align: center;">-15-</p> <p>Had dinner with the Walkers - Alaska Game Com. present - a good dinner & a pleasant evening. Attended court & secured some good results. McKelvey, Ruby miner called. He is just from Washington & thinks I may be appointed judge etc. Telegram from Ray, President Seward Memorial etc. asking me to be Honorary V.P. of Association and prepare a statement or prospectus to base Assoc. on!</p>
<p>Diary 37, 1927 January 16-17</p>	<p style="text-align: center;">-16-</p> <p>A windy Sunday - Have invited Rustgards to take dinner with me at the Gastineau Hotel. Mrs. Rustgard & the Atty Genl. & Senator W^m Steel to dinner with me & long visit in the evening.</p> <p style="text-align: center;">-17-</p> <p>Busy as usual in office: Ed. McKelvey, one of Dans friends, just from Washington says the President was informed that I would not accept the appointment as judge etc. and tonight I sent this telegram</p> <p><u>"Hon Frank B. Willis, US. Senate, Washington D.C. reported here that President Coolidge was informed that I would not accept the judgeship in Alaska stop could not have accepted such an appointment prior to my wifes death in November stop her death changes the situation entirely stop please take this telegram to the President and inform him that I will now accept the appointment in the third division if he wishes to appoint me stop I have read his statements about law enforcement strongly approve them and will make an earnest effort to apply them in Alaska in case</u></p>
<p>Diary 37, 1927 January 17</p>	<p style="text-align: center;">17</p> <p><u>of my appointment.</u> James Wickersham."</p> <p>McKelvey tells me the President spoke about the rumor that I would not accept, but that Dan told him he was authorized to say I would, whereupon the President said "Well, that puts a different face on the matter" etc. intimating that he might appoint me if he was assured I would take the place. This telegram may also strengthen Sutherland. Anyway I have sent it, let the result be what it may.</p> <p>Dr. W.H. Chase, Republican Divisional Committeeman from Cordova sent a strong</p>

	<p>telegram to Hon. W^m M. Butler, Chairman Rep. Nat. Com. at Washington, denouncing Judge Ritchie for removing Comr. Thompson, at Anchorage - a Republican whom he personally highly recommended, & appointing Tom Price, defeated Democratic candidate for the Legislature, - in Thompsons place, & asking Butler to assist in removing Ritchie. Also wrote Butler a letter etc. All at the telegraphic request of Delegate Dan Sutherland.</p>
<p>Diary 37, 1927 January 18-19</p>	<p style="text-align: center;">-18th -</p> <p>Same as usual in office. Was invited to dinner at Rustgards, but instead I suggested to him to invite Senator Jensen, of Nome. Dr. W.H. Chase, of Cordova & Dr. Whitney of Fairbanks were invited & Senator Steel. I called after 8 oclock & talked with them - generally & about politics - carefully - Jensen is from Nome, and is not friendly to Steel, Paul & the Sutherland - Republicans.</p> <p style="text-align: center;">-19th -</p> <p>I received by Express today, from Wright, Froude, Allen & Hilen, Seattle Attorneys, the papers, letters etc. in the matter of my loan of July 20, 1921, to W^m M. Bennett, with the return of my offer of \$100. retaining fee- They suggest tat I make an effort to get results through Charles Bennett Smith, Hotel Lenox, Buffalo, N.Y. to whom I have this day sent the whole package of</p>
<p>Diary 37, 1927 January 19</p>	<p style="text-align: center;">19</p> <p>correspondence with Bennett, with a proposition that I will give him all above \$3000. if he will collect that much of the \$5000. note for me. I am afraid I will never get anything - and will be pleased to get \$3000. Bennett is a bankrupt scamp, - but I was a fool to loan him the money - so that makes it an even proposition!</p> <p>I had a long talk with Senator Jensen of Name this afternoon about supporting the "Controller Bill" - a bill drawn by Rustgard to reorganize the Territorial Government, by withdrawing the duties and powers imposed upon or given to Federal officials & bureaus in Alaska, by our Legislature, and imposing such duties & powers on a Territorial board instead, - He is non-committal - which means he will not do it, without he is forced to do so by a combination of our friends in the Legislature.</p>
<p>Diary 37, 1927 January 20</p>	<p style="text-align: center;">-20-</p> <p>Same in office as usual. Recd proof on my monthly article for the "Alaska" Magazine "<u>The Land of Glaciers.</u>" Business in the office is pretty good & I am working hard.</p> <p style="text-align: center;">-21st -</p> <p>The Empire announces this evening the President</p>

	<p>has appointed <u>E. Coke Hill</u>, judge in the 3rd Division, and a Mr. Harding as U.S. Atty. in place of Arthur Shoup!!! <u>E. Coke</u> is a Democrat, a faro fiend, and a recent mail carrier and "dog musher" from Fairbanks to the Kuskokwim – but has for the last year or two resided in San Francisco! The only comfort we get is that Ritchie & Shoup lose all, while we won half a victory - we got rid of them. Rustgard says Hill has a good idea of law - and my make a good judge. I hope so for the benefit of the Third Division - but he certainly has always been one of Dan's enemies as he was mine.</p>
<p>Diary 37, 1927 January 22-25</p>	<p style="text-align: center;">-22nd -</p> <p>Same as usual in the office - worked all day on preparing syllabi for 7th Alaska.</p> <p style="text-align: center;">-23d-</p> <p>Recd letter from Sutherland. He says that John Ballaine was in Washington & interviewed the Atty. Genl. & Marshall, his first assistant - who asked John if I would support - or was opposed to the Hoover fishery rules & regulations, etc. So it seems as if Hoover is powerful in the matter of Alaskan appointments. One never knows what Ballaine would say - "<u>but I should worry</u>". Dan seems to be discouraged, and not consulted, but at that he has done all he could do and ought to have done for the Territory. Sunday – and snowing: no wind.</p> <p style="text-align: center;">-24th -</p> <p>Same as yesterday – nothing new.</p> <p style="text-align: center;">-25th -</p> <p>Same. Answering correspondence - Nothing new.</p>
<p>Diary 37, 1927 January 26-30</p>	<p style="text-align: center;">-26-</p> <p>Arranging illustrations for "<u>Old Yukon Trails</u>" Also preparing for Ketchikan term of court. Business coming into the office again. O.K. Dinner at the Rustgards - with Steel.</p> <p style="text-align: center;">-27-</p> <p>Same as yesterday: Invited to dinner by Mrs. McKinnon for Sunday evening. An reading my Ms. Old Yukon Trails for the last comparison with the copy. Have already sorted out the illustration which I hope to get some publisher to put into a book for me.</p> <p style="text-align: center;">-28-</p> <p>Same in office - finished comparison of "Old Yukon Trails."</p> <p style="text-align: center;">-29-</p> <p>Completed my Ms. "<u>Old Yukon Trails</u>," today, & arranged the illustrations. I intend to start it on its travels soon.</p> <p style="text-align: center;">-30th -</p> <p>Dinner at McKinnons: W.G. Smith, Billy Bosch, Madge Case, Dorothy Goddard, I & the family. A</p>

	good dinner & a pleasant evening.
Diary 37, 1927 January 31- February 1	<p style="text-align: center;">-Jany. 31st -</p> <p>Sent off the Ms. for "Old Yukon Trails" today to <u>Arthur H. Clark, Cleveland, Ohio, the Publishers of Mrs. Nichols history of Alaska.</u></p> <p>Finishing up my correspondence and will go to Ketchikan on the "Admiral Evans", Wednesday. Court officials will go on the same boat. Also sent all additional data I have in relation to additional titles for the Bibliography, to Hugh A. Morrison, Cong Library at Wash. D.C. with instructions to put all new titles shown by Congressional Index cards & what I send in a list and return it to me for examination and consideration. Now that "Old Yukon Trails" is out of my system I am anxious to complete the <u>Biblio.</u></p> <p style="text-align: center;">Feb. 1</p> <p>Paid all my bills - Have arranged to have the offices Kalsomined [painted] while I am at Ketchikan. Finished correspondence & served papers in suits. Recd. many opinions for 7th Alaska from Judge Reed.</p>
Diary 37, 1927 February 2-4	<p style="text-align: center;">-2nd -</p> <p>In Petersburg this morning at 8. a.m. Boat loading shrimp & fish & waiting for tide high enough to go through the Narrows. Louis F. Paul paid me \$100 on act. of Homen - Rice Note. Arrived at Wrangell about 5 oclock - Saw John G. Grant, and W.D. Grant - Rev. Corser embarked with us for Ketchikan - where we arrived at 2 oclock a.m. Got room at Ingersoll Hotel.</p> <p style="text-align: center;">-3-</p> <p>Arrived Ketchikan at 2 oclock a.m.</p> <p style="text-align: center;">-4th -</p> <p>Slept late - nothing much in court Visited the various lawyers - conference with Stabler about Billy Sauers case - he will do nothing - but suggests Sauers will not be punished - etc. etc. Went to the movies with Senator Hunt to see the "Pony Express" etc.</p>
Diary 37, 1927 February 5-6	<p style="text-align: center;">-5th -</p> <p>Did some work in court & went over the Tide land cases with Duggan & McCain. Also visited Sauers in jail - he is a "smart Aleck" and does not deserve the sympathy that his mother & friends are wasting on him. Had dinner tonight at Sherman Duggans. We discussed the "<u>Controller Bill,</u>" etc.</p> <p style="text-align: center;">-6th -</p> <p>Sunday. Went over Lynch tide lands with Mrs. L. & Billy -The U.S. has brought suits against adjacent occupants, but I advised them to stand fast, and think they will. Mrs. L. is a strong minded and good</p>

	<p>fighting woman - with even more courage and sense than her white husband. Had dinner tonight with Senator and Mrs. Hunt, at their daughters - with Mr. & Mrs. Talbot. Fine dinner and pleasant hours - whole family present.</p>
<p>Diary 37, 1927 February 7-9</p>	<p style="text-align: center;">-7th -</p> <p>Judge Reed told me today that he would soon decide the Matheson case of Grant v National Surety Co - he will cut us down in amount - but even that will be better than non-action - etc. Got my business in court all arranged so I can go home - & will go on the "<u>Alameda</u>" this evening. Nothing important.</p> <p style="text-align: center;">-8th -</p> <p>At Wrangell several hours today - got a lot of business matters settled here, also. At Petersburg late this evening but didnt go ashore - nothing of importance.</p> <p style="text-align: center;">-9th -</p> <p>At the office this morning at 9 a.m. much mail, but none from Sutherland and no political news: While in Wrangell yesterday I received from Lem. Churchill, Sec. Redmen's Lodge, a file of the "<u>Fort Wrangell News</u>," from Vol. 1. No 1. June 8, 1898 to the date of its removal to Douglas, where it was changed to the</p>
<p>Diary 37, 1927 February 9</p>	<p style="text-align: center;">9</p> <p>"<u>The Douglas Island News</u>," Vol. 1, No 1, Nov. 23, 1898. My friend W.D. Grant gave it to the Redmens Lodge, and also asked that the Lodge give it to me. It is in perfect shape except that it needs re-binding, which I will have done at once. While I have been away I have had the office cleaned - the walls Kalsommed, etc. and it is now as bright and shiny as a new fiddle. A large amount of mail - am busy answering. I am now entering upon the preparation of a Brief Statement in support of the proposed Controller Bill - a bill which Attorney General Rustgard has prepared under which it is to be hoped we can persuade the Legislature to enter upon its duty - after 14 years neglect - to organize self government among the people of Alaska, in opposition to the Bureaucratic Government which has long aided.</p>
<p>Diary 37, 1927 February 10-11</p>	<p style="text-align: center;">-February 10, 1927-</p> <p>Am working on a statement in relation to Bureaucratic Government in Alaska, for use before the Legislature in March.</p> <p style="text-align: center;">-Feb 11.-</p> <p>Same as yesterday. It is an interesting problem I am working on: The Bureaucratic Tendency of the elected Legislature of Alaska. Congress has just passed and the President today approved an Act of</p>

	<p>Congress to bring the 30 Federal Bureaus engaged in Alaska work under a single Bureau, to be established in Alaska, with three members, one from each - the Interior, Agricultural and the Commerce Department - to control all! In other words a Bureaucratic Government. What I want the Legislature to do now, is to take all territorial duties and powers away from the Governor & other Federal officials and combine them under a Territorial Comptrollers Office!! That is the purpose of my present work.</p>
<p>Diary 37, 1927 February 12-14</p>	<p style="text-align: center;">-12th -</p> <p>Same as yesterday. Lincolns Birthday.</p> <p style="text-align: center;">-13th -</p> <p>I have worked all day on this beautiful sunny Sunday on my statement about "<u>Government by the people of Alaska vs Government by the Federal Bureaus,</u>" and have it almost finished. Had dinner tonight with the McKinnons.</p> <p style="text-align: center;">-14-</p> <p>I have this day completed the "<u>Appeal to Alaskans</u>" being a statement of the reasons why the Legislature of Alaska should transfer all the duties and powers it has heretofore imposed upon the Federal Governor and Secretary of the Territory, to a new department in the Territorial Government to be known as the Comptrollers Department, and to be under charge of an elective officer to be known as the Comptroller, etc. It is a plea for the extension of Self Government in Alaska.</p>
<p>Diary 37, 1927 February 15-16</p>	<p style="text-align: center;">-15th -</p> <p>My Appeal to Alaskans about the Organization of Territorial Government is ready for the printer. It has been carefully examined by Rustgard, Atty. Genl. and Senator Steel who both approve it. I will try tomorrow to get it printed by the Empire Printing Co, if they will do it for a reasonable price - as they will no doubt. I am glad its done.</p> <p style="text-align: center;">-16-</p> <p>Asked Los Bernard for bids on printing my Appeal to Alaskans - & he fixed \$113⁰⁰ Will Steel offered to do it - for the Cordova paper - for \$90.00 so we sent it out there tonight on the SS. Alaska. The Wilkins party enroute to Point Barrow to explore the Arctic Ocean by airplane aboard. Mr. A.M. Smith representing the Detroit News called at 9. p.m. & remained talking with me about Alaskan matters until 11 oclock - <u>interesting fellow.</u></p>
<p>Diary 37, 1927 February 17-19</p>	<p style="text-align: center;">-17-</p> <p>Same in office as yesterday. Drawing an Answer in Kline v Flannigan - a case for civil damages for unlawful Assault & Battery and False Imprisonment, - <u>an interesting case.</u></p> <p style="text-align: center;">-18-</p> <p>Answering correspondence - Invited to attend</p>

	<p>wedding of Mr. Morrison & Mrs. Viviane Stevens - Rustgards former wives daughter! I just knew her at Nome - 26 years ago - she was then married to Stevens - divorced, and now again - to a cable operator younger than she is. She is active and appeals strongly to men - also is a first class type writer. They are to be married at 2:30 tomorrow.</p> <p style="text-align: center;">-19th -</p> <p>Same as usual in office. Attended marriage of Ms. Stevens & Mr. Morrison at their apartments - She is Rustgards daughter. A nice wedding. I took her a box of fine candies. Only 8 or 10 persons present.</p>
<p>Diary 37, 1927 February 20-23</p>	<p style="text-align: center;">-20th -</p> <p>Sunday. Reading & writing letters, in office.</p> <p style="text-align: center;">-21st -</p> <p>Same as usual: Correspondence and work on 7th Alaska Reports.</p> <p style="text-align: center;">-22nd -</p> <p>Spent the day drawing Amended Answer in U.S. v Jennie Lynch case. It is an interesting case.</p> <p style="text-align: center;">-23d-</p> <p>Finished drawing Amended Answer in the Lynch case - former Answer was more of a political document, but now I have attempted to draw a pleading for its value in the courts!</p> <p>Recd. from Cordova this morning boat a thousand copies of my "<u>Appeal to Alaskans</u>" being a statement showing that our Territorial Legislature is creating Bureaucratic instead of, Self-Government in Alaska, and urging them to: change the system and construct an American type of Territorial Government in their Territory. I will send out</p>
<p>Diary 37, 1927 February 23</p>	<p style="text-align: center;">23</p> <p>these thousand copies to the people of the Territory that they may see the fact & urge their representatives to apply the remedy - of course our government now is Bureaucratic - a Federal - Territorial Bureaucratic type, but the Legislature has the Power to correct the evil, if it can be induced to make the changes. That is the purpose of my "Appeal" - to persuade the Legislature to change now - while the U.S. Government is changing its Federal Bureaucratic type, by centralization & unification. Now is our time to change - it will be harder to bring about the change as time goes on and the Bureaus are strengthened by further Acts of the Legislature giving the Federal Bureaus further Power! The fight must be made, and now is the time to make it. I am asked to take the lead in the fight & intend to so.</p> <p>Hon. Tom Gaffney, Legislator from Nome, came in to talk today - & "regretted" that he would have</p>

	<p>to vote against the Controller Bill - Bob. Sommers, Gov. Parks agent met Tom at the boat last night - & had a long talk with him - hence the "regret." I assured Tom he ought to support</p>
<p>Diary 37, 1927 February 23-24</p>	<p style="text-align: center;">23</p> <p>"Home Rule" - being an Irishman. He is all right at heart - but has probably been promised a good job on the Bureaucratic Road work next summer -that is the powerful weapon in the hands of the Bureaus: and one they use vigorously when all other arguments fail - & I am afraid Tom has yielded to its superior force. But I talked plainly and without heat, and maybe we can persuade Tom to support "Home Rule" later. Senator Steel has a letter from Sutherland, who says he will be here by March 15th to assist in the fight. I hope he comes for he can do a lot of good.</p> <p style="text-align: center;">-24th -</p> <p>My Appeal to Alaskans is causing some favorable comment - & some unfavorable. Working on 7th Alaska syllabi. Dinner tonight with Peter Morrison & his wife - "Pete & Stevie," Married last week. Busy in office - things going o.k.</p> <p style="text-align: center;">-25-</p> <p>Dinner with Mr. & Mrs. Harland & the children. Same as yesterday.</p>
<p>Diary 37, 1927 February 24</p>	<p style="text-align: center;">25</p> <p>[clipping] THE STROLLER'S WEEKLY AND DOUGLAS ISLAND NEWS, FEBRUARY 26, 1927 WICKERSHAM'S PAMPHLET</p> <p>The Pamphlet, "An Appeal to Alaskans," by James Wickersham, which pamphlet has been generally circulated through the Territory during the past three days, is an able document. It shows great care in its preparation and a thorough knowledge of conditions as they exist in Alaska by the author. It is an appeal for legislation that will separate Federal from Territorial bureaus, bestowing upon the latter many of the powers now usurped by the former. It advocates the creation by the legislature of Alaska a Territorial department which will be presided over by a comptroller to be elected by the people of Alaska and to whom will be delegated all the authority now vested in the governor so far as Territorial matters are concerned. While the pamphlet does not so stipulate, it is understood that a bill which will be introduced in the coming legislature providing for the creation of the office of comptroller will also provide for the election by popular vote of the Territorial Treasurer and Territorial Commissioner of Education, and that the former of these and the</p>

Attorney General with the Comptroller, will constitute a board of control of all matters pertaining to the Territory.

As stated before, the principal of Mr. Wickersham's Pamphlet is along the right lines - the lines of government by, for and of the people and, under ordinary conditions, should be given the support of all good Americans for the reason that it breathes the spirit of democracy. But owing to conditions as they now exist in Alaska, conditions precipitated by the Congress of the United States, which delegated to the Indians of Alaska the right to vote, the enactment of the legislation suggested in the Wickersham pamphlet is too dangerous to contemplate or consider at this time for the reason that, holding as they do, the balance of political power in the Territory and blindly following wherever led by unscrupulous politicians, any persons whom the latter saw fit to select for the three offices above named - Comptroller, Territorial Treasurer and Attorney General - could be elected hands down and the affairs of Alaska would be turned over to the spoilers.

The Wickersham pamphlet is right in the same manner in which Charles Sumner's Civil Rights Bill was right, in that it is along the lines of democratic form of government, but a more iniquitous measure never tarnished the pages of American history than did that same civil Rights Bill and its consort, the Fifteenth Amendment to the Constitution of the United States, which conferred on four million blacks just released from generations of bondage the right to vote, which iniquitous measure stunted and retarded the development of the Southern states for more than a quarter of a century.

Unprecedented growth and development is confidently expected for Alaska within the next few years, but it will not be realized if the affairs of the Territory are put in jeopardy by legislation that will delegate such affairs to a hoard of voters scarce a generation removed from savagery.

The time is not ripe for the passage of the Comptroller Bill for Alaska any more than the time was ripe for the enactment of the Fifteenth Amendment to the Constitution of the United States. It is dangerous legislation at this time and should not be even considered.

"Stroller" hates the negros and fears the Indians. We have approximately 13,000 votes cast at our general election - there are less than a 1000 Indians & Negro votes cast - yet "Stroller" says we cannot have self Government because of them. Where, then can we ever hope for a gov't by the

	<p>people of Alaska? Not evidently, as long as we have Indian & Negro voters - Never! because they may continue to exist. Therefore we may not have self-government at all. What a weak argument it is - thank God for the weakness!</p>
<p>Diary 37, 1927 February 27</p>	<p style="text-align: center;">-27-</p> <p>Sunday - was sick last night – a condition of body so rare with me as to be specially noted. I think I was made so by some food I ate at lunch yesterday - sort of ptomaine poisoning. Luckily I heaved it all overboard & today I am well, but rather shaky on my legs.</p> <p>Dinner tonight with Mr. & Mrs. Simpson McKinnon. Present Mr. & Mrs. Simpson McKinnon, his father & mother, Donald, and little Simpson, a fine bright boy 2-1/2 years old. I greatly enjoyed the good home atmosphere –the baby & the Huckleberry pie!</p> <p>Recd. letter from Arthur H. Clark several days ago, saying he had received my Ms. of “Old Yukon Trails” - that he was just going to California via the Panama Canal, but had made arrangements to have my Ms. sent to him there & would examine it and let me know what he thought about it in March. I have just now sent him a copy of my “Appeal to Alaskans” - it may interest him also.</p>
<p>Diary 37, 1927 February 28- March 2</p>	<p style="text-align: center;">-28th -</p> <p>Working on 7th Alaska Report. Nothing new.</p> <p style="text-align: center;">-March 1st 1927.</p> <p>Working on 7th Alaska.</p> <p style="text-align: center;">-Mch 2nd -</p> <p>Boat in from the south early this morning brings Senators Hunt, from Ketchikan and Brown & Jensen from Nome: Rep. Paul & Benjamin from this division and Johnstone from Fairbanks. Boat from the westward tonight will bring members from that direction.</p> <p>Bishop Crimont has just telephoned me the news of Father Jette’s death. He was stationed somewhere about the mouth of the Yukon river, where he died. He was a good man, a Christian gentleman and a brilliant linguistic scholar. His principal work in languages has been in the study of the Tena - Athapascan language of the Middle Yukon. He has written many valuable articles on that language and others descriptive of those people. He has left an indelible page in science.</p>
<p>Diary 37, 1927 March 3</p>	<p style="text-align: center;">-3rd -</p> <p>Boats today brought the Legislators from the 3rd and 4th divisions, and all are now here except Senator Pratt from Fairbanks & Representative Lomen from Nome.</p> <p>There is much buzzing and caucusing. Senator Will A. Steel’s printed arguments in favor of the Controller Bill came in today from Cordova and he</p>

	<p>and my stenographer have been busy send it out in the mails. Senator Hunt told me at dinner that Sen. Howard, of Anchorage, told him that he would support the Controller Bill. <u>that helps</u>. Half the members met in my office tonight & talked things over. Later Paul came to my room & said there was trouble in the organization of the Senate – that Jensen from Nome is fighting Brown from Nome, whom the delegation from S.E. Alaska wants as Pres. of the Senate, & to make his fight good has promised to support Senator Hunt of S.E. Alaska, so as to break the ranks - that Hunt consents, & they will use Hunt - to break up the combination etc. etc. Paul</p>
<p>Diary 37, 1927 March 3-4</p>	<p style="text-align: center;">3</p> <p>went to see Hunt - who acts resentfully & seems inclined to accept the office, etc. Paul got him to promise to see me in the morning before he consents to accept etc. -4th -</p> <p>Hunt came to see me this morning & I said from his first word that he has gone to the opposition - I talked carefully for an hour - without urging him too strongly - but I am satisfied that he will be a candidate against Brown. From his resentful attitude I saw it would do no good to urge him & did not do so - I told him Brown's father was one of my strong supporters & lost his job (Bone removed him) on account of it - that Senator Brown is a Republican etc. etc. but its no good- he wont work with his delegation & that ends it. Brown came to see me - left saying he would try and get Hunts delegation to go in a body and ask him to support Brown! The delegation (5 members) made a date to meet their other member (Senator Hunt)</p>
<p>Diary 37, 1927 March 4</p>	<p style="text-align: center;">4</p> <p>in my office at 7³⁰. They were all promptly on hand at 7³⁰, but Hunt did not come. They waited until 9 o'clock and dispersed - mad and disgusted. It is apparent that Hunt has concluded to go with the other members of the Senate & become their candidate for President of the Senate! I do not think it will defeat our Progressive legislation -but one can never be sure. If it does the burden will be on Hunts shoulders. Of course, I cannot & will not quarrel with him - for I Have no right to do so, but I am sorry the 1st Division delegation is this disorganized, - it was - is the only full delegation that could act together & now it apparently will not. Selah! The <u>Empire</u> could not keep quiet any longer and this evenings edition has a most silly attempt to</p>

	<p>stem the tide against the Controller Bill: It had little effect and is, I think, a very weak attack on Home Rule. It follows on next page.</p>
<p>Diary 37, 1927 March 4</p>	<p style="text-align: center;">4</p> <p>[clipping]</p> <p>ALASKA EMPIRE, FRIDAY, MARCH 4, 1927. SELF-GOVERNMENT IS NOT INVOLVED.</p> <p>There is not a single argument that has not been made before presented by Judge Wickersham in his pamphlet in support of the proposed Comptroller Bill, a measure that does not differ in principle or general purpose or terms from those Comptroller Bills that have been defeated by the last two or three Legislatures. He labels it a movement toward government in the Territory by the people of Alaska rather than by Federal Bureaus, and surrounds it by quotations from different authorities in favor of a full Territorial form of government for Alaska, but that does not mean a thing. It would not add an iota to the powers of the people of Alaska. It would not take an iota, from the authority of the Federal Bureaus in Alaska. As has been explained many times in the Empire and other Alaska papers and on the floor of each of the chambers of the Legislature, its only possible effect would be to change the personnel of some of the public servants.</p> <p>The Legislature of Alaska cannot lift itself by pulling its bootstraps. It cannot make itself mightier than its creator - the Organic Act. It cannot enlarge the foundation on which it was built.</p> <p>The Legislature cannot take away any of the powers of the Governor - whom Congress has made the chief executive of the Territory, and who is made a part of the law-making authority through the provisions which make it his business to make recommendations to the Legislature and gives him authority to approve or veto legislation.</p> <p>The only possible result of such a measure as the proposed Comptroller Bill would be to change the appointing power for some public servants who do the work that the Legislature requires of them and in the manner the Legislature indicates.</p> <p>Therefore, the whole thing, resolves itself into a question of patronage - a question of selecting the Personnel of a few ministerial servants who constitute a part of the public payroll.</p> <p>Judge Wickersham quotes the Empire as being for many years "in favor of a full Territorial form of government - for the widest self-government by the people of Alaska." This paper has and does support that principle. It believes that it has been the paramount issue in Alaska for all the years that have gone since Congress passed the Organic Act, written by Judge Wickersham, which gives us</p>

	<p>less than a "full Territorial form of government," and it has urged Judge Wickersham, when he was Delegate, and Delegate Sutherland to get it for us. But The Empire has never been confused by what "full Territorial form of government" means. It has always distinguished between the power to solve Alaskan</p>
<p>Diary 37, 1927 March 4</p>	<p style="text-align: center;">4</p> <p>problems, the power to shape the course of legislation, and the public payroll. It has always been greatly interested in permitting the people to exercise the powers of government but had cared little who did the ministerial work that government entailed so long as the work was well done.</p> <p>Twelve years ago, commenting upon this very principle, the Empire said:</p> <p style="padding-left: 40px;">The fact that there is absolutely no relation between ministerial office-holding and complete home rule through a "full Territorial form of government" seems to be inconceivable to the average professional progressive. Real supporters of government for Alaska by the people are concerned very little about who shall perform the small amount of work that such a government might entail as long as it is well done. But they are intensely in earnest in their desire that the power to settle Alaskan problems should be brought to the people of Alaska. They are not particularly interested in personalities but they are intensely interested in measures.</p> <p style="padding-left: 40px;">The meat of progressive government is government control by the people. The personnel of a few public servants, who make no laws and settle no public elections, is not involved in the matter in any way whatever.</p> <p>When Judge Wickersham wrote an Organic Act that forbade the Territorial Legislature from creating counties he made complete self-government in Alaska impossible. Self-government means local control. Alaska has only one authoritative governing body, the Legislature, and that functions only every other year and then for only sixty days. We cannot have local self-government, except for the schools and the municipalities, until Congress permits the organization of local governments where Boards of County Commissioners, or Supervisors, are constantly functioning in various sections of the Territory. If the Legislature wants this changed it ought to ask Delegate Sutherland to help amend the Organic Act.</p> <p>We cannot get complete self-government until the limitations in the Organic Act which forbid the Territorial Legislature from legislating on the</p>

	<p>fisheries and the game, form permitting the people to issue bonds or create indebtedness for local improvements, from changing some of the tax levies or expending the proceeds, and many other things are removed.</p> <p>If the Legislature really wants to increase the Power of the people of Alaska to govern themselves it will ask Congress to amend the Organic Act so that it might resemble the Organic Acts under which other Territories functioned in their time.</p>
<p>Diary 37, 1927 March 5</p>	<p style="text-align: center;">-5th -</p> <p>After throwing down his own delegation to get the Presidency of the Senate Hunt has backed sown far enough to vote for Senator Howard, who is to be the President. They got Hunt "off" by offering him the Presidency - but Paul & his associates protested etc. so Hunt got out of the bad mess by supporting Howard.</p> <p>The House members are still caucusing but without settling their organization so far.</p> <p>I asked Senator Steel to get Senator Frame to introduce the Controller Bill - but he insists on introducing it himself, because he says Frame will not support it in its present shape. It may be he will have to do it for that reason, but I urged that it would be of advantage if he could gain a strong supporter that way - but he is as stubborn as Hunt, and for about the same reason - he thinks it will reflect some glory on him to introduce it, <u>so it goes!</u></p>
<p>Diary 37, 1927 March 6-7</p>	<p style="text-align: center;">-6th -</p> <p>Recd. notice that Judge Reed has reopened the accounting in the matter of the final account of Matheson Heirs - which means another long struggle over interminable accounts extending over years - while the Estate of these children was being dissipated.</p> <p>At work on my Income Tax Statement, 1926.</p> <p style="text-align: center;">-7th -</p> <p><u>Our friends in both Houses of the legislature are very happy tonight, for they organized both Houses and secured every clerk & other official. Our pronounced friends are in every place, & the committees in the senate have been chosen with our friends in control & the agreements are to do the same tomorrow in the lower house. Senator Steel is chairman of the Finance Com. which has control of printing, appropriations etc. Everything went like clock work. Paul & Steel have exhibited good working ability, and they are to be congratulated.</u></p>
<p>Diary 37, 1927 March 8-10</p>	<p style="text-align: center;">-8th -</p> <p>The lower House organized today with our friends in power. They are happy accordingly. Working on the 7th Alaska, as usual.</p>

	<p>Stenographer sending out the remaining copies of "An Appeal to Alaskans," I think the publication has done some good and will give direction and strength to our efforts to secure the passage of the "Controller Bill," - to do away with the Bureaucratic plan under Federal control, and give Alaska a government through her own elected officials. I hope so!</p> <p style="text-align: center;">-9th -</p> <p>Same as yesterday in office.</p> <p style="text-align: center;">-10-</p> <p>Gov. Parks in his address before the Legislature takes a strong stand against the Controller Bill & favor of Bureaucratic control & the Empire supports him. Its going to be a fight if the bill is passed - & then only with amendments that will spoil it.</p>
<p>Diary 37, 1927 March 11-12</p>	<p style="text-align: center;">11th</p> <p>Same in office as usual - 7th Alaska. I went by the Palace Theater tonight to see Barrett Willoughby's "Rocking Moon." Its not bad - the pictures were taken in Alaska & are good - still I really like the book better than the movies.</p> <p style="text-align: center;">-12th -</p> <p>Prepared my Income Tax account yesterday before Murray, special Income Tax auditor. Same in office today as usual - 7th Alaska. Also attended court - call of docket.</p> <p>Prepared my final Application etc. in patent proceedings to secure patent on my Mining claim Left Limit, of Discovery on Cleary Creek - located by me in 1904!</p> <p>Gov. Parks & his allies - the Democratic <u>Empire</u>, and others are making a hard fight against the Comptroller Bill. The statement is given out that the Governor will veto it - Social attentions are being showered on weak members, to gain their opposition to it, etc.</p>
<p>Diary 37, 1927 March 12-13</p>	<p style="text-align: center;">-12th continued -</p> <p>I have just finished a letter to Mrs. Caroline M Smith, Irving, Illinois - Debbie's oldest sister, and the only one now alive. In it I told her all about Debbies life in the west - in Alaska, and in Washington City, her character - her studies, interest in every thing good and human - politics and social all about her 3 sons, and of our life together for 46 years. I think Carol will be glad to get such a letter about her baby sister - who was born after Carol had married and left home, Carol is now 84 years of age, but well and hearty.</p> <p style="text-align: center;">-13th -</p> <p>Sunday, I worked in the office on searching the U.S. Statutes to get a correct view of the laws establishing the office of Secretary of the Territory in Alaska, and worked it out on paper. Had dinner with Rep Benjamin, of Wrangell, and went to the</p>

	Theater with Senator Dunn & Rep. Paul.
Diary 37, 1927 March 14	<p style="text-align: center;">-14th -</p> <p>Working in office as usual. I was greatly pleased to receive a copy of Dawson's opinions - <u>Alaskan Reports - Vol 1.</u> reported by Hayden, 1888, from Judge John M. Dawson, son of our former Alaskan judge, a resident of Maryville, Missouri. It is a rare Alaskan item, and I am particularly glad to get it on account of my interest in the publication of the Alaska Reports. My friend Ira D. Orton, a lawyer at Nome in 1901-2, when I held court there, told me that Judge Dawson had finally found one or two copies of this rare pamphlet and I wrote to him and he sent it to me. I wrote and thanked him for it. On the other hand I was displeased today to learn that the four senior Senators & the Governor had elected Henderson as Supt. of Education again Senators Hunt & Brown, joined in doing this with Howard & Pratt - I was surprised that Hunt & Brown should vote for H- He is always against them - politically.</p>
Diary 37, 1927 March 15-17	<p style="text-align: center;">-15th -</p> <p>As usual in the office. Nearly finished 7th Alaska cases. Sutherland has not come & we have no word from him. Dinner tonight by Chamber of Commerce to the Legislature. I did not attend, but had dinner with Senator Hunt & Rep. Ross.</p> <p style="text-align: center;">-16th -</p> <p>Same as usual in office. Correspondence, working also on Matheson & other cases. This evenings Empire has passenger list of SS. Alameda - Sutherland on board.</p> <p style="text-align: center;">-17th -</p> <p>Same as usual. Finished the preliminary work of preparing the Alaska Opinions for publication. Must now secure the facts for the Judicial Directory, for which I sent out letters to the District Judges today. Dr. Bunnells Alaska Ag. College report at hand today - in typewritten form - he recommends publication of my Bibliography as a College Expense.</p>
Diary 37, 1927 March 18-20	<p style="text-align: center;">-18th -</p> <p>Same as usual - nothing new.</p> <p style="text-align: center;">-19th -</p> <p>Attended call of docket in court - nothing out of the usual. Hon. Dan Sutherland M.C. came today on "Alameda". I am very much pleased to have here</p>

	<p>for he will greatly aid us in securing support for the "Controller Bill" and other needed legislation before the Legislature. Dinner with Sutherland & friends. Also invited to make address tomorrow at the Memorial Service for the Pioneer's. -20th - Sunday. Made a very short address at the Memorial Service of the Grand Lodge Alaska Pioneers, which seemed to please the audience. Sutherland & many people in my office all the time. We are all boosting for the passage of the Controller Bill; it is the principal topic of discussion - and if not passed now, will be the issue in our next political campaign.</p>
<p>Diary 37, 1927 March 21-23</p>	<p>-21st - Same as yesterday. My Ms. "Bibliography" came from Washington today: Morrisons new items etc. and it will be necessary to arrange his material - I feel better satisfied with it, and shall not make an effort to do more than arrange this material & let it go to the printer. I wrote Pres. Bunnell, Alaska College, saying I agreed with his suggestion about having it printed as a College Publication, etc. -22nd - Working in office as usual. Many people in and around the office talking politics and the Controller Bill. There will be a meeting of the Ter. Senate on Thursday evening to afford a hearing on the Controller Bill. -23rd - Am asked to attend hearing on Controller Bill this evening & speak for it. Am preparing carefully to support it. Attended but did not speak - no time.</p>
<p>Diary 37, 1927 March 24-25</p>	<p>-24- SS. in from south. Sutherland & I went down & called on Judge E. Coke Hill - and Geo. Hutchinson & his wife & others. John Duncan, Grant Murdock and Tom White of Fairbanks & interior points called. Hearing tonight before the Senate on the Controller Bill. Henry Roden & Dan Sutherland took all the time & I did not get to speak. They talked energetically and I think accomplished much good. -25- Office crowded - too much for business - with members of the Legislature & others interested in Controller Bill & other legislation. I am consulted very often on such matters. There will be another hearing on the Controller Bill at which I am to be allowed to speak. I am consulted about it every day.</p>

	<p>Prepared an item in the Appropriation Bill for Ross. Chairman, for publication of my Bibliography as Misc. Pub. of Agricultural College. He approves it,</p>
<p>Diary 37, 1927 February 25-26</p>	<p style="text-align: center;">25</p> <p>and it was read tonight after I wrote it and approved by Rustgard, Attorney Genl. also by Senator Steel and Rep. Paul. I have consented to accept 1/4 of the books in consideration of my Ms. labor & expense, which is entirely satisfactory, though it will not repay me one half of my actual cash expense. I shall however, be satisfied to get it published & used even if I do not receive anything in the way of compensation.</p> <p style="text-align: center;">-26th -</p> <p>We are having much talk about the Controller Bill. The Empire tonight, Editorially, criticizes Dan & myself - and lies about both of us with much gusto. Busy in office. The condition in the Legislature is not bad for the Bill. it is thought by our friends in the Legislature that it will pass both Houses, but if the Governor vetoes it - that it cannot be passed over the veto. The Legislature passed a joint resolution for a joint session to hear me in its support on Tuesday evening next.</p>
<p>Diary 37, 1927 February 27-29</p>	<p style="text-align: center;">-27th -</p> <p>Sunday. Sutherland, Senator Steel & I in the office much of the day: Steel & I went over the Controller Bill, to fit my amendments & suggestions - at his request. Cash Cole also present part of the time. Am getting ready for my talk to the joint session of the Senate & House on Tuesday evening. Had Senator Frame to dinner with me.</p> <p style="text-align: center;">-28th -</p> <p>Same as yesterday - The fight against the Controller Bill is growing more intense - the newspapers - Empire & Strollers Weekly are loading against it strongly - but our friends think we have a slight majority in each house. Sutherland is working loyally for it.</p> <p style="text-align: center;">-29th -</p> <p>Same in office today. I am studying the decisions on questions involved in the Controller Bill & getting ready for the argument on it before the Joint session tonight. I am ready & confident.</p>
<p>Diary 37, 1927 March 29</p>	<p style="text-align: center;">29th continued.</p> <p>The Senate & House met in joint session at 8. p.m. the President of the Senate and the Speaker of the House jointly presiding. After roll calls, showing every Senator and every Representative (except Bob Sheldon) present the President of the Senate asked me to address the joint bodies - a large audience of citizens present. I opened by reading the bill, explaining it, proposing amendments, which took an hour. Then I presented my answers to objections urged against the bill by Strollers,</p>

	<p>Empire & others, and my argument in favor of the bill. There was close attention by members of the Legislature who turned the pages of the bills before them as I read my copy, and made notes of proposed eliminations and amendments. Altogether I spoke more than 2 hours: the audience was fine and gave me an ovation at the close. Many members of both Houses came & shook hands & congratulated me, & I think the hearing did real good. After the meeting closed</p>
<p>Diary 37, 1927 March 29-30</p>	<p style="text-align: center;">29</p> <p>a crowd gathered in the nearby Taylors drinking parlor - ladies & men, and we had quite a "party." Rustgard, Atty. Genl, Senators, Representatives their wives, etc. and we spent an hour talking over the evening etc. I am very tired - for it was quite a strain to stand for two hours, handle the books, read & talk. The official stenographers took down what they could- but I talked & read fast - and then quit 30 minutes before I was done. I think the result beneficial.</p> <p style="text-align: center;">-30th -</p> <p>Holiday - Seward Day - Treaty for the purchase of Alaska made 60 years ago today. Sutherland pleased at last nights meeting. Mrs. John B. Marshall came to town in her automobile - she lives out near Mendenhall Glacier, and Sutherland and I went out with her and took dinner <u>en familie</u> - her son Roy being there. They are greatly interested in foxes and have a pen for raising them as live stock. A good dinner & a pleasant ride out and back.</p>
<p>Diary 37, 1927 March 30</p>	<p style="text-align: center;">30th continued.</p> <p>The <u>Empire</u> tonight gave a fairly accurate statement & report of my speech last night - of course giving it against me as far as they thought it would be accepted. But their feelings and bias is better shown in their editorials. Here are both report & editorials:</p> <p>[clipping]</p> <p style="text-align: center;">CONTROL BOARD PLAN DEFENDED BY WICKERSHAM In Two-Hour Speech Judge Wickersham Extols Vir- tues of the Measure</p> <p>Cajolery, warnings not too heavily veiled, glorification of the Alaska Organic Act, condemnation of former Legislatures, sarcastic thrusts at opponents of the measure, and withal a good-natured exposition of the matchless virtues claimed by its proponents for the Controller Bill, featured the speech of Judge James Wickersham before a joint session of the Legislature last night at A.B. Hall. It was well attended and the audience received the</p>

	<p>remarks, of the speaker in the same good-humored spirit they were delivered, applause and laughter greeting some of the sallies.</p> <p>Reading the measure section, Judge Wickersham gave it his unqualified endorsement, declared it was a great measure embodying the principles of self -government and the most important one that ever came before the Alaska Legislature.</p> <p style="text-align: center;">Officers Serve Illegally</p> <p>He not only affirmed in his opinion the legal right of the Legislature to enact such legislation, but declared that the Governor and Secretary of the Territory have had imposed on them by Legislatures of the past duties they cannot legally perform. He said he knew it has been done but it wasn't going to be done much longer; that there are people who are going to test the legality of their functioning; that within two months after the adjournment of the present Legislature, if the system is not changed, these people will go into the courts with the matter.</p> <p>In support of his contention that these officers have no legal right to perform such studies, he cited opinions from former Attorney General Grigsby on the subject of Federally appointed officers serving on such boards as the Board of Children's Guardians. He also quoted from the opinion of the Circuit Court of Appeals in the case of Marshal vs. Callaham, taken up from the local district court, over the question of the right of the Legislature to impose the collection of a poll tax on U.S. Marshals, Commissioners, etc.</p> <p style="text-align: center;">Gives Opponents Notice</p> <p>While Judge Wickersham did not threaten Legislative opponents with political disaster if they voted against the measure, he gave notice in no uncertain terms, that disaster would follow a negative vote. In effect, he said, "If you don't pass this bill, we can only go out to the people and ask them to return a Legislature that will pass it, and keep on going until we get such a Legislature."</p> <p>He exercised inimitable cajolery directed toward members of Irish ancestry. No Irishman would vote against such a measure, the Irish love self-government too well; and if some members are of other than Irish ancestry, they have Irish hearts, he declared.</p> <p style="text-align: center;">Presided Over by Howard</p> <p>The joint session, opening at 8 p.m. was presided over by President</p>
<p>Diary 37, 1927 March 30</p>	<p style="text-align: center;">30</p> <p>[clipping continued] Howard of the Senate, who was escorted to the chair by Representatives Grier and Rydeen. He</p>

said briefly the purpose of the meeting was to hear a discussion on the merits or demerits of the Controller Bill, and principally for the purpose of listening to Judge Wickersham. The latter immediately took the floor and spoke for about two hours and 15 minutes.

He prefaced his reading of the measure by a declaration that "I have read the bill," many, many times. He denied that he had anything to do with the preparation of the original measure introduced by Senator Steel, but since then had talked it over with "Senators and Representatives," advised with them as to amendments, drafted such amendments at their suggestion and approved of the bill as so amended.

He then proceeded to read the measure by section, reading in the amendments proposed. He declared while it was a political measure, it was not political in the ordinarily accepted sense of the term, not being for any particular party or set of men.

Right to Elect

He affirmed the right of the Territorial Legislature to elect a Controller, as is proposed in the measure for the first occupant of that office. He said that its authority in that matter was not open to question.

For an hour or more, he was occupied in reading the measure and explaining proposed amendments here. The principal amendment proposed was to require that the appointive power of the Controller and Board of Control be limited by requiring appointments made by them to be ratified by the Legislature.

The section conferring on the Attorney General such powers as "shall be incompatible with the duties and functions" already vested in the Controller was recommended to be stricken. It would leave too much open to question and produce needless friction, he argued.

Discussing a provision in the bill that the Treasurer "shall pay no moneys or funds out of the treasury except in pursuance of laws authorizing the payment thereof, but when ever any monies are paid they shall be paid from the appropriation provided therefore and from no other fund," Judge Wickersham said this had been put in as a check because there had been some looseness in paying money out of different funds heretofore.

Other minor amendments were discussed by the speaker in connection with the officers and boards involved.

Legislature Has Wide Powers

Discussing the powers of the Legislature, he said no other Territory had possessed an organic act

	<p>giving it as wide a range of powers as that possessed by the local Legislature. Every case taken to the "Supreme Court of the United States involving the constitutionality of laws passed by it had upheld its powers.</p> <p>Some barriers and checks were placed on it by the Congress as in every case. Some limitations were inserted in the Act when it reached the floor of the house, but over his protests. He said the limitation placed against the Legislature enacting laws on fisheries subjects was one of this kind and was put in over his vigorous protest. Generally, he summed up, the Legislature has more power than ever was given to any Territory and its constitution in some respects is more far-reaching than the Constitution of the United States.</p> <p>Quotes Newspaper Comments</p> <p>He quoted adverse newspaper comments from "Stroller's Weekly," the other local "daily paper," the Ketchikan Chronicle and the Daily Gateway of Seward. The first named publication, he said, objected because it feared it would put the control of Alaska in the hands of the Indians. "If we are to wait until all the Indians die off, we will never get territorial self-government," he asserted. The Assertion of the Ketchikan paper that it would merely add another bureau and entail more costs of administration, he declared, was not borne out by facts.</p> <p>The other "local daily" had not been fair in its comments, he asserted. It continually talked about the limitations of the Legislature, and about the necessity for a county form of Government in order to have complete local-self control. Nobody wants a county government in Alaska, if they did, all that was necessary to get it was for the Legislature to pass the necessary legislation and have it sent to Washington and get Congress to approve it.</p> <p>Recites Original Fight</p> <p>He then cited the difficulties encountered in getting the present Organic Act through Congress. He asserted he had to fight Gov. Hoggatt and President Taft and it wasn't an easy fight. It included fighting bureaucrats and a cannery lobby, but he won.</p>
<p>Diary 37, 1927 March 30</p>	<p style="text-align: center;">30</p> <p>[clipping continued]</p> <p>As a result of his victory, he said, he had received numerous telegrams and letters of congratulations. Two letters addressed to him and signed by John W. Troy were read in which Mr. Troy congratulated him in the successful termination of his fight, upon his re-election and hoped for him future success in Congress and political fields. These letters bore dates in May and</p>

August, 1912.

That writer's present statements, charged the speaker, are unfair and not made in good faith. They are made for the purpose of beating the bill. "You people know what we are up against when we attempt to get legislation for the people instead of for the big canneries," he added.

Makes Personal Appeal

Judge Wickersham closed by a personal appeal to the Legislators not to get an "inferiority complex." They represented a potentially greater country than the original 13 colonies, he said. Alaska stands just where the colonies stood on July 4, 1776, - at the very beginning of Government. "Pass this bill," he urged, "and give the people the beginnings of self-government."

Of the 185 laws enacted by Alaska legislatures, not a single one of them, he declared, have any element of self-government, he charged. The Controller Bill, he praised as an American Bill. There are more than 50 bureaus operating in the Territory, over 30 Federal and over 20 Territorial in nature.

He attacked the right of the Governor and the Secretary of the Territory to function under Territorial laws. The Controller Bill, he had declared previously, does not take away any power from either that has been vested in them by Federal statutes, merely duties that have been bestowed on them by local statutes. Under the provisions of Section 11, of the Organic Act, neither could legally discharge such functions and duties. In this connection he quoted rulings of former Attorney General George B. Grigsby, Attorney General Rustgard, and the Marshal vs. Callaham opinion of the Circuit Court of Appeals. Basing his assertion at least partly on these, he declared both the Governor and Secretary were equally disqualified for Territorial duties.

He closed by his appeal to the Irish members and his warning that a vote against the bill would be followed up at the polls.

[clipping]

JUDGE WICKERSHAM AND 1912
CONGRATULATIONS.

Judge Wickersham declared last night that The Empire has not been fair toward him or his Organic Act and in support of the contention he read a letter from the editor of the Empire, written in August 1912, shortly after the passage of the law, congratulating him upon its passage.

However, as usually is the case with him, Judge Wickersham did not tell all the facts.

In the first place, in 1911, when on his way to

	<p>Washington, Judge Wickersham asked the editor of the Empire, then a resident of Seattle, to intercede with Alaska and Seattle Democrats to get them to exert influence upon the then recently elected Democratic majority in Congress to support his Alaska Territorial Government Bill. In response to this request the editor of the Empire took the matter up with A.J. Daly of Nome and Judge Jennings of Juneau, and Charles G. Heifner and William Pigott of Seattle. After going over Judge Wickersham's bill it was decided that it would be impossible to support it unless he would cut out a lot of the limitations that were in it. When this was reported to Judge Wickersham he became very angry. He</p>
<p>Diary 37, 1927 March 30</p>	<p style="text-align: center;">30</p> <p>[clipping continued] and R.F. Roth of Fairbanks had had a debate over his bill, Mr. Roth contending that it contained so many limitations on the power of the Legislature that it would be worse than useless. However, those who had been considering the bill remained firm, and Judge Wickersham finally, with grit reluctance, consented to make the suggested changes.</p> <p>"I will humble myself," he said, "I will admit that Roth was right and I was wrong, because I must have the aid of the Democrats in Congress or I shall fail."</p> <p>He then asked that one of the Democrats who had been considering the bill, preferably Judge Jennings, write him a letter stating the changes that were demanded. That was done.</p> <p>When the bill was passed, the editor of The Empire congratulated judge Wickersham. He supposed that he had made the promised changes in his bill. Only some of them had been made. Judge Wickersham said that the bill was the "first step" toward self-government, and all that was necessary was to follow it up with other steps.</p> <p>Four months later, President Taft, in his message to Congress in December 1912, asked that Alaska be given a full Territorial form of government. That was a clear invitation to take the next step. Judge Wickersham did not take it. A year later, President Wilson made a similar request. Judge Wickersham made no move. Three years later, Bo Sweeney, Assistant Secretary of the Interior, writing for the Administration said that President Wilson and Secretary Lane still stood for a full Territorial government for Alaska. Still Judge Wickersham took no step. That brought us to the campaigns of 1914 and 1916.</p> <p>Under the circumstances, the editor of The Empire believed and still believes, that Judge</p>

	<p>Wickersham had forfeited any claim he might have had to the confidence of those who believe in self-government for Alaska - of government of Alaska by Alaskans. He has done nothing to regain that forfeited confidence.</p> <p>The editor of The Empire has no apology to offer for congratulating Judge Wickersham in August 1912 for negotiating the first step toward self-government. He only regrets that the distinguished gentlemen never gave him an opportunity to congratulate him on taking another step.</p> <p>[clipping] WICKERSHAM AND THE FISHERIES LIMITATION IN ORGANIC ACT.</p> <p>Judge Wickersham said last night that the limitation in the Alaska Organic Act providing that the Legislature could not amend or repeal the Federal fisheries and game laws for Alaska was placed in the bill by amendments offered from the floor of the House and passed over his protest.</p>
<p>Diary 37, 1927 March 30</p>	<p style="text-align: center;">30</p> <p>[clipping continued]</p> <p>The debate over this question may be found in the Congressional Record beginning at page 5,285, volume 48, 62d Congress. It shows that Mr. Willis, now a Senator from Ohio but then a member of the House, offered an amendment providing that the Alaska Legislature could not repeal or amend the Federal game laws of Alaska. Mr. Mann, the Republican leader in Congress, offered an amendment to the amendment, providing that the Federal fisheries laws also should be immune from repeal or amendment by the Alaska Legislature. Mr. Willis accepted the amendment. At page 5,288, volume 48, 62 congress, Congressional Record, appears the final dialogue of the debate. It follows:</p> <p>MR. WICKERSHAM I think they ought to be allowed to amend them.</p> <p>MR. WILLIS - WE HAVE A FEDERAL FISH LAW IN ALASKA. THE GENTLEMAN IS NOT OBJECTING TO THAT?</p> <p>MR. WICKERSHAM - NO.</p> <p>Mr. WILLIS - That is all this amendment provides-that the Legislature shall: not have power to amend the present fish and game laws.</p> <p>MR. WICKERSHAM - What does it mean?</p> <p>MR. WILLIS - It means that the present laws shall stand.</p> <p>MR. WICKERSHAM - I SHAL LWITHDRAW MY OBJECTIONS.</p> <p>Prior to this colloquy, Mr. Wickersham said: I should have no objection to the House putting in a provision reserving the right to Congress to</p>

	<p>control the game laws. And Mr. Wickersham said, further, referring to the Federal fish laws for Alaska: Mr. Chairman, I think the fish laws ought to be left alone. It is well to add also, that the amendment would not have carried if Mr. Wickersham had not consented. The House Committee on Territories had agreed to stand by the bill. In fact, Judge Houston, Chairman of the Committee, had protested to Judge Wickersham about the number of limit's he was putting in the bill. He said that it seemed that the Delegate from Alaska was trying to get just as little authority as possible for the Territorial Government and assured him that the House of Representatives would stand by the Committee on Territories and over-ride objections of those who might oppose a real Territorial government.</p> <p>WHAT JUDGE WICKERSHAM THOUGHT ABOUT HIS ORGANIC ACT IN 1912. Judge Wickershams declaration last night that the Alaska Legislature has more power than any other Territorial Legislature was ever given is too silly to claim serious attention. However, it must be admitted that it is appropriate that attention should be called to what Judge Wickersham, him-</p>
Diary 37, 1927 March 30	<p style="text-align: center;">30</p> <p>[clipping continued] self, thought about it in 1912. In explaining his bill to the Senate Committee that was considering it he said: As I said, all our people have declared in favor of an elective Legislature. We want a Territorial Legislature, a small one of 24 members, WITH ITS POWERS SO LIMITED THAT IT CAN DO NO INJURY, LIMITED IN THE WAY OF TAXATION, LIMITED ABSOLUTELY IN THE WAY OF POWERS WHICH THEY MAY USE EITHER FOR OR AGAINST THE PEOPLE: WITH A GOVERNOR, APPOINTED BY THE PRESIDENT WHO MAY VETO EVERY BILL THEY MAY PROPOSE; with a provision that every law which is thus passed and approved by the Governor, or passed over - his veto, shall come before Congress and may be disapproved. That is what we want. WE WANT EVEN LESS THAN ANY OTHER TERRITORY HAD.</p> <p>A fair typical statement of the untruthful character of Troys editorials may be had by comparing his assertion in the second editorial that Judge Houston, chairman of the Committee on Territories</p>

	<p>said certain things about the Bill then (April 24, 1912) pending before the house of Representatives; Houston was not the Chairman of the Committee at that time, nor for some time afterward. Flood, of Virginia, was the Chairman, as the Congressional Record shows, etc., but Troy does not expect his readers to look up the Record for the facts - & they do not. His editorials are a number of falsehoods, of which this installment is fairly typical.</p>
<p>Diary 37, 1927 March 31- April 2</p>	<p style="text-align: center;">-31st -</p> <p>Busy in office as usual. Correspondence, much interest in Controller Bill. The fight is hard and furious, - the Territorial papers are coming to the rescue of the Governor and opposing the Bill. It will be a close vote.</p> <p style="text-align: center;">-April 1st -</p> <p>Working in office as usual. Dinner tonight with Dr. & Mrs. DeVighne, Sutherland & others.</p> <p style="text-align: center;">-2nd -</p> <p>Court this forenoon. Preparing the present case of Matheson heirs on Monday. Sutherland will go on SS. Watson, to the westward - will make some speeches - at Anchorage & other places in the interest of the Controller Bill. The fight on the bill in the Senate is growing more intense & the result is in doubt. Dunn, of 4th Division, is the pivotal vote - and no one knows whether he will vote for or against it. He is weak - but ought to be for the bill!</p>
<p>Diary 37, 1927 April 3-4</p>	<p style="text-align: center;">-3rd -</p> <p>Sutherland went to Anchorage - last nights boat. Recd. nice letter from Darrell - he is back in S.F. after 5 weeks in the East. Seems very much pleased at trip & treatment by Company with whom he is employed. Says they gave him a raise for this year beginning Jan. 1. - he says Jane is suffering from rheumatism, etc. Controllers Bill is yet in doubt in the Ter. Senate and may be defeated there. Sunday - but worked all day on the Matheson Estate case. Judge Reed has reversed himself on his opinion of June 20, 1924, & now holds that the decree which he then sustained is now void & sets it aside & orders new account.</p> <p style="text-align: center;">-4th -</p> <p>Argued law in the Matheson Estate case on proposed findings today. Reed has reversed his former decision - and now opens up final decree in which we brought suit against the bondsman.</p>
<p>Diary 37, 1927 April 4</p>	<p style="text-align: center;">4th - continued.</p> <p>[clipping] JUDGE WICKERSHAM AND CONSISTENCY. There is an old saying that those who live in glass houses should not throw stones. Judge</p>

Wickersham's record for consistency has not been so grand and glorious that he does not come within the meaning of the glass house proverb.

Tuesday night he had a lot to say about the duty of the legislature to change the form of government of the Territory. The performance caused people to harken back to an occasion a dozen years ago when the Judge lectured a Legislature because it took, according to his idea at that time, too much interest in the question of self-government.

Judge Wickersham came to Juneau in 1915 and found the Legislature not performing to his liking. It was considering with apparent favor a memorial asking for full Territorial government. He rented a hall and made a speech about the same length as his Tuesday's effort, in which he denounced The Empire and certain members of the legislature. He got very angry as he proceeded with his speech and finally defied the whole Legislature.

On this occasion, Judge Wickersham told the Legislature to "keep your fool memorials." He continued, "I will go as far without them as with them."

But even that was not strong enough, for he later in the speech, told the Legislature:

IT IS NONE OF YOUR BUSINESS WHAT
KIND OF A GOVERNMENT YOU HAVE –
THAT IS FOR CONGRESS TO SAY.

But that was a time when the Territorial Legislature was really and seriously endeavoring to get a wider measure of self-government for the Territory. It was different from the present situation when the political machine of which Judge Wickersham is a conspicuous part is endeavoring to get "straw boss" positions for one or two of its members and a place on the payroll for other henchmen.

And that reminds us that Judge Wickersham said in his speech Tuesday night that he had to fight a long battle with Gov. Hoggatt and other opponents of self-government in order to get his Organic Act passed. It was not such a long fight for him. Less than five years before the passage of his measure and a few months before he announced his candidacy for Delegate to Congress in 1903 he wrote a letter in which he said that he agreed with Gov. Hoggatt that Alaska should not have a Territorial Government.

This is all in keeping with his statement to the Senate committee that considered his Organic bill when it was pending in the Senate that:

We want a Territorial Legislature***
LIMITED ABSOLUTELY IN THE WAY OF
POWERS WHICH THEY MAY USE
EITHER FOR OR AGAINST THE

	<p style="text-align: center;">PEOPLE.</p> <p>Judge Wickersham has been on both sides of nearly every question that has been before the people of Alaska. He has been consistent in nothing, but he has been more nearly consistent in opposing self-government than anything else.</p>
<p>Diary 37, 1927 April 5</p>	<p style="text-align: center;">-5th -</p> <p>Spent most of the day preparing papers in the case of Matheson minor heirs, against whom Judge Reed has recently decided a case, very unfairly, I think. I am preparing to take an appeal on law points - if I can persuade myself I can secure a reversal. He is "<u>loading</u>" the record with every obstacle possible to prevent a reversal - he would rather be guilty of additional wrong than to be reversed! Of course I must keep quiet, but work the harder.</p> <p>Also wrote affidavit in support of application of Pardon for Joe Williams, Indian, who was found guilty of assault with intent to kill - on what is now admitted perjury. Rather a hard day with two bad cases.</p> <p>It looks doubtful if the Controller Bill will pass. I am the more resigned to fight because it is a public matter and will be passed in time, as it ought to be now. The people can remedy that situation when they are well advised & will do so at the polls.</p>
<p>Diary 37, 1927 April 6-7</p>	<p style="text-align: center;">-6th -</p> <p><u>The Controller Bill was defeated in the Senate today: Hunt, Steel, Brown and Frame voted for the bill. Jensen, Pratt, Dunn & Howard voted against it - and failing to receive five votes it was lost.</u></p> <p>The House members will now attempt to pass it in that body, with some changes, and send it to the Senate again - if they can pass it in the House! Some oratory was loosened into a "Taku" which blowing at the time, and thus the much feared "political machine", to be elected by the people of Alaska, was destroyed by the Senatorial Solons!</p> <p style="text-align: center;">-7th -</p> <p>The Empire was filled today with abuse of those who supported the Controller Bill - and much space given especially to the effusions of Dunn & Jensen: They are gone over entirely to the Empire - Bureaucratic crowd.</p> <p>One Pat Gilday seems to be in charge of Dunn & other Bureau officials are active in charge of lobbying.</p>
<p>Diary 37, 1927 April 7</p>	<p style="text-align: center;">7</p> <p>This editorial and the long front page quotations from the speeches of Senators against the Controller Bill ought to convince those blind senators that they are being led with a ring in their noses, like a little red bull at a county fair: But they are carried away with their own victory & cannot</p>

	<p>understand. They seem to think every part of Alaska is moved like the little portion in Juneau. There is to be a meeting of the members of the Legislature in my office tonight who support the Controller Bill, to consider further steps to be taken in the fight for its adoption. I will not be present.</p>
<p>Diary 37, 1927 April 8-9</p>	<p style="text-align: center;">-8th -</p> <p><u>Thirteen members</u> of the Legislature - 4 Senators & nine Members of the house, <u>met in my office last night</u> and agreed to amend the Controller Bill, by leaving out the Atty. Genl. and putting in the Governor, and as thus amended, they agreed to pass the bill through the House and try to secure Dunn or Howard to vote for it in the Senate! They say Dunn has agreed he will vote for it as thus amended - but I doubt whether he will or not.</p> <p style="text-align: center;">-9th -</p> <p>Office work as usual. Am making some additional cards for Bibliography of Alaska. The Legislature <u>may</u> provide for its publication - the House has passed the appropriation of \$5000. to pay for it, but it has yet to pass the Senate & the Governor.</p> <p style="text-align: center;">-10th -</p> <p>Sunday and working on Biblio cards Sutherland telegraphs good meeting at Anchorage & great majority favor Controller Bill!</p>
<p>Diary 37, 1927 April 10-12</p>	<p style="text-align: center;">-10-</p> <p>The lower House of the Legislature passed the Fairbanks Agri. College bill, with a section providing \$5000 for publishing my Bibliography as Misc. Vol. No. 1. of the College.</p> <p style="text-align: center;">-11th -</p> <p>Busy with law work, but also at work on retyping pages of the Biblio. with additions. Recd. and read with much interest the Jan - Feb Vol. 27, No 1, Nat. Hist. Journal of the Am. Mus. of Nat. Hist. N.Y. in describing the big lizard, Varanus Komodomesis from the island of Komodo, east of Java.</p> <p style="text-align: center;">-12th -</p> <p>Very busy day in the office. Many cannery men here on legislation. Some come in and see me about matters. Recd. letter from Jen - with copies of Tennessee record about our Great-Great Grandfather <u>John Word</u> [Ward?] - Revolutionary Soldier - hon commissioned officer in the Continental line. I have</p>
<p>Diary 37, 1927 April 12</p>	<p style="text-align: center;">12</p> <p>copied these originals and will return them to Jen, but be returned to Nan, who followed up this branch of our genealogy to these records. Our Great Grandmother was John Words daughter - I have a good photograph of this great grandmother - and as a boy I often visited her - She then had a neat, clean home near Grandpa</p>

	<p>McHaneys in Marion Co. Ill. where I was born. John Wood was a great land owner in Tenn. - 1000 acres given to him by North Carolina as a non-commissioned officer in the Revolutionary War. He also owned many slaves etc. as his will shows. My great grandmother disposed of her slaves & came up to Ill about 1840 - and ever after lived in free territory.</p> <p>[clipping]</p> <p style="text-align: center;">SUTERLAND DEFENDS THE CONTROLLER BILL</p> <p style="text-align: center;">Delegate Addresses a Meeting at Anchorage-Places Self Alongside of Wickersham</p> <p>Anchorage, Alaska, April 11.- Talking bureaucracy as his subject, Delegate Dan A. Sutherland addressed a theatre crowd Saturday night. He quoted President Coolidge and Senator Reed of Missouri against the system of bureaucracy and in favor of State rights.</p> <p>The Delegate declared that State rights and local government will be the paramount issues in the next National and Territorial campaigns.</p> <p>He flayed the Alaska press as being subservient to big interests, designating them as being among the "malevolent factors slinking along the highways" in the effort to serve bureaucracy. He particularly scored the Anchorage Times for edit opposing the Controller Bill.</p> <p>The delegate declared that the Controller Bill did not propose to take away functions Congress had delegated to the Governor but only to take away from him those powers conferred on him by the Legislature and relieve Alaska of the bureaucratic rule of Federal officials.</p> <p style="text-align: center;">Praises Wickersham</p> <p>Sutherland praised Judge James Wickersham for "twenty years of fighting for the people of Alaska against the interests." He said that he hoped to continue the fight along side of Judge Wickersham. A rising vote indicated that a big majority of those who attended the meeting favored the Controller Bill in principle.</p>
<p>Diary 37, 1927 April 13</p>	<p style="text-align: center;">-13th -</p> <p>Sutherland returned to Juneau on the early boat this morning - says he had a good big poll meeting at Anchorage etc that the public there is strongly in favor of the Controller Bill. He showed me a letter from Fairbanks, from Albrecht, Pres. of Republican Club saying they had a public mass meeting there which declared in favor of the Bill, with only 4 dissenting votes - etc. Offices full of politicians tonight discussing</p>

	<p>Controller Bill. Howard, Pres. Senate, threatens to sustain a point of order against further consideration of the Controller Bill if it comes to the Senate from the House, even with the Governor in place of the Attorney General - as was in the bill voted on in the Senate. Tonight, however, Howard asked Paul to discuss the House bill with him - and he seems to be in doubt about what to do now - He has a rubber string for a backbone.</p>
<p>Diary 37, 1927 April 14-16</p>	<p style="text-align: center;">-14th -</p> <p>District Court convened today: Three boys from Petersburg are sent to me by Earl N. Ohmer, the shrimp man, lobe defended for riot. It was a case of a boyish squabble with three Filipino which resulted in a fight - nothing serious. Grand Jury drawn & put to work. Had dinner tonight with Sutherland at Mr. & Mrs. Morrisons - "Stevie & Pete," a good dinner. Office filled each night with members of the Legislature talking "Comptroller Bill."</p> <p style="text-align: center;">-15-</p> <p>The Grand jury found "not a true bill" in the case of the three boys from Petersburg - much to my relief. Busy in office, and when not busy I am making some additions sent to me by Hugh A. Morrison, Congressional Library to the Bibliography of Alaska. Much interest in Legislation over the Comptroller bill.</p> <p style="text-align: center;">-16th -</p> <p>Court announced this morning that most of the jury cases must be postponed until after July 1. on account of the failure</p>
<p>Diary 37, 1927 April 16</p>	<p style="text-align: center;">16</p> <p>to pass the Urgent Deficiency Bill by Congress - there is no money to keep the jury at work. My cases - Bowersox - v Behrends Bank, etc. went over with the other jury cases.</p> <p><u>The Comptroller Bill passed the House of Reps. today by a vote of 9 to 7, after several hours oratory</u> - But, it will fail in the Senate, where Howard, presiding officer will sustain a point of order against it, and prevent its passage - even if it had the votes to pass, which it does not. The vote there will be, as before, 4 to 4. Our boys have made a good fight - the total vote in the Legislature stands 13 for the bill and 11 against it - but the 4 to 4 vote in the Senate prevents its passage. Gaffney, from Nome, today lauded the Bunas and claimed they made good government & declared he wanted more Bureaus. It seems they do not understand or appreciate the principle of self-government by the people - they are for a bureaucratic system.</p>
<p>Diary 37, 1927 April 16</p>	<p style="text-align: center;">16</p> <p>[clipping]</p> <p style="text-align: center;">THINGS TO CONSIDER.</p>

When a lawmaking body is called upon to pass upon a measure which would provide a change in the government or in the matter of doing things, the first thing that ought to be considered is, "What is wrong with conditions as they are?" If present conditions are satisfactory the matter should be dropped. If conditions as they are are not right the next thing to consider is whether or not the proposed measure is the best remedy.

And in considering these questions, due weight should be given the doctrine laid down in the Declaration of Independence that: Prudence, indeed, will dictate that Government long established should not be changed for light and transient causes.

What is wrong with the operation of the Government of Alaska? Gov. Parks says it is efficient and economical and functioning satisfactorily. Who knows more about it than Gov. Parks?

EVASION.

A short time ago in referring to the circumstance that Judge Wickersham had been accused at a committee hearing, when his Organic Act was pending, of trying to get just as little self-government as possible for the Territory, we referred to Judge Houston as the accuser and as "Chairman of the House Committee on Territories. Judge Wickersham has denied the Empire's statement by declaring that Judge Houston did not become chairman of the committee until the next Congress. It is true that Henry D. Flood was Chairman of the House Territories Committee in 1912 but it also is true that Judge Houston was the ranking member of the committee and actually presided as acting chairman at most of its meetings in the 62nd Congress.

Judge Wickersham's denial recalls an incident that occurred down in the State of Washington at the time of the 1893 panic. A business, political and personal feud had developed between the officers of the only bank in a certain town and one of the most active lawyers in the town. The bank failed and its receiver employed the enemy of the bankers as his attorney. The officers of the bank sought to have the Comptroller of the Currency force the bank receiver to fire the lawyer and employ another, and they filed charges in support of their request. One day the bank receiver got a telegram from the Comptroller of the Currency that read something like this:

Serious charges have been filed against your attorney, the worst being that he had been indicted for arson in Smith Country, Kansas. Have him deny or explain.

	<p>[Wickersham interjects:] EVASION: I have so frequently denied this part of Troy's statement that there is no need to do it again. Anyway, the record shows that no one else has obtained or attempted to obtain anything in the way of self-government for Alaska, so why quarrel with him about it. Then, too, I have no paper to print my statements - and again he may have some letter from Judge Houston! so I will let the record speak for itself. The people of Alaska know the record - and Troy!</p> <p>[clipping continued] Of course the counties were not names Smith and Jones nor were they in Kansas, but otherwise the incident is history. Judge Wickersham will not deny that the accusation that he was trying to get as little self-government as possible was not made.</p>
Diary 37, 1927 April 16	16 [clipping continued] The receiver immediately showed the telegram to his attorney who asked if he might answer it. Getting the receivers consent, the attorney addressed a telegram to the Comptroller of the Currency that read something like this: The charge that I was indicted for arson in Smith County, Kansas is a malignant lie, made out of whole cloth. It was Jones County. Of course the counties were not names Smith and Jones nor were they in Kansas, but otherwise the incident is history. Judge Wickersham will not deny that the accusation that he was trying to get as little self-government as possible was not made. <p>[clipping] GAFFNEY MAKES STRONG SPEECH ON CONTROLLER Veteran Legislator Attacks Controller Bill-Praises Gov. Parks Message The House today began its debate on the celebrated Controller Bill and it was expected that a vote would be reached this afternoon. Passage of the measure was expected. Representative Gaffney, Nome, had delivered the principal address against the measure at mid-afternoon. It was a carefully prepared address, impressively delivered and carried a sustained and logical argument against the measure which he scornfully termed a piece of "rainbow-chasing, job-creating legislation." Ross Opens Debate</p>

Representative Ross, Fairbanks, opened the debate with a short talk approving the measure. He denied it was a radical departure from establishment forms of Territorial government. Heretofore, he noted, the Legislatures of Alaska had utilized existing machinery in governmental administration. In this manner many duties have been piled upon the Governors and Secretaries of the Territory, many of which must perforce be entrusted to clerks by reason of their multiplicity. It was not fair to overburden these officers, he argued, and it was right and proper for the Legislature to create new offices to take care of new duties.

Pleas for Governor

Mr. Gaffney, delivered his address from manuscript from which, however, he departed upon several occasions. Once he picked up a printed copy of Gov. George A. Parks' biennial message to the Legislature and quoted passage after passage from it which, he asserted, contained the most forceful arguments possible to be uttered against the measure.

"I suppose you would call him a bureau chief," he declared. "I wish to God we had many more men of his type in Alaska," he cited the Governors figures on cost of Government administration, six per cent of the total revenue and challenged proponents of the bill and business men generally to lower this in either government or business. "They never tell you in figures how much it costs to run their political scheme. Ah, No! They never touch figures in detail. Only a mass of glittering generalities to blind the unthinking public."

Points to Difference

And after reading again from the Governor's message, he declared: "What a distinct difference between Gov. Parks and Mr. Wickersham? Let us compare the homely but logical deductions in the message of our Governor. Here every phase of Alaska's conditions are laid bare, every sphere of the Territories industries are analyzed, every problem confronting us receives the most minute and searching scrutiny. Solutions for the many intricate phases of our social, political and industrial activities are offered with a clearness and vigor character of the rugged honesty and fearlessness of our Executive. He warns against experimental legislation, meaning undoubtedly measures like the Controller Bill and other measures of like ilk. His youthful and highly technical mind deals not with visionary projects but with cold realities. He sees

[Wickersham interjects:]

	<p>One thing I notice! Troy does not permit the Empire to denounce the Controller Bill Principle! He lets Gaffney & his followers do it, – but he keeps clear of that mistake.</p>
<p>Diary 37, 1927 April 16-17</p>	<p style="text-align: center;">16</p> <p>[clipping continued] Alaska, her people and conditions as they are from a closeup picture, having traversed the Territory from one end to another last summer. His long continuous residence, his associations with the “roughneck” as well as the business man or professional man, gives him the background on which to base his opinions. And like the rugged mountains of the country which God destined him to preside over, he stands unawed and unalterable in his sound convictions by the political blizzards that bowl around his head.”</p> <p style="text-align: center;">Tribute to Wickersham</p> <p>Mr. Gaffney opened his address by paying a compliment to the “master mind of Mr. Wickersham” whom he described as the principal proponent of the measure. But, he asked, “Is it not possible he may be mistaken in the wisdom he is seeking to bring about? It is not possible that in his political retirement he has estranged himself from the intimate knowledge of interior and northwestern Alaska with which he was once so closely in touch? Evidently his mind does not visualize that the days of the individual in that vast stretch of country from Seward to Kotzebue Sound is a thing of the past. That were it not for capital, the flourishing camps he once knew in the heyday of their success would be as dead as Siberia where they have so many Controller Boards they manage to keep that mineralized country a wilderness. Or, probably, living in the Panhandle of Alaska, his political vision is circumscribed by the narrow strip of land that extends from Icy Strait to the Canadian border. Or, it may be, chafing under the restraints of political inactivity, he again seeks the allurements of public life.”</p> <p style="text-align: center;">Analyzes Controller Pamphlet</p> <p>Mr. Gaffney disposed of the printed pamphlet advocating the passage of the Controller Bill in a few biting sentences. It did not show one benefit that would be derived from it by the industrial, economic or political life of Alaska, he declared. It contained only one impressive subject, he asserted, “that of creating a political superstructure and add to the bureaucratic system which he derisively stigmatizes ‘A new litter of pups.’ Clear though the pamphlet is the specious, sugar-coated argument that the bill, if it becomes a law-and I know it won’t-will be a step to Statehood... Without population all</p>

	<p>the Control Bills you might pass for the next 20 years would not bring you one step nearer statehood much less a full form of Territorial Government, which would be the first step instead of the patchwork this bill aims to establish.”</p> <p style="text-align: center;">Close with Defi</p> <p>Mr. Gaffney closed his speech with a defiance to those who would whip reluctant legislators into line with threats of defeat at future elections:</p> <p>“Will this cajolery, intimidation, threats of political death, the kiss of death it was called, sway legislators from the sense of righteousness, or what they inwardly believe to be right? Will it force them to drive the Territory into industrial darkness while political industry will bark in the sunshine of that offices.</p> <p>“I think not and I believe my judgment will be verified when the roll call of this House has passed into history. For my part, paraphrasing the words of a great American ‘Give me liberty of thought and action or give me political death.’ Let the bosses who selected me as their agents in this assembly-I mean the voters of the Second Division give their decision but never to the autocracy of a self appointed political boss, or the swishing of a master’s whip. Mr. Speaker with the courage of my conviction as a free and independent member of this legislature I will record my vote in the journal of this house as oppose to the passage of this act for the reasons I have stated.”</p> <p style="text-align: center;">-17th -</p> <p>Sunday: Working in office finishing touches on the Bibliography of Alaska. Sutherlands Birthday. Dinner with Simpson McKinnon & wife & family. Birthday cake for Sutherland. Office full of politicians talking about the passage of the Controller Bill.</p>
<p>Diary 37, 1927 April 18</p>	<p style="text-align: center;">-18th -</p> <p>Working in the office as usual. The Senate is divided over Controller Bill. It is rumored that President Howard will sustain the point of Order made against it today by Senator Pratt, - that it is identical with Senate Bill No 1 - which it is not. I am preparing a Resolution & a Protest to be made by 4 senators against that action of made. Pres. Howard stated on Pratts making the objection or point of order, <u>that he would take under advisement until 2 oclock Wednesday.</u> The other Senators will protest - appeal first and protest afterwards. <u>Probably the House will adopt a Resolution of Protest also!</u> Talked tonight with Senator Steel about sounding out Senators Dunn and Howard, about their interest in naming the Controller - in case they will</p>

	act with Steel & pass the bill. <u>He intends to have such a talk - probably through Senator Frame.</u>
Diary 37, 1927 April 19-21	<p style="text-align: center;">-19th -</p> <p>Same as yesterday. The Legislature is hearing the Canneryman in opposition to fishery legislation. Busy in office with litigation.</p> <p style="text-align: center;">-20th -</p> <p>Busy on law work today - office as usual. Sutherland and I visit much these days & discuss plans for his next campaign.</p> <p style="text-align: center;">-21st -</p> <p>Same as usual in office. President Howard of the Senate sustained Point of Order against the Controller Bill: on vote of appeal the Senate voted 4 to 4. Steels new bill to elect a Controller, as a separate proposition, was approved by the Senate Com. <u>for passage</u>, by <u>Dunn</u>, Brown & Steel! He & Howard also have introduced a bill to elect a Treasurer - our friends will vote for both! Dinner tonight with Sutherland - present Speaker Smith & wife & I.</p>
Diary 37, 1927 April 22	<p style="text-align: center;">-22nd -</p> <p>Working in the office as usual. <u>Dunn, Senator, today repudiated his signature to the favorable report of Steels Controller Bill - says it was a mistake! The house today appointed a Committee to confer with a like Committee from the Senate on the exclusion by the Senate by point of order, of the House Controller bill! The House resents the action of the Senate.</u></p> <p>I have spent much of the day looking up the decisions of the Courts in the matter of the enactment of <u>Special</u> and <u>local</u> laws - subsidy Bills such as that for making up any loss to Lomen's steamboat carrying freight & passengers from Nome to Kotzebue Sound!!</p> <p>I am inclined to bring suits after the adjournment of the Legislature to prevent the payment of such subsidies, and other appropriations for local and special uses to private corporations.</p>
Diary 37, 1927 April 23-25	<p style="text-align: center;">-23rd -</p> <p>Studying the law of "<u>subsidies.</u>" At court room part of the day. Miss Jessup, correcting several badly cluttered up pages of the Biblio. -finished the same and again the Ms. is done - though Allen of Seattle -another Biblio & Book crank will add some items to the "Cook" & "Le Perouse" list - when we <u>will</u> be done with it.</p> <p style="text-align: center;">-24th -</p> <p>Sunday. Spent part of the day rearranging Debbies things and pictures etc. and putting them away. Dinner with the McKinnons: Sutherland was the principal guest, of course, but he overlooked the engagement - but thought about it an hour late</p>

	<p>- & came and apologized etc. We had a nice dinner & spent a pleasant evening. -25th -</p> <p>Busy in the office. Brought a new suit for the Matheson children against Patenaude, et al. to recover judgment on notes given by Walker & Russell & indorsed by Patenaude.</p>
<p>Diary 37, 1927 April 26-27</p>	<p>-26th - Busy in the office. Nothing new. -27th -</p> <p>Same as yesterday - Sutherland goes to Petersburg tonight - back in 3 days. Brought suit Snyder v Snyder, divorce, etc.</p> <p>Received letter from Arthur D. Clark, Cleveland, Ohio book publisher about my Ms. "Old Yukon Trails" - offering to publish the book on shares - I to pay 1/2 and he 1/2 of the cost of publication & to divide equally the profits. Since the publication will cost about \$6000, I must decline to go into the publishing business. He speaks well of the Ms. and I hope he will conclude to take the chances without me. I shall write to him a good letter of explanation, for I think it will prove, not a best seller, but a long continued and steady seller, especially to tourists on the Mt. McKinley Railroad and along the tourist line to that Mt.</p>
<p>Diary 37, 1927 April 28-29</p>	<p>-28th - Same as usual in office. -29th -</p> <p>The Territorial Senate today passed the Ag. College appropriation bill, with the special appropriation of \$5000. to print my Bibliography Misc. Pub. No. 1. for that institution. Now if the Gov. does not veto it there seems a fair opportunity to get it printed! While I will get only a small (1/4) share of the books for my Ms. & labor, I am quite satisfied with that consideration! Gov. Parks today sent in the names of Tony Dimond & two other partisan Democrats, to the Ter. Senate, for Regents of the Ag. College. If they shall be confirmed it gives that college over to the bitterest partisan politicians in Alaska as a political plum! Its an outrage and an insult to the people of the Territory.</p> <p>A meeting of Legislators in my office tonight to consider legislative matters. I did not remain - it was a business meeting.</p>
<p>Diary 37, 1927 February 30- May 1st</p>	<p>-30th -</p> <p>Legislature drawing to a close. It has been the most disappointing Legislature in our history. The non-public interests and their subsidized newspapers have controlled it in every thing in which they were interested. The two outstanding strong men have been Senator Steel, of Juneau and Rep. W^m. L. Paul, of Ketchikan, but the power</p>

	<p>of the Cannery and Transportation interests have been too overpowering, and their (Steel & Pauls) efforts have not been successful in securing beneficial legislation for that reason. The effort to secure a separation of the Federal & Territorial -May 1st 1927 Sunday. Worked all day in office preparing to bring suit to restrain the Ter. Treasurer from paying certain appropriations which the App. bill for the Terr. Legis. will carry - for violation of the laws of the U.S. - Unauthorized by such laws.</p>
<p>Diary 37, 1927 May 2</p>	<p>-May 2nd - Same as usual in office. The Legislature has finally been unable, owing to the Senate dividing 4 and 4, to pass the Controller Bill, or to grant any measure of popular government. I am determined to "police" the situation in an endeavor to force some attention to the situation, and I am now engaged in the preparation of a suit which I will bring against the Territorial Treasurer to prevent the payment of Territorial funds for the support of Federal officials - with the expectation of dividing & separating the Federal Bureaus from the Territorial Government. Judge Reed will naturally be favorable to the Federal Bureaus, and I may have to carry the case to the U.S. Circuit Court of Appeals - I am, therefore, busy examining the decisions of the courts to familiarize myself with the legal principles involved. It is an interesting study.</p>
<p>Diary 37, 1927 May 3</p>	<p>-3rd - Am preparing a Complaint in the case to enjoin the Treasurer from paying several appropriation items, which I think are ultra vires[?] & void. Consulting in the matter with Delegate Sutherland, Attorney General Rustgard, Senator Steel, who all urge bringing the suit. 3rd Continued. Have finished outline of Complaint in the injunction suit vs Ter. Treasurer. The Legislature has not yet passed the General Appropriation bill, but will do so in the next 3 days. Adjournment Thursday night. Dinner this evening with Mr. & Mrs. Hosea Ross of Fairbanks. He is member of Legislature. Sutherland and I took dinner with them. The SS. "Yukon" is at the dock & several Fairbanks people on board. Recd. from Harshberger, Admr. Mrs. Wickershams Est. copy of Inventory. Total value of all \$36,757.²³. Her part valued at \$18,378.61 = 1/2 of total. This does not include my bonds & Alaska property.</p>

<p>Diary 37, 1927 May 4</p>	<p style="text-align: center;">-4th -</p> <p>In office as usual. The Legislature is about to conclude its work. The Cannery Lobbyists are in charge & have defeated all efforts to raise their license taxes, and their "<u>friends</u>" in the Legislature have also prevented the increase of the license tax on the Kennecott Copper Co. - which pays a very light tax as compared with the cannery interests. These are much disappointed that (1) the Kennecott Co escapes practically all burdens, and (2) their "<u>friends</u>" in the Legislature have appropriated about \$2,100,000, or \$70.⁰⁰ per capita for the 30,000 white people in Alaska - for 2 years! The cannery men know that this means increased & <u>higher</u> high taxes - out of their pockets- and they are properly shocked - but what can a poor canneryman do, when his own "friends" run a tax increasing "muck"?</p> <p>I am getting my pleadings ready for a suit to restrain the Ter. Treasurer from paying a large number of illegal items in the Appropriation Bill, as soon as it is passed & approved by the Governor.</p>
<p>Diary 37, 1927 May 5-6</p>	<p style="text-align: center;">-5th -</p> <p>My Complaint is ready & I am waiting to hear that the Governor has signed the Appropriation Bill so I can start the suit against the Treasurer to enjoin payment of several illegal items in it. I have concluded to bring the suit in my own name, since there is only the law points at issue, and in that way I can control a suit, for whose costs etc. I must be responsible anyway.</p> <p>The Legislature had not passed the Appropriation bill until late - so I went home & to bed.</p> <p style="text-align: center;">-6th -</p> <p>Informed early this morning that the Legislature passed & the Governor approved the Appro. Bill late last night with all the objectionable items as I had already alleged in my Complaint. So I filed the complaint at 9 a.m. & served the same on the Treasurer before 10 o'clock: Judge Reed signed an Order to show cause and I served that on the Treasurer - the order sets the hearing for Wednesday the 11th at 2. p.m.</p>
<p>Diary 37, 1927 May 6</p>	<p style="text-align: center;">6th continued.</p> <p>This afternoon - after news of my suit was filed - a committee of six or seven former members - Senator Frame, Reps. Paul, Sundquist, Johnson, Worth, Ross - of the Legislature called on me at my office and asked me to withdraw so much of my case as referred to the additional appro. for overtime for the Senate & House employees! They one and all admitted that the appropriation was invalid, but said they had advised the employees (a dozen flappers) that they would be paid for their overtime etc. I explained that these employees of</p>

	<p>the Senate and House were Federal employees, & they could not be paid under Sec. 7 of the Organic Act, etc. which they admitted. I finally told them I would not omit the items - that the - fact that these employees had been paid the Territorial funds for 14 years was a good reason for stopping it now - that I intended to stand by my complaint! They all agreed with me on the law- but, they wanted the "flappers" to get the money! The Legislature "harem" & the <u>cannery lobby</u> are the two most powerful abuses surrounding a weak Legislature.</p>
Diary 37, 1927 May 6	<p style="text-align: center;">6</p> <p>This evenings Empire under a big scare head has the following about my suit:</p> <p style="text-align: center;">SUIT IS FILED AGAINST SMITH BY WICKERSHAM Funds for Governor, Secretary and Legislative Help Is Tied Up by Suit. SAYS APPROPRIATIONS ARE MADE UNLAWFULLY Stops work of Completing Records of Legislature -Ties Up Overtime.</p> <p>Based on a complaint filed by Judge James Wickersham in the U.S. District Court today Judge T.M. Reed issued a temporary order restraining Wallstein G. Smith, Territorial Treasurer from paying out any money from Appropriations made by the Legislature for the office of Gov. George A. Parks and maintenance and repair of the Executive Mansion, Secretary Thiele's office and for all special legislative expenses.</p> <p>The total sum involved is \$42,690. Judge Reed set 2 p.m. May 11, as the time for the Treasurer to appear and show cause why the order should not be made permanent. The suit to stop payment was filed by Judge Wickersham "for himself and all other taxpayers similarly situated."</p> <p style="text-align: center;">Stops Clerical Work</p> <p>The first direct result of the suit was to shut off post-session work in the offices of Secretary of the Senate and Clerk of the House. The special legislative funds tied up by the order were appropriated to cover extra work necessary for preparing the journals of the two houses for publication and other necessary clerical work that always follows the actual session and for overtime actually put in by members of the clerical staffs.</p> <p>While the regular salaries paid the stenographers and typists will not be affected by the action, it will not be possible for them to be paid for any of the hours of overtime work done during the regular session. This amounts to several hundred dollars</p>

	<p>in each branch.</p> <p style="text-align: center;">Notice to Stop</p> <p>President Howard, of the Senate, and Speaker Smith, of the House, when informed by the Treasurer that the suit had been brought at once notified their office forces they would not be responsible for any salary earned for post-session work. Preparations were being made today to suspend work and box up all records and supplies pending definite settlement of the action.</p> <p>It was regarded as unlikely that the journals would be completed for publication. The Federal funds for printing these volumes are not involved in the suit, but money to pay for their preparation is tied up and cannot legally be used until the action has been decided.</p> <p style="text-align: center;">“Frogged Out of Turn”</p> <p>“Judge Wickersham has frogged out of turn,” was the comment of some members of the Legislature today. There was a good deal of feeling expressed that the suit should have included funds to pay off the clerical workers for duty actually performed during the session, in the performance of which they put in many hours of overtime.</p> <p>“As it affects myself as President of the Senate, the Governors and Secretaries offices, I have no feeling at all in the matter. But I do feel very strongly about the loss which will be inflicted upon the women who have worked so efficiently and so hard during the session, putting in many night hours in order that we could have our journals out properly and our records kept up to date,” declared President Howard.</p> <p style="text-align: center;">Followup on Controller</p> <p>Generally members of the Legislature and others accepted the suit as a followup on the defeat of all efforts to pass the celebrated Controller Bill. It was recalled that Judge Wickersham, in his speech before a joint session of the Legislature warned that a suit would be brought against both the Government and Secretary to test the legality of their rights to perform Territorial duties even though they were authorized and empowered to do so by the</p>
<p>Diary 37, 1927 May 6</p>	<p style="text-align: center;">6</p> <p>[clipping continued] Legislature. But there was no hint in the speech, so far as could be ascertained, of any intent to move against appropriations to pay off the clerical forces for work they had actually performed.</p> <p style="text-align: center;">Declined to Comment</p> <p>Gov. Parks and Secretary Theile declined to comment on the suit in any manner. The Governor said he had not seen a copy of Wickersham's complaint which was directed against Treasurer</p>

	<p>Smith.</p> <p>Mr. Smith said he would be represented by the Attorney General at the hearing next Wednesday.</p> <p>The complaint alleges the specific items covered by it are ultra vires and void, and a permanent restraining order is sought to prevent the Treasurer from paying out any of them.</p> <p style="text-align: center;">List of Items</p> <p>The items included in the complaint are:</p> <p style="text-align: center;">OFFICE OF GOVERNOR</p> <p>Additional salary of Secretary to the Governor \$1,440</p> <p>One Clerk 4,200</p> <p>One Stenographer 3,600</p> <p>Janitor, Messenger, etc. 1,200</p> <p>Traveling and contingent expenses of Governor 2,000</p> <p>Dissemination of information about Alaska, etc. 2,000</p> <p>For entertainment 2,000</p> <p>Repairs to Mansion <u>1,250</u></p> <p style="text-align: right;">Total \$17,690</p> <p style="text-align: center;">OFFICE OF SECRETARY</p> <p>Salary of Secretary \$4,000</p> <p>Salary of Chief Clerk 5,280</p> <p>Salary of Asst. Clerk 4,200</p> <p>For additional clerical help 3,600</p> <p>Office rent 3,120</p> <p>Contingent expenses <u>1,500</u></p> <p style="text-align: right;">Total \$21,700</p> <p style="text-align: center;">SPECIAL LEGISLATIVE EXPENSES</p> <p>Compensation to Bartley Howard for preparation of Journal \$ 150</p> <p>Compensation to Sumner S. Smith for preparation of Journal 1,500</p> <p>Employment extra clerical help, overtime, etc., in Senate 1,500</p> <p>Employment extra clerical help, overtime, etc., in House <u>1,500</u></p> <p style="text-align: right;">Total \$3,300</p> <p style="text-align: center;">Are Normal Allowances</p> <p>There was nothing out of the ordinary about the Legislature making these appropriations at this session. Every previous Legislature has provided funds for identical purposes. And the allowances this year are virtually identical with those made by the Legislature in 1925.</p> <p>A special committee composed of Representatives Paul, Johnston, and Sundquist, announced today that the House, as a whole, would personally take</p>
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	<p>care of the stenographers overtime pay in the House, which will be held up by Wickersham's conjunction against Territorial treasurer Wallstein G. Smith. This statement was made by Paul.</p> <p>The suit has started a volume of criticism against me, but I notice it comes from those only who criticise me and my political friends anyway, and for everything we do so I shall go my way without noticing the criticizers.</p> <p>I shall go through with the case - & win it, and thereby widen the pathway between Bureaucracy & free Government.</p>
<p>Diary 37, 1927 May 7</p>	<p style="text-align: center;">-7th -</p> <p>Most of the Legislators have gone home & others will go on the next northbound boats. The business of the Legislature is concluded & it is discovered that there is no extra work to keep even the President of the Senate & the Speaker of the House here - even one day - though the Appropriation items objected to in my suit attempts to pay them for ten (10) days each at Fifteen (\$15.00) per day! <u>It was a graft.</u> The Empire in its editorial accused me of peevishness -but that's not a conclusive argument.</p> <p>[clipping] WICKERSHAM'S PEEVISHNESS BREAKS OUT.</p> <p>Judge Wickersham's suit to prevent payment for work the law requires to be performed in the offices of the Government and Territorial Secretary and for work done and that must be done by stenographers and others in connection with the legislative session just ended is simply an outlet for peevishness that followed the defeat of his effort to make himself an Alaska Mussolini. If he cannot run the Territory, it must not run if he can prevent it. It should be borne in mind that the appropriations that Judge Wickersham has attacked are in every way similar in purpose and amounts to appropriations that have been made by the last half dozen or more Legislatures. The present Legislature departed in no particular from the procedure that has been followed for more than a decade. The appropriations were made to meet needed payrolls.</p>
<p>Diary 37, 1927 May 8-10</p>	<p style="text-align: center;">-8th -</p> <p>Sunday - a rainy Sunday. Worked all day on my brief & argument in the Smith case - to restrain Treas. from paying Ter. money to the Federal officials who think they constitute the Territorial Government!</p>

	<p style="text-align: center;">-9th -</p> <p>Worked all day on my brief in the case against the Treasurer to enjoin payment of graft appropriations.</p> <p style="text-align: center;">-10-</p> <p>Finished by Brief & Argument in the case vs. Smith, Treas. Hellenthal & Hellenthal today served me with a Complaint in Intervention by Karl Theile, as Secretary of the Territory & said they would serve a similar Complaint for Gov. Parks tomorrow morning!! I shall raise the question that neither can commence such a suit, without the consent and appearance of the Attorney General of the U.S. since they amount to suits begun by the U.S. It is growing very interesting!</p>
Diary 37, 1927 May 11	<p style="text-align: center;">-11th -</p> <p>A complaint in intervention was filed for the Governor - by Hellenthal & Hellenthal, attorneys just before noon. I was much crowded for time but was prepared at 2 o'clock & the arguments began. Rustgard served a demurrer for the Territorial Treasurer, and Hellenthal & Hellenthal also appeared for him. I filed a motion to strike the pleadings filed by these private attorneys, because they had no authority to appear for U.S. for Terry. officials: overruled. I then filed demurrers to their complaints in intervention - Rustgard "straddled the fence"! - as usual & only propounded what he called the issues - on inquiry from Judge Reid he refused to commit his judgment on any of them! He talked an hour and said nothing. Hellenthal - Jack - then argued the matters for an hour & gave his theory of the law. I then presented my views for an hour, & at 5 o'clock the court continued the arguments until 10 a.m. tomorrow.</p>
Diary 37, 1927 May 12	<p style="text-align: center;">-12th -</p> <p>I presented the remainder of my argument this forenoon in the case of Wickersham v. Smith, Treas, & Parks, Gov & Theile, Secretary. This afternoon Jack Hellenthal continued for about an hour. The court then took the matter under advisement. The case has attracted much public attention and the courthouse was filled with listeners. I was able to present my case fully - the court listened intently - though I knew with an answer for each item on my argument - yesterday - today he was really interested & seemed to think there was something in my side of the case. The Federal and Territorial officials attended. It does seem singular that the common run of people will not take more interest in the development of correct governmental rules under which they must live, and where they will be so greatly injured if the wrong line of basic regulations is adopted. More</p>

	reason for my action.
Diary 37, 1927 May 12	<p style="text-align: center;">12</p> <p>[clipping]</p> <p style="text-align: center;">LONG ARGUMENT ON INJUNCTION BY WICKERSHAM Contends Items Attacked by Him Have Not Been Leg- ally Appropriated.</p> <p>Arguments on the Wickersham injunction suit against Treasurer Smith were completed at 2:45 p.m. today at which time Judge Reed announced he would take the matter under advisement. He announced he would permit counsel to file any additional briefs desired, giving them two days for that purpose.</p> <p>"It is a very serious question and a very important one for the Court to pass on. I will take the matter under consideration," he said. Pending his decision, the items covered by the suit will remain tied up in accord with the restraint of the Court at the time it issued its order to show cause.</p> <p>The appropriations attacked by him in his injunction suit against Treasure W.G. Smith are clearly void without the power of the Legislature which is limited by many acts of Congress, and some of them even if within the power of the Legislature, have no authority in law other than that contained in the general appropriations measure itself, contended Judge James Wickersham before Judge T.M. Reed in the U.S. District Court yesterday and today.</p> <p>He spoke for almost four hours, occupying a large portion of yesterday afternoon's session and concluding his remarks shortly before noon today. J.A. Hellenthal opened his rebuttal argument at 2 p.m. today.</p> <p style="text-align: center;">Secretary is Poobah</p> <p>The Secretary of Alaska today is a veritable "poobah," and no one knows how many offices he holds; every Legislature seeks to give him more jobs; all because the Secretary has a wide acquaintance among members of the Legislature who have confidence in him, Judge Wickersham asserted at one point in his argument. Nothing has been "left undone by a complaisant legislature and Governor to make the Secretary of the Territory a Territorial official" in violation of Section 11, of the Organic Act, he declared, and added this merely showed a want of intelligence and a lack of appreciation of the forms of American government, and lack of appreciation for the opinions of the</p>

	<p>Attorney General of the Territory. He contended the Secretary was expressly prohibited from holding any office under the Terr Government; that he was not entitled to be a member of the same Government and cannot receive any salary therefore.</p> <p style="text-align: center;">Faces Criminal Suit</p> <p>He asserted that the Secretary was not only prohibited from holding any Territorial office that that he faced a criminal prosecution if he accepted any salary appropriated by the Territorial Legislature for him. He admitted the Legislature had the power to impose additional duties on the Secretary but claimed it was powerless to pay him for their performance, contending he could only be reimbursed from fees fixed by the Secretary of Interior.</p> <p>Neither has the Territory the power nor is it its duty to provide the Secretary with offices and clerks, argued Judge Wickersham. If the Federal Government doesn't provide him with offices that is its own lookout and not a matter which properly concerns Alaskans, he declared.</p> <p>The payment of salaries to clerks in the office of Secretary, he argued is illegal because there was no authority in law under which appropriations for that purpose might be made by the Legislature.</p> <p style="text-align: center;">Overtime is Graft</p> <p>Taking up the matter of appropriations to pay extra expenses of the Legislature, including funds for the two presiding officers, chief clerks, and overtime. Judge Wickersham declared: "Overtime is one of the oldest forms of graft," and Congress has sought for many years to guard against it by enactment of laws to prevent payment of overtime. The allowance of \$150 each for Senator Bartley Howard, and Representative Sumner S. Smith, for services after adjournment, a mere effort to give them a little more money in violation of the law."</p>
<p>Diary 37, 1927 May 12</p>	<p style="text-align: center;">12</p> <p>He contended their work was through with when the Legislature adjourned sine die. Every day during the session they signed the journals and when they affixed their signatures to the journal of the proceedings of the final day, they picked up their hats and walked out, and their work was done, he argued. Appropriations for overtime, etc. he termed as illegal and made without authority of law.</p> <p style="text-align: center;">No Law, No Appropriation</p> <p>Yesterday afternoon Judge Wickersham argued against the items appropriated for the Governors office. He declared the Legislature never had passed any law authorizing such appropriations,</p>

and "there being no law there can be no appropriations." It wasn't sufficient, he contended, to include such items in the appropriations bill. It was and is the purpose of Congress to keep separate and distinct the Federal and Territorial governments and action which would nullify that purpose, he argued, is null and void. He contended neither the Governor nor his Secretary could hold any office under the Territorial government. Any legislation which sought to give them such offices was unconstitutional. Mr. Hellenthal, who preceded him had argued the Legislature had all the necessary power to make itself useful. During the course of his remarks, Judge Wickersham retorted that no Legislature could be useful which violates the Constitution of the United States, and added: "It then becomes a menace to Government"

Rustgard Quotes Statutes

Attorney General Rustgard opened the debate yesterday afternoon, speaking on his own demurrer to Judge Wickersham's original complaint. He said he was not going to argue any questions of law on any of the issues for the simple reason that the Attorney General's office had at various times taken a position not far different from that which Judge Wickersham occupied on some of the items.

He recited what he believed to be the questions to be decided and quoted statutes he considered to be governing. He expressed no opinion as to the legality of the appropriations attacked, but the trend of his argument seemed to indicate his doubt of the validity of at least some of them.

Had No Official Opinion

The Attorney General disclaimed holding any official opinion and said his client, Treasurer Smith was merely concerned to the extent of having the Court rule on how far he might go under the appropriations act.

"What is your view about it?" asked Judge Reed.

"I am merely raising these questions," responded Mr. Rustgard.

"Judge Wickersham will probably raise them," commented Judge Reed drily.

To which the Attorney General replied: "Under the circumstances I have no official opinion," adding his interest and that of Mr. Smith was to have their rights defined.

Power of Legislature

Opening the argument against the complaint, J.A. Hellenthal, whose firm appeared for the Governor, the Secretary and the Treasurer, declared the main question to be determined was: "Did the Legislature of the Territory have the power

	<p>to make the appropriations referred to in the Complaint? Such power, he asserted is inherent in the Legislature; that it was well within its power to make itself useful, and that there had been no limitations placed on it by Congress which would tend to obstruct its usefulness.</p> <p>He pointed out that the Territory would practically cease to function so far as executive administration is concerned if the restraint sought were granted; that the appropriations attacked are virtually identical in form and substance to similar items provided by past Legislatures; that these laws had been submitted to Congress repeatedly and it had never raised any objection to them. He cited specific statutory authority for the imposition of additional duties on the executive branch of the Territorial Government and asserted there was no inhibition placed against the Legislature which rendered it powerless to appropriate funds to defray the expenses of carrying out the duties so imposed.</p>
<p>Diary 37, 1927 May 12-13</p>	<p style="text-align: center;">12</p> <p>[clipping continued]</p> <p style="text-align: center;">Legally and Morally Sound</p> <p>His contention was that the appropriations are sound in every respect. "There is not a single item that can be objected to on any grounds, either legal or moral," he declared. "They have been made for years, and are sane and reasonable. And the Legislature had ample authority to make them.</p> <p>There was no question of fraud or graft involved, he said. He cited the fact that the Secretary was formerly paid under the fee system and, after some years of this procedure, the Legislature in lieu of allowing that officer to retain certain fees, put him on a flat salary basis, lower than the average annual sum accruing under the old system. And at present the Secretary's office is turning back to the Territory every year about \$10,000 more than the appropriations it receives for its upkeep.</p> <p>[clipping]</p> <p style="text-align: center;">JUDGE WICKERSHAM LIKES GRAVY FOR HIMSELF BUT HATES TO SEE WAGES PAID.</p> <p>It is worth noting that Judge Wickersham did not include in his application for an injunction the appropriation of \$5,000 for the publication of his book.</p> <p>He objects having the Territory pay the salaries and wages of a few clerks and stenographers for work they have actually done and tries to tie up the appropriations for that purpose. But he leaves unmolested the whole platter full of gravy that he got when \$5,000 was appropriated to pay for the</p>

	<p>publication of a book that he wrote in which he was unable to enlist the interest of any publishers in the country and for which he would not risk his own money. Publishers felt that there would not be a sufficient demand for the book to repay the cost of publication, and Judge Wickersham evidently felt that way about it himself, for he would not advance the money for that purpose. Friends of the Judge then induced the Legislature to appropriate \$5,000 for printing the book. Judge Wickersham likes gravy for himself but he seems just to hate to see wages paid out.</p> <p style="text-align: center;">-13th -</p> <p>Busy in office - correspondence etc. Dinner this evening with Rustgards - Lynn Smith, U.S. Marshal, Fairbanks present - as usual a good dinner.</p>
<p>Diary 37, 1927 May 14-15</p>	<p style="text-align: center;">-14th -</p> <p>As usual in the office. Wrote Arthur H. Clark, publisher Cleveland, Ohio, answer to his letter about publishing "<u>Old Yukon Trails</u>" declining to pay any part of the cost of publication, but expressing a willingness to prepare the Index etc. On reading his letter more carefully I think he will publish the Ms. anyway - but I will not go into the publishing business - even to get my own book printed, and I told him so. I will, of course, be greatly disappointed if he refuses to publish it, for I think it will be a successful Alaskan book, but if he does I will have to try to find some other publisher. In court today on motions, demurrers, etc.</p> <p style="text-align: center;">-15th -</p> <p>Spent the day in the office looking up the subject of the action of Gov Parks in approving a lot of the newly enacted laws - after the Legislature adjourned - is such approval valid?</p>
<p>Diary 37, 1927 May 16-19</p>	<p style="text-align: center;">-16-</p> <p>Busy in office with routine law work.</p> <p style="text-align: center;">-17th -</p> <p>Same as yesterday - on law cases. Senator Steel will go to Seattle tonight with U.S. deputy marshal, as guard for prisoners. In that way he can make the journey without expense. U.S. Marshal White asked him to go. All other members of the Legislature have gone home, many of them via Seattle. I began work tonight on an Index to the "<u>Old Yukon Trails</u>", as suggested by Arthur H. Clark, Cleveland, Ohio, book publisher.</p> <p style="text-align: center;">-18th -</p> <p>Same in office - working at odd times on Index to Old Yukon Trails. Beautiful day - Recd. letter from R.S. Donaldson inquiring about Harkrader Coal mine - wrote to him fully - & sent him "<u>Juneau Gold Belt</u>."</p>

	<p style="text-align: center;">-19th -</p> <p>In office as usual. Working on Index to "Old Yukon Trails"</p>
<p>Diary 37, 1927 May 20-22</p>	<p style="text-align: center;">-20-</p> <p>Working in office as usual. We hear nothing about Judge Reeds decision of the case I brought to test the right of the Governor & Secretary of the Territory to control the Government of Alaska - except that his stenographer said he was to copy it for the Judge on Monday! That may be true or it may not - its a mere rumor.</p> <p style="text-align: center;">-21st -</p> <p>Had some hope that Judge Reed would decide the case v Smith, Treas. today, but he did not. I now look for a decision the first of the week -probably Tuesday. Working in office as usual - on Index to Old Yukon Trails.</p> <p style="text-align: center;">-22nd -</p> <p>Sunday. I prepared an answer in the case of Gallwas v. Riede – for the typist tomorrow. I always write out my legal papers with a pencil, and the typist copies from that.</p>
<p>Diary 37, 1927 May 23-24</p>	<p style="text-align: center;">-23d-</p> <p>Working in the office - Index Old Yukon Trails</p> <p style="text-align: center;">-24th -</p> <p>Finished the Index to Old Yukon Trails. Jack McCord, the most voluble booster I have over known came through today on the SS. "Yukon" - going westward. He spent .3 hours in the office telling me his story of securing financial support in New York. He is going out to Unalaska and will there take the passage on a Revenue Cutter for Attu, the westernmost Aleutians, which he is to examine - in company with two special agents from the Departments of Agri. & Interior, for the purpose of determining its value as a sheep farm! His wife & sister are with him. Mike Sullivan came on the same boat & I half promised both Jack & Mike I would come out to Yakataga beach in the latter part of July or first of August & inspect the oil situation there with them. I did this at Mikes suggestion so as to get Jack interested - then I want to go, anyway - for <u>Jack is a wonderful promoter & booster!</u></p>
<p>Diary 37, 1927 May 25-27</p>	<p style="text-align: center;">-25-</p> <p>Forwarded Index to Old Yukon Trails to Arthur H. Clark & Co Cleveland, Ohio today. Employed for defendant Pond, in case of Minnie Goldstein Belle Simpson v Pond & the Behrends Bank. Its a case for specific performance of written contract - <u>and a hard one.</u> Pond signed the agreement & then repented - the women are Jewesses - Charlie Goldsteins sisters,</p>

	<p>and vamped poor Pond - who was also half crazy at the time. <u>Its a hard case!</u> -26th - Working in office as usual: -27th - Sent a copy of a Map of Central Alaska & S. E. part, (to Glacier Bay) showing my route to Mt McKinley in 1903, also McKinley National Park & Govt. Railroad, also high Mountains with table of Altitudes, to Arthur H. Clark, Cleveland, Ohio, for use in "Old Yukon Trails," also copy of drawing by Henry W. Elliott of "Jumping Fish" - into hose nozzle! with letter of explanation. (over)</p>
<p>Diary 37, 1927 May 27-30</p>	<p style="text-align: center;">27</p> <p>Also drew lease for Winter & Pond Co. of lot 23, Blk. 1. Pac. Coast Co. Add, to Juneau, to protect company in possession of property involved in suit of Goldstein v Pond, et al. -28th - We all expected Judge Reed to hand down his decision in the Territorial Case (Wickersham v Smith, Tr. Theile, Sec. & Parks, Gov) today, but he announced in open court that he would do so on Tuesday morning next. -29th - Sunday. Nothing of importance. Invited to dinner with Mrs. Bishop & Mr. Rierson. -30th - Decoration Day. The sun shone, the band played, the Indians followed the procession and the proceedings were interesting. I received a copy of a letter from Erskine, of the A.C. Co's office in S.F. written by Gov. Ogilvie on May 22, 1899, addressed to Wilson, the A.C. Co. agent at Forty Mile giving him a full and lucid statement of the facts of the Henderson-Carmak Discovery of Gold on the Klondike:</p>
<p>Diary 37, 1927 May 31</p>	<p style="text-align: center;">-31st -</p> <p>Judge Reed wrote a long decision in the Territorial Case (Wickersham v Smith, Theile & Parks) and delivered copies to us today. He decided the main question in my favor, but made every special plea possible against me. He missed the opportunity to write a great opinion, one which would have had the same general effect in the development of popular government in Alaska that the great case of Marbury v Madison has in the development of government in the United States. <u>But he did not</u>; his long-winded effort to bolster up Bureaucratic government in Alaska, however, will fall down by reason of its want of logic and law, but it will take time & additional effort to overcome it - without the U.S. Circuit Court of Appeals shall do better on appeal.</p>

	<p>He did hold that the Secretary of the Territory was not eligible to hold an office in the Territorial Govt. of Alaska, which is the real point in the case, though it is befogged by a mass of special pleading and words!</p>
<p>Diary 37, 1927 May 31</p>	<p style="text-align: center;">31</p> <p>[clipping] JUNEAU, ALASKA, TUESDAY, MAY 31, 1927 SALARY OF SECRETARY AND OVERTIME ITEMS ARE HELD TO BE INVALID BY COURT</p> <p>In a ruling handed down this morning the U.S. District Court, Judge T.M. Reed upheld the legality of all but two of the items attacked by Judge Wickersham in the General Appropriation measures passed by the Territorial Legislature.</p> <p>Judge Reed further held that the Secretary of the Territory is not eligible for appointment to any office under the Territorial government, and that he in performing the various duties imposed upon him by all of the Territorial Legislatures since 1913 "by acquiescence, is an officer de facto of the Territorial government."</p> <p>The opinion of Judge Reed was stated briefly by him from the bench. A written opinion was given to the attorneys for both sides which went into the matters at issue in some length, containing some 51 pages.</p> <p style="text-align: center;">Conclusion of Court</p> <p>Summing up his opinion, Judge Reed said: "I am of the opinion that an injunction pendete lite should issue, restraining the defendant, the Territorial Treasurer, from paying out any money from the Territorial Treasury for overtime to subordinate officers of the Legislature whose compensation was provided for by the United States, and that he should also be enjoined from the payment of any moneys to the Secretary of the Territory as salary for work carried on under the Territorial laws, and that as to the other items objected to by the plaintiff herein, no injunction pendent lite should issue.</p> <p>"Let an order be entered accordingly."</p> <p>Under this order Treasurer Smith will be temporarily - enjoined from payment of salary to Secretary Karl Theile, which amounts to \$2,000 per year, and for payment of any money to any of the stenographers, typists, clerks, etc. in the House or Senate for overtime worked performed during the 60-day session.</p>
<p>Diary 37, 1927 May 31</p>	<p style="text-align: center;">31</p> <p>[clipping continued]</p> <p style="text-align: center;">Items as Upheld</p> <p>The Court upheld the following items: Additional salary to Secretary of the Governor one clerk, one stenographer, janitor, messenger, and other</p>

services at the Governor's office and house; traveling and contingent expenses of the Governor; dissemination of information about Alaska, etc.; entertainment of visitors at the Executive Mansion; clerical help and contingent expenses of the Office of Secretary; and all special legislative expenses except payment of overtime to subordinate officers of the House and Senate.

The amount of overtime due to the members of the clerical staff of the Secretary of the Senate and Clerk of the House is not definitely known. At the end of the session Clerk Cash Cole estimated the girls in his office had put in 572 hours of extra work, and it is thought the force in the office of the Secretary of the Senate had put in probably as much overtime. Under the Court's ruling none of this may be paid.

History of Case

The suit was started by Judge Wickersham when on May 6, last, immediately following the adjournment of the Legislature, filed a bill in equity, seeking an injunction to restrain Treasurer Walstein G. Smith from paying out of the Territorial treasury various sums of money the Legislature had appropriated a few days earlier on the ground that the appropriations attacked were illegal and void.

Arguments were opened on May 11, Hellenthal & Hellenthal appearing for the Governor and Secretary as intervenors and Treasurer Smith, who was also represented by Attorney General John Rustgard, and Judge Wickersham appearing in his own behalf. The arguments were submitted on demurrers interposed to the complaint. Two grounds were advanced in the demurrers, first that Judge Wickersham, by the allegations in the complaint had not shown himself entitled to the relief sought, and, second, that the complaint did not show facts sufficient to constitute a cause of action.

Question as to Right.

The right of Judge Wickersham to bring his action was dealt with first in Judge Reed's opinion which goes to some length in its treatment of the matter. He devoted several pages to citing cases bearing in the same subject and concluded with this significant paragraph:

"So, whether a taxpayer can invoke the interposition of a court of equity to compel the officers of a territory to do their duty or restrain them from illegally increasing the burden of taxation by squandering the public funds of the Territory, is a serious question, especially in the Territory of Alaska, where, as is well known, there is no direct property taxation, but all taxation for the

	<p>support of the Territorial Government is provided for by licenses or occupational taxes, which taxes are in the nature of a privilege granted by the Territory to pursue a particular occupation or business. The point was not argued by counsel on either side, although requiring careful consideration, and I am unwilling to pass upon the point at this stage of the case, being merely an application for a temporary restraining order, and I do not deem it necessary to pursue the subject further.”</p> <p style="text-align: center;">For Future Guidance</p> <p>Continuing the court said: “The territorial officers have sought the opinion of the Court on the several items of the appropriations and the Attorney General of the Territory has submitted a statement of the questions involved, without expressing an opinion thereon, and seeks a decision of the Court not only on the validity of the appropriations involved, but other questions incident thereto. For this reason and the further reason that in view of the conflict of opinion as to the validity of the several appropriations under the statute and the importance of the issues raised to the Territorial Government, I deem it necessary that a decision on the appropriations involved be had for the future guidance of the Territorial officers. The gravity of the questions raised as to the appropriations, as appears from the intervening complaints of the Governor and the Secretary of the Territory, is such that the whole system of the Territorial Government is in jeopardy should these appropriations be declared invalid.”</p> <p style="text-align: center;">May Recognize Rights</p> <p>The Court then recited several canons of law relative to legislation and said: “The Legislature has not the power to levy taxes or make appropriations of public moneys for purely private purposes; yet, in making appropriations of public moneys, the Legislature is not confined within the strict limits of what in cases between individuals would be considered a legal obligation, but may recognize moral or equitable obligations such as a just</p>
<p>Diary 37, 1927 May 31</p>	<p style="text-align: center;">31</p> <p>[clipping continued] man would be likely to recognize in his own affairs whether by law required to do so or not.”</p> <p style="text-align: center;">Re Legislative Authority</p> <p>Commenting on the contention of Judge Wickersham that the Legislature had passed no law creating obligations nor authorizing appropriations for the uses objected to, and that the Legislature was powerless to create obligations authorizing appropriations of public moneys except</p>

in the manner and form provided for in the Organic Act, etc., Judge Reed said:

"I am unable to discover any other case supporting the contention of plaintiff as stated by him, as to the necessity of a prior authorization for an appropriation by an act of the Legislature before such appropriation could be included in the general appropriation bill for the expenses of the Territory. The further question is raised that the appropriations are valid, embrace more than one subject which is not specified in the title. This contention I will discuss later on."

Specific Items Discussed

The Court's opinion then took up the specific items to which Judge Wickersham had raised objections. The first of these were those for the Governor's office and Executive Mansion.

After discussing the several questions raised, Judge Reed concluded: "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. I am further of the opinion that the appropriation for publicity purposes, or so much thereof as is necessary is not objectionable. The dissemination of publicity relative to the resources of the Territory has been an adjunct of the Governor's office ever since the Territorial Government was organized. It is for a public purpose, having in view the development of the dormant resources of the Territory and being for a public purpose and resulting in the imposition of extra work and expense, should be paid for. The appropriation for travel expenses of the Governor, to supplement the Federal appropriation for the same purpose, is payable only in reimbursement for expenses incurred in carrying out the Territorial laws and becomes available only when necessary for that purpose and when not chargeable to the Federal appropriation or when that appropriation is insufficient and not available for such expenses.

Two Items Unsettled

"The last two items in the appropriation for the Governor's office, one for the entertainment of representatives of the United States, etc., in the amount of \$2,000, and for repairs and improvements to the Executive Mansion in the amount of \$1250 are in the nature of contingent appropriations for expenditure only when necessary. Whether or not an expense against the Territory will be incurred under these appropriations is uncertain. The appropriations are made for a contingency only, arising in the future, and are available only when necessary to pass upon their validity. While the Attorney General has

	<p>requested the Court's advice as to these appropriations, the Court is not an advisory body. The regularly elected legal officer of the Territory is the proper person to advise the executive officers of the Territory as to the legality of the appropriations, and until a concrete instance arises, requiring a judicial determination of the validity of these appropriations, the Court will not interfere with the disbursements of funds therefrom by the executive branch of the government, provided there is a law authorizing the appropriation."</p> <p style="text-align: center;">Re Legislative Expenses</p> <p>The Court held all the items for special legislative expenses, except for payment of overtime to subordinate officers, to be valid. Regarding the overtime fund, he said:</p> <p>"In taking positions as subordinate officers of the Legislature, authorized by Congress, for which their per diem is fixed by law, they become employees of the Government of the United States and impliedly agree to perform services assigned to them as such subordinate officers for compensation fixed by the laws of Congress, and the Legislature cannot lawfully increase the compensation so impliedly agreed upon."</p> <p style="text-align: center;">Secretary De Facto Officer</p> <p>Although the Court upheld the validity of the appropriations for clerical help and contingent expenses for the Secretary's office, he held the Secretary is a de facto officer subject to the proper kind of ouster proceedings. Until such proceedings had been prosecuted, however, he said, "All appropriations for carrying on the duties prescribed by law should be available to such office." The Court sustained virtually all of the contentions of Judge Wickersham as to the Secretary. The opinion said he is an "Officer of the</p>
<p>Diary 37, 1927 May 31</p>	<p style="text-align: center;">31</p> <p>[clipping continued] United States, appointed by the President of the United States . . . and the question clearly arises, in view of the prohibition of Section 11, of the Organic Act, whether he can receive a compensation from the Territory in addition to compensation fixed by the Congress of the United States, for duties performed on behalf of the Territory."</p> <p style="text-align: center;">No Legal Authority</p> <p>The Court held not only could the Secretary not draw any salary from the Territory, but that he is ineligible for any office under the Territorial Government. The Act of Congress of June 19, 1878, 20 Stat. 193, relied upon by counsel for the Secretary to establish his right to receive Territorial</p>

compensation, was declared to be "a special Act of Congress applicable only to the Territories of the United States then in existence," and, further, "it could not apply to the Secretary of the Territory of Alaska." The Court cited Section 1,-843, Revised Statutes, and Sec. 1,457, U.S. Code of 1926, being old Sec. 1, 845, Revised Statutes, as being general laws in full force and effect in Alaska, and that the latter section forbids the "payment of any salary to the Secretary of the Territory other than that provided by the United States."

Is Not Eligible

On the question of the Secretary's eligibility to hold any Territorial office, the Court said:

"On the question whether the Secretary of the Territory is eligible for appointment to any office under the territorial government, I am of the opinion that he is ineligible, although ever since the assembling of the territorial legislature in 1913, duties have been imposed on the Secretary of the Territory by the legislature. One of the first acts of the Legislature was to provide for the legislation of vital statistics and the ex-officio Secretary of the Territory was made the Registrar of Vital Statistics and certain duties were imposed upon him as such Registrar, with authority to collect certain fees therefore. There was also imposed upon him as such Registrar, with authority to collect certain fees therefore. There was also imposed upon him the duty of printing and distributing the laws of the Territory, the duties relative to domestic corporations. An act regulating banking was enacted and he was made a member of the Banking Board with duties attached; fees for filing and recording of papers in his office were provided, to be collected by him for services performed, and a certain percentage of such fees were assigned to him as compensation for his services; also in the general appropriation bills of every session from 1913 to and including the present session, moneys were appropriated for clerk hire in carrying out work under territorial laws. At each session his duties were enlarged and further duties were imposed upon the office until at the present time much of the various activities of the Territory are carried on through his office. During the whole of this period the validity of the acts of the Secretary of the Territory as Registrar of Vital Statistics or in relation to corporations, or as a member of the several territorial boards have never been questioned. He, therefore, by acquiescence, is an officer de facto of the Territorial Government."

Can Pay Expenses

Discussing the question of whether money can be expended legally for the performance of duties

	<p>by a de facto officer, which was decided in the affirmative, Judge Reed said it could not be concluded that, because such an officer could not be paid a salary, necessary expenses involving the carrying out of duties imposed on him could not be paid.</p> <p>He added: On the contrary, I am of the opinion that until the de facto officer is ousted in the manner provided for by law, all appropriations for carrying on the duties prescribed by law should be available to such office.</p> <p>"It is a close point", but in view of the necessities of the case, its importance to the public and the general rule of construction of statutes that all appropriations for a public purpose should, if possible, be upheld if within the law, and that no specific restraint on the power of the Legislature to make such appropriation for carrying on the duties prescribed by law is contained in the enabling act or the general laws of the United States applicable to the Territory, and for the further reason that for 12 years last past the Secretary has been performing the duties imposed by the Legislature not a part of his duties as a Federal officer, that until the year 1925, his office as ex officio Secretary was an adjunct only of the office of Surveyor General that during that period appropriations were regularly made by the Legislature for the rent of the office of Secretary as such and for expenses necessary in carrying out the provisions of the Territorial laws in his office; that during the time Congress made no appropriations for any expenses of the office of Secretary, and that he received no salary for office expense from the United States, and that since 1925 no appropriation for any of the incidental expenses of the office has been made by the United States and all incidental expenses</p>
<p>Diary 37, 1927 May 31</p>	<p>31st continued.</p> <p>thereof have been paid by the Territory, I am of the opinion that an order, restraining the payment of money for clerk hire and incidental expenses of the office of the Secretary of the Territory should be denied.</p> <p>While the "Alaska" was in port this evening Casper Ellingen, one of the old Forty Mile men, & other old friends from the Interior came to the office to call. God bless them. I love the old timers.</p> <p style="text-align: center;">-June 1st-</p> <p>Busy writing letters - correspondence. Some new cases coming into the office. I have almost concluded to dismiss my case against Smith, <u>and bring a new one.</u> I gained about all there is in the present case,</p>

	<p>when Judge Reed decided, as he did plainly & without evasion, that the Sec. of the Territory was "ineligible" to serve as a Territorial officer and restrained the payment of his salary. Now if I can get a special suit against the Gov's private secretary maintained on similar grounds, I may gain something more - and I may conclude to try that.</p> <p><u>The Sec. is not an officer of the Ter Gov't.</u> I want the same ruling as to the <u>Governor.</u></p>
<p>Diary 37, 1927 June 2-3</p>	<p style="text-align: center;">-2nd -</p> <p>Prepared a long complaint in a damage case against the Standard Oil Case - for a man whose boat was destroyed & himself almost burned to death by the carelessness of the S.O. Co. oil delivery man at the dock where the fishing boats buy gasoline etc.</p> <p>I still think I will dismiss the suit now pending = Territorial Case - & bring a new one - leave the Sec. out & <u>get closer to the Govr.</u></p> <p style="text-align: center;">-3rd -</p> <p>Drew a new Complaint today for a new suit in the Territorial Case: Will dismiss the old case & devote this one exclusively to items in the Gov's office: Reed's decision against the right of the Sec. of the Territory to be a part of the Territorial Government is quite satisfactory & there is nothing in principle to be gained by following him up. I will leave all of the Sec's items out and have the new suit to <u>deal with the Gov's office alone.</u></p>
<p>Diary 37, 1927 June 4-5</p>	<p style="text-align: center;">-4th -</p> <p>Argued demurrer in Gallwas v Reids before Judge Reed - he decided against me - which is one of the easiest things he does - and apparently the most cheerful.</p> <p style="text-align: center;">-5th -</p> <p>Took a long walk up in Silver Dow Basin - enjoyed the beautiful mountain scenery and the dashing waters of Gold Creek. I think I will now dismiss my suit against Treas. - the court decided the only thing I think I can gain in my favor, so plainly that its better to dismiss and leave it plainly decided - rather than to spend a large sum on an appeal over other items which are not so important - <u>Then, too,</u> Atty. Genl. Rustgard tells me this evening that the Governor Parks says he will not use the funds appropriated for his office, <u>anyway,</u> since he is inclined to follow Rustgards opinion that they, too, are void.</p> <p>Then again I think I can now begin a</p>
<p>Diary 37, 1927 June 5-6</p>	<p style="text-align: center;">5</p> <p>proceeding in connection with Delegate Sutherland to secure opinions from the Interior Dept. & the Dept. of Justice, by which we may secure results even more advantageous than through the courts</p>

	<p>in Alaska. <u>And, finally, I can go to the courts at any time again, where a better occasion requires it,</u> and probably with a better case. There is, in my opinion, some doubt on an appeal <u>in this case,</u> which would not exist in another case <u>with a real litigant, which I am not.</u></p> <p>I shall dismiss the case tomorrow & thus stop the Federal officials from <u>securing any advantage by an appeal.</u></p> <p>I Have just finished "<u>Elmer Gantry</u>" a novel by Upton Sinclair. It is an attack upon the Church - a bedraggled tale and neither exciting nor elevating.</p> <p style="text-align: center;">-6th -</p> <p>Working in the office as usual. Getting the record in shape to assist Joe Williams to a pardon - he was convicted by perjury and bribery.</p>
<p>Diary 37, 1927 June 7-8</p>	<p style="text-align: center;">-7th -</p> <p>Finished application for Pardon for Joe Williams & the record & sent to Warden of U.S. Penitentiary at McNeills Is. Steilacoom, Wash for Joe's signature. Also sent new Complaint in Territorial Case to Duggan & McCain, Ketchikan, with request to get me two co-plaintiffs with qualifications as taxpayers - on receipt I will dismiss the present case & file the new one - to reach the Governor's power as a member of the Ter. Govt. & will carry it up on appeal.</p> <p>John W. Frame, Sr. came on this morning boat to organize the United Sons of Alaska - they are strongly in favor of my stand on Controller Bill etc. Wrote to Darrell & Jennie - Darrell & Jane will be here on July 2nd for a three day visit.</p> <p style="text-align: center;">-8th -</p> <p>Henry Roden & I are attorneys for a fisherman named Baas, who came to the Standard Oil Co. dock to take gasoline: while taking it into his tank the gases wasted into his boat from defective pipes for delivery & the boat blew up - destroying the boat & badly burned the fisherman. We are having a hard time to</p>
<p>Diary 37, 1927 June 8-1</p>	<p style="text-align: center;">8</p> <p>figure out what caused the fire which exploded the gas & gasoline & blew up the boat. The fisherman is a Belgian - Henry is a Swiss - and it causes me much amusement to listen to them argue about the matter. Baas says it was "compression" - in Dutch & Henry says it was a spark - from something on the boat - & then they quarrel with high voices in varying bad English - & in the meantime we do not yet know what caused the "explosion." Sent Dan Sutherland copy of the record in the Joe Williams Pardon Case & a letter asking his assistance with the Pardon Clerk etc.</p> <p style="text-align: center;">-9-</p>

	<p>Same as usual in office – on Cobb Estate. -10- Conference with “Jack” Hellenthal about stipulation to dismiss <u>Territorial Case</u>. Matter goes over till Monday - Theile out of town. 11th - Call of Motion docket - Lynch case set for argument at Ketchikan Sat. 18th. Dr. S Hall Young with Presby, tourists on SS. “Dorothy Alexander” - took lunch with me, & I got him a room at Hotel. Good visit with him & we talked politics & history. He is finishing his book “A Mushing Parson.”</p>
<p>Diary 37, 1927 June 12-14</p>	<p>-12th - A new spring suit of clothes – made by my old friend Wolland – Taylor – a member of the “Committee of 15,” with whom I served in Tacoma, 40 years ago – when the people rose and sent the Chinese out of that new City!! -13th - Busy day in the office. -14th - Dismissed the Territorial Case today - the Empire announces headline, but gives a fair statement - including that I will file a new suit. Papers for this are not yet back from Ketchikan. I go to Ketchikan tomorrow – to argue two cases on Saturday.</p> <p>[clipping]</p> <p style="text-align: center;">MOTION FILED IN U.S. COURT FOR DISMISSAL Injunction Action Ends Suddenly – New Action May Be Brought Later</p> <p>On the motion of Judge James Wickersham, the suit filed by him on May 6, last against Walstein G. Smith, of the Territory, seeking to enjoin the payment of certain legislative appropriations, was dismissed without prejudice in the U.S. District Court this morning. No reason was assigned in the motion for this procedure.</p> <p>This ends the suit by which it was sought to hold up all appropriations made for Territorial support of the office Governor the Secretary's office and for payment of special legislative expenses. Of the 18 individual items attacked by Judge Wickersham, 17 were declared to be of subject to restraint, and two were in a ruling made recently by Judge T.M. Reed.</p>
<p>Diary 37, 1927 June 14-15</p>	<p style="text-align: center;">14</p> <p>[clipping – duplicate of earlier entry] WICKERSHAM'S PEEVISHNESS BREAKS OUT.</p> <p>Judge Wickersham's suit to prevent payment for work the law requires to be performed in the offices</p>

of the Government and Territorial Secretary and for work done and that must be done by stenographers and others in connection with the legislative session just ended is simply an outlet for peevishness that followed the defeat of his effort to make himself an Alaska Mussolini. If he cannot run the Territory, it must not run if he can prevent it. It should be borne in mind that the appropriations that Judge Wickersham has attacked are in every way similar in purpose and amounts to appropriations that have been made by the last half dozen or more Legislatures. The present Legislature departed in no particular from the procedure that has been followed for more than a decade. The appropriations were made to meet needed payrolls.

[clipping – part of]

Use Certain Funds

Secretary Karl Theile said this afternoon that the items upheld by Judge Reed would now become available, making possible payment of salaries to clerks in the offices of Governor and Secretary, and for certain special legislative expenses. The appropriations for salary of the Secretary of Alaska and for overtime to members of the regular clerical forces of the Senate and House, held by the Court to be invalid, will not be used, he said.

History of Case

The suit was filed by Judge Wickersham on May 3, the day following adjournment of the Legislature. By it he sought to the use of any of the funds appropriated for the Governor's office and mansion, in all eight items; the salary of Secretary Theile, clerks in his office and contingent expenses, embracing six items, and four items for special Legislative purposes.

Arguments were heard on May 11 and 12, on demurrers filed by Attorney General Rustgard representing Treasurer Smith, and Hellenthal & Hellenthal, representing Gov. George A. Parks and Secretary Theile, intervenors under consideration and on May Judge Reed then took the matter 31, in a 41-page decision ruled on each item separately. He sustained the objections raised by Judge Wickersham in but two instances, but did not rule as to two of the items regarding the Governor's mansion, saying unless some attempt made to expend funds thereunder, there was no occasion for ruling. He, also, declared there was a serious question as to the right of Judge Wickersham to bring such an action, but inasmuch as the question was up on demurrer only, he said he would not rule on the point at present.

May Proceed Further

	<p>The motion to dismiss the suit intimated it was not impossible that some other action might be brought later, possible in different form. The motion itself read: "Comes now the plaintiff in the above entitled cause and moves the Court to dismiss this action without prejudice to any other action between the same or other parties for the same cause or any part thereof."</p> <p style="text-align: center;">-15th -</p> <p>Got matters in the office in good shape - leave stenographer several days work - Left on SS. "Aleutian" for Ketchikan. Find some friends on board, Harry Colter - was in Fairbanks in 1903, gone now from his home in Ohio for 32 years. His brother is a wealthy man at the old home - came to Alaska to find Harry & is taking him back home. An interesting story - but Harry told me he did not think he would go home - only to the States & might come back to Alaska.</p>
<p>Diary 37, 1927 June 16</p>	<p style="text-align: center;">-16th -</p> <p>Our boat in Wrangell for an hour - saw Grant & others & did some needed work. Ketchikan at 6³⁰ room 212 at new Gilmore Hotel. Conference with Duggan & McCain about some business matters. Harry Colter loaned me an original letter from Bunnell, Pres. Alaska Agric. College introducing Tom Marquam to his friends at Kodiak last fall - in support, etc.</p> <p>On the "Aleutian" there were two cases of old Alaskan "derelicts" - men who were cast on the shores of defeat in the gold stampede & left there as the wave receded - rescued by their families. Harry Colter's brother came on from Ohio to find him & rescue him from poverty and old age - & Dr. Council of Cordova was going out with his uncle, from Georgia; both</p> <p>Harry & the Doctor are old pioneers - Harry has been north for 30 years & the Doctor for about 20 years - Whisky etc. got Doctor, & his Uncle is taking him out to assist him to recover his footing again - these are two "rescues" - many are left stranded - to die in disappointment.</p>
<p>Diary 37, 1927 June 17-18</p>	<p style="text-align: center;">-17th -</p> <p>Getting ready to argue U.S. v Lynch, a civil case tomorrow.</p> <p>Invited Mrs. Olson - who ran the Zynda Hotel for 2 years - the last two years that Debbie had lived there - to dinner this evening. We had a very good meal - chicken, strawberries & ice cream - and a pleasant visit.</p> <p style="text-align: center;">-18th -</p> <p>U.S. v Lynch came up this morning for argument. Judge Reed listened patiently to the U.S. attorney for half an hour, and without giving me any hearing overruled two of my pleas, and ordered them</p>

	<p>stricken out - he refused to let me be heard on the others - struck one out and took the other under advisement - without letting me argue the case! I had asked Bob. Heckman to be present, because Heckman owns valuable property in the same area as the Lynch property subject to the same forfeiture, as do many others - who are scared about their titles - and a proper decision in the Lynch case would settle the same questions with regard to their</p>
<p>Diary 37, 1927 June 18</p>	<p style="text-align: center;">18</p> <p>property. Some of these were present, and went away after Judge Reeds refusal to hear my argument, in no amiable mood. Heckman, however, is a diplomat. When I explained the situation to him out in the corridor after Reeds refusal, he said "Never mind, I will talk to Judge Reed myself." He is having him to dinner - & will talk with him about the case pending in court - <u>at the dinner</u>. That is one trouble with Judge Reed, he can be talked to <u>out of court</u>, by interested parties - <u>if they are his friends!</u> though he will not <u>listen in court</u>. I have a remedy, of course: First, I can file an affidavit of prejudice - my client can - and take the case away from him & send it to another judge, or I can let him do the worst he can and appeal. I am inclined to take the first course - though I may conclude to take the second one. The first one accords more with my feelings - the second with my judgment, though if I take the first I am not barred later from the second.</p>
<p>Diary 37, 1927 June 19-20</p>	<p style="text-align: center;">-19th -</p> <p>A beautiful Sunday - walked with Pete Gilmore - visited with friends & rested <u>read</u>. I had a long conference with Morrissey about the Lincoln Totem at Tongass island - he said the people of Ketchikan would pay \$500. for the pole and set it up in the Ketchikan Park. I also talked with W^m J. Paul about it - he said he would <u>go and get it</u> & deliver it to the town for that sum - told Morrissey! I also suggested to Morrissey that I would write a history of the pole if he would print it - he will consider that also.</p> <p style="text-align: center;">-20th -</p> <p>My friends urge me to remain in Ketchikan until Wednesday evening & make a short talk at the weekly meeting of the <u>United Sons of Alaska</u>, a recently organized political scheme of securing a Government of the People in Alaska - in support of the Controller Bill - and other Legislation in aid of Home Rule and against the Bureaucratic Government with which they are very much displeased.</p>

<p>Diary 37, 1927 June 20-22</p>	<p style="text-align: center;">-20th continued.</p> <p>I have consented to stay over for I am also now just employed to assist in trying another case for Mrs. Dr. Dickinson!! Today I got George Starr, whose family owns the Lincoln Totem Pole at Tongass Island, into conference with Morrisey - Editor of the Chronicle, and M. agreed to pay George \$500. for the pole to be set up in the Ketchikan Park.</p> <p style="text-align: center;">-21st -</p> <p>Working today on case of Dickinson v Stuart Fish Co. Brown et al. Examined the records - deed etc. talked with witnesses, and reading pleadings: Its a hard case, <u>as all of Mrs. Dr. Dickinson's cases always are!</u> The jurors owe her money - and hate her.</p> <p style="text-align: center;">-22nd -</p> <p>Worked on the records in the Dickinson case today. Was invited to talk to the United Sons of Alaska tonight - seemed to please them & they gave me a hearty "hand", but I was not satisfied with it myself. Senator Hunt, Rep. Paul & Roden talked too - a good meeting in the Pioneers Hall.</p>
<p>Diary 37, 1927 June 23-27</p>	<p style="text-align: center;">-23rd -</p> <p>Drew Amended & Supplemental Complaint in Dickinson Case today. Leave on the "Alameda" tonight for Juneau.</p> <p style="text-align: center;">-24th -</p> <p>SS. Alameda" enroute to Juneau. We were in Lake Bay unloading freight: saw Barnes. At Wrangell two hours: examined deeds recorded by Patenaude to his wife to escape paying the Matheson heirs the notes signed by him for Russell & Walker: Deeds apparently fraudulent = Wth J. Paul advised Patenaude to record the deeds! Conference with John G. Grant who urged active pursuit of Patenaude.</p> <p style="text-align: center;">-25th -</p> <p>Arrived Juneau at noon. Attending to mail etc.</p> <p style="text-align: center;">-26th -</p> <p>Sunday. Troubled with a cold.</p> <p style="text-align: center;">-27th -</p> <p>Getting things in the office in better shape. Correspondence & other business. Things in order - and etc.</p>
<p>Diary 37, 1927 June 28-29</p>	<p style="text-align: center;">-28th -</p> <p>I have a Complaint ready to file probably tomorrow against the Treasurer, to prevent the payment of sums appropriated by the Legislature to Supplement those made by Congress for the support of the Governor's office etc. etc. I am informed by Rustgard, Atty. Genl. that no more money (salary) will be paid to the Secretary of the Territory on account of salary, so I shall not include</p>

	<p>that, but will direct my efforts toward preventing payments from the Ter. Treasury to the Gov. office. Busy in office - with law matters. -29th - Order Pub. Sum. in Matheson - Grant v Patenaude. Sent Ms. (copy corrected) "Old Yukon Trails" to Clark & Co, Cleveland, Ohio. Filed Motion for Bill of Particulars in Giovenette v Ansen. I filed a new Territorial Case today: the case is entitled "James Wickersham, Eugene Wacker, and D.W. Hiskins, vs. Walstein G. Smith, as Treasurer etc. and covers several of the items of appropriations made for the Governors office as I think in violation of the law. The suit is to enjoin the Treasurer from paying the items because the Legislature had no power to appropriate them for the purposes mentioned.</p>
<p>Diary 37, 1927 June 29-30</p>	<p style="text-align: center;">29</p> <p>[clipping]</p> <p style="text-align: center;">WICK ATTACKS APPROPRIATIONS FOR GOVERNOR Attorney Again Moves to Enjoin Payment of Costs for Governor's Office.</p> <p>Judge James Wickersham, representing himself and "Eugene Wacker and D. W. Hiskins of Ketchikan this afternoon filed suit in the United States District Court against Walstein G. Smith, as Territorial Treasurer, asking for an injunction enjoining the Treasurer from paying out any moneys for the appropriations made by the last Territorial Legislature providing: An additional salary to the Secretary of the Governor, supplementing the amount paid by the Federal Government amounting to \$720 per annum or \$1,440 for the biennium; compensation for janitor and messenger and other services for the Governors house and offices, \$600 per annum or \$1,200 for the biennium; traveling and contingent expense for the Governor, \$2,000 for the biennium; entertainment at the Executive Mansion of officers and representatives of the States of the Union or foreign countries, \$2,000 for the biennium; repairs and improvements at the Executive Mansion, \$1,250. The total amount involved in the suit is \$7,890. These items were included among other items in a suit that was brought by Judge Wickersham against the Territorial Treasurer May 6 and which was recently dismissed on motion of Judge Wickersham.</p> <p style="text-align: right;">June 30th 1927.</p> <p>A busy day: Made an agreement between Augustus</p>

	<p>De Roux and A.L. Olts, for option & sale of 4 Asbestos mines on Admiralty Is. between Funter Bay & the mouth of Bear Creek - opp. Colt Island. Olts paid me \$30⁰⁰ <u>but</u> agreed in writing to give me 7 1/2 % interest in the claims if he can find a purchaser and make the sale. He also gave me some of the Asbestos specimens - which are fine samples of a valuable product.</p> <p><u>Demurrer to my complaint in territorial case. Filed & served on me - Rustgard & Helethals attorneys for defts. They raise the question of my right to bring the suit as a taxpayer.</u></p>
<p>Diary 37, 1927 July 1-3</p>	<p style="text-align: center;">-July 1st-</p> <p>Working in office as usual.</p> <p style="text-align: center;">-2nd -</p> <p>Saw R.A. Kinzie, address Crocker First Nat Bank Bldg San Francisco, Cal. about talc & asbestos - also coal - promised to send him specimens of talc & asbestos at once - talc is used in paper making - Kinzie is here in the interest of paper & pulp people. - was very much interested. The <u>passenger list of "Princess Alice" contains the names of Darrell & Jane - they will arrive at 10 tonight. This is Darrells first visit to Alaska!</u> 8 p.m. "Princess Alice" arrived: <u>Darrell & Jane!</u> Took them to Zynda Hotel - to room on top floor - corner, where Debbie lived while in Juneau. Am delighted to have them with me. They came down to the office to look it over, and examined my photographs of interior Alaska - & Mt McKinley with much interest. Darrell is well & strong - Jane in good health.</p> <p style="text-align: center;">-3rd-</p> <p>Sunday. Visiting with Darrell & Jane. Lockie McKinnon took us on a long automobile ride to Mendenhall Glacier & Eagle river - a beautiful day & they enjoyed the ride very much. We called on</p>
<p>Diary 37, 1927 July 3-5</p>	<p style="text-align: center;">3</p> <p>Mrs. Walstein G. Smith, & Mrs. DeVighne, both of whom they met in California. We examined the rest of Debbie's photographs, jewelry, etc. Gave Jane the lovely lavalier pin etc. worn by Debbie. Also gave Darrell the large diamond ring (mine but Debbie always wore it as a solitaire) & he will sell it - valued at \$975. (Gave it to him to sell for myself).</p> <p style="text-align: center;">-4th -</p> <p>Beautiful day - fine parade - Soldiers from Chilkoot Barracks - German sailors from German Battleship (Cruiser) "<u>Emden</u>," Indians, local Queen, band - boys etc. Fine parade. <u>Dinner this evening with the McKinnons.</u> Darrell & Jane & I called on Billy Bousch - who always gave Debbie flowers. Billy has a beautiful yard & flowers & garden. They told me good bye tonight & will go south in the morning</p>

	<p>at 6 a.m. on Alice.</p> <p style="text-align: center;">-5-</p> <p>Darrell & Jane left this morning at 6 a.m. for home. Busy in office. Called on the McGowans from Oklahoma & the Lanhams, from Texas. Congressmen & their wives doing Alaska with Bureau of Fisheries boat. Debbie & I knew them at Congress Hall, Wash. D.C. while we lived there. Both ladies knew Debbie well & expressed great regret at her death.</p>
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