

## SENATE JOINT MEMORIAL NO. 9.

TO THE PRESIDENT OF THE UNITED STATES, THE UNITED STATES SENATE AND THE UNITED STATES HOUSE OF REPRESENTATIVES:

Your memorialists, the Senate and House of Representatives of the Territory of Alaska, most respectfully represent that:

Whereas, the Secretary of the Interior, in the case of the Miocene Ditch Company (35 L. D., 297), held that the provisions of Sections Eighteen (18) to Twenty-one (21), inclusive, of the Act of March 3, 1891, granting rights of way through the public lands for canals, ditches and reservoirs, have no application to lands within the District of Alaska, while in the case of the Alaska Treadwell Gold Mining Company et al (40 L. D., 426), it was held that Section Four (4) of the Act of February 1, 1905, granting rights of way for dams, reservoirs, water plants, ditches, flumes, pipes, tunnels and canals, within and across the national forests of the United States, is applicable to and is operative in forest reserves in the District of Alaska. The Acts of Congress of February 15, 1901 (31 Stat., 790), and March 4, 1911 (36 Stat., 1253), provide, among other things, for rights of way through the public lands, forests and other reservations of the United States, and in certain national parks, for electrical plants, poles and lines for the generation and distribution of electrical power, and for telephone and telegraph purposes, and for canals, ditches, pipes and pipe-lines, flumes, tunnels and other conduits, and for water plants, dams and reservoirs used to promote irrigation, mining or quarrying, and the Secretary of the Interior on August 24, 1912, and January 6, 1913, has provided rules and regulations governing such rights of way, under the provisions of said Acts, but it is not stated whether these Acts shall apply to public lands in the Territory of Alaska, and while it has never been directly held that the provisions of these Acts do not apply, it is a fact that a number of applications have

been filed under these provisions, but they have never been allowed, and, if the law as construed in the Miocene Ditch Company case, *supra*, is adhered to, it follows as a natural consequence that the provisions of said Acts do not apply to public lands in Alaska. We, therefore, have the anomalous situation of a transmission line passing over lands in Alaska partly within a national forest and partly over adjoining public land, being unable to receive a franchise for its entire line, a result which it is believed was not contemplated when the laws were enacted, and

Whereas, there are throughout the Territory of Alaska a large number of available and undeveloped power projects which can be developed and utilized as the demand for such industries increase. A number of small projects are now developed to a limited extent and are operating and furnishing light and power to settlements in the Territory, but all of those located on lands outside of forest reserves have no title or right under the law to use such lands, although they have expended in some cases large amounts of money in their development. This condition is intolerable, and should not be allowed to continue, because it prevents capital from investing, and retards the development of not only the available power projects but of other natural resources in the Territory.

We, therefore, must respectfully urge your honorable body to pass a suitable law, or laws providing for rights of way over all public lands, both reserved and unreserved for electrical plants, poles and lines for the generation and distribution of electrical power, and for telephone and telegraph purposes, and for canals, ditches, pipes and pipe-lines, flumes, tunnels or other water conduits, and for water plants, dams and reservoirs used to promote irrigation, mining or quarrying or the manufacture or cutting of timber for lumber, or the supplying of water for domestic, public or any other beneficial uses, with suitable safeguards against monopoly and with such

provisions as will result in the natural resources being developed in the interest of all the people.

And be it further Resolved, that a copy hereof be sent to the President of the United States; the President of the United States Senate; the Speaker of the United States House of Representatives; the Chairman of the Committee on Public Lands of the United States Senate; the Chairman of the Committee on Public Lands of the United States House of Representatives; the Honorable James Wickersham, Delegate to Congress from Alaska; and the Secretary of the Interior.

Adopted by the Senate, April 20, 1915.

Concurred in by the House, April 26, 1915.

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#### SENATE JOINT MEMORIAL NO. 12.

TO THE HONORABLE, THE SECRETARY OF WAR:

We, your memorialists, the Legislature of the Territory of Alaska, second session, 1915, most respectfully represent and state, that

Whereas, the entire western coast of Alaska, south of St. Michael and north of Unalaska or Dutch Harbor, including all of the Bristol Bay coast line, where the largest and most extensive canneries in Alaska are located, is without telegraphic communication with the other parts of Alaska and the United States, and

Whereas, it is of the utmost importance that the officials of Alaska have telegraphic communication with this portion of the Territory, and that the people residing at Nushagak, Dillingham and other points on Bristol Bay have telegraphic communication with the Alaska officials and with the people of Alaska in other portions of the Territory,

Now, therefore, we, your memorialists, respectfully request and urge the Honorable, the Secretary of War, to direct and cause a wireless telegraph station to be established and maintained at the town of Dillingham, on