

SENATE JOINT MEMORIAL NO. 4

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF
THE UNITED STATES OF AMERICA, IN CONGRESS AS-
SEMBLED:

Your Memorialists, the Legislative Assembly of the Territory of Alaska; respectfully represent:

That the Act of Congress, approved May 14, 1898, entitled "An Act extending the homestead laws, etc., to Alaska," and the Act of Congress amendatory thereof approved March 3, 1903 (U. S. Rev. Stat. 30-409 and 32-1028, respectively), and the regulations of the Secretary of the Interior thereunder, provide, inter alia, that between Homestead, S. A. Homestead and Trade and Manufacturing Site surveys abutting on navigable waters, a shore space of eighty (80) rods, direct measurement must be reserved from entry;

That in practical operation the intent of said provisions of law and the regulations thereunder (which was to prevent monopolization of shore frontage on navigable waters) is not only nullified, but such monopolization is actually facilitated, to the manifest advantage of corporations, associations and individuals, by preventing competitors from acquiring title on desirable and strategic water-frontages to the shore spaces thus reserved:

That these means have been frequently and glaringly so used in the past, and are being so used at this time, to effect such monopolization of water-frontages, since a single claimant may obtain practical control of as extensive a shore frontage as he may desire by procuring title, at trifling expense, to any number of small tracts by entering them under Soldiers' Additional Homestead Rights (known as "script"), there being no requirement under existing law for either occupancy or improvement by the claimant in connection with this class of claim.

That the 80 rod reservations required as above stated between claims, work a peculiar hardship on bona fide homestead entrymen who are desirous of proving up on the tracts thus excluded from entry.

That such reservations tend to permanently prevent the settlement and cultivation of alternate tracts situated in those portions of the Territory into which the subdivisional public land surveys have been extended, whenever such tracts front either on the sea coast or the banks of the navigable rivers or other waters of the interior, thus nullifying the very intent of such

subdivisional surveys, and the wasting of a large part of the monies expended thereon.

That the laws, and regulations thereunder, above referred to also contain a provision that the water frontage of homesteads shall not exceed forty (40) chains, measured with the meanders, on navigable or other waters.

That such provisions prevent the entry of bona fide homesteads of 160 acres whenever the claimant seeks to take up adjoining $\frac{1}{4}$ Sections on such waterfront, since the length of meanders in two adjoining $\frac{1}{4}$ Sections on a water-front will invariably exceed the legal limit of 40 chains.

That the most desirable, most easily cultivated, and most accessible tracts are to be found on such waterways:

That as the result of these vexatious and prohibitory provisions of law and regulations thereunder, the settlement and cultivations of the public domain of the Territory is being unnecessarily and uselessly hindered, contrary to a sound public policy, which contemplates the settlement and legitimate use of the public domain at the earliest possible time and by any qualified entrymen;

That therefore, the objectionable features of these laws and the regulations thereunder should be repealed as soon as possible; and the right of access to navigable waters be ensured by enactments rendering all subsequent claims (entered under the provisions of the statutes dealt with herein) subject to the servitude of the following easements:

- (1) a right of way 60 feet in width, parallel to the water front and as near to it as practicable;
- (2) a right of way 60 feet in width, whose center line shall consist of any upland boundary of such tract.

such easements to include use for wagon roads, railroads, operated by any mechanical power, tramroads, both surface and overhead; electric lines of any nature; pipe lines, flumes, tunnels, ditches, etc. The easements should also provide for the crossing either over or under other previous rights of way for any purpose but in such manner as to secure mutual non-interference.

And be it resolved by the Legislative Assembly of the Territory of Alaska, that a copy of this Memorial be sent to the President of the United States, the chairman of the Committees on Public Lands in the Senate and House of Representatives of Congress, the Commissioner of the General Land Office, the Secretary of the Interior, and the Delegate to Congress from Alaska.

Passed the Senate, Apr. 20, 1917.

Passed the House, Apr. 25, 1917.