

special session of the Legislature of the Territory of Alaska to convene on or about January 15, 1942, for considering a new tax program for the Territory and enacting legislation in relation thereto and for other purposes.

AND YOUR MEMORIALIST WILL EVER PRAY.

Passed by the Senate, March 24, 1941.

Passed by the House, March 27, 1941.

SENATE JOINT MEMORIAL NO. 7

TO THE CONGRESS OF THE UNITED STATES AND TO THE
HONORABLE ANTHONY J. DIMOND, DELEGATE TO CON-
GRESS FOR THE TERRITORY OF ALASKA:

Your Memorialist, the Legislature of the Territory of Alaska, in Fifteenth Regular Session assembled, respectfully submits that:

WHEREAS, the Niukluk River is a tributary of Fish River on Seward Peninsula in the Second Division of the Territory of Alaska and is North of 64° Latitude and consequently frozen during the greater part of every year; that during the lesser period of the year when it is open and running the ordinary state is for the water to be low with numerous bars and shoals; that freight is transported up the river to the community of Council which is situated on the banks of the Niukluk River about 12 miles above its point of confluence with Fish River; that for such transportation flat power scows are used, but traffic is possible only at certain stages of the water, and auxiliary horse or tractor power on shore is required to cross bars and shoals; and,

WHEREAS, the bed of the Niukluk River, its benches, the beds of its tributaries and their benches, are in a highly mineralized zone, and have been the scene of mining operations since the early days of gold discoveries on Seward Peninsula. From the beds and benches of Ophir Creek, a tributary of Niukluk River, several miles above Council, Alaska, some of the most phenomenal gold recoveries in Alaska's history were made; and,

WHEREAS, from the time of the first discoveries of gold in the vicinity of Council, Alaska, prospectors and miners have located and held by mineral location much of the area of the bed and benches of the Niukluk River and its tributaries, and mined many

portions in the firm belief that the locations were proper, and the mining, extraction and disposition of gold therefrom legal and proper; and,

WHEREAS, in 1940 the United States Government by and through the office of the United States Attorney at Nome, Alaska, instituted an action in the District Court at Nome to restrain and prohibit any further mining and extraction of gold from the bed of the Niukluk River, from its confluence with Fish River, to a point about 12 miles upstream, that is, as far as Council, Alaska. Such action is based on the contention that this 12 mile portion of the Niukluk River is a navigable stream and is consequently not open for mineral location nor subject to mining or the extraction of gold therefrom. That as a result of the commencement of such action, or anticipating its commencement, owners and lessees of some mineral claims embracing part of the area concerned, have been required as a reasonable business practice to alter their plans for mining; other owners have had their claims mined by third parties ignoring locations; other owners have had options and agreements abandoned because of the uncertainty created, and other litigation has been instituted in the District Court at Nome between claim owners and those ignoring their rights; and,

WHEREAS, any curtailment of mining or avoidable interference with it in the vicinity of Council is to the immediate detriment of the residents of that section and of the Territory of Alaska. The single industry of the Council area is gold mining, and the residents and inhabitants are dependent upon it. The river area concerned has been under mineral location for more than 30 years, mining done thereon, and locators have expended large amounts of money and much labor in the doing and performing of annual assessment work. That no action was taken by the Government until 1940 to indicate that the rights of locators were non-existent, and their expenditures and labors futile. The shallowness of the ordinary water of the Niukluk River, the numerous sand bars, and the frozen condition of the river during the greater part of each calendar year makes it doubtful that the portion of the stream concerned is navigable in the sense intended by law.

NOW, THEREFORE, your Memorialist, the Legislature of the Territory of Alaska, respectfully urges that appropriate legislation be introduced and enacted by the Congress of the United States whereby the Niukluk River would be declared a non-navigable stream.

AND YOUR MEMORIALIST WILL EVER PRAY.

Passed by the Senate, March 6, 1941.

Passed by the House, March 14, 1941.

SENATE JOINT MEMORIAL NO. 9

TO THE HONORABLE FRANKLIN D. ROOSEVELT, PRESIDENT OF THE UNITED STATES; TO THE PRESIDENT OF THE SENATE; TO THE SPEAKER OF THE HOUSE OF REPRESENTATIVES OF THE CONGRESS OF THE UNITED STATES AND TO THE HONORABLE ANTHONY J. DIMOND, DELEGATE TO CONGRESS FOR THE TERRITORY OF ALASKA:

Your Memorialist, the Legislature of the Territory of Alaska, in regular session assembled, respectfully represents that:

WHEREAS, the Honorable Robert F. Wagner, Senator from the State of New York, did, on August 14, 1940, introduce S. B. 4269 in the Senate of the United States and on the same day the Honorable John W. McCormack, Congressman from the State of Massachusetts, introduced a like bill in the House of Representatives, H. R. 10384, which said bills provided for amendments to the Social Security Act so as to include employees not now covered by said act and particularly extending the provisions thereof to the old-age and survivors insurance provisions to State and local government employees and non-civil-service employees of the Federal Government.

NOW, THEREFORE, we your Memorialist, the Legislature of the Territory of Alaska, in fifteenth regular session assembled, respectfully endorses the principal included in the two bills and prays that said S. B. 4269 be speedily enacted into law.

AND YOUR MEMORIALIST WILL EVER PRAY.

Passed by the Senate, March 17, 1941.

Passed by the House, March 22, 1941.