

Dear Patron:

We regret that the enclosed photocopies are the best we were able to obtain using our normal reproduction process. This is caused primarily by the age and faded conditions of some of the documents from which these copies were made.

BEST AVAILABLE COPY.



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SERIAL NO.

Fairbanks 0327

(Land Office)

CONFIDENTIAL

IN REPLY PLEASE REFER TO

Fairbanks 0327 "K" ME
1201308

Incs.

DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE
WASHINGTON

Sept 23, 1926

ADDRESS ONLY THE
COMMISSIONER OF THE GENERAL LAND OFFICE

Returning map.

Mr. James A. Ramsey,
Division Inspector,
Interior Department,
Anchorage, Alaska.

Sir:

In accordance with your report of June 9, 1926,
there is returned herewith the map showing the lands within
the Terminal Reserve of the Alaska Railroad at Fairbanks,
Alaska, which map was prepared for the purpose of excluding
certain lands therein from the withdrawal made by Executive
Order No. 1967-A, of June 23, 1914.

A copy of office letter of August 23, 1926, addressed
to the district land office at Fairbanks relative to the
amendment of the homestead application of Alphons Zehnder,
Fairbanks 0327, is also inclosed for your files.

Very respectfully,

Thomas C. Howell

9-22 hov

Acting Commissioner.

9-22

CONFIDENTIAL
NOT FOR PUBLIC INSPECTION

Fairbanks 0327-0416 "X" UK

August 3, 1926

Chief, Division "E".

Executive Order No. 1967A of June 23, 1914, reserved Secs. 3, 4, 9, and 10, T. 1 S., R. 1 W., E. M., Alaska, together with other tracts for terminal purposes and in connection with railroad or other construction work contemplated by the act of March 12, 1914 (38 Stat., 305).

November 12, 1925, the Division Inspector submitted a plat prepared by the office of the Chief Engineer of the Alaska Railroad showing the tracts in said sections which the railroad desires to retain as terminal grounds and recommended that all other tracts not desired for the terminal reserved be restored to the public domain.

Said plat is referred to you together with the correspondence in connection therewith and homestead applications Fairbanks 0327 and 0416 covering lands within said withdrawal of June 23, 1914.

It is requested that you prepare a supplemental plat describing the lands to be retained by the railroad and those to be excluded from the withdrawal in order that an Executive order may be issued restoring to the public

Fairbanks 0327 etc. "K" XI

domain all lands which are no longer needed or wanted
by the Alaska Railroad.

H L Brooks

Chief, Division "K".

H. E. 0327, Fairbanks series
Alphons Zehnder

DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE

Anchorage, Alaska,
June 9, 1926.

Commissioner of the
General Land Office,
Washington, D. C.

*K6H/vo
mm*

Sir:

In accordance with instructions contained in your wire of June 5, I am enclosing herewith, copy of my letter of November 12, 1925, together with a copy of the stipulation entered into between Alphons Zehnder and The Alaska Railroad.

There is also enclosed a copy of the map mentioned in my letter, showing the lands which the Railroad has agreed to eliminate from their terminal reserve. This is our office copy of the map, and if your original files are located it is requested that this map be returned.

RECEIVED
JUN 24 1926
J. A. Ramsey

Very respectfully,

J. A. Ramsey
J. A. Ramsey,
Division Inspector.

CONFIDENTIAL
NOT FOR PUBLIC INSPECTION

Re: H.E.0327, Fairbanks series,
Alphons Zehnder (COPY)

Anchorage, Alaska.
November 12, 1925.

Commissioner of the
General Land Office,
Washington, D. C.

Sir:

Enclosed please find a plat showing the terminal reserve of the Alaska Railroad at Fairbanks, Alaska. This plat was prepared recently by the engineers of the Railroad, for the purpose of excluding the lands which are no longer needed for railroad purposes.

Mr. Dillon, Assistant Engineer, who prepared the plat after a recent field examination, stated that he had entered into a verbal agreement with Alphons Zehnder in regard to the inclusion of a part of Zehnder's homestead in the terminal reserve.

After a conference with the General Manager of the Railroad, I went to Fairbanks and interviewed Zehnder, and prepared a stipulation in which he agreed to relinquish a strip along the south side of his entry for the benefit of the Railroad. This stipulation is attached hereto, having been signed by Zehnder and Mr. Noel W. Smith, General Manager of the Alaska Railroad.

Re: H. E. 0327, Fairbanks series,
Alphons Zehnder.

-2-

Nov. 12, 1925.

At the time of my interview with Zehnder, I assisted him in the preparation of an application to amend his entry by enlargement to include lands which are eliminated from the terminal reserve, in lieu of the lands which he relinquished for railroad purposes.

The lands which the Railroad want reserved as terminal grounds are included within the broken red line, and all other lands which are ^{not} now included in the terminal reserve may be restored to the Public Domain.

In view of the foregoing statements, it is believed that Zehnder should be given a preference right to include the lands applied for in his application to amend, when they are released from the terminal withdrawal.

It is recommended that proper steps be taken to have an Executive Order issued restoring to the Public Domain, all the lands which are no longer needed or wanted by the Alaska Railroad.

Very respectfully,

J. A. Ramsey,
Division Inspector.

JAR/RH.

STIPULATION

Territory of Alaska :
4th Judicial Division:

November 6, 1925.

It is hereby stipulated by and between the Alaska Railroad, which is the successor to the interests acquired by the Tanana Valley Railroad in certain lands in Sections 3, 4, 9, and 10, Township 1 South, Range 1 West, Fairbanks Meridian, and Alphons Zehnder who made Homestead entry No. 0527 Fairbanks series for lands included in survey No. 805, that the conflict between their several rights be adjusted in the following manner:

Alphons Zehnder agrees to and hereby does relinquish to the United States all his right, title and interest to the lands included in his Homestead Entry lying south of a line beginning at a point on the east line of Survey No. 805 from which the southeast corner of said survey is S. 25 19' W. a distance of 450 feet, and extending thence N. 83 15' W. to the line along the west side of the said Survey No. 805.

The Alaska Railroad by its General Manager, Noel W. Smith, agrees to the elimination from executive withdrawal and restoration of the following described lands to the public domain:

Lot 6 Sec. 3, Lots 8, 9, 11 Sec. 4, and that portion of Lot 12 Sec. 4, X lying north of a line beginning at a point on the east line of Survey No. 805 from which the southeast corner of said survey is S. 25. 19' W. a distance of 450 feet, and extending thence N. 83 15' W. a distance of approximately 8230' to Section line between Sections 4 and 5.

THE ALASKA RAILROAD

BY

(Signed) Noel W. Smith

Noel W. Smith,
General Manager.

WITNESSES: J. A. Ramsay |
H. K. Carlisle | Alphons Zehnder

May 27
Special 3-9-19

Fairbanks 0327 "K" MM.

TELEGRAM

UNITED STATES DEPARTMENT OF THE INTERIOR
OFFICIAL BUSINESS

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<input type="checkbox"/>	TELEGRAM
<input type="checkbox"/>	DAY LETTER
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CHECK
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W.U. (TELEGRAPH CO.)	SEND OFFICIAL TELEGRAMS	To Washington, D. C., and other charge-account points	Collect, Government Rate	<input checked="" type="checkbox"/>	METHOD USED
		From Washington, D. C., to all points	Paid, Government Rate, Charge		
		From charge-account points to all points except Washington, D. C.	Paid, Government Rate, Charge		
		All other official telegrams	Government Rate, Pay in Cash		

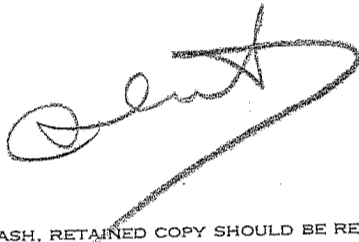
Bureau of **Land Office.** Appropriation **Protecting Public Lands, Timber etc.**

Washington, D.C.,
June 5, 1926.

Ramsey,
Inspector,
Anchorage, Alaska.

Your letter November twelve last concerning Zehnder
entry Fairbanks naught three two seven with stipulation
not found Send copy of letter and stipulation

Spuy
Commissioner



IF SENDER PAYS CASH, RETAINED COPY SHOULD BE RECEIPTED.

REC'D OF _____ \$ _____

_____, OPERATOR

6-5 glb.

H. E. 0327, Fairbanks series,
Alphons Zehnder.

DEPARTMENT OF THE INTERIOR

GENERAL LAND OFFICE

Anchorage, Alaska,
May 21, 1926.

*K. 12-25
Am. 9-22*

Commissioner of the
General Land Office,
Washington, D. C.

Sir:

Reference is had to my letter of November 12, 1925, transmitting a stipulation signed by Alphons Zehnder who made homestead entry 0327, Fairbanks series, and Mr. Noel W. Smith, General Manager of The Alaska Railroad. A plat of the terminal reserve, showing the proposed exclusions of lands no longer needed for railroad purposes, was also enclosed.

Please advise what action, if any, has been taken in regard to the elimination of the lands no longer needed for terminal purposes and the approximate date when the elimination will be made. At the time Zehnder signed the stipulation it was represented to him that prompt action would be recommended in order that there would be no unnecessary delay in the issuance of title to his land.

This matter was recently taken up with the officials

CONFIDENTIAL
NOT FOR PUBLIC INSPECTION

Re: H. E. 0327,
Alphons Zehnder.

F. D. 2201.

Commissioner, G. L. O.,

-2-

May 21, 1926.

of the Alaska Railroad and I was advised that they made no special recommendation to your office in regard to the restoration as they did not consider it necessary, but that if any action was necessary on their part, it would be taken up immediately upon receipt of instructions from you.

Very respectfully,

J. A. Ramsey
J. A. Ramsey,
Division Inspector.

JAR/RH.

CONFIDENTIAL
NOT FOR PUBLIC INSPECTION

DEPARTMENT OF THE INTERIOR
UNITED STATES GEOLOGICAL SURVEY

WASHINGTON

OFFICE OF THE DIRECTOR

September 20, 1915.

FS
The Commissioner,
General Land Office.

In reply to your letter of April 10, 1915 (Fairbanks
0327 "RS" EEC), requesting information relative to the character
of the following land in Alaska, Fairbanks Meridian, embraced in
homestead entry of Alphons Zehnder:

- T. 1 S., R. 1 W., Sec. 3, lot 13;
- Sec. 4, lot 1; 6,
- Sec. 9, lot 1;
- Sec. 10, lot 7.

The lands involved in this homestead entry lie along
Chena Slough just west of Fairbanks. These lands form a part of the
Tanana bottoms and are underlain only by unconsolidated sand and allu-
vium. They contain no commercial metalliferous mineral deposits, no
coal or petroleum, no hot springs exist on the tract, and it possesses
neither power site nor reservoir value. Your attention is directed,
however, to the fact that this land is included in Alaska Townsite and
Railroad Withdrawal No. 2, approved by the President on June 23, 1914.

*see file # 4236 Aug 17/15
" " " 2297*

Philip J. Smith
Acting Director.

SEP 22 1915

September 20, 1915.

The Commissioner,

General Land Office.

In reply to your letter of April 10, 1915 (Fairbanks 0527 '75' 220), requesting information relative to the character of the following land in Alaska, Fairbanks Meridian, embraced in homestead entry of Alpheus Johnson:

S. 1 E., R. 1 W., Sec. 8, lot 13;
Sec. 8, lot 1;
Sec. 9, lot 1;
Sec. 10, lot 7.

The lands involved in this homestead entry lie along Chena Slough just west of Fairbanks. These lands form a part of the former bottom and are underlain only by unconsolidated sand and siltstone. They contain no commercial metalliferous mineral deposits, no coal or petroleum, no hot springs exist on the tract, and it possesses neither power site nor reservoir value. Your attention is directed, however, to the fact that this land is included in Alaska Homestead and Railroad Withdrawal No. 2, approved by the President on June 25, 1914.

GENERAL LAND OFFICE

Philip S. Smith

Acting Director.

IN REPLY PLEASE REFER TO Fairbanks 0327 "TFS" EBY.

J.M.

DEPARTMENT OF THE INTERIOR

GENERAL LAND OFFICE

WASHINGTON

April 17, 1915.

ADDRESS ONLY THE
COMMISSIONER OF THE GENERAL LAND OFFICE

Request for data.

The Director,

U. S. Geological Survey.

My dear Mr. Smith:

Please furnish this office with such data as may be shown by your records relative to the character of the land, with reference to coal and petroleum deposits, hot springs and power site or reservoir possibilities embraced in homestead entry of Alphons Zehnder, for Lot 13, Sec. 3, Lot 10, Sec. 4, Lot 1, Sec. 9, Lot 7, Sec. 10, T. 1 S., R. 1 W., Fairbanks Meridian.

Very respectfully,

E. W. ...
Assistant Commissioner.

4-9-1hm

CONFIDENTIAL
NOT FOR PUBLIC INSPECTION

JAN 23 1926
BEP

DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE

mk
1201308

CSB

Referred to Dept " 12-23-24 2/18/25"

Anchorage, Alaska.
November 12, 1925.

Referred to 12-9-20-26
Also under CSB

Commissioner of the
General Land Office,
Washington, D. C.

Sir:

X

Enclosed please find a plat showing the terminal reserve of the Alaska Railroad at Fairbanks, Alaska. This plat was prepared recently by the engineers of the Railroad, for the purpose of excluding the lands which are no longer needed for railroad purposes.

Mr. Dillon, Assistant Engineer, who prepared the plat after a recent field examination, stated that he had entered into a verbal agreement with Alphons Zehnder in regard to the inclusion of a part of Zehnder's homestead in the terminal reserve.

After a conference with the general manager of the Railroad, I went to Fairbanks and interviewed Zehnder, and

RECEIVED
DEC 2 1925
G. L. O.

CONFIDENTIAL
NOT FOR PUBLIC INSPECTION

see Fairbanks
434309
Jan 0327

Re: H. E. Alphonse Zehnder and
Alaska R. R. Terminal Reserve at Fairbanks, Alaska.

Commissioner, General Land Office

-2-

Nov. 12, 1925.

prepared a stipulation in which he agreed to relinquish a strip along the south side of his entry for the benefit of the Railroad. This stipulation is attached hereto, having been signed by Zehnder and Mr. Noel W. Smith, General Manager of the Alaska Railroad.

At the time of my interview with Zehnder, I assisted him in the preparation of an application to amend his entry by enlargement to include lands which are eliminated from the terminal reserve, in lieu of the lands which he relinquished for railroad purposes.

The lands which the Railroad want reserved as terminal grounds are included within the broken red line, and all other lands which are now included in the terminal reserve may be restored to the Public Domain.

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It is recommended that proper steps be taken to have an Executive Order issued restoring to the Public Domain, all the lands which are no longer needed or wanted by the Alaska Railroad.

Very respectfully,

J. A. Ramsey
J. A. Ramsey,
Division Inspector.

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S T I P U L A T I O N

Territory of Alaska :
:
4th Judicial Division:

November 6, 1925.

It is hereby stipulated by and between the Alaska Railroad, which is the successor to the interests acquired by the Tanana Valley Railroad in certain lands in Sections 3, 4, 9, and 10, Township 1 South, Range 1 West, Fairbanks Meridian, and Alphons Zehnder who made Homestead entry No. 0327 Fairbanks series for lands included in Survey No. 805, that the conflict between their several rights be adjusted in the following manner:

Alphons Zehnder agrees to and hereby does relinquish to the United States all his right, title and interest to the lands included in his Homestead Entry lying south of a line beginning at a point on the east line of Survey No. 805 from which the southeast corner of said survey is S. 25 19' W. a distance of 450 feet, and extending thence N. 83 15 W. to the line along the west side of the said Survey No. 805.

The Alaska Railroad by its General Manager, Noel W. Smith, agrees to the elimination from executive withdrawal and restoration of the following described lands to the public domain:

Lot 6 Sec. 3, Lots 8, 9, 11 Sec. 4, and that portion of Lot 12 Sec. 4, X lying north of a line beginning at a point on the east line of Survey No. 805 from which the southeast corner of said survey is S. 25. 19' W. a distance of 450 feet, and extending thence N. 83 15' W. a distance of approximately 8230' to Section line between Sections 4 and 5.

THE ALASKA RAILROAD
BY

Noel W. Smith
General Manager

Witnesses

J. A. Ramsey
A. H. Baird

Alphons Zehnder

BHB

FAIRBANKS TERMINAL RESERVE

COURSES AND DISTANCES

<u>NO.</u>	<u>BEARING</u>	<u>DISTANCE</u>	<u>REMARKS</u>	<u>N</u>
1	N.0° -08' W.	1201.9'	N. & S. Section Line	$\frac{5}{8} \frac{4}{9}$
2	S.83° -15' E.	8192.7'	Along North Boundary of Reserve	S
3	N.25° -19' E.	978.24'	Portion E. Prop. Line Zehnder's Homestead.	
4	S.67° -20' E.	845.46'	North line of Eliminated Plot Sur. 806.	
5	S.13° -30' W.	643.5'	East Side of Ester to Fairbanks Road.	
6	S.75° -27' E.	465.3'	South Line Noyes H.S.	
7	S. 0° -3' W.	190.3'	N.& S. Line Lots 14 & 2.	
8	S. 25° -16' W.	368.94'	Por. E. Line Lot 3, Sec. 10	
9	N.82° -54' W.	440 450'	Approximated	
10	S.13° - 30' W.	80'	Road Ester to Fairbanks	
11	N.81° - 45' W.	370'	Approximated	
12	S.10° - 52' E.	1170'	Center Line Cushman Street, Dist Scaled.	
13	S.70° -15' W.	135'	Approximated N.Bank Chena Slough.	
14	N.10° - 52' W.	370'	Bldg. Line 133.75 R.A. Center Line Cushman	
15	S.73° - 30' W.	200'	Center Line Brandt St.	
16	N.16° - 56' E.	240'		
17	N.10° - 40' W.	60.1'	East Line Brandt	
18	N. 10° -47' W.	493.7'	Por. E. Line Brandt Prop.	
19	N.47° - 29' W.	101.6'	" " " " "	
20	S.73° - 11' W.	800'	S.Meander Line O.F.Channel	
21	N.W. & S.W., etc.		N. Meander Line Chena River	
22	N.0° - 08' W.	2369.4'	N. & S. Section Line	$\frac{5}{8} \frac{4}{9}$

DESCRIPTION OF LAND TO BE
RESERVED FOR ALASKA
RAILROAD TERMINAL AT FAIRBANKS, ALASKA

The property to be reserved for terminal is located in Township No. 1 South Range No. 1, West, of Fairbanks, Meridian, and traverses substantially as follows:

Beginning at S.W. Cor. Sec. 4 and proceeding on West line of said Section, N. $0^{\circ}08'$, W. 1201.9' to Point on W. Line, Sec. 4; thence S. $85^{\circ}15'$, E. 8192.7' to a point on E. Line of Survey #805, from which the S.E. Corner of said Survey bears S. $25^{\circ}19'$ W. a distance of 450 ft.; thence along said line N. $25^{\circ}19'$, E. 978.24' to N.W. Cor. Eliminated portion of Survey #806; thence S. $67^{\circ}20'$ E. 845.46' to N.E. Cor. of said eliminated portion and on line of East side of road, thence along east side of said road S. $13^{\circ}30'$, W. 643.5' to S. W. Cor. Noyes Property; thence along south line of Noyes S. 750.27', E. 465.30' to line of Lots 14 and 2, Sec's. 3 & 10 respectively; thence along said line S. $0^{\circ}03'$ West 190.3'; thence along East line of Lot 3, Sec. 10, S. $25^{\circ}16'$, W. 368.94' to S.E. Cor. Lot 3, Sec. 10; thence N. $82^{\circ}54'$ W. 450' along S. line of Lot 3, Sec. 10 to center line of Road; thence along center line of said road S. $13^{\circ}30'$ W. 80' to center line of N. Abutment of bridge (N. Meander Line of O. F. Channel); thence across O. F. Channel N. $81^{\circ}45'$ W. 370' to point on S. Meander Line of O. F. Channel and on extended center line of Cushman Street; thence along center line of Cushman Street S. $10^{\circ}52'$, E. 1170' to center line N. Abutment of steel wagon bridge (N. Meander line of Chena River); thence S. $70^{\circ}15'$ W. 135' along N. Meander line of Chena River to Bldg. line of Bldgs. located West of Alaska R. R. Depot; thence along said line N. $10^{\circ}52'$ W. 370' to point on center line of Brandt street; thence along said line S. $73^{\circ}30'$ W. 200' to east line of Brandt Homestead; thence along said line N. $16^{\circ}56'$ E. 240'; thence along Brandt east line N. $10^{\circ}40'$ W. 60.1'; thence along said line N. $10^{\circ}47'$ W. 497.3'; thence N. $47^{\circ}29'$ W. 101.6'; thence south westerly along South Meander Line of O.F. Channel 800' to North W. Cor. Brandt Property; thence N.W. S. W. etc, along North Meander Line of Chena River to point where West Section Line of Section 9 intersects said Meander Line of Chena River; thence along said section line N. $0^{\circ}08'$ W. 2369.4 and to place of beginning.

NOTE: This description is intended only for use as aid to making ground survey and to show outline of property to be retained for Alaska Railroad terminal at Fairbanks. Also to show land outside of Terminal reservation under Executive Order, which may be restored to entry.

Metes and Bounds taken from railroad surveys, land office records and calculations made in this office.

Crown 12-24-14

73

R E P O R T
on
H O M E S T E A D E N T R Y
of
ALPHONSE ZEHNDER,
Serial 0327, Private Survey 805,
FAIRBANKS, ALASKA.

---:---

Atwell,
Special Agent, GLO.

DEC 26 1914

DEPARTMENT OF THE INTERIOR,

Homestead Entry,
S.0327, Survey 805,
Fairbanks Land Dist.,
Fairbanks, Alaska.
Alphonse Zehnder,
Report,
Favorable.
Atwell, Sp. Agt.

GENERAL LAND OFFICE.

Fairbanks, Alaska, November 18, 1914.

Honorable Commissioner,
General Land Office,
Washington, D.C.,

Thru Mr. A. Christensen,
Chief Field Division, G.L.O.

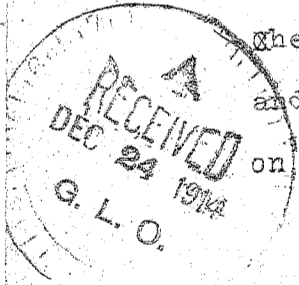
Sir;

I have the honor to submit herewith a report on Homestead Entry, Serial 0327, Private Survey 805, Fairbanks, Alaska, Land District, made February 12, 1914, under the Act of March 3, 1903, by one Alphonse Zehnder, of Fairbanks, Alaska. Final Proof May 15, 1914.

This report is supplemented with pictures, exhibit A, and sketch maps B, C, and D. The direction of the camera and approximate points from which the pictures were taken are indicated on Map B by the symbol >>>—> ; the number of the arrow being the number of the picture.

Description and Character of Land.

Township Plat 1 S. R. 1 W. Fairbanks Meridian, Alaska, shows a large island formed by Noyes Slough and Ghena River. This island is locally known as Noyes Island and is the second north of Fairbanks. The land entered is on this island in Sections 3, 4, 9, and 10, namely, Lot 13,



Section 3, 170.64 acres, Lot 10, Section 4, 73.93 acres, Lot 1, Section 9, 5.17 acres and Lot 7, Section 10, 10.30 acres. The ground is level and the soil first rate, sandy loam.

Under date of May 27, 1914, the U. S. Geological Survey reported that the lands described in the Tanana Mill Company's Application to Purchase a Trade and Manufacturing Site, Serial 0323, Fairbanks, Alaska, "are not known to contain mineral deposits of value" and that "there are no coal or oil deposits in this vicinity, thermal springs are unknown and power and reservoir possibilities are believed to be negligible". This homestead abuts said Trade and Manufacturing Site on the west. See report on Tanana Mill Company's application to purchase Trade and Manufacturing Site, Serial 0323, Fairbanks, Alaska, dated October 17, 1914.

Natives and Reservations.

All of the land is embraced in Alaska Townsite Withdrawal No. 2, made by Executive order dated June 23, 1914, under the Act of March 12, 1914, to-wit, in Sections 3, 4, 9, and 10, T. 1 S. R. 1 W. F.M. No part of this land is embraced in any pending application for allotment or in any approved allotment to any Indian of Eskimo, nor is any part occupied or claimed by any Indian or Eskimo. None of the land is occupied as a mission station or townsite.

Location, Cultivation, Residence, etc.

This is an entry of unsurveyed lands by private survey under the Act of March 3, 1903. Claimant made Location

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August 11, 1908, and recorded notice thereof November 10, 1908, in the Office of the Commissioner and Recorder, Fairbanks, Alaska, at page 287, Vol. 10 of Mining Records, instrument No. 25226. (Exh. E.) The survey was made by C. E. Davidson, a U. S. Deputy Surveyor (now Surveyor General of Alaska.) between August 11 and 13, 1909, and approved by him as Surveyor General December 15, 1913. Survey 805, Map B.

The locator made settlement in November 1908, living in a tent, and started improvements. In May 1909 he had completed a log cabin 15 by 20 feet, the house in which he now lives, with cellar under of same size. With the exception of the month of January 1909, the claimant, since the date of settlement to the present time, has actually lived upon and cultivated the land. During the month of January 1909 he lived in Fairbanks, the weather being so cold he could not live in a tent.

During the summer of 1909 he cleared and prepared for cultivation two and a half acres. This clearing he has gradually increased to thirty five acres, all under the plow in the summer of 1914, twenty of which were cropped. The cost of clearing and preparing this land for the plow is estimated at \$50.00 per acre. Other improvements made by claimant are, one log house, 15 by 20 feet, with cellar under, a well 50 feet deep with pump in the house, a root house connected with the cabin, two other root houses each 15 by 24 feet, and

a stable with room for two horses. The claimant owns one horse and hires one. In the way of farming implements he has a plow, disk harrow, cultivator, seeder, wagon, sleds, etc. The house and improvements are on the west end of the entry along the west line, in what would be approximately the $W\frac{1}{2}SE\frac{1}{4}$ of Section 3. The house is in what would be the northwest 10 acres of the \checkmark $SW\frac{1}{2}SE\frac{1}{4}$, Section 3, and the cultivation is north and south of the house. See Map B.

Picture 1 shows the house, claimant, and his hired man. The claimant is the little fellow in the light hat. Picture 2 shows the barn and horses. Pictures 3 and 4 show the cleared land south of the house; this land is now under the plow. Picture 4 also gives an idea of the stand of brush on uncleared land. Pictures 5 and 6 show the cleared and cultivated land north of the house. Exh. A.

/ In the summer of 1909 the claimant raised and sold vegetables to the amount of \$50.00, in 1910, \$839.70, in 1911, \$942.00, and in 1912, \$2124.00. He did not have a record of his sales for 1913 therefore I could not check them up but he said they were not quite so good as 1912. The place is cropped to potatoes, carrots, cabbage, turnips, parsnips; in fact all garden stuffs, and some oats cut for hay. I could not get the quantity produced per acre in bushels or pounds as claimant did not so measure his crop. The average wholesale prices for vegetables are, per pound, potatoes 6¢, cabbage between 6¢

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and 8¢, turnips 4¢, carrots 6¢, parsnips about 10¢. Zehnder got higher prices than these as he sold in small quantities to the consumer. I notice that some of the stores are retailing native potatoes at 12 lbs for \$1.00.

Mr. Zehnder is about 50 years old. He came to the United States from Switzerland in 1886, to Alaska in 1902, and the Fairbanks District in 1903. He mined and prospected until the spring of 1908, to no material advantage. In the summer of 1908, at the time he made this homestead location, he was "flat broke". Since taking the homestead he has not worked for wages excepting for about 10 days in January and the months of February and March 1909. Everything he has made excepting wages above noted, has been by hard work on his homestead. This spring he had a hired man at \$5.00 per day and board, but the going wage here for "farm hands" is \$100.00 per month and board.

The law as to residence and cultivation certainly has been complied with to the fullest extent. This man has carved a home out of the wilderness by hard, horny handed toiling. X If ever man deserved patent to a piece of public land this man does. X

This is an entry by private survey of unsurveyed lands under the Act of March 3, 1903, amending the Act of May 14^m 1898. The Act provides that locations on unsurveyed land shall be by north and south lines running to the true meridian. It will be noticed that the east lines of this survey is not due north and south. Map B. The Location was

made in rectangular form with north and south lines run according to the true meridian, (Exh.E.), the initial stake of Location being identical with Cor. 6 of the survey, Survey 805. This location, on the west, was in conflict with the Tanana Mill Companys' Trade and Manufacturing Site location, (Survey 806, Serial 0323, Fairbanks) therefore when claimant had his survey made he conformed his east line to the west line of said Trade and Manufacturing Site, these lines now being identical.

If the requirements of the law that lines be north and south is not mandatory it is recommended that this survey be accepted as executed. The locator cannot conform to his original location, which was made according to the requirements of the statute, on account of the conflict above stated, therefore he would have to conform by line north and south from Cor. 1, see Map B. This would cast off from his claim all his improvements and cultivation, which would be a great injustice to the claimant without any interest of the Government being conserved thereby. I am of the opinion that the requirement of the law in question is not so mandatory that the Secretary of the Interior, in the exercise of his great general supervisory power could not allow a homestead location or private survey failing to comply with the law in all particulars as to north and south lines, if the peculiar facts of the case justified allowance thereof. If the Tanana Mill Companys'

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Application, Serial 0323, Survey 806, Fairbanks, Alaska, is cancelled, as recommended in report dated October 17, 1914, this claimant could conform his lines to his original location, which would conform to the requirements of the statute, and save his improvements, but this would throw him in conflict with the provision of the statute reserving 80 rods between claims on navigable waters, as his east line would be within 80 rods of the west line of Private Homestead Survey 851 of Jorgine Andersons', a claim of 27.35 acres in area. Both of these claims are within 80 rods of Chena River as shown in this report below.

Tanana Vally Ry Right of Way & Terminal Grounds.

The Tanana Valley Railroad is a foreign corporation organized under the laws of the State of Maine. The Articles of Incorporation were signed December 10, 1906, filed at Augusta, Maine, December 12, 1906, and filed at Fairbanks, Alaska, January 24, 1907. Its principal place of business is at 60 Broadway, New York City; in Alaska, at Fairbanks. The Articles empower it to build and operate railroads, etc, in Alaska. It has built and is operating a railroad from Fairbanks to Chena and to Chatanika, Alaska; in all about 42 miles of road. On November 30, 1907, it made definite location of its right of way and its terminal grounds at Fairbanks, Alaska, under the Act of May 14, 1898. This right of way intersects the south line of Survey 805 (claim in question) about 200

647790

feet west of Cor. 1, runs along said line westward for about 1320 feet, thence bends slightly north, running across and through said claim and coming out in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 4, T. 1 S. R. 1 W. The area claimed as terminal grounds is 20 acres in extent and is located on the north bank of Chena River and Dry Slough, opposite Fairbanks, in Sections 3 and 10, T. 1 S. R. 1 W. See Map C. Survey 805, the claim in question, is in conflict with this terminal ground location. This conflict I have shown on Map C, the lines Z1, Z2, Z3, representing the boundary of Zehnders homestead, Survey 805; Cor. 1 at Z2 being the SE corner of said survey. The railroad shown on Map C cutting across the southeast corner of Survey 805 is the T. V. Ry spur into the Tanana Mill Companys' plant. Corners 1, 2, 3, 4, 9, and 10 of the Terminal Ground Location have been destroyed. ~~The~~ Railroad Company has made no use of the terminal grounds as such; its right of way runs through the terminal grounds. Zehnders entry will be subject to this railroad right of way. ~~If~~ the failure of user of terminal ground does not void the location and right of use then said homestead entry will be subject to the easment of said terminal grounds. ~~X~~

Prior Locations.

On April 25, 1903, one Archie Burns, of Fairbanks, Alaska, now deceased, located a homestead of 320 acres on the island second north of Fairbanks (Noyes Island) and just west of Graehl City, said homestead extending westerly from Graehl

City not more than one mile. The notice of location was recorded May 8, 1903. Exh.F. This location covered what is now the south half of Section 3, T. 1 S. R. 1 W. and therefore included that part of Survey 805, Zehnders homestead, now designated Lot 13 of Section 3 of the general survey, 170.64 acres in area. (Map B) No stakes or monuments defining this location are in place. The locator, Burns, made some improvements and lived on the land more or less until his death, about November 21, 1904. None of his improvements are in existence at the present time.

Mr. L. T. Erwin, of Fairbanks, Alaska, was appointed administrator of Burns' estate on January 3, 1905. There is no record that he has ever been discharged as such. From the record of the Probate Court, Fairbanks, Alaska, it appears that Burns had no relatives in Fairbanks and that none responded to the publication made for them. The Administrator has not attempted to maintain this homestead location by compliance with the law as to cultivation. He stated to me that as he could not find the heirs of the locator, Burns, he abandoned the location and took no action towards making entry and proof therefor. This location is now eleven years old.

The plat of the township in which the homesteads of Burns and Zehnder are located, to-wit, the township plat for 1 S. R. 1 W. was filed April 15, 1914 in the Land Office at Fairbanks, Alaska. Zehnder made entry, Serial 0327, in the Land Office February 12, 1914 by Private Survey 805. No entry

of Burns homestead has been made in the Land Office by either the Administrator of the Heirs of Burns and no protest has been made in the Land Office against Homestead Entry 0327 of Alphonse Zehnder by either of them.

If the Department holds that a "Location" of unsurveyed land in Alaska, under the Act of March 3, 1903, is an "Entry" of such land, and that an "Entry" does not expire by operation of law upon the running of the statutory period without final proof being submitted, then the location of Burns is an existing entry of the land located. This "Entry" has not been cancelled of record. Therefore the location, entry, and proof of Alphonse Zehnder, Serial 0327, Private Survey 805, Fairbanks, Alaska, as to that part in conflict with the location of Burns, should not have been allowed by the Land Office, it having notice of the location of Burns which was recorded pursuant to the provisions of the Act; it being remembered that Zehnders' is a location and entry of unsurveyed land.

I am of the opinion that the status of an agricultural settler or locator on unsurveyed land in Alaska under the Act of March 3, 1903, is that of an agricultural settler on Unsurveyed lands in the United States outside of Alaska under the Act of May 14, 18⁵⁴50. The language of the two statutes is so similar that I think Congress had in view the recognition given and the rights and privileges granted to agricultural settlers on unsurveyed land by Section 3 of the Act of

May 14, 1880, when it embodied the provisions in the Act of March 3, 1903, recognizing homestead settlement of location on unsurveyed land in Alaska. The great departure is that the Act of March 3, 1903, grants the privilege of exercising a Government function to an agricultural settler on unsurveyed land in Alaska, namely, ^X the privilege of making an official survey of the public domain to the extent claimed by him, for the purpose of making "Entry" thereof, if the public survey is not extended in due time. ^X If the public survey has been extended by the time a settler can make final proof then he must make "Entry" in the Land Office by legal subdivisions of the public survey. The requirements of "location" etc. are to eliminate contention between settlers as to priority of settlement, to conform such surveys, if any are made, to the system of public surveys; in fact to safeguard the interests in general of the Government in granting this peculiar privilege of survey to agricultural settlers in Alaska. If the position above taken is true then it follows that, if the abandonment of a location on unsurveyed land in Alaska or the failure of a locator thereon to comply with the requirements of residence and cultivation does not ipso facto void said location and return the land to the unsegregated, unclaimed, public domain, an adverse valid location of such land may be made without contest and cancellation of such prior location. This would be so in case of the failure of the heirs of a deceased loca-

tor to comply with the requirements of the law. This being true the location and entry of Alphonse Zehnder, Serial 0327, Survey 805, Fairbanks, Alaska, is valid as to all the land embraced therein and was rightly allowed by the Land Office.

Navigable or Other Waters.

The quarter corner on the section line between Sections 3 and 10 is N. 8 03' W. 2.55 chains from Corner 1 of Survey 805, Zehnders homestead. From Corner 1 the south line of said survey runs west 60.89 chains. Corner 1 is within 40 rods of Chena River. The point of intersection of said south line with the section line between Sections 9 and 10 is just about 40 rods from the river. Between these two points, a distance of 160 rods, the south line of the claim is within 40 rods and at some places within 2 rods of the river. From the point of intersection of said line with the section line between Sections 9 and 10, westward, the distance between said line and the river abruptly increases to about 95 rods at Corner 2, the river bending southward.

Abutting this claim on the east is Survey 806, Trade and Manufacturing Site of the Tanana Mill Company, Serial 0323, Fairbanks, Alaska. (See report dated October 17, 1914.)

Abutting Survey 806 on the east is Survey 851, the private homestead survey of Jorgine Anderson. The relation of these claims is shown on Map D. Corner 1 of Survey 805 and Corner 1

of Survey 806 and the east and west lines respectively of said surveys are identical. Part of the east line of Survey 806 and part of the west line of Survey 851 are identical. Corners 1 and 3 of Survey 806 are within 40 rods of Chena River, if measured to the nearest point on the river, and no point on this line between Corners 1 and 3 is over 75 rods from the river. The distance between Corners 1 and 3 is 23.78 chains or 95.12 rods. Survey 851, Jorgine Anderson, has a frontage on and meanders Chena River from the head of Dry Slough to the head of Noyes Slough, a distance of 12.60 chains or 50.40 rods.

Survey 805, in question, has a frontage of 160 rods Survey 806 a frontage of 95.12 rods and Survey 851 a frontage of 50.40 rods, making a total continuous frontage of 305.52 rods within 75 rods of Chena River with no intervening 80 rod reservations. Survey 851, only, is meandered on the river.

Interposed between the south boundaries of Surveys 805 and 806 and Chena River are Lots 4, 5, 6, and 8, Section 10, having a total acreage of 57.23 acres. Lot 5 and the greater part of Lot 4 make Garden Island which is formed by Dry Slough and Chena River. Lots 4, 6, and 8 are unentered. Lot 5, 13.09 acres in area, is the homestead of Margaret Brandt, Survey 847. It is on the east end of the island directly opposite and south of common corner 1 of Surveys 805 and 806. See Maps C and D. Survey 847 has a meandered frontage on Chena River of 17.50 chains or 70 rods.

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Zehnders homestead, Survey 805, was located August 11, 1908, survey approved December 15, 1913, entry made February 12, 1914 and final proof submitted May 15, 1914. The Tanana Mill Company, Survey 806, made settlement sometime in May 1906, survey approved July 10, 1913, and application to purchase January 28, 1914. Jorgine Anderson, Survey 851, made actual settlement sometime in 1905, location notice dated August 26, 1907, (Exh.G.), survey approved November 20, 1913. No entry or proof has been made for this claim. Margaret Brandt, Survey 847, made settlement sometime in May 1908, location notice dated April 28, 1908, (Exh.H.), survey approved November 20, 1913, entry June 15, 1914, Serial 0346, final proof November 17, 1914. Anderson, Brandt and Zehnder are all bona fide homesteaders, having made strict compliance with the law for more than five years past since the date of their locations. They are in priority of time as mentioned.

The Townsite of Fairbanks is on the south side of Chena River directly opposite the above named claims. See Map D. The bridge connecting Fairbanks with Garden Island crosses Chena River on a line somewhat east of the Brandt claim. The Alaska Yukon Navigation Company's dock is just below the bridge on the Fairbanks side of the river. The boats of this Company plying the Tanana and Chena Rivers are, the Tanana, registered tonnage 272, Alaska and Yukon, registered tonnage each 603, draft light 2 feet 6 inches, loaded, 4 feet 2 inches.

The navigation company has docked boats at this wharf drawing 4 feet 6 inches on ordinary high water. These boats never go above the bridge, as the companys' dock at Fairbanks is the head of navigation, but the water above the bridge for several miles is just as good as below. There is no doubt that Chena River, for some ways above Fairbanks, is navigable in fact at ordinary high water, as it is below, by boats of the type used by the Alaska Yukon Navigation Company on the interior waters of Alaska. Therefore an 80 rod reservation should be between all claims on the river. The Department has held that this reservation is absolute, except as to mining claims, and that a claim located within 80 rods of the shore line shall be considered as located on the river for the purposes of this reservation. The claims of Zehnder, Brandt, Anderson and the Tanana Mill Company violate this requirement of the law.

The Department will probably decide the validity or invalidity of claims in conflict with the 80 rod reservation provision by priority of location in the case of homesteads, if notice of location is recorded within time, and by priority of actual occupancy and use in the case of trade and manufacturing sites. Jorgine Anderson made actual settlement on her claim sometime in 1905 but did not make location until August 1907, notice recorded October 25, 1907. The Tanana Mill Company commenced actual occupancy and user of its claim sometime in May 1906 and therefor would probably have the prior right, and if not cancelled would probably destroy the other three claims. If the Tanana Companys' site is cancelled as recom-

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mended in report dated October 17, 1914, Andersons' location would become valid, and probably the locations of Brandt and Zehnder would be validated thereby. This is on the assumption that a location in violation of the 80 rod reservation provision is not void but merely voidable. Brandt is next in time. This claim is 13.09 acres in area. From the lower corner of it to the southwest corner of Andersons' claim is over 80 rods, measured from corner to corner, but the aggregate eastings and westings would probably throw this location within 70 rods of Andersons'. Brandts' claim is on Garden Island and meanders both Chena River and Dry Slough. Dry Slough is not meandered and carries water at flood stages of the river only. Zehnders claim is north of Dry Slough. The Brandt claim is partly under and partly east of Zehnders' claim between it and the river. See Maps C and D. As these two claims were located the Brandt claim was wholly under the Zehnder claim and between it and the river. (Exh. E & H.) As located the Zehnder claim was within 80 rods of the Anderson claim, as surveyed there is no point on the east line of Zehnders' claim 80 rods from the river that is within 80 rods of Andersons' claim. X

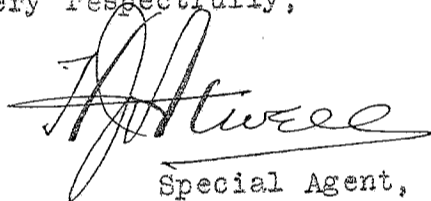
Reference to Maps C and D and the township plat for 1 S. R. 1 W. will show that Chena River is very tortuous, as are all the other rivers in the interior of Alaska. The administration of the provision of law reserving 80 rods between claims on rivers "navigable in fact at ordinary high water" is

going to be very difficult. I presume the 80 rod reservation was to prevent the monopoly of the land along the navigably rivers, but if little claims of 13.09 acres like Bradts' and 27.35 acres like Andersons' is going to prevent the entry of the land on either side for 80 rods, and back from the river 80 rods, it will in this case work a great hardship on Zehnder, and it seems to me that the operation of said provision will be just the reverse of that intended and expected.

Recommendation.

It is recommended that Homestead Entry 0327, Fairbanks, Alaska, Private Survey 805, of Alphonse Zehnder be passed to patent subject to an easement in the Tanana Valley Railroad of a right of way as occupied and used during user thereof.

Very respectfully,



Special Agent, GLO.

Fairbanks 0327 "FS" EEC.
A. Christensen, CFD,
transmits fav. report
of Spl. Agt. Atwell DEPARTMENT OF THE INTERIOR,
(not formally approved)
and makes fav. recommen- GENERAL LAND OFFICE.
dation.

C/P
F-2201.
1 Incl.

Seattle, Washington,
December 19, 1914.

Honorable Commissioner,
General Land Office,
Washington, D. C.

S i r:

By your above letter of October 8, 1914, you called for an early report on the homestead entry of Alphonse Zehnder, Fairbanks 0327.

I now have the honor to transmit herewith report of Special Agent H. J. Atwell, dated at Fairbanks, Alaska, November 18, 1914, wherein he has carefully considered the various questions involving the rights of Zehnder under the law, and in which he recommends that patent issue, subject to an easement of the Tanana Valley Railroad. I have not formally approved the report for the reason that there appears to be some technical objection to allowing patent to issue because of being in violation of the provision of the law requiring that 80 rods must be left between homestead claims on navigable waters, although I am in sympathy with the recommendation and I hope that some way will be found to get around the stringent provision of the law, in order that patent may

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DEC 24 Rec'd

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U. S. DEPARTMENT OF THE INTERIOR

be issued to the claimant. I examined the claimant's improvements personally during the past summer and there is no question about his utmost good faith.

This report should be considered in connection with the report of Special Agent Atwell, transmitted by me on November 12, 1914, on the Tanana Mill Company's trade and manufacturing site application, Fairbanks 0323, Survey 806, and also in connection with the records involving Surveys 847 and 851.

This is an excellent example of the difficulties that will confront your office in the administration of the homestead laws in Alaska, because of the failure of Congress to provide some manner whereby the 80 rod reserve strip between claims may be utilized and entered. We have already been confronted with this same situation at Ketchikan, Juneau and Cordova, and additional cases will arise as settlement of the various communities on navigable waters in Alaska is made.

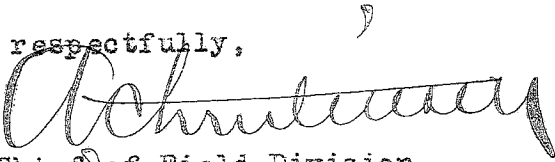
I wrote you relative to changes in the homestead law on April 30, 1914, wherein I called attention to the cases which had arisen at Ketchikan, namely, the Mineral Application of Alfred F. Rich and Orson M. Arnold, Juneau 0843, Survey 870, wherein it appeared that by your letter

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"FS" EEC of December 16, 1913, to A. C. Burnham, attorney at law, of Boston, Mass., you had suspended the adverse proceedings pending legislation involving the application. I also called attention to correspondence, which I attached, with one Henry C. Strong, President of the Northland Steamship Company. This letter was written by me in connection with the report of the Secretary of the Interior, of April 17, 1914, to the Chairman of the Committee on Public Lands, of the House of Representatives, on H. R., 13487, introduced by Delegate Wickersham.

Your attention is also invited to the fact that this land is within Alaska Townsite Withdrawal No. 1, and that, if the interior terminal of the Government Railroad is established at Fairbanks, there will be great demand for this and the land involved in the other surveys mentioned herein.

Very respectfully,


Chief of Field Division.

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IN REPLY PLEASE REFER TO ~~NO.~~ Fairbanks 0327 "FS" REC.

REC.

OK

DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE

WASHINGTON, October 8, 1914.

ADDRESS ONLY: THE
COMMISSIONER OF THE GENERAL LAND OFFICE

Advice.

Mr. A. Christensen,
Chief of Field Division,
Seattle, Washington.

Sir:

On May 15, 1914 Alphons Zehnder made final proof upon his homestead entry, Fairbanks 0327, for lands described by metes and bounds embraced in United States Survey 805. Final certificate was withheld. In a letter to this office dated June 8, 1914, the Register stated that there appeared to be a protest by the Chief of Field Division which had not been removed. An examination of the record fails to disclose that you have filed any protest against this entry.

You will consider this matter and if the case is under protest by you, you will proceed to the investigation thereof; otherwise you will advise this office.

Very respectfully,

Assistant Commissioner.

10-7-14

SERIAL NO.

(Land Office.)

CONFIDENTIAL

U.S. National Archives & Records Administration

Form 84 Land Entry Files-Packing Slip

DELIVERY FORMAT: Electronic Transfer		NATIONAL ARCHIVES ORDER FOR COPIES OF LAND ENTRY FILES			
1. FILE TO BE SEARCHED: General Land Entry File					
2. NAME OF ENTRYMAN (Last, First, and Middle names): Zehnder Alphonse		3. LAND LOCATED IN STATE OF : Alaska		4. APPROXIMATE DATE OF ENTRY: 1908 and After	
5. PRE-1908 GENERAL LAND ENTRY FILES:					
5a. SECTION NUMBER:		5b. TOWNSHIP NUMBER:		5c. RANGE NUMBER:	
6. TYPE OF GENERAL LAND ENTRY:			POST-1908 GENERAL LAND ENTRY FILES:		
7. PATENT FINAL CERTIFICATE OR DOUCMENT NUMBER:		8. TYPE OF GENERAL LAND ENTRY:		9. SERIAL PATENT NUMBER: 1029636	
BOUNTY LAND WARRANT:		10. YEAR OF AUTHORIZING WARRANT:		11. WARRANT NUMBER:	12. NUMBER OF ACRES:

Comments:
Serial Case File AKF 000327, located in Secs 3 & 4, T1S R1W, F.M.

Item#	Item Description	Quantity Ordered	Quantity Balance	Quantity Fulfilled	Total Amount \$
FORM84	Land Entry File	1	0	1	\$50

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Fairbanks , AK 99701
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Immediately**



1 of 2

