

*John*

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
OFFICE OF THE SECRETARY  
DIVISION OF TERRITORIES AND ISLAND POSSESSIONS  
WASHINGTON

Gordon  
Ext. 665

DIVISION OF TERRITORIES  
AND ISLAND POSSESSIONS

XXXXXXXXXXXXXXXXXXXXXXXXXXXX

ALASKA RAILROAD

WASHINGTON, D. C. - JUNE 12, 1940.

VIA RADIO--ROUTINE

GOVT INT OHLSON GENERAL MANAGER  
ALASKA RAILROAD  
ANCHORAGE, ALASKA

GOOSE BAY WHARF AND TRADING COMPANY UNDER SECTION SIX OF THE ACT  
OF MAY FOURTEENTH EIGHTEEN NINETY EIGHT HAS APPLIED FOR RIGHT OF WAY  
FOR WAGON ROAD FROM A POINT ON NORTHERLY SHORE OF GOOSE BAY TO THE  
FORMER VILLAGE OF KNIK ~~per~~ PLEASE ADVISE BY RADIOGRAM WHETHER OR  
NOT IN YOUR OPINION GRANTING THE PERMIT WOULD BE INJURIOUS TO THE PUBLIC  
INTEREST.

(Sgd.) RUTH HAMPTON

HAMPTON  
DIVISION OF TERRITORIES.

PHG:hhg

RG 126, Off. of Territories  
E. 3, Central Files, 1951-71  
Box 129

REPLY REFER TO:

Anchorage 09675 "F"

ADDRESS ONLY THE  
COMMISSIONER OF  
THE GENERAL LAND OFFICE

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
GENERAL LAND OFFICE  
WASHINGTON

JUN 7 1940

:  
: Report requested.  
:

The Director,

Division of Territories and Island Possessions:

My dear Sir:

Reference is made to application No. 09675, Anchorage series, filed by the Goose Bay Wharf and Trading Company, Incorporated, under Section 6, of the act of May 14, 1898, for a right-of-way for a wagon road extending from a point on the northerly shore of Goose Bay, on Knik Arm, in the Territory of Alaska, to a point in the former village of Knik, in said Territory.

The Company has filed an affidavit, stating as follows:

"This is to certify that the proposed use of this road is for private purposes only, and as long as it is under our control, it will not be operated as a toll road. It is not contemplated that it ever will be used as a free public highway, unless there should come a time when public necessity and convenience demands its use, and its control is acquired, and maintenance assured, by the Territory of Alaska, or other Government Department, or agency."

This office is also in receipt of a protest against the granting of this right-of-way, filed by one Charles Elliott, who is a homesteader at Goose Bay. Mr. Elliott states that this road is the only route over which he can travel from his homestead to Knik.

Your attention is invited to that portion of the act, which provides:

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Proposed 09675  
A. B. C. D. E. F. G. H. I. J. K. L. M. N. O. P. Q. R. S. T. U. V. W. X. Y. Z.

Anchorage 09675 "F"

"That if the proposed line of road, in any case, shall be located over any road or trail in common use for public travel, the Secretary of the Interior shall decline to grant such right-of-way, if, in his opinion, the interests of the public would be injuriously affected thereby."

There is enclosed herewith, for your consideration and report, a map filed by the Company, showing the location of the constructed road. It is requested that this office be informed as to whether or not there is any objection on the part of your office, to the approval of the permit, and whether or not the approval thereof, would be injurious to public interests.

Very truly yours,

  
Chief, Reclamation and  
Land Grant Division.

Enclosure

THE SECRETARY OF THE INTERIOR  
WASHINGTON

APR 10 1940

*Jordan  
Ketchum  
Barton  
Sharpless  
Howard  
Hull  
Wool  
Johnson*

The President of the Senate,

United States Senate,

TO SECRETARY  
MAR - 1 1940  
FOR SIGNATURE

Sir:

I enclose a draft of a bill "To amend an act entitled 'An Act providing for the transfer of the duties authorized and authority conferred by law upon the board of road commissioners in the Territory of Alaska to the Department of the Interior, and for other purposes', approved June 30, 1932".

The purpose of the proposed legislation is to protect the interests of the United States in constructing roads in the Territory of Alaska by providing a right-of-way on lands, now public domain, to which patents may in the future be issued.

The Alaska Road Commission, operating under the Department of the Interior by virtue of the Act approved June 30, 1932 (47 Stat. 446), and financed by Federal appropriations, is engaged in the construction and maintenance of roads, roadways, highways, tramways, trails, bridges, and other similar works in that portion of Alaska outside the national forests. The greater part of the area on which the operations of the Alaska Road Commission are conducted is public domain, and the location of rights-of-way on such lands presents no problem growing out of private ownership. For the proper location of the road and in the interest of public service it is necessary in some cases, however, to cross lands to which title has passed from the United States. These instances are becoming more numerous as the population of the Territory increases. Obtaining rights-of-way across privately owned lands has in a number of cases presented difficulties calling for court action and requiring the expenditure of Federal funds.

It is proposed, therefore, that in all patents for lands hereafter taken up in the Territory there shall be inserted a provision reserving to the Government a right-of-way for roads, roadways, highways, tramways, trails, bridges and appurtenant works or structures constructed or to be constructed by the authority of the United States. A provision accomplishing this may, it is thought, be inserted as an amendment to Section 2 of the Act approved June 30, 1932, supra, and the draft of the bill which I transmit has been written

COPY FOR THE DIVISION OF TERRITORIES

*Files*

*Apr 11  
referred  
to  
Cabinet  
Committee*

*but not  
introduced  
by Dept  
12*

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accordingly. The proposed amendment is similar to the provision of the Act of August 30, 1890 (26 Stat. 391), which reserved rights-of-way for canals on lands west of the one hundredth meridian and is also similar to the provisions of the Act of March 12, 1914 (38 Stat. 305), in which rights-of-way for railroads were reserved to the United States in all patents for lands thereafter taken up in the Territory of Alaska.

The Director of the Bureau of the Budget has informed me that there is no objection to the presentation of the proposed legislation to the Congress.

Very truly yours,

(Sgd.) HAROLD L. ICKES  
Secretary of the Interior.

Enclosure 1446861.

BILL

To amend an act entitled "An Act providing for the transfer of the duties authorized and authority conferred by law upon the board of road commissioners in the Territory of Alaska to the Department of the Interior, and for other purposes," approved June 30, 1932.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Section 2 of the act entitled "An Act providing for the transfer of the duties authorized and authority conferred by law upon the board of road commissioners in the Territory of Alaska to the Department of the Interior, and for other purposes", approved June 30, 1932 (47 Stat. 446), is hereby amended by adding thereto the following, namely:

(Provided, That) In all patents for lands hereafter taken up, entered or located in the Territory of Alaska there shall be expressed that there is reserved from the lands in said patent described, a right-of-way thereon for roads, roadways, highways, tramways, trails, bridges and appurtenant works or structures constructed or to be constructed by the authority of the United States.

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THE SECRETARY OF THE INTERIOR  
WASHINGTON

APR 10 1940

TO SECRETARY  
MAR - 1 1940  
FOR SIGNATURE

The Speaker of the

House of Representatives.

Sir:

I enclose a draft of a bill "To amend an act entitled 'An Act providing for the transfer of the duties authorized and authority conferred by law upon the board of road commissioners in the Territory of Alaska to the Department of the Interior, and for other purposes', approved June 30, 1932."

The purpose of the proposed legislation is to protect the interests of the United States in constructing roads in the Territory of Alaska by providing a right-of-way on lands, now public domain, to which patents may in the future be issued.

The Alaska Road Commission, operating under the Department of the Interior by virtue of the Act approved June 30, 1932 (47 Stat. 446), and financed by Federal appropriations, is engaged in the construction and maintenance of roads, roadways, highways, tramways, trails, bridges, and other similar works in that portion of Alaska outside the national forests. The greater part of the area on which the operations of the Alaska Road Commission are conducted is public domain, and the location of rights-of-way on such lands presents no problem growing out of private ownership. For the proper location of the road and in the interest of public service it is necessary in some cases, however, to cross lands to which title has passed from the United States. These instances are becoming more numerous as the population of the Territory increases. Obtaining rights-of-way across privately owned lands has in a number of cases presented difficulties calling for court action and requiring the expenditure of Federal funds.

It is proposed, therefore, that in all patents for lands hereafter taken up in the Territory there shall be inserted a provision reserving to the Government a right-of-way for roads, roadways, highways, tramways, trails, bridges and appurtenant works or structures constructed or to be constructed by the authority of the United States. A provision accomplishing this may, it is thought, be inserted as an amendment to Section 2 of the Act approved June 30, 1932, supra, and the draft of the bill which I transmit has been written

COPY FOR THE DIVISION OF TERRITORIES

*Jordan*  
*Kenneth*  
*W. W. M.*  
*Baker*  
*M. S. P.*  
*Howard*  
*Howell*  
*W. J. P.*  
*J. H. M.*

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accordingly. The proposed amendment is similar to the provision of the Act of August 30, 1890 (26 Stat. 391), which reserved rights-of-way for canals on lands west of the one hundredth meridian and is also similar to the provisions of the Act of March 12, 1914 (38 Stat. 303), in which rights-of-way for railroads were reserved to the United States in all patents for lands thereafter taken up in the Territory of Alaska.

The Director of the Bureau of the Budget has informed me that there is no objection to the presentation of the proposed legislation to the Congress.

Very truly yours,

(Sgd.) HAROLD L. ICKES  
Secretary of the Interior.

PWG:abc.

Enclosure 1446880.

2

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BILL

To amend an act entitled "An Act providing for the transfer of the duties authorized and authority conferred by law upon the board of road commissioners in the Territory of Alaska to the Department of the Interior, and for other purposes," approved June 30, 1932.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Section 2 of the act entitled "An Act providing for the transfer of the duties authorized and authority conferred by law upon the board of road commissioners in the Territory of Alaska to the Department of the Interior, and for other purposes", approved June 30, 1932 (47 Stat. 446), is hereby amended by adding thereto the following, namely,

Provided, That in all patents for lands hereafter taken up, entered or located in the Territory of Alaska there shall be expressed that there is reserved from the lands in said patent described, a right-of-way thereon for roads, roadways, highways, tramways, trails, bridges and appurtenant works or structures constructed or to be constructed by the authority of the United States.

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*W. A. Ransley*

THE SECRETARY OF THE INTERIOR  
WASHINGTON

The President of the Senate,  
United States Senate,

*v. 29-40*  
*Apr. 10, 1940*

Sir:

I enclose a draft of a bill "To amend an act entitled 'An Act providing for the transfer of the duties authorized and authority conferred by law upon the board of road commissioners in the Territory of Alaska to the Department of the Interior, and for other purposes', approved June 30, 1932".

The purpose of the proposed legislation is to protect the interests of the United States in constructing roads in the Territory of Alaska by providing a right-of-way on lands, now public domain, to which patents may in the future be issued.

The Alaska Road Commission, operating under the Department of the Interior by virtue of the Act approved June 30, 1932 (47 Stat. 446), and financed by Federal appropriations, is engaged in the construction and maintenance of roads, roadways, highways, tramways, trails, bridges, and other similar works in that portion of Alaska outside the national forests. The greater part of the area on which the operations of the Alaska Road Commission are conducted is public domain, and the location of rights-of-way on such lands presents no problem growing out of private ownership. For the proper location of the road and in the interest of public service it is necessary in some cases, however, to cross lands to which title has passed from the United States. These instances are becoming more numerous as the population of the Territory increases. Obtaining rights-of-way across privately owned lands has in a number of cases presented difficulties calling for court action and requiring the expenditure of Federal funds.

It is proposed, therefore, that in all patents for lands hereafter taken up in the Territory there shall be inserted a provision reserving to the Government a right-of-way for roads, roadways, highways, tramways, trails, bridges and appurtenant works or structures constructed or to be constructed by the authority of the United States. A provision accomplishing this may, it is thought, be inserted as an amendment to Section 2 of the Act approved June 30, 1932, supra, and the draft of the bill which I transmit has been written

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accordingly. The proposed amendment is similar to the provision of the Act of August 30, 1890 (26 Stat. 391), which reserved rights-of-way for canals on lands west of the one hundredth meridian and is also similar to the provisions of the Act of March 12, 1914 (38 Stat. 505), in which rights-of-way for railroads were reserved to the United States in all patents for lands thereafter taken up in the Territory of Alaska.

The Director of the Bureau of the Budget has informed me that there is no objection to the presentation of the proposed legislation to the Congress.

Very truly yours,

*(Sgd) Harold L. Dickes*

Secretary of the Interior.

PWG:abc.

Enclosure 1445351.

BILL

To amend an act entitled "An Act providing for the transfer of the duties authorized and authority conferred by law upon the board of road commissioners in the Territory of Alaska to the Department of the Interior, and for other purposes," approved June 30, 1932.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Section 2 of the act entitled "An Act providing for the transfer of the duties authorized and authority conferred by law upon the board of road commissioners in the Territory of Alaska to the Department of the Interior, and for other purposes", approved June 30, 1932 (47 Stat. 446), is hereby amended by adding thereto the following, namely,

Provided, That in all patents for lands hereafter taken up, entered or located in the Territory of Alaska there shall be expressed that there is reserved from the lands in said patent described, a right-of-way thereon for roads, roadways, highways, tramways, trails, bridges and appurtenant works or structures constructed or to be constructed by the authority of the United States.

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*Territories* ✓

BUREAU OF THE BUDGET,  
WASHINGTON, D. C.

APR 6 1940

*Handwritten initials in a circle*

INTERIOR DEPT.  
RECEIVED  
APR - 8 1940  
DEPARTMENT  
MAIL ROOM  
TO SOLICITOR

INTERIOR DEPT.  
RECEIVED  
APR 8 - 1940  
SOLICITOR

My dear Mr. Secretary:

I have the letter of March 13, 1940, from First Assistant Secretary Burlew, transmitting the original and two copies, each, of a draft of proposed bill "To amend an Act entitled 'An Act providing for the transfer of the duties authorized and authority conferred by law upon the board of road commissioners in the Territory of Alaska to the Department of the Interior, and for other purposes', approved June 30, 1932", together with a proposed explanatory letter of transmittal to the Speaker of the House of Representatives relative thereto.

The originals of the draft of bill and proposed transmittal letter relative thereto are returned herewith, and you are advised that there would be no objection to the presentation thereof to the Congress for consideration.

Very truly yours,

(Signed) John B. Blandford, Jr.  
Assistant Director.

The Honorable,

The Secretary of the Interior.

Enclosures:

- Original of draft of bill.
- Original of proposed transmittal letter.

Committed letter  
Furnished through.  
Noted for signature.

APR - 9 1940

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ADDRESS  
ALASKA ROAD

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
OFFICE OF THE SECRETARY  
DIVISION OF TERRITORIES AND ISLAND POSSESSIONS  
WASHINGTON

March 22, 1940.

9-1-55  
ACC  
Legislation  
Proposal  
John  
Hampton

Mr. Ike P. Taylor, Chief Engineer,  
Alaska Road Commission,  
Juneau, Alaska.

My dear Mr. Taylor:

I have received your letter of March 7, requesting information concerning legislation to provide right-of-way for the Alaska Road Commission across any lands which may hereafter be patented to individuals in the Territory of Alaska.

For your information I enclose a copy of a bill prepared in this Department in cooperation with the General Land Office, and a copy of our letter to the President of the Senate, requesting its introduction. This letter and legislation were submitted by the Division sometime ago, and it is now at the Bureau of the Budget pending clearance before being introduced.

You will note at once, I am sure, that the bill does not carry with it any specified width. This was believed to be undesirable because at some future date we might find that whatever width we might specify at this time to be inadequate. In addition, it is held in the Department that if our amendment is passed the width of the right-of-way will be at the discretion of the Secretary of the Interior. This draft was worked out in preliminary form while Mr. George Parks was here, and he attended at least one of the conferences held on this subject. You may wish to consult with him regarding our discussions.

Sincerely yours,

Ruth Hampton,  
Acting Director.

PWG:k  
Enclosures

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ADDRESS REPLY TO  
ALASKA ROAD COMMISSION

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
ALASKA ROAD COMMISSION  
JUNEAU, ALASKA

March 7, 1940

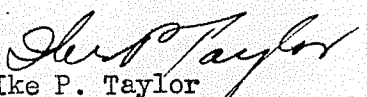
Mrs. Ruth Hampton, Acting Director  
Division of Territories & Island Possessions  
Department of the Interior  
Washington, D. C.

Dear Mrs. Hampton: (THRU the office of the Governor of Alaska).

Will you kindly advise if any action has been taken on our letter of December 1, 1938 in which we recommended legislation in connection with road rights of way in Alaska? The situation continues to become more complicated as the territory is settled and instances have recently arisen in which trees are being planted within less than 30 feet of the center of the roadway, not only presenting a hazard on curves but seriously interfering with normal maintenance.

While there is probably little that can be done with respect to land already patented, legislation enacted now would meet the situation for large areas now included in the public domain.

Very truly yours,

  
Ike P. Taylor  
Chief Engineer

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9 1 46  
GENERAL

Aug. 29, 1939.

MEMORANDUM from Mrs. Hampton Actg. Dir. to Commissioner of the  
GLO says there appears no objection to request of Civil Aeronautics  
Authority for use of certain lands at Ruby, Alaska for a radio  
range station and right of way for a power and control line.

Origl. on 9 1 68 - Lands - GENERAL

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*Miss Hancock*

9-146

THE SECRETARY OF THE INTERIOR  
WASHINGTON

G-C

*orig 4-11-39*

The Director of the  
Bureau of the Budget.

My dear Mr. Director:

I have received by reference of the Assistant Director,  
F. J. Bailey, a facsimile of enrolled enactment H.R. 3795,  
"To provide a right-of-way through the Chilkoot Barracks  
Military Reservation, Alaska", with a request for my com-  
ments together with an estimate of its probable cost to the  
Federal Government.

The Department sees no objection to the provisions of  
H.R. 3795 and I recommend it be approved as passed. In so  
far as we are informed, no added expense to the Federal  
Government is involved, but I suggest that this legislation  
be referred also to the War Department, which has jurisdic-  
tion over the military reservation upon which Chilkoot Bar-  
racks are located.

Sincerely yours,

*(Sgd) Oscar L. Chapman*

Acting Secretary of the Interior.

*✓ Initialed copy of bill  
M 9-1-52 - Mil. Res  
Legis  
Gen*

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P W GORDON EX 665  
STANDARD FORM NO. 14A  
APPROVED BY THE PRESIDENT  
MARCH 10, 1926

R A D I O G R A M

**TELEGRAM**

OFFICIAL BUSINESS—GOVERNMENT RATES

GOVERNMENT PRINTING OFFICE 6-7184

FROM INTERIOR DEPARTMENT *John*

BUREAU DIVISION OF TERRITORIES AND ISLAND POSSESSIONS

CHG. APPROPRIATION \_\_\_\_\_

WASHINGTON DC MAY 17, 1939

IKE P TAYLOR  
CHIEF ENGINEER ALASKA ROAD COMMISSION  
JUNEAU ALASKA

REFERENCE YOUR RADIOGRAM MAY ELEVEN RIGHTS OF WAY stop WE ARE WORKING  
WITH SOLICITOR'S OFFICE AND GENERAL LAND OFFICE IN ATTEMPT TO HAVE LEGISLATION  
INTRODUCED ESPECIALLY IN VIEW OF OUTCOME OF GANES CREEK SUIT.

(Sgd.) HAMPTON

HAMPTON

DIVISION OF TERRITORIES

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RECEIVED  
MAY 11 1939  
WAR DEPARTMENT  
WASHINGTON, D. C.

Form No. 11

# Signal Corps, United States Army

War Department Message Center,  
Room 3441, Munitions Building,  
Washington, D. C.

Received at

8-9813 U. S. GOVERNMENT PRINTING OFFICE

34 WVD RM 33 WNT

JUNEAU ALS 205P MAY 11 1939

HAMPTON

DIVISION TERRITORIES INTERIOR DEPT WASHN DC  
WILL YOU KINDLY ADVISE IF ANY ACTION HAS BEEN TAKEN  
ON MY LETTER DECEMBER FIRST NINETEEN THIRTY EIGHT RECOMMENDING  
LEGISLATION TO CREATE RESERVES FOR ROAD RIGHTS OF WAY OVER  
PUBLIC LANDS IN ALASKA

TAYLOR

704P

669

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# Signal Corps, United States Army

Received at

War Department Message Center,  
Room 3441, Munitions Building,  
Washington, D. C.

219 WVY MF 50 INT

3-9813 U. S. GOVERNMENT PRINTING OFFICE

JUNEAU ALS 440P FEB 1 1939

HAMPTON DIV TERR INT

WASHN DC 1938

REFERENCE MY LETTER DEC FIRST CONCERNING RIGHTS OF WAY PARKS  
OF PUBLIC SURVEY OFFICE RECOMMENDS RIGHT OF WAY LIMITS BE  
ESTABLISHED AS ONE CHAIN OR SIXTY SIX FEET AS BEING  
MORE CONVENIENT IN THEIR SURVEYS STOP WILL APPRECIATE INFORMATION AS  
TO WHETHER ANYTHING DEFINITE THUS FAR ACCOMPLISHED RESPECT THIS  
MATTER

TAYLOR

938PM

*Rec'd for files  
Apr. 14-1939*

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UNITED STATES  
DEPARTMENT OF THE INTERIOR  
NATIONAL PARK SERVICE  
WASHINGTON

9-1-46

ADDRESS ONLY  
THE DIRECTOR, NATIONAL PARK SERVICE

March 28, 1939.

Memorandum for Dr. Gruening:

In reference to your memorandum of November 7, 1938, recommending that the region in Chitina Valley near Kennicott, Alaska, be established as a national monument, we have noted your statement that the Kennicott Company would, undoubtedly, be willing to transfer the right of way of the railroad to the Government, as well as the structures in Kennicott. In both cases, the transfers should be outright conveyances.

We will pursue this matter further with the Kennicott Company through our Office of Chief Counsel if you will advise us the parties to communicate with. It is assumed that the Kennicott Company has an office in the United States. After the groundwork has been laid, title examination would have to be made by the Solicitor's Office.

We are proceeding with the preparation of a proclamation to establish the region as a national monument and have your recommendations in mind.

(SGD) Arno B. Cammerer

Director.

Original of reply on  
9-1-19  
Copper River & N.P.R.

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Miss Draper

If Dr Guerning  
is to join with  
Col Olsen & me  
in conf with Howell  
& Wolfson  
Monday is at  
10:00 Am suggest  
this also be brot  
up for discussion  
Gordon

Dr Guerning.

With Miss Draper I've arranged  
for a conf. with Wolfson, Howell  
Tuesday 10:00 Am re the attached.  
If you wish I shall come in  
to explain. Gordon

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
GENERAL LAND OFFICE  
WASHINGTON

IN REPLY PLEASE REFER TO

1751330 "F"

JAN 20 1939

The Director,

Division of Territories and Island Possessions.

My dear Dr. Gruening:

Referring to your memorandum under date of December 17, 1938, relative to proposed reservations for the construction of roads, bridges, and trails in the Territory of Alaska, I will be glad to confer with you or your representatives at any time you may so desire.

There is apparently no authority for the issuance of an Executive order for the purpose of imposing a road reservation upon any land in the Territory which may hereafter pass into private ownership, and I am not certain that it would be necessary or advisable to recommend the enactment of legislation for such purpose.

Section 2477, U. S. R. S., provides: "The right-of-way for the construction of highways over public lands, not reserved for public uses, is hereby granted." No action on the part of the Government is deemed necessary to the operation of this statute. This grant becomes effective upon the construction or establishing of the highway in accordance with the State or Territorial laws. No reservation for rights-of-way so acquired is included in the patent when issued for the lands affected. (26 L. D. 446). ✓

The acts of January 27, 1905 (33 Stat. 616), and May 14, 1906 (34 Stat. 192), incorporated in sections 321 to 337 inclusive, of Title 48 U. S. C., provides for the construction and maintenance of roads, trails, and bridges, by the board of road commissioners. A reservation for rights-of-way for roads constructed in pursuance of the provisions of these statutes, may be inserted in patents for the

*Rec'd for files  
Apr. 14-1939*

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lands affected, upon the filing of profile maps showing the location of the road in accordance with instructions of the Department of July 8, 1930.

Section 17 of the act of November 9, 1921 (42 Stat. 212), provides for the granting of public lands or reserved lands of the United States for Federal Aid Highways. Grants under this statute may be acquired by the filing of maps in accordance with the regulation thereunder and the approval of such maps by the Secretary of the Interior. A reservation for rights-of-way acquired under this statute is incorporated in the patent issued for the lands affected.

The width of the rights-of-way which may be acquired under the above-mentioned statutes is not specified. The width of rights-of-way established under section 2477 is governed by the laws of the States or Territories (22 L. D. 145). The width of rights-of-way for roads or highways established or constructed under the provisions of the acts of January 27, 1905, and May 14, 1906, or acquired under section 17 of the Federal Aid Highway Act of November 9, 1921, would seem to be a matter of discretion as to what is deemed reasonably necessary for the construction and proper maintenance of the particular road or highway and governed by the width as surveyed and shown on the profile maps, the maps being evidence of the right-of-way and the basis for insertion of the reservation in any subsequent patent for the lands affected.

With respect to the illustrations given in the correspondence accompanying your letter, it appears quite certain that neither an Executive order nor legislation could afford any relief. In other words, a right-of-way over an area which is embraced in an entry, legally initiated and maintained according to law, is either by agreement with the party having the entry or through condemnation proceedings.

The correspondence accompanying your letter indicates that you are familiar with the instructions issued by the Department on July 8, 1930, in regard to the inclusion of reservations for roads constructed by the Government in all cases where rights of persons seeking to acquire title to any of such lands were initiated subsequent to the construction of the road. In order to put into effect those regulations, this Office must be furnished with maps and field notes of all constructed roads as well as those hereafter completed, so prepared as to make it possible to have proper notes placed on the tract books and adequate reservations inserted in patents. As is



1751330 "F"

also indicated by your correspondence, this matter was called to the attention of the Secretary of War by the Department on September 3, 1930, but up to this time no maps or field notes pertaining to constructed roads or roads hereafter to be constructed have been received in this office.

We shall be glad to go into these matters more fully in the conference that you have proposed.

The enclosure accompanying your letter is returned herewith.

Very truly yours,

*W. P. Johnson*  
Commissioner.

Enclosure.

- 3 -

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Box 129

Sec. 1721. Strip between sections reserved.  
A tract of four rods wide between each section of land in the Territory is hereby dedicated for use as public highways, the section line being the center of such highway. If such highway shall be vacated by any competent authority the title to the respective strip shall inure to the owner of the tract of which it formed a part by the original survey. (1-19-23).

Sec. 1731. Classification of roads; maximum load prescribed. The divisional commission shall classify all public territorial roads and trails in the division as wagon roads, sled roads or trails and shall by appropriate signs or notices posted on each public bridge and ferry in the division, prescribe the maximum load which may be hauled thereon. The lawful width of right-of-way of all roads or trails shall be sixty feet. The width of traveled ways, the grade and character of improvement of each road or trail, shall be determined by the Territorial Board of Road Commissioners in view of the requirements of the traffic on each road. (14-11-19.)

From—COMPILED LAWS OF ALASKA, 1933.

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Box 129

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
OFFICE OF THE SECRETARY  
DIVISION OF TERRITORIES AND ISLAND POSSESSIONS  
WASHINGTON

G-C

*Taylor*  
*Wendell*

December 17, 1938.

MEMORANDUM to the Commissioner,  
General Land Office:

May I invite your attention to the attached letter from Mr. Ike P. Taylor dated December 1 and its enclosures regarding the difficulties experienced by the Alaska Road Commission in securing rights of way for the construction of roads, bridges and trails in the Territory of Alaska.

Inasmuch as this concerns the administration of the public domain in Alaska and the suggestions made by Mr. Taylor further concern rights and titles involved in mining claims, homesteading and other forms of entry, it would appear that the matter should be considered jointly by the General Land Office and this Division.

Could I have an expression of your views on the questions which Mr. Taylor has raised, especially the desirability of reserving either by Executive order or by legislation rights of way for roads, the possibility of doing this by Executive order and in case an Executive order is not possible, the type of legislation your office considers necessary.

You may be assured I shall be glad to confer with you or with any of your representatives at any time on this subject.

Please return the enclosures which are attached to Mr. Taylor's letter.

(Sgd.) ERNEST GRUENING  
ERNEST GRUENING  
Director.

Attachments.

*Mr. Taylor*  
*3619*

*Note on*  
*9-1-55*  
*and*  
*Admin*

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REPLY TO  
ALASKA ROAD COMMISSION

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
ALASKA ROAD COMMISSION  
JUNEAU, ALASKA

December 1, 1938

Mrs. Ruth Hampton, Assistant Director  
Division of Territories & Island Possessions  
Department of the Interior  
Washington, D. C.

Dear Mrs. Hampton:

In answering your telegram of November 26 concerning new legislation required in connection with our activities, we replied in the negative but, nevertheless, had in mind a situation with respect to roadway limits—one that has become considerably aggravated during the past few years. This matter was not mentioned in our wire reply as it appeared much more explanation would be necessary than could be given by telegraph. Moreover, it seems possible that the trouble may be cured by Executive or Departmental orders, and no legislation required.

Most road construction in the Territory is over unpatented and unreserved public lands. In the years following, however, homestead or mineral land patents are applied for and obtained in the area traversed by the roadway. The road is generally at first constructed to a very narrow width, usually not more than 18 to 20 feet of area being used between the extreme side ditches. In later years, however, the natural development of the locality requires an improved and widened roadway, slight alterations in alignment, more extensive ditches, and, not infrequently, there arises the necessity of obtaining soil near the roadside for making fills, surfacing, and such like.

It generally follows, of course, that the existence of a roadway or thoroughfare across lands later patented gives to the Government and the public the necessary rights of way for the existing route, but at present there exists no practicable definition of what constitutes "necessary rights of way".

There are at present two cases at hand, one of which in particular is causing considerable vexation. It may be outlined as follows: There exists a single track roadway which, in a certain section, extends across unpatented mining claims. The road was constructed about 1922. The present roadway, measured between drainage ditches, is only about 18 feet. In replacing a decayed wooden bridge structure with one of steel it appeared desirable, in order to provide better road curvature at the site of the bridge, to slightly change the location by placing the new structure immediately to the

*Jan 9-1-55  
at  
admin*

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Hampton--#2

12/1/38

side of the old structure and thus at the same time avoid the necessity of otherwise closing the road during construction. Acting upon an assumption that our undefined rights gave us a limit of 60 feet (30 feet to either side of the center line), we began construction of the new bridge and completed it with the exception of the approaches. The owner of the unpatented mining claims adjoining the roadway thereupon obtained an injunction in the District Court for the Fourth Judicial Division, preventing our completing the structure. Since both the old and new structures are only 14 feet in width, the outer edge of the new structure is still well within the assumed 60-foot limit and the District Attorney sought to have the injunction denied upon the grounds that we had the privilege of using a maximum of 60 feet of right of way, under the provisions of Sec. 1731, Compiled Laws of Alaska, 1933. The plea was denied and an injunction granted prohibiting the Commission's employees from having access to any area beyond 9 feet from either side of the existing road. This has thus far even prevented us from dismantling and moving the steel structure to the location of the existing one, if indeed this finally develops as the only practicable solution. It would prevent our raising the elevation of the road, as the natural toe of the slopes of a fill would extend much beyond this limit. It might interfere seriously with normal maintenance.

Condemnation proceedings have proved equally unsatisfactory. Approximately two tenths of an acre of area is involved. It is in one of the most remote areas of the Territory and is entirely removed from any town or village. The area does have some questionable mineral value for placer gold mining. It is our opinion that \$500 per acre would really be more than could be realized on a sale of the property. Yet, we are informed that the three appraisers appointed by the Court to determine the value of the area, while unable to definitely agree, used in their deliberations such figures as \$10,000 and \$20,000 (\$100,000 to \$200,000 per acre). While, of course, it is not believed that any such award would have been accepted by the Court, it is mentioned as illustrative of the unconscionable attitude that is some times displayed when the Government attempts improvement work in thinly populated areas where a jury of appraisers selected from local inhabitants are not unlikely to permit personal and ulterior motives to entirely govern their awards.

The second case referred to is that of a roadway constructed many years ago and along which a homesteader has recently settled. His period of occupancy will not yet permit him to apply for patent and we presume that upon final consideration and before issuance of patent, we may apply for and secure a reserve for our roadway, 60 feet in width. But in the meantime the question of our rights is indefinite and we are being obstructed. And, it is presumed that this situation will continue during the years that patent is pending.

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Hampton--#3

12/1/38


It is, therefore, recommended that Executive Orders be issued if found practicable; otherwise that legislation be sought, creating a reserve of 30 feet from either side of the center line of all existing roads or trails in the Territory wherever traversing unpatented or unreserved lands, whether mineral or agricultural, and that the same provision be made to automatically apply to any future roadways that may be constructed over unpatented and unreserved areas, following but not preceding location and construction. Such orders should, if possible, include not only all unoccupied lands but lands occupied but to which the Government still holds title.

Some years ago the Alaska Road Commission sought similar relief and copies of correspondence taking place at that time between the Commission (then operating under the War Department) and the Interior are enclosed. It seems that the request of the Commission was denied for the reason that a reserve was sought in advance of actual location and construction of the roadway—obviously undesirable. What is now contemplated, however, is a reserve to cover roads in existence, applying not only to those at present constructed but to those hereafter constructed but taking effect only after the route has been definitely located and construction work in process. Without the actual construction of a road no reserve is created. This would not prevent occupied but unpatented land holders resisting the location of a road encroaching upon their rights provided they acted before the road is constructed.

In the Alaska laws referred to, and of which a copy is enclosed, it will be observed that the Territorial Legislature has endeavored to correct this matter to some extent, but it is doubtful if the Legislature has jurisdiction.

It would be particularly appreciated if this matter could be given immediate consideration by the Department.

Very truly yours,

  
Ike P. Taylor,  
Chief Engineer.

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April 10, 1931

Hon. Geo. A. Parks  
Governor of Alaska  
Juneau, Alaska

My dear Governor:

Referring further to the matter discussed in my letter of April 7 concerning rights of way through patented lands, I have given further consideration to this matter and discussed the subject informally with a number of the legislators.

It now appears that it would be inadvisable to press the suggestions that I made in my previous letter at this time but it is believed that the agency which is charged with the survey of public lands could facilitate matters if it would survey existing roads at the same time that any tracts are being surveyed in connection with the issuance of the patents. It is suggested, therefore, that if you see fit, you take steps to have appropriate instructions issued so that when any surveys are made, either in connection with issuing patents or in connection with general rectangular surveys, the location of any public road in the area be surveyed and located so that it may be shown on the map. If this is done, it is desirable that copies of the maps be furnished to this office.

Thanking you for your cooperation in this matter

Yours sincerely,

Malcolm Elliott,  
President.

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April 7, 1931

Hon. Geo. A. Parks  
Governor of Alaska  
Juneau, Alaska

My dear Governor:

As you probably have been informed, there has been some correspondence between the War Department and the Department of the Interior with reference to reservations of rights of way in patents covering public lands. The result of this correspondence was an agreement on the part of the Secretary of War that the Alaska Road Commission would notify the General Land Office whether or not any actual or prospective roadway is located on any tract for which an application for a patent has been made and if a reservation for that purpose were necessary, the Alaska Road Commission would furnish a description thereof so that suitable reservation could be made in the patent. We will, of course, do our best to comply with this agreement but it is realized that in many cases, due to distances and difficulties of travel and expense of transporting survey parties, strict compliance with this agreement will be very burdensome and costly. The whole trouble is that it appears necessary to furnish a specific reservation accurately describing the proposed roadway by metes and bounds and, while such procedure is probably quite possible in the United States, it is very difficult in this country where so vast an area is still unsurveyed.

I have had some conversation with Mr. Ramsey on this question and he and I agree that a better system would to to include in all patents hereafter issued a general reservation for any roads that might be constructed thereafter in accordance with the act of Congress under which the Alaska Road Commission is operating and including a proviso that such general reservation would not authorize the construction of roads over cultivated or improved lands without compensation for actual damages to the owner. We realize that an attempt to secure legislation of this character might be construed as an effort to interfere with homesteaders or perhaps encroach on the territory, but I am sure you will realize that we have no such motive in proposing to handle the matter in this way. Legislation of this kind would really give the Road Commission more power than it now has to facilitate and help homesteaders and I am sure it is not my disposition nor will it be that of my successors, to use this authority in an arbitrary manner. The main purpose we seek to accomplish is to facilitate the transaction of public business of this kind without spending time and money on surveys that could be very much better employed on constructing roads.

I wrote to the Commissioner of the General Land Office on this subject, pursuant to my conversation with Mr. Ramsey, and also to Judge Wickersham. No reply has been received as yet from the Commissioner of the General Land Office but I have just received a letter from Judge Wickersham

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in which he says that he will give the matter careful consideration but he suggests that a reservation in patent would be a blot on the title forever. He also suggests the idea that the power of a state or territory to exercise the right of eminent domain might be taken away from the territory by such a bill. I don't know whether this would be the case or not. Such a contingency could easily be provided for by inserting an appropriate proviso. Judge Wickersham mentions also a possibility that the legislature might present a memorial to Congress on this matter and I agree with him that if such legislation is desirable, it would have a much greater chance of going through if the territory through its legislature would indicate its willingness to have an act of this kind passed. I inclose herewith a rough draft of a memorial from the legislature of Alaska to Congress and suggest that you give it consideration and, if you consider it advisable to do so, transmit it to the legislature for its consideration.

Yours sincerely,

Malcolm Elliott,  
President, Alaska Road Commission

Inc. 1 (draft of memorial)

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THE TERRITORY OF ALASKA  
OFFICE OF THE GOVERNOR  
SITKA, ALASKA  
JAN 27 1906

M E M O R I A L

TO THE CONGRESS OF THE UNITED STATES:

Your Memorialist, the Legislature of the Territory of Alaska, respectfully represents that:

WHEREAS the development of the Territory of Alaska requires the construction of roads into areas which have not yet been covered by adequate maps whereby accurate and definite descriptions of any road to be built in the future can be made; and,

WHEREAS the necessity for roads in the future will depend on development of the Territory, the particulars of which can not now be definitely foreseen; and,

WHEREAS under existing laws and regulations it might be possible that land needed for rights of way for public roads might be patented and preempted by private parties with the possibility of retarding or hindering the development of the road system,

THEREFORE your Memorialist respectfully prays the Congress of the United States of America enact a law substantially as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That rights of way through the lands of the United States in the Territory of Alaska are hereby granted for all roads that may be constructed pursuant to an Act entitled "An Act to provide for the construction of roads, the establishment and maintenance of schools and the care and support of insane persons in the district of Alaska, and for other purposes", approved January twenty-seventh, nineteen hundred and five, as amended by an Act approved May fourteenth, nineteen hundred and six, and in all patents for lands hereafter taken up,

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TO THE CONGRESS OF

entered or located in the Territory of Alaska there shall be expressed that there is reserved to the United States a right of way sixty feet wide for any roads that may be constructed thereafter in accordance with said Acts, Provided that nothing in this Act shall be construed so as to authorize the construction of roads over cultivated or improved lands without compensation for actual damages to the owner thereof.

And your Memorialist will ever pray.

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April 6, 1931

Hon. James Wickersham  
Delegate from Alaska  
House Office Building  
Washington, D. C.

My dear Judge Wickersham:

Your letter of March 28 with reference to the proposed reservation in patents for public lands for public roads has been received. I agree with you that it would be well for the Legislature to have an opportunity to express its opinion on this subject and will present the matter informally to one or more of the members.

I am sure you realize that in suggesting this procedure we have no desire to take away from the Territory any of its rightful authority or powers nor to hinder homesteaders in their applications for patents. The real difficulty is the lack of maps covering the Territory, which would make the description of any right of way very difficult. A situation could arise where the General Land Office would ask the Road Commission with respect to a certain patent whether it was contemplated to run a road through this locality and if so, to give a description thereof by metes and bounds so that appropriate reservation could be made. To comply with any such requirement would necessitate our sending out a survey party—in many cases at great expense—the cost of which would have to be defrayed out of funds which would otherwise be available for building roads.

The General Land Office, as I understand it, now has authority to make the reservation in specific terms upon a showing that a road will be needed in some definite locality. The purpose of this legislation is merely to give this same authority in more general terms so that it can be exercised without the great expense and lost time which would be incident to making surveys in remote localities. If you believe that it is a dangerous policy to assign any such authority to a Federal bureau or department we would, of course, not want you to do anything further in the matter, but it is our opinion that there would be no tendency to abuse any such authority, and the passage of an act like this would assist very materially in the work that the Alaska Road Commission is doing for the development of the Territory.

Yours sincerely,

Malcolm Elliott,  
President.

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James Wickersham  
Delegate, Alaska

CONGRESS OF THE UNITED STATES  
HOUSE OF REPRESENTATIVES  
WASHINGTON, D. C.

March 28, 1931.

Major Malcolm Elliott,  
Pres. Alaska Road Commission,  
Juneau, Alaska.

My dear Major Elliott:

I have the honor to acknowledge the receipt of your letter dated the 20th inst., together with a copy of your letter of the same date addressed to the Commissioner of the General Land Office, and the attached copy of a proposed bill to be introduced in Congress, relating to a reservation in patents for public lands in Alaska for public roads.

I will give this matter careful consideration, for nothing is of greater importance in the development of Alaska than public roads. I suggest that the Legislature is now in session and that a Memorial to Congress on this matter would greatly assist in securing the results you want. I am not quite satisfied that a reservation in the patent is necessary, for that would be a blot on the title forever. This matter of securing right of way for public roads is one that is usually secured in the States by the power of eminent domain, under the authority of the state or territory, and I suggest that that power may be taken away from the Territory by such a bill. Is it necessary to secure the passage of such an Act of Congress? Since nothing can be done through Congress for almost a year anyway, I shall be glad to hear further from you on this matter.

Very truly yours,

/s/ James Wickersham,  
Delegate from Alaska.

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March 20, 1931

Hon. C. C. Moore  
Commissioner, General Land Office  
Washington, D. C.

Dear Mr. Commissioner:

Reference is made to your letter of January 26 and our reply thereto February 11 with regard to maps and field notes of roads and trails through certain tracts of land in the Anchorage and Fairbanks districts in Alaska. These cases will be fairly easy to handle because they are not at a great distance from places where we have engineering organizations available. However, there are many places in Alaska that are so remote that the furnishing of accurate surveys would be quite difficult and entail very large expense.

The construction of roads and trails in Alaska is a continuing process, and the work that is to be done within any definite future period can not be foreseen because it must follow the development of the territory which in turn depends on the mineral and agricultural developments which can not be predicted. For this reason, it is quite possible that patents may be issued to homesteaders covering tracts where there are now no roads, and definite need thereof is not now foreseen but where roads may be urgently needed at some time in the future due to new developments. It is believed that some provision should be made in the patents so that in case of such future necessity for road building the interests of the Government in securing rights of way will be properly protected. In the letter of July 8, 1930, from the Assistant Secretary of the Interior to you, it is stated that in the absence of specific statutory direction there clearly would be no authority for the insertion of a reservation in patents generally of a right of way for such roads and trails in advance of their being laid out or constructed. It is quite desirable that there should be some such statutory provision because in the absence thereof the construction of a road or trail to a desired locality might be impracticable. It would be to the interest of the settlers themselves that no such obstacle should be placed in the way of road building in their vicinity.

Reference is also made to letter from the Secretary of War to the Secretary of the Interior November 6 in which it is stated the Alaska Road Commission will notify the General Land Office whether or not any actual or prospective roadway is located on any tract covered by an application for patent; and if so, will furnish a description thereof so that suitable reservation may be made showing the area to be excepted in issuing patent. Immediate compliance with this requirement might in some cases result in unreasonably large expense due to the distances to and inaccessibility of many parts of Alaska. Moreover, it generally follows that the actual existence of a road or thoroughfare across lands that are later patented gives the Government and the public the necessary rights of way for the existing route, the only question arising being one as to width of right of way. Hence, it appears that no useful results will be obtained by executing a survey and including the reservation corresponding thereto in patent for land through which there is an existing road. It is only in cases

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Washington, D. C.  
Commissioner, General Land  
Office  
Hon. C. C. Moore

Commissioner, Gen. Land Office

3/20/31

where patents are issued for land in which there are no roads but in which roads may be needed in the future that the interests of the public need to be protected by reservations for possible future roads. The interests of the Government could be conserved in such cases if a reservation in general terms could be inserted in the patent.

It is understood that patents issued in Alaska have had general provisions therein for reserving land that may be needed for railroad and telephone construction. Such provisions are equally necessary for roads.

While these considerations point to the desirability of inserting the reservations referred to, it would be objectionable to provide for this authority in such ways as would permit the arbitrary destruction or damage to cultivated or improved lands. Hence, any such statutory authority should contain a provision for the protection of the homesteaders in this respect.

I inclose herewith draft of a bill which appears to this commission to meet the situation. This is for your consideration in case Congress should request you to make a report on the subject.

Yours sincerely,

Malcolm Elliott,  
President.

Inc. 1 (draft of bill)

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RECEIVED BY CONGRESS IN 1951  
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APR 27 1951

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That rights of way through the lands of the United States in the Territory of Alaska are hereby granted for all roads that may be constructed pursuant to an Act entitled "An Act to provide for the construction of roads, the establishment and maintenance of schools and the care and support of insane persons in the district of Alaska, and for other purposes", approved January twenty-seventh, nineteen hundred and five, as amended by an Act approved May fourteenth, nineteen hundred and six, and in all patents for lands hereafter taken up, entered or located in the Territory of Alaska there shall be expressed that there is reserved to the United States a right of way sixty feet wide for any roads that may be constructed thereafter in accordance with said Acts, Provided that nothing in this Act shall be construed so as to authorize the construction of roads over cultivated or improved lands without compensation for actual damages to the owner thereof.

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March 20, 1931

Hon. James Wickersham  
Delegate from Alaska  
House Office Building  
Washington, D. C.

My dear Judge Wickersham:

I am inclosing herewith copy of a letter to Commissioner C. C. Moore of the General Land Office, which I believe you will find self explanatory.

I have not consulted you in person on this question so, of course, am not aware what views you hold in the matter. The purpose of the legislation which I am suggesting is to safeguard the interests of the people of Alaska in regard to the future construction of roads by providing that in patents hereafter issued a suitable reservation shall be included so as to provide for roadways that may be needed.

If the country were completely surveyed and its resources and future developments were accurately known we might be able at this time to lay out a more definite program of road building whereby roads could be specifically provided for hereafter. But, as you know, no such certainty as to development or future road program is practicable; hence the reservation should be made in general terms.

Of course the rights of the individual homesteader should be protected, especially so as to prevent any arbitrary damage or injury to his improved property. It is believed the proviso included in the draft herewith will provide such protection.

It is suggested that you secure the comments on this questions from the Commissioner of the General Land Office and that if no objection is found to such a bill and it meets with your approval you introduce it for consideration at the next Congress.

With best wishes

Yours sincerely,

Malcolm Elliott,  
President

Inc. 2 (copy of letter and  
draft of bill)

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WAR DEPARTMENT  
WASHINGTON

AG 611 Alaska  
(9-3-30) Misc. JBS\*CHA

Nov. 6, 1930

The Honorable

The Secretary of the Interior.

Dear Mr. Secretary:

Reference is made to your letter of September 3, 1930, requesting that the General Land Office be furnished with the maps and field notes of roads and trails in Alaska constructed or to be constructed by the Alaska Road Commission so that they may be definitely located on the tract books of the General Land Office.

The Reconnaissances and surveys upon which road construction in Alaska has been laid out have been made only with a view to furnishing the engineering data and are not sufficiently comprehensive or accurate to serve as a basis for land records as kept by the General Land Office. Original road locations have been departed from where minor relocations were laid out on the ground without prior or subsequent surveys. It would be impracticable, therefore, to furnish the information desired by the General Land Office without the very large expense of making a new and very accurate survey of the entire road system consisting of 11,000 miles of roads and trails. A very large proportion of the lands through which these roads and trails pass will probably not be located on or patented for many years.

It is believed that desired results would be obtained if the General Land Office's representative in Alaska would refer each application for patent to the Alaska Road Commission, Juneau, Alaska. If this is done, the Alaska Road Commission will promptly notify the General Land Office whether or not any actual or prospective roadway is located on the tract in question; and if so, will furnish a description thereof so that suitable reservation may be made showing the area to be excepted in issuing patent.

Sincerely yours,

/s/ F. H. Payne  
Acting Secretary of War.

copy of the Chief of Engineers  
re his 2d Ind. 9-11-30  
File 6450 (Alaska) 43

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6450 (Alaska) 43

Subject: Request for maps.

2d Ind.

vlp-vy

Office C. of E., Sept. 11, 1930. To: The President,  
Alaska Road Commission,  
JUNEAU, ALASKA

Information is desired as to the practicability of furnishing the data and maps requested in the foregoing letter.

By direction of the Chief of Engineers.

V. L. Peterson  
Major, Corps of Engineers.

1 inclos., viz:

Sub. 1 - Copy of correspondence.

3d Ind.

Alaska Road Commission, Juneau, Alaska, October 11, 1930. To: The Chief of Engineers, U. S. Army, Washington, D. C.

1. The Board of Road Commissioners for Alaska has not prepared data and maps of sufficient accuracy to enable the General Land Office to chart Alaskan roads in the tract books of their office.

2. As the tract books kept by the Land Office are the basis of land records and descriptions of property it is essential that data furnished that office be prepared with the utmost care. This would entail considerable expense. In view of the relatively small part of the area of the territory that has been surveyed by the General Land Office, the expense of compiling accurate data and maps of all roads constructed in Alaska is not believed to be justified.

3. It is recommended that in each case of application for patents, this office be informed of the location. Should no road or trail be located on the area to be patented, prompt notice to that effect will be given the General Land Office. If a road or trail is located on the area, a survey will be made as soon as practicable and data and maps furnished showing the location of the area to be excepted in issuing patents.

L. E. Atkins,  
Major, Corps of Engineers,  
Engineer Officer

Incl. unchanged

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AG-611 Alaska  
(9-3-30) Misc.

1st Ind.

RLC  
CCW/MMT

War Department, A.G.O. September 6, 1930. - To The Chief of Engineers.

For preparation of draft of reply for signature of the Secretary of War.

By order of the Secretary of War:

(s) John B. Richardson  
Adjutant General.

1 Incl.

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THE SECRETARY OF THE INTERIOR

WASHINGTON

Sep 3 1930

The Honorable

The Secretary of War.

My dear Mr. Secretary:

July 8, 1930, this Department directed the Commissioner of the General Land Office that patents issued for lands in Alaska outside of national forests should contain an exception clause excepting roads, trails, etc., constructed and operated by the Government pursuant to statutory provisions regarding their construction, etc., in all cases where rights of persons seeking to acquire title to any of such lands were initiated subsequently to the construction of such roads, trails, etc.

In the adjudication of these cases, it will be necessary that the Commissioner of the General Land Office be furnished by your Department with appropriate maps and field notes of all such constructed roads, trails, etc., as well as those hereafter completed, so prepared as to enable him definitely to locate them and note the same upon the tract books of the General Land Office. To this end it is respectfully requested that you have such data furnished the General Land Office, at the earliest practical date. A photostatic copy of the instructions of July 8, 1930, above referred to, is inclosed for your information.

Very truly yours,

/s/ John H. Edwards  
Acting Secretary.

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