

NAME  
OF NO.

- Fourth Road District -

- 1915-17 Appropriations -

O. P. GAUSTAD  
SENATOR, FOURTH DIVISION  
FAIRBANKS

Alaska Territorial Legislature  
Senate Chamber  
JUNEAU

FILE NO.	<i>Road Dist.</i>
REG'D.	<i>2/2/16</i>
ANSW'D	<i>3/7/16</i>
SECOND SESSION 1915	

Fairbanks, Alaska, Feb. 20, 1916

W. G. Smith,  
Territorial Treasurer,  
Juneau, Alaska,

Dear Sir: Find enclosed herewith vouchers and affidavits of publication of the calls for bids printed in the News-Miner last summer.

I do not quite see by what authority this request is made, as there is nothing ~~in the statute~~ in the statute under which the road commissioner is working which requires any contract, bid or other detail in connection of the work to be forwarded to Juneau. The way I construe the law the treasurer of the territory is only the disbursing officer of the fund appropriated for road work, on him lies no responsibility or obligation as to the proper performance of the work. That is all assumed by the Road Commissioner.

The governor, of course, may refuse to approve the vouchers, if he thinks there has been some irregularity, but he has stated in letters to the Road Commissioner, that the reason he has refused to approve the same is because you as treasurer feared to pay the accounts on account of jeopardizing your bond. If the vouchers come to you properly approved, how can you be taking any chances by paying them, as the law requires no investigation into the details of the work by the treasurer.

The Opinion by the territorial counsel under which these vouchers have been held up is a joke and I am surprised that an attorney of the standing of Mr. Cobb has had the temerity to offer the same for the guidance of executive officials of this territory.

In my opinion the road commissioner of this division has done all that the law requires in every detail, and there is not the least doubt but that the men who hold these claims against the territory could recover in a court of justice. Even though the commissioner had made some blunder in the management of his office, the claims would be valid, and I, for one, would not hesitate one moment in commencing suit to recover, if my claim was of an amount large enough to make it worth while.

I hope that these claims will be paid without further quibble over details, as the people here who have honestly done the work need the pay for it, and they are entitled to it.

Alaska Territorial Legislature

Senate Chamber

JUNEAU

O. P. GAUSTAD  
SENATOR, FOURTH DIVISION  
FAIRBANKS

SECOND SESSION  
1915

I will say in conclusion that the road commissioner has performed his duties in an efficient and conscientious manner and has accomplished a vast amount of work for the money expended. He has had some difficulty in interpreting the law, but has done the best in following the spirit and intent of it, and it is unfortunate that the governor and yourself should assume the responsibility of managing the details of the work, which the law places wholly upon him. The delay in payment for this work will have the effect of ruining the credit of the territory and making it difficult for the road commissioner to secure any one to work under him in the future.

In the hope that the hardship foisted upon this community by the delay in settlement of these accounts may be speedily remedied, I am, sir,

Your obedient servant,



March 7, 1916.

Hon. O. P. Gaustad,  
Fairbanks, Alaska.

Dear Sir:

I am in receipt of your letter of Feb. 20th enclosing voucher in duplicate in amount of \$6.00 for publication of notices for the Road Commissioner of the Fourth District. This voucher is still incomplete, inasmuch as it does not give the rates per line per insertion, but as the affidavits of publication are attached to it, we have decided that it be passed, Governor Strong has approved it and you will receive warrant in settlement in due course.

I have carefully read your letter regarding our procedure in refusing to honor the first vouchers sent in by Mr. Ross, and, in view of the unfair comments which you have made on this matter in your paper, I presume it to be hardly worth while for me to explain our position, but as I make it a rule to answer all letters which come into my office, I will make no exception of yours.

To begin with I will state that there has been no desire by territorial officials in Juneau to pass upon the work which has been done under the supervision of Mr. Ross. All that we have asked is, that he submit his vouchers in proper condition for payment. The vouchers which were sent in the first time were certainly not in proper condition, the second submission found them but very little improved and they were taken into Mr. Cobb's office, rewritten, and returned to Mr. Ross with itemized instructions of what to do to place them in proper order.

There has been no desire on the part of territorial officials to question the honesty or integrity of Mr. Ross, but from his manner of handling these road matters it is evident that he is a man of very limited business experience. Possibly too, he leaned too much on the counsel of ill-informed advisers. Many of his vouchers contained merely names and amounts - no other detail - still under your construction of the law it was the duty of this office to honor such vouchers without further question. I know of no laws which go into the actual detail of how public funds shall be disbursed. As a usual thing an office of Auditor is created which regulates those matters, and that is what the office of Territorial Treasurer is at this time - an auditing as well as a treasurer's office - and I am under heavy bonds for proper care and disbursement of territorial funds.

Were I to disburse funds of the Territory under the Road Appropriations in accordance with your construction of the law, I would be obliged to do the same under all other appropriations. The Mining Inspector could come to me and say, "I spent two hundred dollars for travelling expense last month" and I would be obliged to give it to him on his bare certification of the amount. Instead of that we require him to furnish a detailed itemized statement with receipts as sub-vouchers for any items of

#2. O. P. G. 3/7/16.

moment. We require the same from the Pioneers' Home. Vouchers sent in from that institution are required to contain complete detail; if for services they must contain the dates, time, and rates per day or month; if for supplies they must contain the dates, quantities and prices in detail. And so on from the Governor's office down, all vouchers must state what they are for and I see no reason why an exception should be made of the Road Commissioners. That is what a voucher is for, to substantiate and prove the claim for which moneys are paid.

It is very evident that you have never acted as a disbursing officer of Federal funds. The vouchers sent in to the auditing departments by those officials, though they are under heavy bonds, have got to be complete in every detail or they are promptly rejected. However, we are not copying after the auditing departments of the Federal Government, This office is merely trying to disburse funds of the Territory in an orderly, careful and conscientious manner so that its accounts can be examined at any time without fair criticism.

I am glad to have your assurances that the Fourth Road District received good value for the money expended during the past season. From one or two exhibits I have seen I am prepared to doubt it, but will know more about it when the detailed vouchers are received. Regarding your statement that the delay in settling these matters will have the effect of ruining the credit of the Territory, I can only say that if the credit of the Territory depends upon the carelessness with which its funds are disbursed, such credit is not worth having.

Very respectfully yours,

Territorial Treasurer.

49

# Signal Corps, United States Army.

## Telegram.

**Received at**

56 si c n 350B

FairbankssAlas<sup>ug</sup> 17 1917

Tresureer Of Alaska

Juneau.

FILE NO.	174
REC'D.	AUG 17 1917
ANSW'D	17 7

Do you have record of days ~~EniileL~~ Galahan worked on roads near Fairbanks in nineteen fifteen if sewhat show relative to twenty fifth please rush answer.

Pratt Asatt attorney 3pm

## Signal Corps, United States Army.

~~Night Telegram~~

Number.

Time Filed.

Check.

**Send the following Message:**

Juneau, Alaska, Aug. 17, 1917.

H. E. Pratt, Asst. District Attorney,  
Fairbanks, Alaska.

Records this office show no payments to Callahan from road funds.

O. B. message.

Smith, Treasurer.

June 23, 1915.

Mr. H. H. Ross,  
Territorial Road Commissioner,  
Fairbanks, Alaska.

Dear Sir:

In this mail under separate cover are being sent you a supply of voucher forms for your use in settling accounts for work done under supervision of your office. The method of using these forms will doubtless be clear to you, but for your better guidance we are enclosing a specimen copy partly filled in. The forms are arranged in original and duplicate, the latter for your records, and the former to be sent in to Governor for his approval from whom it will be sent to this office and to the office of the Secretary for issuance of warrant in settlement.

I am advised by the office of the Secretary that printed copies of the law under which your office will operate were mailed out to the several Road Commissioners on June 12th. Many of the provisions of the law are rather vague, but so far as possible you must be governed by such provisions. It is provided that the Commissioners shall furnish bond, but no amount is specified, nor is it provided to whom the bond shall be given or who shall be the custodian of such bond.

The Commissioner of the First District referred these matters to the Governor, who, however, declined to assume any responsibility in the affair, but offered as a suggestion merely, that as the Commissioners, under terms of the law, apparently handled no money that a bond in nominal sum of money for faithful performance of duty only be furnished, and I understand further suggested amount of \$2,000.00. Bond in this amount and of the character mentioned, we are advised, was accordingly prepared and submitted to Judge of the District Court for his approval. Upon approving the Judge deemed it an official proceeding and the bond was placed on file in the records of the office of the Clerk of the Court. Should you follow the same procedure, this office should be advised of the approval and filing of the bond by the Clerk of the Court.

According to the amount which was in the Forest Reserve Fund at time of effectiveness of the Act creating road districts in Alaska, the amount to be apportioned to each district and available at this time is \$11,310.80. This amount is all that will be available for this season, as as the receipts for the Federal Year closing June 30th, are not received before about October 1st, too late for this year. Available amounts hereafter for each year will be much less as the present amount is an accumulation of several years receipts. The sum above reported does not necessarily have to be all spent this season as it can be carried over to the next or following seasons and in no way reverts to the Territory if unspent.

Please kindly advise this office of receipt of the voucher forms, and also if there in anything in the above which is not entirely clear to you.

Very truly yours,

Territorial Treasurer.

*Hand receipt copied to file - enclosing copy that was made by Mr. Ross at the time of his appointment as Commissioner of the First District.*



Juneau, Alaska, July 2d, 1915.

H. H. Ross,

Road Commissioner,

Fairbanks, Alaska.

Suit filed enjoining payment road money letter follows.

Smith, Treasurer.

Night message \$2.11 paid.

July 2, 1915.

Mr. H. H. Ross,  
Territorial Road Commissioner,  
Fairbanks, Alaska.

Dear Sir:

Yesterday I was served with complaint in suit which has been brought to have declared void Act of the Territorial Legislature creating road districts in the Territory of Alaska and appropriating moneys in the Forest Reserve Fund for the building, repairing and maintaining of trails, roads and bridges throughout the Territory.

Upon consultation with Mr. J. H. Cobb, who has been designated as legal counsel for the Territory by the Governor, I sent you telegram as follows, and which I now confirm.

"Suit filed enjoining payment road money letter follows"

Governing the conduct of this office in the matter, I am advised by Mr. Cobb, legal counsel for the Territory as follows:

"---- I beg to advise you, that while no temporary injunction has been served, still, in my opinion, it is proper for you to hold the Forestry Fund in statu quo, until the validity of the appropriation of the fund made by the last legislature is passed upon. You should notify the several road commissioners of the facts, so that they may govern themselves accordingly."

I am further advised by our legal counsel that he will appear in the suit as early as possible and press the cause to a speedy hearing that final decision may be arrived at as soon as possible. While matters remain as they are this office must be governed by opinion of counsel. You will be advised from time to time if any material change develops in the situation, by telegraph if necessary.

Yours very truly,

Territorial Treasurer.

Fairbanks Alaska

July 12 1915

*Recd*

Mr. W. G. Smith

Territorial Treasurer

Juneau Alaska

FILE NO.	
REC'D.	7/29/15
ANSW'D	7/29

Dear Sir:

Your letter of June 23rd received also vouchers, also have just received your letter of July 2nd. explaining telegram.

I have sent a bond to the Judge of this division, but it has not yet been returned.

It is almost imperative that some road work be done at once. I have explained the situation to the men doing the work and they are willing to take the chance of getting their money.

Accordingly we are getting some road repairing done now.

Please advise me when

the case will be set for trial  
and also as to the probably  
time when a decision will  
be rendered.

Yours Respect

H. H. Ross

Territorial Road Commissioner  
Fairbanks Alaska

July 29, 1915.

Mr. H. H. Ross,  
Terr. Road Commissioner,  
Fairbanks, Alaska.

Dear Sir:

Replying to your letter of July 12th, I beg leave to advise you that suit to enjoin this office from paying out moneys under appropriation contained in Chapter 27, Session Laws, 1915, was argued about a week ago, on the 22d, if I am not mistaken, and Judge Jennings has the matter under consideration at this time, but when a decision may be rendered is problematical. In any event we are told that the parties bringing the suit, if the decision be against them, will carry it to the Appellate Court.

Judge Cobb, counsel for the Territory, tells me, that in that case he will ask that they be compelled to ask for an injunction and put up an indemnifying bond, which will be in a large sum, and which action, he hopes, will bring matters to a head. In the mean time, as I wrote you, by advice of our counsel I am obliged to hold every thing up until some further advancement in the case is made.

At this time things look pretty indefinite, but any change in the situation, of importance, will be promptly communicated to you and the other Road Commissioners by wire if such prompt notification be deemed necessary. I regret very much that this suit has been brought or if it was to be brought that earlier action was not taken, as in some of the divisions actual work had been begun. Though the moneys allotted to the Commissioner of the First Division were not mentioned in the suit, by advise of counsel we are holding that up also, as in counsel's opinion the law will stand or fall as a whole.

Very truly yours,

Territorial Treasurer.

Juneau, Aug. 12, 1915.

H. H. Ross,

Road Commissioner,

Fairbanks, Alaska.

Road case decision favorable to Territory disbursements under  
appropriation now possible,

Smith, Treasurer.

ll collect.

DEPARTMENT OF JUSTICE  
OFFICE OF  
CLERK OF THE DISTRICT COURT  
FOR THE TERRITORY OF ALASKA  
FOURTH DIVISION  
OFFICIAL HEADQUARTERS  
FAIRBANKS

Ruby

July 22, 1915

FILE NO. *20720*  
REC'D. *7/14/15*  
ANSW'D

W. C. Smith, Esq.,  
Territorial Treasurer,  
Juneau, Alaska.

Dear Sir:-

I beg to advise you that Mr. H. H. Ross of Fairbanks, has presented a Bond in the sum of Five Thousand Dollars (\$5000.00) as Road Commissioner for Road District No. 4 of the Territory of Alaska. The surety thereon is Theodore Johnson of Fairbanks. This Bond was approved by Honorable Charles E. Bunnell, District Judge, on the 20th day of July, 1915, and is duly filed in this office.

Should you desire certified copy for your office, the same will be furnished.

Respectfully,

*J. E. Clark*  
Clerk.

JEC/GAF.

*Advised to the Governor  
August 18th 1915  
Smith  
Treasurer*

126/15  
11/27/15  
aff. [unclear]

~~1/2 pad of vouchers~~  
Fairbanks Alaska  
Nov 5 1915

W. G. Smith  
Territorial Treasurer  
Juneau Alaska

Sr.

As I have several small bills yet to be paid and I am nearly out of vouchers, I wish that you would send me some more blanks.

Thanking you in advance

I remain yours

H. H. Ross

Road Commissioner  
4th Road District of Alaska



November 27, 1915.

Mr. H. H. Ross,  
Territorial Road Commissioner,  
Fairbanks, Alaska.

Dear Sir:-

Pursuant to request made in your favor of the 5th. inst. we are this day forwarding to you by first class mail and under separate cover, a supply of vouchers which we trust will be ample for your needs in rendering balance of bills .

Trusting same arrive without undue delay, we remain

Yours very truly,

Territorial Treasurer.

Alaska Territorial Legislature

House of Representatives

JUNEAU

E. B. COLLINS  
REPRESENTATIVE, FOURTH DIVISION  
FOX

SECOND SESSION  
1915

Fox, Alaska, December 10th, 1915.

FILE NO.	
REC'D.	1/2/16
ANSW'D	

Hon. W.G. Smith,

Territorial Treasurer, Juneau, Alaska.

My dear Smith:-

Your favor of November at hand and I enclose a list of names of persons engaged in mining near here. You will find (x) marked before the names of those who I think will come within the provisions of the law. I note your ruling in regard to making application for license and have made it known here.

Mr. H.H. Ross came out to see me the other evening in regard to his vouchers against the Territory as Road Overseer. I know that this work was done last summer and that his vouchers are correct. The people to whom he owes the money are loud in their complaint. Of course I do not know the details of the matter but would like to see these people paid their just dues for work performed.

I wish you and Mrs Smith a Merry Christmas and a Happy New Year.

Very truly,





January 3rd, 1916.

Honorable E. B. Collins,  
Fox, Alaska.

Dear Mr. Collins:

I am just in receipt of your letter of Dec. 10th enclosing list of names of persons engaged in the business of mining in your vicinity with mark against those whom you think may be liable for the tax under provisions of law. We have already received return from Hanot Bros., who report quite a little gold taken out, but report expenses in excess of output. Some time ago they wrote a letter regarding their operations, stating that owing to litigation this was their first active season and preliminary expense was rather large; but they hope for next season to be better.

We are all quite distressed about Mr. Ross' vouchers, especially Governor Strong, who says he knows Mr. Ross and that he knows the work was honestly performed. However, Mr. Ross has sent his vouchers in in frightful condition and I wish you could see them to properly appreciate our position regarding them. Many of those that were first sent in contained no detail whatever, some of them not even stating what they were for; others were unsigned either by Mr. Ross or the party to whom they were in favor. He seems to have paid no attention to that part of the law which provides that all road work shall be done by contract, and in opinion of Mr. Cobb, who has been designated legal counsel for the Territory, we cannot pay these accounts covered by that provision. What Mr. Ross seems

Hon. E. B. R. 1/3/16.

to need is an accountant and a legal adviser, or a combination of the two, and I wish he could get some one to whip his matters into shape. Mr. Jones of the Second Division employed an attorney to draw his contracts and other matters at an expense of \$100.00, and it seems to have been money well expended.

I have just come from the Governor's office where he has presented me with a huge envelope, containing, he says, Mr. Ross' corrected vouchers, but from his manner I judge them to be a discouraging prospect. We are very busy with the opening of the year, but I will come back tonight and go through them and I want to assure you that they will be passed if possible. However, I fear that Mr. Cobb's opinion to the Governor may prove a serious stumbling block. We have just recently completed all disbursements for road work excepting for your division. Mr. Jones, of the Second, has used up his entire appropriation as but one of his vouchers had to be returned, a small one for \$10.00 which had escaped being signed. We had considerable trouble with Mr. Woods matters, of the Third, and with Mr. Austin's, of this division, but the work had been done by contract, and it was simply a matter of getting the vouchers into agreement or support of the contract. Not being so far away, we were able to get them fixed more quickly, though I guess men in both places were short for the Christmas festivities.

Assuring you of our earnest desire to help Mr. Ross and his people out, and thanking you for the kindly wishes contained in your letter, which are returned most cordially, I remain,

Very sincerely yours,

Territorial Treasurer.

January 7, 1916.

Honorable J. F. A. Strong,  
Governor of Alaska,  
Juneau.

Dear Sir:

Referring to the vouchers for road work in the Fourth Road District of the Territory and certificate in their support by the Assistant Road Commissioners, also letter regarding the vouchers from Mr. R. F. Roth, U. S. Dist. Atty., transmitted to you by Road Commissioner Ross in letter under date of Dec. 7th, and by you referred to this office for examination, I beg leave to state that in my opinion the vouchers should not be approved in their present condition.

These vouchers as submitted by Mr. Ross contain no detailed statement of the matters they are supposed to cover, many of them, for labor performed, referring to a contract between the Road Commissioner and the owners of road scraping engine, but which contract covers merely the use of the engine and expressly exempts the owners of the engine from liability for labor, the vouchers drawn in this manner, no doubt, through business inexperience of the Road Commissioner.

I have advised with Mr. Cobb, Chief Counsel for the Territory, in regard to these vouchers and who has volunteered to rewrite them in such manner that when the missing detail is filled in by Mr. Ross they will be in proper order for approval and payment.

Pending the re-writing of the vouchers, the whole matter has been left in the hands of Mr. Cobb which action I trust will meet with your approval.

Very truly yours,

Territorial Treasurer.

January 14, 1916.

Honorable J. F. A. Strong,  
Governor of Alaska,  
Juneau.

Dear Sir:

Supplementary to my letter to you of Jan. 7th with reference to road work vouchers and other enclosures contained in letter to you from Mr. H. H. Ross, Road Commissioner of the Fourth Road District, I now beg leave to advise you that the erroneous vouchers have been re-written, and the new vouchers together with the old are being returned to Mr. Ross by first class registered mail on S. S. Northwestern, the first mail steamer available since receipt of these matters. Accompanying the new vouchers was letter of transmissal and explanation from this office, also letter of instructions to Mr. Ross from Mr. Cobb, Chief Counsel containing detailed instructions regarding each separate voucher.

Enclosed herewith I hand you the following matters which were enclosed to you by Mr. Ross in the letter mentioned above and of which copies have been made for retention in the files of this office: Letters from the Road Commissioner to J. E. Barrack and John Metzger notifying them of their appointment as Assistant Road Commissioners, with their respective acceptances appearing thereon; Copy of contract between the Road Commissioner and Messrs Parkin & Pinkerton owners of a road scraper engine; Certificate signed by the Assistant Commissioners, as to regularity of the vouchers it accompanied.

Further enclosures are herewith made of copy of letter under date of Jan. 10th, from Mr. Cobb, Chief Counsel, regarding the vouchers sent in by Mr. Ross and other enclosures of his letter, also copy of letter from this office, date of Jan. 13th, transmitting these matters back to Mr. Ross. You will doubtless note that in Mr. Cobb's letter to this office he advises the return of the certificate of appointment of the Assistant Commissioners and their certificate as to regularity of the vouchers back to Mr. Ross for his re-transmissal to you with the corrected vouchers. However, Mr. Cobb's letter of instructions to Mr. Ross makes no mention of these matters, and it seems useless that they should reach you by way of Fairbanks. For this reason I hand them to you herewith as above stated.

Trusting that the above will meet with your approval, I remain,

Very respectfully,

Territorial Treasurer.

January 14, 1916.

Mr. H. H. Ross,  
Territorial Road Commissioner,  
Fairbanks, Alaska.

Dear Sir:

This is just a brief letter to inform you that it has been found necessary to return to you for correction the vouchers enclosed to Governor Strong in your letter of Dec. 7th.

The vouchers together with a letter of transmissal and explanation from this office and a letter of detailed instructions from Mr. Cobb, Chief Counsel for the Territory, are going forward on this mail steamer by first class registered mail, and it is hoped they will reach you without unnecessary delay.

I trust that you will read both my letter and that of Mr. Cobb with great care and follow out the instructions contained in them.

Very truly yours,

Territorial Treasurer.

# Post Office Department

OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID  
PAYMENT OF POSTAGE, \$800

Original Reg. No.

3242



RETURN TO:

Territorial Treas.

(Name of sender.)

Street and Number, }  
or Post Office Box, }

Box 1061

Post Office at

County

State

The postmaster who delivers the registered article must see that this card is properly signed, legibly postmarked, and mailed to the sender, without envelope or postage.

FUNEAU, ALASKA.



# REGISTRY RETURN RECEIPT.

Form 1548.

*Received from the postmaster registered article, the original number of which appears on the reverse side of this card.*

Date of delivery FEB 9 1918, 1918  
(To be filled in by person signing receipt.)

When delivery is made to an agent of the addressee, both addressee's name and agent's signature must appear in this receipt.

H. H. Ross

(Signature or name of addressee.)

(Signature of addressee's agent.)

Registered matter, the delivery of which has not been restricted by the sender or the addressee, is deliverable to any responsible person who customarily receives the ordinary mail of the addressee. (See amended sec. 858, P. L. and R.)  
When the above receipt has been properly signed, it must be postmarked with the name of delivering office and actual date of delivery and mailed to its address, without envelope or postage.