

Exhibit 18

COLONIAL RUSSIAN AMERICA

KYRILL T. KHLBNIKOV'S REPORTS,
1817-1832

TRANSLATED WITH INTRODUCTION AND NOTES

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PREFACE

Source materials on the exploration of America and early contacts between native Americans and European voyagers are as rich and diverse as the explorers, traders and settlers themselves. Many accounts, especially those by the Spanish, French, English and Portuguese have been available in published editions either in the original or in translation almost from their inception. Unfortunately this has not been the case with accounts by Chinese, Japanese and Russian travelers along the Pacific coast of America.

In 1972 the Oregon Historical Society inaugurated a publishing venture entitled North Pacific Studies. Its purpose is to make available in English little known or hitherto unpublished works on the early history of the North Pacific Ocean and littorals. The first volume in the series, Explorations of Kamchatka, 1735-1741, is an account by a young Russian explorer-scientist, Stepan P. Krasheninnikov (1711-1755) during the famous Bering Expedition to Kamchatka and to the shores of Northwest America. The present volume, second in the series, is by Kirill Timofeevich Khlebnikov, also a Russian, who in his service as an official of the Russian American Company has left a rich account of the North Pacific.

Khlebnikov's notes were intended as an official investigatory report to the Directors of the Russian American Company. This manuscript eventually came into the possession of one of the directors, Ivan V. Prokofiev, and was apparently filed away with his personal papers. It was lost and forgotten for years, a classic misadventure. By a most fortuitous coincidence the naval historian A. P. Sokolov discovered the manuscript years later, "in a second-hand bookstore," bundled among papers belonging to Prokofiev's heirs. Sokolov immediately recognized the importance of his find, and part of the work was published in St. Petersburg in 1861, twenty-three years after Khlebnikov's death. It appeared as a supplement to the periodical Morskoi Sbornik [Naval Anthology], and was entitled "Materialy dlia istorii russkikh zaselenii po beregam vostochnago okeana: Zapiski K. Khlebnikova, o Amerike" ["Materials for a history of the Russian settlements along the shores of the Eastern (Pacific) Ocean: K. Khlebnikov's notes on America."]

This translation, with the exception of the eight appendixes here included which are taken from unpublished Khlebnikov material preserved in archives in the USSR, we have made from the 1861 publication. The second volume, now in preparation, will present the never published balance of Khlebnikov's manuscript on Russia's American colonies. We are pleased that this work, published in English for the first time, could appear on the 200th anniversary of Khlebnikov's birth and of the American year of colonial independence.

We have used the Library of Congress system of transliteration, but have omitted ligatures and apostrophes. For clarity we have used contemporary spellings for many place names: Sitka, Kodiak and Alaska, rather than Sitkha, Kadiak and Aliaska. Where a Russian name has been used, contemporary nomenclature follows in brackets: Kenai Bay [Cook Inlet]. Russian designations such as creole and Kolosh are explained in the glossary, which also includes notes on Russian weights, measures and dates. Plurals of untranslatable Russian words have been anglicized: promyshlenniks, prikashchiks. All footnotes are Khlebnikov's unless designated "-- Ed."

reflected in his numerous works, the most important of which are his reports and travel diaries on Russian America. He wrote revealingly not only of intricate business affairs, but of history, ethnology, geography, mythology, natural science, navigation and the whole spectrum of economic activity. He sent many important artifacts to the Museum of Curiosities, the first museum founded by Peter the Great, now the Museum of Anthropology and Ethnography, and to the Academy of Sciences in St. Petersburg.

Khlebnikov's seventeen-year sojourn in America ended in 1832 when he departed for St. Petersburg. He reached the capital and the main headquarters of the Russian American Company in September 1833. Because of his knowledge, price-less experience and loyal service, he was made Chief Administrator of all the Company's affairs. Khlebnikov's virtues were again recognized when he was elected to the Governing Board of the Company. In recognition of his singular contributions to knowledge, his associates in St. Petersburg made him a corresponding member of the already illustrious Academy of Sciences. Subsequently, he was decorated with the coveted Order of St. Anne, third class.

During the last five years of his life Khlebnikov wrote prolifically, perhaps stimulated by the literary outpouring of Russian authors during this special era. In addition to the present work, Khlebnikov's published writings include: "Zapiski o Kalifornii" ["Notes on California"] in *Syn Otechestva*, Nos. 124-125, 1829; "Pervonachalnoe poselenie russkikh v Amerike" ["The first settlement of Russians in America"] in *Raduga*, books II, III and V, Reval, 1833; *Zhizneopisanie Aleksandra Andreevicha Baranova* [Biography of Aleksandr Andreevich Baranov], St. Petersburg, 1835; "Vzgliad na polveka moei zhizni" ["A glance at a half century of my life"] in *Syn Otechestva*, 1838; "Otryvki iz zapisok russkago puteshestvennika v Brazili" ["Excerpts from the notes of a Russian traveler in Brazil"] in *Severnaia Pchela*, 1838; and several entries in the *Entsiklopedicheskii Leksikon* on subjects familiar to him such as the Bering Sea, Bering Straits, and Alaskan landmarks. But even today the greater part of his writing continues unnoticed, and unpublished, in remote archives.

Khlebnikov's notes on America, here translated into English for the first time, were published in 1861 in Russia. The published version includes two of six parts which exist in manuscript form: New Arkhangel and Fort Ross, here presented as the first of two volumes. The second volume, which we are now completing, will include the four unpublished parts: Kodiak; Unalaska, the Alaskan peninsula and the Fox Islands; Atka, the Andreanov, Komandorskie and Near Islands; and the Pribylov Islands, St. Matthew Island and part of North America.

The history of Russia's American colonies is receiving vigorous new attention in the Soviet Union, Canada and the United States. Ambitious publication programs are now underway and in some instances a substantial exchange of materials and scholars has been achieved, notably at the Oregon Historical Society. It is encouraging to learn that recently discovered journals by Kirill Khlebnikov relating to his California travels are being edited for publication in the USSR by ethnographers, who have uncovered important unpublished Khlebnikov material in archives in Leningrad, Moscow, Perm, Tartu and Kungur. It would be of unusual, in fact extraordinary assistance to the scholars, analysts and readers in this field to have all Khlebnikov's work, scattered and sometimes inaccessible, brought together in a contemporary and comprehensive publication. To further

How The Kolosh Regard Other Peoples

The first foreigners to appear along these shores were the Spanish, English, French and Russians. They stopped at various places and were looked on as gods. The Kolosh say that when they approached a ship they did not have the courage to stop; but after they were enticed with various signs, they decided to send an old man. When he returned alive, and with gifts, they were emboldened to become acquainted and they began to trade.

Handcrafts

The major art of the Kolosh is building boats and canoes which are very light to navigate and which will accommodate from two to six persons in the smaller ones, and from 40 to 60 men in the larger ones; usually they hold from 10 to 20 persons. They are propelled by short paddles on both sides; no rowed boat can compare with them for speed.

Men carve war masks with faces of men and women resembling natural features; these are made of wood or slate. They carve pipes from copper or bone. They make arm bracelets; spoons from wild ram horns; and wooden dishes which look like pottery bowls, and are decorated with bones and shells. At present some of them also make weapons. I saw a Kolosh-made dagger which resembled an English dirk and in beauty of craftsmanship was in no way inferior to the original. They make the common two-edged daggers from iron and decorate them with colorful shells.

Women make beautiful blankets from soft goat hair. They weave baskets out of grass roots, and use them to carry and store water. Small baskets with pockets are woven from colored roots and are used by the women to store their sewing supplies.

At present they make European-style hats from these roots; they are very light, useful, and quite beautiful.

Waters

There are no large rivers on Sitka island, but there are small ones which flow over a rocky course. These waters are pure, and in summer they have many fish. All of these rise in the mountains. Two rather large rivers have waterfalls. One is near the fortress, about three hours away, in Silver Bay; the fall is more than 100 feet high, and after the water falls it divides into two streams. The river has its source in a lake; it takes about an hour to walk along the winding river course from the source to the falls. The lake is surrounded by high cliffs. The other important waterfall empties into a deep lake near the lake redoubt. There are also many small falls which cascade noisily all around, especially in the spring when the snow melts.

There are many lakes on the island; the largest is near the lake redoubt and is about 10 miles long; in some places they have measured a depth of 190 sazhen, and in other places they have not been able to reach bottom. It lies between mountains and by virtue of its location, it is apparent that it was created by an earthquake, because massive cliffs that stand in one place show that they have

It would be more nearly correct to say that the Company, in order to satisfy both the Russians and the island natives, brings goods around the world from St. Petersburg, and imposes a 30% markup on them, and a 10 to 15% markup on goods it purchases [in the islands]. Consequently, without gaining any profit, it merely distributes goods at cost. If a merchant has expenditures and does not receive interest on his capital, he loses all advantage. From the Company's point of view this implies the right to equal compliance by the islanders, for without this equalization, the Company would lose its balance on the one hand, and its profit on the other.

Means Of Provisioning The People

When the decision was made to put the promyshlenniks on salary, that is, at the time Baranov was replaced, the Company had to provide the people with flour, and for this purpose ships were sent every year to California where they traded for wheat, barley and other grains. It has been noted above which persons from the lower ranks might purchase flour, and in what amounts.

In New Arkhangel the flour ration during the winter reaches more than 300 puds, and in summer, 200; and in addition, up to 200 puds of flour, peas, groats and other grains are sold in the winter, and up to 100 puds in summer.

Ship biscuits are baked at the harbor; two bakeries have been especially built for this purpose. Two or three persons are employed there for the entire winter. Between 500 and 600 puds of these are prepared. One pud of flour makes 28 pounds of biscuits.*

Aside from bread, fish represents the chief food, and the Company prepares it in the following manner.

In February and March herring appear near the shore; they are taken in nets in various places near the fort. The promyshlenniks will not eat fresh herring, and therefore herring from the first catch are salted and given out in that condition. As long as they run, they are continuously salted, and they are stored in from six to eight tubs or in from 20 to 30 barrels. Blueback salmon are taken in traps set in the lake redoubt. At first there are only a few, but from the middle of June on, there are more and more. This is followed by the humpback salmon, dog salmon, and then the silver salmon. As long as the run of fish is small, they do not salt it, but send the fresh fish by baidarka to the port for consumption. Salting begins in June and continues until September. Between 120 and 180 barrels of fish of all kinds are salted in the redoubt. This requires five puds of salt per barrel. The amount of salted fish per barrel may be stated as follows: blueback,

*It is important to note that: 1) millet has been used as an absolutely necessary provision for travel if there were no groats or peas in the warehouses. But it is now sold as a commodity for money. 2) The brig Kiakhta was sent to Kodiak with a full load of wheat, which should last for five or at least four years. 3) In addition to the above expenditures, the ship Elena at the time of its departure had 228 and 1/40 [puds] of flour, 201 puds and 16 pounds of ship biscuits and, 4) in all of these expenditure accounts, the loss in warehouses has not been entered; this amounts to about 100 puds.

200; dog salmon and silver salmon, 100; considering an average to be 150 per barrel, this means that some 20,000 fish are salted in the redoubt. In addition, the Aleuts dry about 10,000 fish for iukola,* which is done, however, only with great difficulty, because of the continuous dampness, and even dried fish molds and spoils, so that less than half is fit for consumption.

At the end of June and in July the humpback salmon comes in near the fort, then the dog salmon and silver salmon, which are taken with nets. For this purpose, they use a special boat with nine men. This catch supplies all three forts with fresh fish, and in addition provides from 20 to 30 barrels of salted fish.

It takes one and a half barrels a day in winter to provide food for the people. Of this amount, 35 fish are given to the artels in the barracks, and 25 go to a general kettle, from which all persons who live in their own dwellings receive a share. The most exceptional are issued special rations.

From November on the Aleuts go out in one or two rowing vessels to fish for halibut. They are hired for 10 rubles per month apiece, and there are eight rowers and two masters in each boat. They go to the hot springs, and from there into the bays in appropriate places, where they set up their fishing gear. The following chart will indicate the catch of that fish:

1825	October	130	puds
	November	101-1/2	
	December	107	
1826	January	114	
	February	221	
	March	107	
	April	<u>79-1/2</u>	
	Total	860	puds

This fish goes first to the hospital and then to the garrison and to officials. The garrison receives eight puds per day.

On holidays the garrison receives one-half pound of meat per man. Altogether, including that issued to families, six to seven puds of meat are given out each day at the Company's expense.

The Company also produces potatoes; the amount produced in gardens in 1825 totaled 150 barrels. These are used primarily to feed the sick and the school children each day; the garrison receives six to eight barrels per month during the winter, beginning in November.

When the Aleuts return from their hunt in August, they go along rivers where fish come in and take all they need for themselves. When the weather is calm

*In case there is a shortage of barrels, fish is salted in chests or bins which are lined with cloth. One such bin is 15-2/12 feet long, 5-10/12 feet wide and 6-8/12 feet high and will hold 891,000 cubic inches; figuring 231 cubic inches to the gallon, this would equal 3,860 gallons, or 1,158 vedros [pails] by Russian measurement.

Ships that were built at Fort Ross used from 30,000 to 40,000 rubles worth of materials, excluding payment for work; but when one averages it all out, even then the price of those ships was higher than the price of the one purchased.

For example, if the costs were:

Materials	35,000 rubles
30 craftsmen, working for one and one-half years, at an average wage of 400 rubles per year each	18,000
Bonuses to masters	<u>5,000</u>
Total	58,000 rubles

The consideration that persons who live in an area must earn their living somehow was the only reason shipbuilding attempts were considered. However, when it was found that California oak soon rots and is quite unsuitable for ship construction, the decision was made to terminate this activity, and people were put to work in agricultural occupations instead.

The Lake Redoubt

A settlement called the Lake Redoubt was built about twelve miles from the fort near a waterfall that originates in the lake. Fishing was the main reason for building it. Because there is a waterfall in the river, fish traps have been built and fish are taken there. At present the following structures comprise the Lake Redoubt:

- 1) A home for the administrator of the redoubt and barracks for persons associated with it; this is surrounded by a stockade for defense purposes. It is protected by a small tower with eight weapons, but this tower is outside the stockade.
- 2) A special barracks for promyshlenniks, outside the fort, with six rooms.
- 3) A mill, built initially with one wheel for grinding flour. An oak crusher is attached to it.
- 4) The flour mill was built in 1825, with two grindstones. Inside storage bins for wheat have been built; they can hold up to 1,500 fanegas of wheat.
- 5) A tannery to make leather uppers and soles for boots. Every year they tan from 100 to 150 hides from California steers.
- 6) A fish building, for which they have built a weir and a fish pond where the fish come in.

There are always between 25 and 30 men at the redoubt.

In the mountains beyond the lake which is near the redoubt, the men cut granite for grindstones. The lake is surrounded by mountains covered with dense forest where they cut construction timber and float it to the settlement. The settlement is located amidst snow-covered peaks at the end of a narrow bay. Entry from the sea and from New Arkhangel is blocked by rocks, and a sailing vessel can navigate there only with great difficulty. There is no good anchorage in the bay; the water is deep everywhere and there is a rocky bottom.

Five or six miles from the redoubt there is a hot spring where two small structures have been erected. The water flows into a basin where persons who come to use the water can lie in it.

Capital Goods Handled In New Arkhangel

The New Arkhangel office, as chief headquarters of the colonial administration, handles more important capital goods than do other offices in the colonies. Let us present two examples of capital handled during the year 1825, at the time Chief Manager Muraviev was replaced.

As of January 1, 1825, the total of cash and goods was	2,164,921.10 rubles
During the course of the year goods were supplied aboard the ship <u>Elena</u> from Russia, and from the Okhotsk transport, which were valued at	873,242.00
From colonial offices and departments transmitted to the New Arkhangel office	193,928.51
Profit from transactions with foreigners from the imposition of taxes on Russian goods and on the fur trade	470,493.43
Debts of officials and service personnel to the office as of January 1826	<u>107,481.26</u>
Total	3,810,066.30
Of this capital, the office owed at the beginning of 1825, to officials and service personnel	133,985.99
Transferred for furs to the Governing Board and to the Okhotsk office	330,484.03
Transferred to colonial offices for goods and translated into capital	427,875.22
Commercial disbursement for the year	403,368.80
Remaining capital, as of January, 1826	<u>2,514,351.56</u>
Total	3,810,066.60

In the course of that year capital listed under the Atkhinsk department from the Okhotsk office was transferred to New Arkhangel in the amount of 172,869 rubles; that whole department [Atkhinsk] was incorporated into the colonial administration, and thus the available capital increased.

In previous years, capital, both income and expenditure, of the office were as follows:

YEAR	CAPITAL HANDLED	PROFIT FROM PRODUCTION	EXPENDITURES FOR PRODUCTION
1818	2,833,555.59	184,420.59	152,851.19
1819	2,009,769.13	113,275.73	204,935.98
1820	3,257,212.52	487,274.52	358,433.98
1821	3,479,107.49	188,889.28	321,447.49
1822	3,305,411.51	256,938.74	355,496.96
1823	2,865,946.76	79,287.81	366,668.02
1824	3,037,446.21	571,001.96	396,682.18
1825	3,810,066.30	470,493.43	403,368.80

One may note here a more than double return on expenditures. But one must also note that: 1) During the first two years there were fewer officials here who received substantial salaries, and fewer promyshlenniks, while the creoles received small wages. 2) Sailing vessels were entered at the purchase price and capital spent for their upkeep increased; subsequently depreciation and ships that were not seaworthy were excluded, as noted below. 3) Home construction was entered at the purchase price; after a house collapsed it was entered at a loss. 4) During the first year promyshlenniks received a salary of 300 rubles (but an additional 50 rubles were included in subsequent years) and there were no bonuses.

In regard to the profit, it must be noted that this was quite large when there were transactions with foreigners, and when Russian goods from St. Petersburg were brought in, for they bore a 30% markup. But it is obvious that in the colonies the profit from hunting cannot exceed 100,000 rubles.

Capital goods at the beginning and end of 1825 were as follows:

Cash in Spanish piastres at the going rate of exchange, and colonial currency	53,456.89 rubles
Furs, Russian and foreign goods, materials and supplies	1,118,245.48
Weapons and equipment in the arsenal	129,547.90
Seagoing, sailing and rowing vessels	489,828.69
Accounts receivable from officials, hunters and Aleuts	165,653.32
Church properties	14,315.04
Household immovable property, furnishings, library, pharmacy, etc.	116,671.55

At the Lake Redoubt	25,160.42
Charged to commissioners	<u>52,041.81</u>
Total	2,164,921.10
In January, 1826:	
Cash	22,704.11
Furs, Russian and foreign goods, materials and supplies	1,224,577.75
Weapons and equipment in the arsenal	140,637.27
Seagoing, sailing and rowing vessels	623,337.68
Accounts receivable from officials, hunters and others	180,487.95
Church property	18,133.05
Household immovable property, furnishings, library, pharmacy, etc.	122,626.41
At the Lake Redoubt	29,484.74
Charged to commissioners	<u>152,362.60</u>
Total	2,514,351.56

A Note On Currency

In order to handle financial transactions in the colonies, the Governing Board supplies scrip in denominations of ten, five and one ruble, and 50 and 25 kopecks. The first issue in 1817 was 12,000 rubles. Subsequently, as a result of a report that these notes were worn out, another 30,000 rubles were issued in 1822.* The earlier issued notes were exchanged and sent back, and the new issue was sent to all the colonies and is used by both Russians and Aleuts.

The colonial administration has always kept some Spanish piastres in the cashier's office in case it was not possible to get wheat in California in exchange for goods. In January 1825 the cashier had 7,591 piastres. Piastres were sometimes received from California and from foreign trade; sometimes they were exchanged for goods from the crews of naval vessels. Sometimes they came from officers to be given to the Governing Board, but not in any great amount. Klachkov, from the ship Riurik, left 3,647 piastres behind.

When ships were sent to California each year, 1,000 or 2,000 piastres were provided and they were instructed to keep them so that if necessary they could be used either to purchase wheat or to pay duties.

*Of that sum 6,000 was sent to Kodiak, 3,000 to Unalaska and Fort Ross.

43 muskets, various sizes	1,315
1,368 military weapons, various sorts	40,963
34 hunting weapons, guns	1,166
53 carbines	1,895
291 pistols	3,837
205 rifles	7,381
95 rifles with bayonets	3,730
Sabers, broadswords, cannon balls, cartridges and various artillery equipment	35,235
Powder	10,064
4 fire pumps and other fire equipment	<u>1,585</u>
TOTAL	140,617 rubles

The cast iron caronades are between 12 and 24 pound calibre; the cannon are from three to six; brass cannon on field carriages are of various calibres. Exotic weapons provided by the Governing Board include: two Persian rifles with bayonets, one of which cost 450 rubles; one Damascene saber inlaid with precious stones valued at 560 rubles; one Persian yataghan in silver, 210 rubles; one Dalmatian saber, 112 rubles; one pair of Persian pistols, silver, 300 rubles; and one rifle inlaid with gold, 150 rubles. Military weapons are mostly of French or English manufacture, and they are very good. Rockets and flares are made here every year and are quite good; they are made in whatever amount is necessary for annual use. They are used chiefly for signaling during the time ships sail at night. Every year they also make powder and ammunition for guns. Between 3,000 and 5,000 cartridges for guns and pistols are used each year. 35 to 40 puds of powder are used each year for signaling and saluting.

Remarks On The Lake Redoubt

We have earlier discussed the construction of the Lake Redoubt, which took a considerable amount of capital. Buildings at the redoubt consist of:

Two barracks and the fort	7,000 rubles
The old millhouse and millstones	2,000
Tannery	500
Fish processing building and harbor	3,108
New millhouse	<u>6,267</u>
Total for buildings	19,875 rubles
Instruments	2,187
Artillery pieces	<u>6,067</u>
Total, for all	28,129 rubles

Persons stationed at the redoubt include masters, that is, smiths, carpenters, woodcutters, stonemasons and others. Preparing logs, and other work, is done by all in turn. Sometimes ten or fifteen men are sent there from the harbor during the winter.

Remarks On Commercial Expenses

Expenditures, not including trade expenditures, consist most frequently of debts from which are excluded salaries for officials and promyshlenniks in accordance with general agreement. Nearly all expenses are designated, except for certain insignificant items; however even these are always authorized by the Chief Manager.

A detailed account of expenditures for 1825 is as follows:

LIVING EXPENSES

Workers: land and sea provisions, portion of rum, etc.	50,439.01 rubles
Officials: sea provisions and candles; clergy: usual provisions	6,390.35
Aleuts: outfitting for hunting expeditions, provisions, payment for various work	3,897.35
Various items pertaining to general living expenses	1,829.90
Salt for preserving fish at Lake Redoubt	<u>2,847.89</u>
TOTAL	65,404.50

SALARIES AND BONUSSES

40 officials and service personnel on contract	113,589.24
290 promyshlenniks, including bonuses	91,585.84
37 government sailors	8,672.02
87 creoles and Aleuts	23,976.47
Bonusses, in addition to those noted above	<u>2,864.50</u>
TOTAL	240,687.07

DEPRECIATION

In the fortress, on old buildings	10,385.19
In the port, on ships, for expenses	73,007.07
Buildings at the Lake Redoubt	<u>1,500.00</u>
TOTAL	84,892.26

Expenditures at the harbor, in workshops, and in the fortress for the arsenal, and for domestic purposes	9,800.43
Normal loss of goods in warehouse	<u>2,644.64</u>

SUBTOTAL 12,445.07

GRAND TOTAL 403,428.90

Advantages Of The Location On Sitka

"There are no advantages without disadvantages," says the adage. This certainly applies to the settlement on the island of Sitka. This contradiction is

difficult to argue with until such fortuitous time as it may at last be possible to pacify the native inhabitants. Local advantages, compared with other colonies, are as follows:

Landmarks From The Sea, Channel And Docks

Mount Edgecumbe, which juts out into the sea as a headland, is a very fine and unmistakable landmark for all sea voyagers, even those who have never seen it before. To have a true landmark when one approaches the coast during a storm is a great aid to seamen. Once Mount Edgecumbe is sighted and one reaches the channel with the aid of bearings on Lazarev Island and Biorka, a direct point opens on the right compass North to the lighthouse beacon, and even in the worst storms, all the rocks are on the side of this course. While there are many rocks in the bay, they are all above water and have been correctly described from the beginning by navigator Vasiliev, and subsequently by the experienced officers of the sloop Predpriiatie. Underwater rocks are also noted on the maps. It is true that persons who have been accustomed to sailing into convenient foreign ports do not like to enter Sitka Bay. But it is better than any other bay in the colonies and consequently is the most useful. Entry can be made in three ways: two to the east, and one to the west of the port. The dock is safe and convenient. It can accommodate more than twenty ships between the bay and the fort. The depth is from five to nine sazhen during low tide. The bottom is silt in some places and small rock with shellfish in others. At the east dock the bottom is silt, and the depth is from six to twelve sazhen. The docks are protected from the sea by islands. When strong winds blow from the southeast and northwest, there is considerable wave action, but very seldom are boats cast up on the shore. Ships depart during the winter to southern latitudes, and sometimes to Kodiak. The dock sometimes is iced over.

High Tides

Tidewaters at the time of new and full moons usually reach fourteen feet; and if the wind is blowing from the sea, sixteen or seventeen feet. According to observations made by officers on the sloop Predpriiatie, the applicable time is 30 minutes.

The advantage of the high water is that it provides an excellent opportunity to examine and repair vessels without difficulty or danger. A ship is offloaded of its cargo and brought close to shore at high tide; then it is allowed to dry and is examined. If a large amount of repair is necessary, or retimbering, then it is placed on blocks and a dry dock is built to repair it. Small repairs are carried out at both waters, and the ship is then put in anchorage.

Timber For Construction

The abundance of fine timber for construction purposes is a great advantage. In addition to use locally for ships and building, there could be an important trade in timber and lumber in the Sandwich Islands, along the coast of California and all the way to Mexico. This branch of trade has not entered

into our economy, and therefore no one has paid attention to it. If a lumber mill could be built at the Lake Redoubt, then hopefully a good source of income could be opened up. The forest near the fort has already been used for construction. Those buildings that were built by Baranov are already in a state of collapse, or soon will be. Consequently a second period of construction will or should follow. Every year from 300 to 500 logs are cut from the forest, and if one had kept count from the beginning of the settlement, that is from 1804, taking 400 as a yearly average, then the total logs cut for Company needs during the last twenty years is 8,000. If one adds to this trees cut for firewood, charcoal, ship construction and home building for private individuals, then the number is much larger, and it would be no exaggeration to say that 20,000 trees have been cut during the past twenty years. Although the rugged shores are covered with trees as thickly as wild animals are covered with fur, the closest ones have been the ones first cut, and over a period of time this has been a growing problem. Nonetheless, they can be used for a century without the supply becoming exhausted.

Good Crop Of Potatoes

Potatoes grow better on Sitka than anywhere else in the colonies. Some of the seed came from Siberia and some from California. The potatoes have an especially good flavor and are nourishing. The soil is rocky and is usually fertilized with seaweed, or, as they say here, sea cabbage. In better locations the crop brings a twelve to fourteenfold harvest; in poor places, from six to eightfold. Thousands of barrels, or almost four thousand puds of potatoes are harvested. All land around the fortress has been put into gardens. Considering the demand for this crop, one could say that it is replacing bread, and contributes greatly to health when eaten with salted fish. When there is a good harvest the price per barrel is ten, or more usually fifteen rubles per barrel. American seamen and government ships sometimes buy as much as 100 barrels from the inhabitants. All of this together represents a local advantage.

Taking Fish, Mountain Rams; Introduction Of Swine And Poultry

A well-built fish pond near the settlement supplies a sufficient amount of salt-water fish each year, and the ever present annual herring catch are also advantages not offered by other locations. In winter the Aleuts take their baidarkas to catch halibut, cod, perch and other fish; those not needed for their personal consumption are sold to the Russians. Perch bring 50 kopecks each, and halibut, depending on their size, up to three rubles. It is no exaggeration to state that they receive some 1,000 rubles for fish during the winter.

The hunt for mountain rams by the Aleuts deserves notice. The hunt begins in November and continues until May. It is impossible to determine the exact number taken, but in a good year they take at least 200 head. This hunt provides good meat for the officials, and a profit for the Aleuts who receive from ten to fifteen rubles for one ram. This hunt makes it possible to have fresh meat quite inexpensively throughout the entire winter. A ram weighs about two puds when it is fat.

Swine and poultry have also been introduced here in large number. Swine that are fed on fish and shellfish have a bad flavor, but those fed on grain and potatoes are quite delicious. The price for small piglets is from five to seven rubles; larger pigs weighing from five to six puds sell for 60 to 80 rubles. Chickens usually cost four or five rubles, and eggs are from three and one-half to five rubles for ten. Both pigs and chickens can be bought from the local inhabitants at all times of the year.

Trade With Foreigners

In commenting on the occupying of Sitka, I stated that trade with foreigners does not comprise a real advantage, because they are able to sell their goods everywhere. But this actually refers only to those who have cargoes. Some ships come into Sitka from the Sound who have only a small part of their cargo left; they may have been trading with the natives, and they would have little to gain by going far off [to sell the rest of their goods.] There have been times when ships came here from the Sandwich Islands and even from Boston, and no goods were bought from them, either because they were too expensive or because they were not needed; but neither example should influence us. One would hope that ships will come every year from Boston, Canton or the Sandwich Islands, stop here, and then go on to California and all the way to Chile to sell their goods. The extraordinary activity of the Americans is quite phenomenal. They go directly from Boston to Sitka, then stop for three to five days in the Sandwich Islands for repairs and provisions. Such a voyage takes from 140 to 160 days.

Local Disadvantages In New Arkhangel

Disadvantages can be divided into two categories: permanent disadvantages, that is, those that exist all the time; and indirect disadvantages, that is those that result. The latter can be further divided into two categories:

1) In case of war with European powers, the fort could not withstand a blockade. Some persons maintain that England and the United States have no need to send warships to the northwest coast of America to carry out a destructive raid on a fortress in Norfolk Sound, that such an effort would not be fruitful in relation to the ships involved. But such powers would not send squadrons from Europe or North America, but would rather send here only such ships which already cruise along the shores of Peru, Chile and Mexico in great numbers; this might even include the fleet of the East India Company. There would be many privateers who would encourage and assist them. Such persons believe that our Company's fur trade is the only means of existence for this society and this colony. They maintain that they would find an abundance of furs here, and commodities and materials, and that they would know how to double their money. All it takes is the appearance of a hostile ship, and we are surrounded from the other near side by ever more dangerous enemies and are caught between two fires. Every enemy utilizes treason, and obviously would not pass up an opportunity to make an alliance with the Kolosh. So, having no hope of repelling from the sea, the only thing left to do would be to surrender the fortress to the civilized enemy, hoping for satisfactory terms, rather than to allow it to be destroyed and then giving over the garrison into the hands of the barbarian peoples.

If for some reason an insufficient supply of grain should come in from California, then the colony would be in danger of famine. Obviously in the winter potatoes and local produce may supplement, but this is insufficient. It is not possible to secure an abundance of fish or iukola. Salt fish, even if it were to be preserved, does not provide adequate sustenance without grain, and (as happened when there were shortages during Baranov's administration) people are forced to buy goods with their monthly allowances and trade them to the Kolosh for fish. If the main colony were to be located on Kodiak, then in similar times of shortage, their diet could be supplemented with fresh perch, dried fish, sarana and berries.

From the time the native inhabitants, the Kolosh, were defeated during the second raid on this fort, they have become our deadly enemies. At present the colonial administration takes measures to bring about cordiality and rapprochement and pacification, and these keep them from open hostility. But their hearts are filled with vengeance, they seethe with open animosity, and await only an opportune time to strike. At the present time their leaders, overwhelmed by our kindness, emphasize the fact that they intend no trouble. But at the first even slight disagreement between them and the promyshlenniks or Aleuts, they seize their knives and with a ferocity native only to such barbarians wait for the moment trouble will be initiated by us. They are clever enough never to openly initiate action, although several times it has happened that they armed themselves after the smallest incident, hid behind trees and bushes, and awaited action. Peaceful negotiations with their toions usually end in savage viciousness. Of course it would be easy to keep them in pacification near the fort by means of arms. But to kill several hundred of them would be to instill a tribal vengeance into several thousand men, who could easily seize isolated groups of our men out on hunting expeditions or those who are in rowboats going out for lumber or fish.

Every year their chiefs make plans for attacking the fort. One bold man to prove his daring sneaked inside the enclosure one dark and stormy night; went into the shallow water behind the old ship Amethyst, and stole some admiralty possessions and took them as a trophy to his fellow tribesmen.

They contend that we have taken the areas where their ancestors lived, and that we have deprived them of all the advantages of hunting, and use the best fishing places. On the other hand we maintain that we have provided them with the opportunity to trade and make a profit, that we supply them with items they need, and that we show them how to plant and use potatoes and the like.

But all these arguments are shot through with an overriding vengeance which is inherent among all uneducated people. Observers have noted that people who make their living by hunting do not willingly change their way of life, and nothing in the world will bring them to change their condition. To support such observations these persons cite numerous examples: the Kolosh are agile, strong, have great endurance and are therefore capable of all kinds of physical skills. They could have been excellent sailors. But there is no way to turn them away from their natural instincts. Some of their young persons have served us for several years, and have had good jobs and the usual maintenance; but then they become bored and leave.

Only one thing may change their attitudes in time: this may be the tie between the Russian men and the Kolosh women. The generation resulting from this liaison

may serve as a foundation for union. It is possible that the lure of our customs may spread among them and become a habit. The departure of the Americans from trade [with them] will also bring about closer ties between them and ourselves. But above all we should hope that some day they will be enlightened by the light of the Holy Word. The good stemming from this will resolve the problem more effectively than all efforts of human thought. A wise and skillful priest who would learn their language would be most helpful. Many of them have expressed curiosity about God, agree that He exists, believe in the immortality of the soul, and believe that one will be rewarded for good things done in this life and punished for evil-doing. They seem to believe that God is omniscient and omnipresent. This concept is sufficient to implant in them the holy truth of our faith. We must proceed at their level of understanding.

A careful watch is kept near the fort as a precaution. There are two watches aboard every ship, and on the larger ships there are three, who are replaced regularly. There are two men at six posts in the fort. Two responsible men make rounds each day to supervise the watches.* During the night one additional person, usually the cook, assists in making rounds. In spring and summer they begin at four in the morning, and at nine in the evening. The watch makes six signal shots per hour during the night. Those who make rounds inspect all posts and travel in boats.

Cannon are always loaded in the fort and on the ships, and they are inspected each week. Persons who are sent into the forest or to the Lake Redoubt usually travel with loaded guns. There are more Kolosh gathered here in spring when the herring run starts; they come to collect roe in various places. At such a time as many as 1,000 of them camp out near the fort, and sometimes the same number on the nearby islands. There are fewer of them in summer, but it is not unusual for 500 to 600 of both sexes to be close to the fort itself. Baranov would not let them live in the fort or even on the nearby islands, but he did allow them to come to trade, in daytime only, and sent them off at night. Very rarely a few of them receive permission to build huts alongside the fort and live there for a time. Baranov's first successors permitted them to build cabins as well, but those who came inside had their weapons confiscated and placed under the supervision of the nearest guard.

Chief Manager Muraviev permitted them to live near the fort. He believed that if their goods and women and children lived under the cannon this would be good leverage for security and that under this situation they would not be able to carry out their secret plots.

Near the fort persons are assigned to posts with necessary weaponry. In the summer of 1826, during the absence of the Chief Manager, this was the disposition of men:

Upper fort, armed	29 men
Lower fort, with cannon	27
On longboat, with 6 cannon	21

*Those who make rounds in the morning report the number of sick persons in the fort and the number of Kolosh who stayed overnight in the fort, listing men, women and toions; they make an oral report about the number of Kolosh; the password is given them by the Chief Manager.

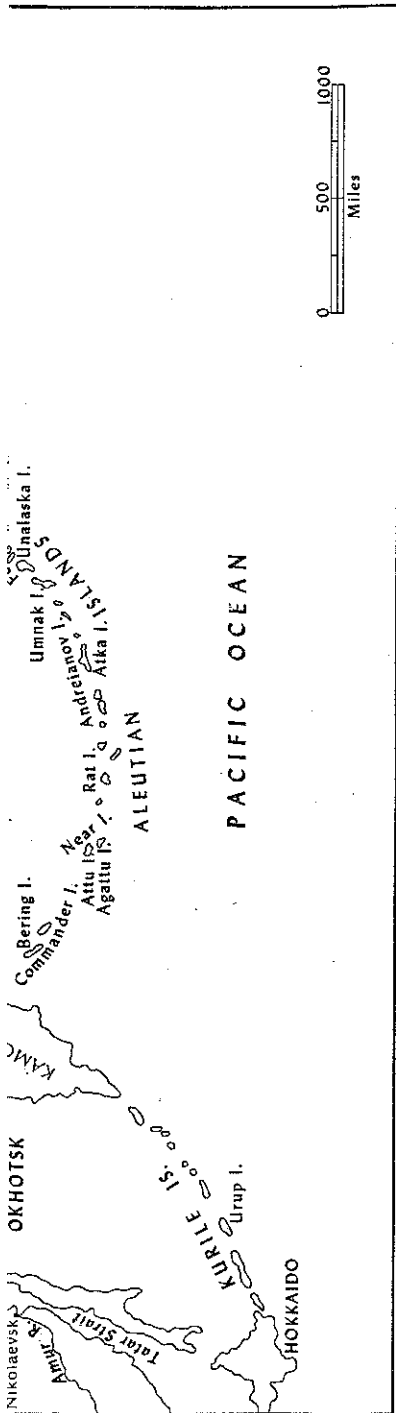
Exhibit 19

A History of the Russian-American Company

By P. A. Tikhmenev

Translated and edited
by
Richard A. Pierce
and
Alton S. Donnelly

University of Washington Press Seattle and London



Siberia and Russian America

Preface

The Russian phase of North American history lasted nearly 130 years, from the 1740s to 1867. During that time the Russians explored the coasts and islands and some of the interior of the northwestern part of the continent, established settlements, acquainted the indigenous population with the benefits and detriments of civilization, propagated Orthodox Christianity, developed communications, and began exploitation of the region's natural resources. Chief among these were furs, but some attention was given to fish, minerals, timber, and agriculture. Russia played an important part in early Pacific trade and diplomacy, and her ambitions at various times extended as far as California, Hawaii, the Philippines, and China. Modern Alaska retains hundreds of Russian place names, has boundaries that were worked out during the Russian period, and has living reminders of the earlier time in the spiritual force still exerted by the Orthodox Church in many communities and in survival of the Russian language.

Petr Aleksandrovich Tikhmenev's *Istoricheskoe obozrenie obrazovaniia Rossiisko-Amerikanskoi kompanii i deistvii eia do nastoiashchago vremeni* [A historical survey of the formation and activities of the Russian-American Company until the present time], published in St. Petersburg in two volumes in 1861-63, is an indispensable source concerning this long and colorful period. Compiled near the end of the company's existence, largely from primary materials, many subsequently lost in the destruction of the company archives in the 1870s, this massive work is unique.

Little is known about Tikhmenev himself. He was born in the late 1820s; in 1837 he entered the naval academy as a cadet. In 1852-54 he served as a lieutenant on the frigate *Pallada*, on its voyage from Kronstadt around the Cape of Good Hope to the Far East. I. A.

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historian of the Russian possessions on the Eastern Ocean," is achieved, while in his encyclopedic account there is abundant variety, color and drama, and indication of the important role played by Russia on both shores of the North Pacific for more than a century after Bering's second expedition.

Tikhmenev's book was received with interest and had favorable reviews; the exploits of fellow-countrymen in the remote and exotic North American colonies were looked upon with pride by many in the Russian educated class. Each volume received the Demidov Prize, a prestigious literary award of the time. Soon after completion of the work, in 1864, Tikhmenev left the company and a few months later retired from the navy as a captain of first rank. In 1878 and 1881 he was elected justice of the peace in Kostroma gubernia. He died on 7 September 1888.

Tikhmenev's work has been translated into English several times. Ivan Petroff, a Russian immigrant to the United States in the early 1860s, and one of the first American authorities on Alaska, translated a large part of it for Hubert Howe Bancroft during preparation of the latter's *History of Alaska* (San Francisco, 1885). Petroff's version, filed with others of his translations in the Bancroft Library of the University of California under the collective heading "Russian America," is still consulted, but is inaccurate. Another translation was made in Japan by Nichiro Kyokai and published in Tokyo in 1918; it is very rare; no copy could be found. In the 1930s, two Russian emigres, Dimitri Krenov and Michael Dobrynin, on parallel projects, produced *two* separate translations for the Works Progress Administration. Their versions, available in typescript, handwriting, and microfilm in several libraries, are generally reliable, but the English is faulty. In the 1960s, Norman Terrell translated most of Volume 1 for the University of Washington Press. The present translation spans the entire work; it is essentially new, but has benefitted from consultation with earlier versions.

The effort here has been to balance fidelity to the original text with readability, and consistency with common sense. A modified version of the Library of Congress system of transliteration is used. Russian forms of most names and of many terms have been retained in order to indicate usage during the period concerned. Square brackets [] in the text enclose matter inserted for explanation. Terms with special connotations are used in the original form, usually first in italics, with explanation in brackets, and thereafter as terms in ordinary use. Thus, the words *promyshlennik*, *baidarshchik*, *odinochka*, and *zimov'ia* are used rather than any attempt at translation, but chief manager or

"*Pallada*", refers to Tikhmenev as "our diminutive, kindly, obliging manager of the officers' table." Tikhmenev returned to Europe overland, across Siberia, and in 1857 left regular naval service to enter the St. Petersburg headquarters of the Russian-American Company. There he was given the formidable task of writing a history of the company. The charter would run out in 1863, and influential foes of the company, headed by the Grand Duke Constantine, were urging a drastic curtailment of its privileges and monopoly status. The book was evidently intended, though this is nowhere clearly stated, to help influence official opinion in the company's favor.

Tikhmenev sets forth his immediate aims in his introduction. He is aware of the difficulty of his task, the complexity of his subject, the diversity of the materials he had to work with, and the lack of any information on certain matters. He follows a generally chronological scheme, but where necessary he deals at length with individual subjects. He is apologetic concerning his abilities as a writer and historian.

The book does indeed have shortcomings. Tikhmenev's style is pedestrian; he leaves many questions unanswered; he does not provide enough personal details about company managers and directors, and tells little about the daily life of the promyshlenniks, creoles, and natives. He neglects the origins of the Imperial ukaz of 1821 which excluded foreign vessels from trade in Russian America and eastern Siberia, and the subsequent conventions of 1824 and 1825 with the U.S. and England which set boundaries that have lasted to the present day. He underplays—or perhaps was not yet aware of—the decline of company fortunes which set in in the 1850s.

Nor does Tikhmenev pursue effectively what ought to have been his main purpose, to create pro-company sentiment. Except in his introduction he never states what he intends to do, and he does not sum up at the ends of chapters or at the end of the book. His final chapter is a catch-all of geographical and ethnographical information which he had not been able to work in elsewhere. He makes no active defense against the critics of the company. Instead, in a relatively dispassionate account, he indicates what the company achieved, but does not hide its failures.

In defense of the book, it can be said that additional details on personalities would have made it excessively long and would not have been in accord with its presumed aim. And, had it been either a more polished literary work or a more effective propaganda piece, it would have been less useful today as a historical source. In any case, Tikhmenev's minimal aim, "to provide useful material for the future

Captain's Harbor, Unalaska. (Drawn by I. G. Voznesenskii, from E. E. Blomkvist, *Sbornik Muzei Antropologii i Etnografii* [Leningrad, 1951], vol. 13)

Ross settlement. (Drawn by I. G. Vosnesenskii, from Blomkvist 1951)

Port Aian, Siberia. (From Russian-American Company, *Annual Report* [St. Petersburg, 1857])

Kodiak islanders whaling. (From Eugene Duflot de Mofras, *Exploration de territoire de l'Oregon, des Californies et de la mer Vermeille . . .* [Paris, 1844], 2 vols.)

Coal mine and settlement, English Bay. (From Russian-American Company, *Annual Report* [1861])



Ozerskoi Redoubt. (From Russian-American Company, *Annual Report* [1862])

Novo-Arkhangel'sk, about 1860

and delicacy that Baranov's long and exceptional service deserved.

In the meantime, on the occasion of the approaching termination of the company's charter, the emperor ordered that Captain of Second Rank Golovnin, commander of the naval sloop *Kamchatka*, who had set out in 1817 for Petropavlovsk to deliver various government cargo, visit all sections of the Russian colonies and make a careful examination of their condition and of the relations existing between the Russian-American Company's employees and the natives. This ship also carried to the colonies Lieutenant Delivron and the civilian navigators Etholen and Schmidt, who were entering company service.

Having familiarized himself with the conditions of the colonial administration so far as time and circumstances permitted, Hagemeister decided to inform Baranov on 11 January 1818 that he was assuming the position of chief manager. This unexpected change must have offended Baranov deeply, especially since he was informed of it almost two months after Hagemeister's arrival in the colonies. Nevertheless, he began with all possible composure to hand over the records and the goods in colonial storehouses to K. T. Khlebnikov, commissioner of the *Kutuzov*, who had been appointed director of the New Archangel office.

The illness from which Baranov long had been suffering, was aggravated by the vexations which he had recently experienced, and prevented him from carrying out the transfer of the goods personally, so Hagemeister had to delegate the accounting to Khlebnikov. Nevertheless, the transfer of the stores was carried out with complete accuracy and all the company property, counted on the spot, proved to be fully in order. Although the bookkeeping methods were not sufficiently accurate, the differences were in an excess of goods rather than in a deficiency.

To put all the accounts in order Baranov planned to stay in the colonies until 1819 and a home was built for him at Ozerskoi redoubt, thirty versts from New Archangel. But Hagemeister, for reasons of health, found it necessary to leave the colonies in the autumn of 1818 and to hand over the governorship of the colonies to Lieutenant Ianovskii. Hagemeister and Golovnin decided to ask Baranov secretly to request permission to sail with them to Russia on the *Kutuzov*. Baranov complied, asking permission only to take with him his nephew and two servants who had served him well during severe attacks of illness. This request was readily granted.

Baranov's condition worsened while he was in Batavia, where he had immediately gone ashore when the ship reached port. Several times the doctor urged him to return to the ship.

Measures of the

reduce the high fever which had his stay ashore. Baranov, although to the ship before its departure 1819.⁴

The governorships of Hagemeister colonial governorship, Hagemeister putting the colonial bookkeeping colonial employees by occupational abilities of each. Then he informed the salary of the hunters and method of allowance, replacing per year and, in case of a flour allowance of 55 rubles per year. of the work dispatchers [*naria* be fixed at 600 rubles and the and that the payment of male animals prevailed up to then, he replaced rubles for a man and 82 to 100 per

The directors approved the plan that all hunters be paid from 1811

Moreover, Hagemeister composed offices in Kad'iak, New Archangel which was confirmed by the board rules which should govern the visit. He settled outside the fortress without company protection, and attempted them, as well the creoles, to agriculture

Hagemeister also found the fort to be repaired and its defenses strengthened

In view of the many drawbacks cover Straits under the protection contracted with Lieutenant Roque vessel *Bordelais*, to escort an ottoman for a share in the proceeds. A Kot twenty hunters and three women return empty-handed. When the hunters aster, they ordered that 350 paper man killed and a similar sum to ease seriousness of his wounds.

In the autumn of 1819 Ianovskii districts visiting Kad'iak

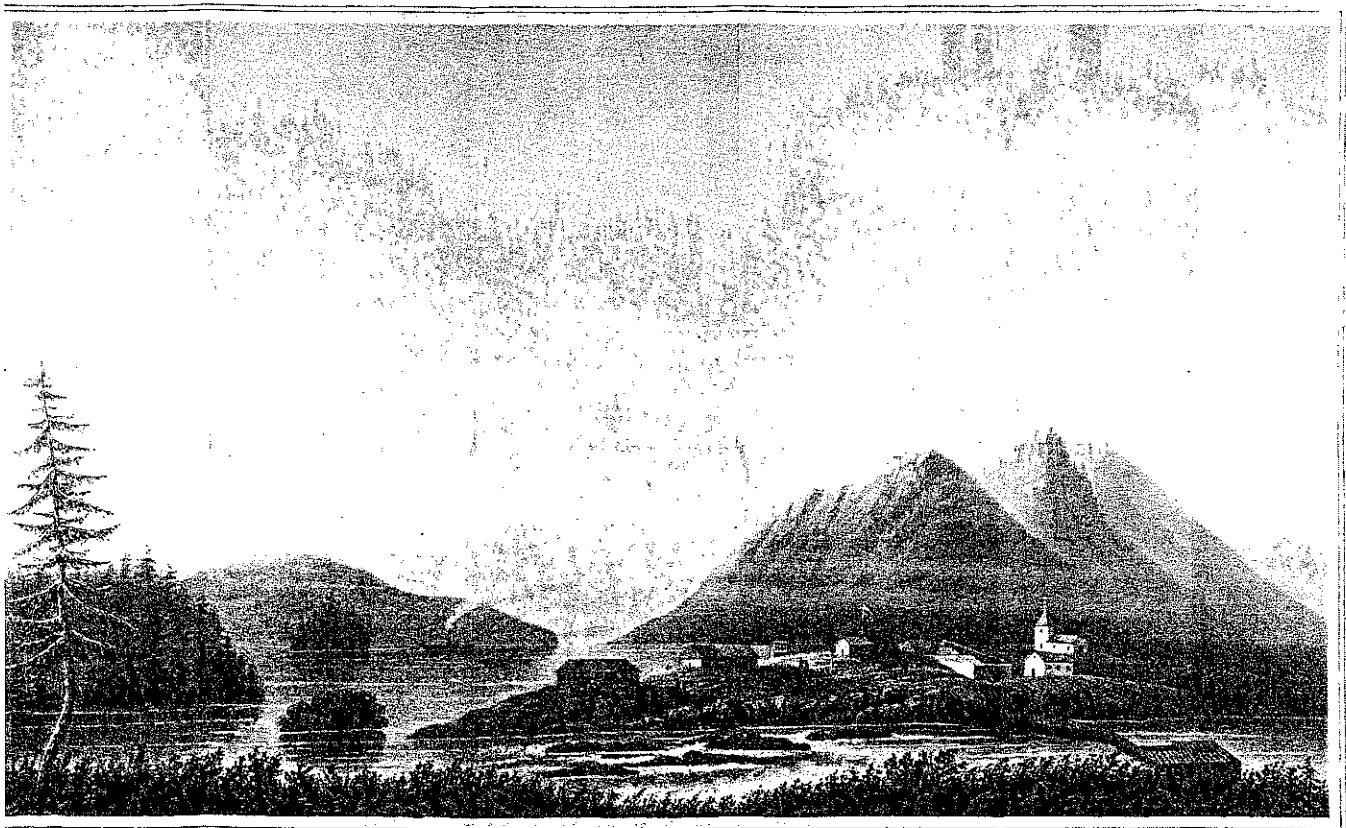
caught include red salmon, dog salmon, silver salmon, humpback, and king salmon. Halibut is caught year-round. Herring are caught mainly during February and March, but sometimes appear in the fall. (So numerous are they during their periodic runs that around small islands and in narrow straits the water takes on a milky color. One need only put into the water a pole with nails driven into one end to pull out several fish at once.) Mountain goats [*iaman*] sometimes in considerable numbers, are found on the heights around Sitkha and on other islands. The only fur-bearing animal on the Vancouver Islands is the brown bear, but on the mainland, especially around the Stakhin, Taku, and especially the Chil'kat rivers there are many beavers, muskrats, sables, foxes, wolves, and porcupines. At times raccoons are also seen. Near the Chil'kat River are found lynx, rabbits, squirrels, and mountain sheep [*dikii baran*], the wool from which the natives use for making mantles. A few sea otters appear at Cape Edgecombe and at the hot springs. Hair seals abound in the straits.

Besides various buildings and living quarters, New Archangel contains three Orthodox churches and one Lutheran church; two hospitals [*lech-zhivitsa*], one for men and one for women; the main colonial school [*glavnoe kolonial'noe uchilishche*] for boys and a boarding school [*panсион*] for girls; two schools for children of both sexes, including orphans, of the company's employees and workers; and the colonial and ecclesiastical administrative offices. In the port, as was stated above, are concentrated all the facilities for construction and repair of vessels belonging to the colonial fleet.

Ozerskoi redoubt is situated fifteen versts southeast of New Archangel. It was built for protection against attacks by the Kolosh, on a small lake in which fish abound. At present the main purpose of this establishment is to supply New Archangel with fish. About forty persons, counting women and children, live in this fort.

The northern part of the American mainland. This is the region north and northwest of Kenai Bay and the Alaska Peninsula, bounded on the south and southwest by the Bering Sea. The report of Zagoskin's journey to the Kuskokvim and Kvikhpak rivers has indicated the extent of exploration by the company. We will submit here only some topographical and statistical data on the company's establishments in this region.

The country around Bristol Bay and the Nushagak odinochka. One of the largest bays in the northern part of the American mainland, Bristol Bay, stretches from the west shore of the Alaska Peninsula to Cape Newenham. Two small shallow bays, Chagvan and Port Dobrykh Vestei



Ozerskoi Redoubt

Exhibit 20

BUILDERS OF ALASKA THE RUSSIAN GOVERNORS

1818-1867

by
RICHARD A. PIERCE



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PIERCE

BUILDERS OF ALASKA
THE RUSSIAN GOVERNORS

1818-1867

Introduction

Russia was active in the northwestern part of North America from 1741, when Vitus Bering made his second voyage, until 1867, when Russian America, thereafter called Alaska, was sold to the United States.

Much of the history of that period has yet to be written. In particular, there is a lack of biographical information. The population of pre-1867 Alaska was small, but during the Russian period many able and gifted individuals served there. These included administrators, seafarers, physicians, scientists, and churchmen. Yet, today, with few exceptions, most of these are unknown.

Of the administrators, Grigori Shelikhov (1747-1795) is well-known for founding the first Russian colony at Three Saints Bay, on Kodiak Island, in 1784, and laying the groundwork of the Russian-American Company, established in 1799. Aleksandr Baranov (1746-1819) is famous for his nearly three decades of rule in Alaska. He moved the colonial center from Three Saints Bay to Paul's Harbor (Kodiak), founded Sitka in 1799, and after its destruction by the Tlingit in 1802, retook it in 1804 and made it his capital. He sent parties of Russian and Aleut hunters along the coasts for lucrative sea otter pelts, made deals with American shipmasters, tried to develop trade with China, the Philippines, the Sandwich (Hawaiian) Islands, and

Chile, and in 1812 directed the founding of Fort Ross in California. Only misfortune and lack of support prevented him from establishing Russian dominion on the Pacific coast with so firm a footing that it might have made the map of western North America much different than it is today.

But who followed Baranov? H. H. Bancroft, Clarence Andrews, Hector Chevigny and other writers mention several of Baranov's successors and describe some of the events of their terms of office, but tell little about the men themselves. Yet, since they were in supreme command, they all played important roles. They consolidated what Baranov had won and laid the foundation of modern Alaska.

These biographical sketches, adapted from a series which originally appeared in the ALASKA JOURNAL (Spring 1971- Summer 1972), will bring together some of the facts concerning these men, Alaska's forgotten governors.

Dates pertaining to Russia are in the Old Style, in the 19th Century twelve days behind the Gregorian calendar. Russian names are transliterated from the Cyrillic to the Latin alphabet by the Library of Congress system. Biographies of Shelikhov, Baranov, and many other personages of pre-1867 Alaska will be included in a biographical dictionary of Russian America now in preparation.

R. A. Pierce

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PRINCE D.P. MAKSUTOV

Scarcely a century has passed since the modest but dramatic ceremony at Sitka on October 18, 1867, yet many questions remain unanswered concerning the sale and cession of the Russian holdings and about some of the principal figures involved. The unwelcome task of presiding over the liquidation of affairs of the Russian government and of the Russian-American Company in the New World fell to Prince Dmitrii Petrovich Maksutov, the Chief Manager of the company establishments, a position tantamount to that of governor. Although with nearly a decade of service in the colonies, and a key figure in the transfer, Maksutov is one of the forgotten men in North American history, ignored by the cyclopedias of American biography.

Time, war and revolution have eliminated much of the material on Maksutov and the part he played in Alaskan history. However, a few documents in family archives or library manuscript holdings, and occasional references in contemporary newspapers and personal accounts make it possible to reconstruct some of the chapters of his eventful life story.

The Maksutov family was of Tatar descent. The title of Prince can be traced back to the early 16th century and the family retained the Moslem faith until well into the 18th century. Prince D. P. Maksutov, about whom we are here concerned, was born on May 10, 1832.

Maksutov presumably received the childhood education usual to members of his class, with German, French and possibly English tutors. At about eight years of age he entered the Naval Academy in St. Petersburg. On June 1, 1849, at the age of seventeen, he was made a midshipman and assigned to the Black Sea Fleet of the Imperial Navy. On March 28, 1851, he was promoted to lieutenant and on May 10 was assigned to the Forty-sixth (Amur) Naval Depot, comprising naval installations on the East Coast of Siberia. On the way to his new post he stopped for a month at his father's estate in Perm. His father

provided him with a fine tarantass, or carriage, in which he traveled to Irkutsk. From there he continued by horseback, and arrived at Aian, a small port on the Sea of Okhotsk, in late September. The following spring he was assigned to the corvette *Olivutsa*, based at Petropavlovsk, on the Kamchatka Peninsula. In 1853 he sailed to Honolulu, and later took part in the Russian expedition to Japan, returning to Kamchatka in the spring of 1854.

By that time, rumors of war with England and France had reached the Far East. Petropavlovsk, with a magnificent harbor from which enemy squadrons could have dominated the East Siberian coasts, was under threat of attack. Major-General V. S. Zavoiko, military governor of Kamchatka and commander of the Port of Petropavlovsk, organized his forces. Maksutov and his elder brother Alexander, until then an officer on the frigate *Aurora*, were each placed in command of shore batteries.

On August 17 an Anglo-French squadron of six vessels appeared and on the following day began the attack. All that day the defenders held firm, as they did again on the 19th, finally forcing the enemy to pause for repairs. The struggle was renewed on the 24th and this time the French and English knocked out several Russian batteries and made a landing. On August 27, however, they withdrew, leaving the Russians victorious.

Both Maksutovs displayed outstanding bravery in the fighting. Alexander directed fire from his battery until he lost an arm. Dmitrii, by acclamation, was given the honor of carrying the news of the victory to distant St. Petersburg. The master of the American brig *Noble* agreed to carry him to Aian, but was delayed by repairs until September 14. Maksutov's last days in the port were saddened by his brother's death on September 10.

Arriving at Aian on October 2, Maksutov continued on horseback to Irkutsk, and from there by sleigh. Laconic entries in his notebook tell of a record crossing of Siberia: Octo-

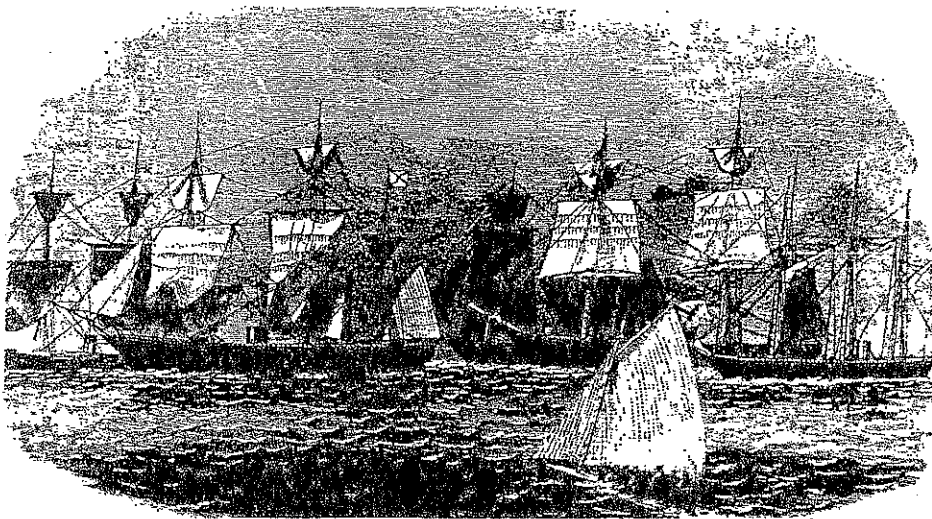


Alaska Historical Library

Prince D. P. Maksutov, last Chief Manager of the Russian-American Company in Alaska.

ber 8, "fell through the ice on the river Maia; barely saved;" October 22, "crossed the river Lena with difficulty and arrived at Yakutsk;" November 6, "arrived in Irkutsk;" November 8, "left Irkutsk;" November 20, "arrived at father's in Perm." On November 26 he reached St. Petersburg and on the same day was introduced to the Admiral of the Fleet and to the Emperor. Grateful for at least one bit of good news in an otherwise disastrous war, Nicholas I had Maksutov promoted to the rank of Captain-Lieutenant and decorated.

In the following year, 1855, Maksutov returned to the Far East, again via Siberia, to take up an



From Harper's Weekly, Jan. 23, 1864

The Russian fleet at the United States Navy Yard, Mare Island, California, 1863.

Fleet, in San Francisco Bay since the fall of 1863, part of the celebrated movement of the Russian fleets to the Atlantic and Pacific Coasts, a movement which bolstered the Union cause during the Civil War. One of the vessels, the corvette *Bogatyr*, was assigned to take the Maksutovs to Sitka. On May 14 they sailed from San Francisco and at dawn on May 26 they sighted Mount Edgecumbe, half covered with snow and girdled by clouds, after which the vessel made her way through the islands and into Sitka Harbor.

There is little information on the Prince's activities during the next two years. Some indication of the role intended for him is shown in the lengthy instructions provided at the time of his appointment, based on proposals which he himself had made. He was to develop the export of timber and fish, seek copper deposits on the Copper River, and develop trade with California and with the territories controlled by the Hudson's Bay Company. He was to look after the welfare of the native population, and in particular was to prevent Russian men from marrying native women, since the men tended either to abandon their wives upon leaving North America, or to take them along upon leaving and possibly abandon them later in Siberia. He was to remove harmful or useless elements from Sitka, and to refrain from hiring foreigners. He was to see that children in the Sitka orphanages received proper

schooling. The company, on its part, promised to supply the colony with a homeopathic doctor and personnel for shipbuilding. It was to provide more books for the library at Sitka, and would try to establish mail delivery at least every three months, via San Francisco and Victoria.

To what degree Maksutov was able to carry out his instructions remains unknown. The impending changes in company privileges probably caused many plans to be postponed.

Then, in late spring, 1867, news arrived that the unthinkable had occurred. On March 30, in Washington, D. C., the United States and Russia had signed a treaty by which the former would purchase the colonies at a price of \$7,200,000. Russia ratified the treaty on May 14, and the United States on May 28. The Prince received orders to begin closing out company affairs, and to await the arrival of commissioners appointed by the two governments, who would effect the formal transfer.

The cession of territory and dominion included "the right of property in all public lots and squares, vacant lands, and all public buildings, fortifications, barracks, and other edifices which are not private individual property." On the other hand, commercial properties, including the warehouses in Sitka with their rich stocks of furs and trade goods (including eighty thousand fur seal skins and thirty thousand gallons of liquor), the

company ships, and the trading posts scattered along the coast and out to the Aleutian Islands, up to St. Michael and on the Yukon, could be sold by Maksutov on behalf of the stockholders of the company. The hastily-written treaty was vague, however, regarding the distinction between government and private property, a fact which was to lead to misunderstanding later.

Thrust into a new and unwelcome role, Maksutov sent word of the forthcoming change to the various company branch heads, began to calculate what was coming to officials and employees, and prepared to liquidate the company properties.

The nature of the orders which Maksutov received from the company regarding the sale of its property remains unknown. Likewise, we know little of the sequence of the sales, or even to whom a number of items were sold. By early June of 1867, some four months before the formal transfer, adventurers had begun to arrive at Sitka, eager to erect stores, scout for minerals, stake out city lots, and to buy up company goods. In one of the first of these transactions, Maksutov sold a hundred-and-sixty acre tract near Sitka, the Ozerskoi Redoubt, to the American-Russian Commercial Company of San Francisco for fifteen thousand dollars. The firm was probably interested in the red salmon fishery there, and may have intended to ship ice from what is now known as Redoubt Lake to San Francisco. The firm was headed by financier Joseph Mora Moss and it apparently gave some consideration to buying the Russian-American Company holdings.

At about the same time, Leopold Boscowitz, a Victoria, British Columbia, fur merchant, asked Maksutov if he could buy any furs. To his surprise, he was told that he could buy all that were in the company warehouse at Sitka at the established prices the company had been receiving. The cautious Boscowitz took sixteen thousand fur seal skins at the rock-bottom price of forty cents apiece, and shipped them to Victoria. There they sold for from two to three dollars apiece. When he received word from Victoria of his success, Boscowitz tried to secure the remainder of the skins, but

meanwhile Maksutov had received orders not to sell any more.

Other would-be purchasers began to make plans in San Francisco, Portland and Victoria. The company goods transferred to United States jurisdiction by the treaty could be acquired duty-free. If the company price was right, large profits could be made on re-sale.

In September, U. S. Navy vessels began to arrive in Sitka, as well as commercial vessels bearing more prospective buyers. On October 8, Maksutov sold one of the company vessels, the brig *Constantine*, to Gustave Niebaum and four associates for four thousand dollars. Niebaum was a veteran mate and skipper on company vessels.

On October 10, the chartered steamer *John L. Stephens* arrived at Sitka with Brigadier General Jefferson Davis and two companies of U. S. troops; W. S. Dodge, who was to become the first U. S. Customs officer at Sitka; and a number of passengers on private business. Davis and the troops had to spend an uncomfortable week aboard ship, pending arrival of the commissioners for the United States and Russia on the *U.S.S. Ossipee*, but the civilians hurried ashore, eager for bargains.

At last, on the morning of October 18, the *Ossipee* arrived, bearing General Lovell Rousseau, Captain A. A. Peshchurov, and Captain F. F. Koskul, respectively the representatives of the United States, Russia, and the Russian-American Company. The transfer ceremony was held that same afternoon; the Russian flag was lowered, then the American flag was raised as the guns boomed out their salute. A new era had begun.

With the ceremony, Russian governmental authority was at an end. Maksutov was now only the chief representative of the company. Scarcely had the echo of the saluting guns died away when General Davis ordered the Russian citizenry to give up their homes to the soldiers. The Russians protested to Maksutov, stating that the houses were company property, but Maksutov could only advise them to find other places in which to stay. Some moved out to the company ships in the harbor.

It was the beginning of Maksutov's



Alaska Historical Library

Captain George F. Johnson, D. S. Navy

tribulations. As soon as the troops were located, General Davis ordered the battery placed in the company's main warehouse, blocking the passageway. He stationed sentries at either end of the building and forbade the Russians to enter without special permission. Gustave Niebaum wrote some years later: "I had several conversations with the Lieutenant Governor [Assistant Chief Manager Captain of 2nd Rank L. I. Gavrishv] at the time and he spoke very freely about the ill treatment received at the hands of the American authorities. I asked him once to give me some lumber for building houses. He very curtly answered me: 'Help yourself to anything you can see, as the Americans will take it anyway, and it is better you should have it than to have the soldiers carry it away. We have a right to keep it.'"

Authority in the territory now lay with the provisional military ruler in the person of General Davis and a

civil power formed by the inhabitants without any real legal sanction. W. S. Dodge, the Customs officer was elected mayor and also presided over the municipal court.

The first court case in Sitka under the new regime was that of the Chief Manager versus a clerk of the Russian-American Company, a man named Pavlov who had hastened to take American citizenship. Pavlov did not want to give reports on property entrusted to him, and it appeared that he had embezzled part of it. Maksutov made his complaint, and had Captain Peshchurov represent the interests of the company. Pavlov more wisely chose an American, one Thomas Murphy, as his lawyer. In an eloquent appeal to the prejudices of the all-American jury, the Irish-American depicted the exploitation in Russia of the poor by the mighty, then drew as a parallel the relationship between his client and Maksutov. He finished by describing how in the newly acquired land the laws of America brought equality for all. The jury acquitted the defendant without leaving the room.

Such evidence of Maksutov's diminished position was not lost upon others of his former employees. All who desired to return to Russia were to be furnished free transportation, while those who wished to stay received their passage money in cash. Often individuals who decided to remain were paid and then squandered the money in drinking bouts. Afterwards they came back and asked for more money or to be sent to Russia. When Maksutov refused such demands he was accused of withholding what was rightfully theirs, and some took the matter to court. Said Niebaum: "It was also very obnoxious to the governor when he was brought before the self-constituted mayor Dodge and had to answer to charges brought by his ex-employees. He had no business to appear before them at all, and it appeared strange to some there at the time that Dodge did not protect him in his rights." The real responsibility lay with General Davis, whose lax administration got the new regime off to a bad start.

Doubtlessly encouraged by such unfamiliar new freedoms as the right to sue their former governor, many of the Russian citizenry of Sitka at first

Exhibit 21

EXCERPT FROM
DAILY ALTA CALIFORNIA NEWSPAPER

Published in San Francisco, California

[From the Special Correspondent of the Alta, Sitka Alaska]

Sitka, Alaska - October 25, 1867

SITKA HARBOR, October 25th, 1867.

The Ice Business.

The American Russian Company was organized fourteen years ago. Their leading purpose was to procure ice from some available point on the North Pacific Coast. By drowage they converted a low swamp, a mile back of Sitka, into a pond of sixty acres, and built an ice-house of a capacity to hold 10,000 tons. But the ice is too porous and brash for exportation, and for several years past no ice has been stored here. The Company, at this time, procure their ice from artificial ponds on a small island adjacent to Kodiak. The winters there afford solid ice from eighteen to twenty-five inches thick. The Company, having recently become exclusively Californian, is enlarging its operations. The agent, Gen. Dana, is making extensive preparations at Rednitsky Lake, fifteen miles east of here, for procuring a part of the annual supply. A dam has been built giving a flowage of ten feet, and affording, at it its fall, an excellent chance for catching salmon. As the prevailing winter wind sweeps the lake longitudinally, the ice will be obtained from an artificial basin of eight to ten acres at the head of the dam, the waters of which cannot be disturbed by the winds. The Company hereafter expect to transport 20,000 tons of ice annually, and have now in store a stock sufficient for two years.

EXCERPT FROM
DAILY ALTA CALIFORNIA NEWSPAPER

Published in San Francisco, California

[From the Special Correspondent of the Alta, Sitka Alaska]

Sitka, Alaska - November 2, 1867

SITKA, November 2, 1867.

Agriculture In Alaska.

There are four distinct species of the salmon, the most numerous of which have the dampness, small head and red flesh of the genuine "Kennebec," so much prized by the gourmands of Boston and New York. At the dam of the artificial ice pond, at the head of Redutsky Lake, two thousand barrels can be caught at each spring "run," although the stream is a comparatively shallow one.

I have written at some length upon the fishing resources of this new Territory. The statements made are by no means an exaggeration. The waters upon the coast of Alaska are to the Pacific Ocean what those about Newfoundland are to the Atlantic—the home of its most palatable fish. That of Alaska is the more extensive; of its ultimate value there can be no question.

Of all the resources of this high latitude, none can be depended on so implicitly as its fisheries. Alaska may have rich mines, but their existence is as yet a problem. She has an almost "boundless continuity" of forests, but they are not available. She has abounded with valuable fur-bearing animals, but their number is rapidly diminishing. She has a vast area of mountain, and on her northern borders, of plain land—but the climate is hyperborean, and the want of warm and continuous sunshine forbids the success of agricultural production. But her fisheries—her vast granaries of cod, halibut and salmon, are inexhaustible. They will be needed not merely to supply our own coast, but to furnish food to the millions of Eastern Asia, thus affording a profitable field for enterprise and industry.

DEL NORTE.

EXCERPT FROM DAILY ALTA CALIFORNIA NEWSPAPER

Published in San Francisco, California

[From the Special Correspondent of the Alta, Sitka Alaska]

Sitka, Alaska - July 24, 1869

LETTER FROM ALASKA.

FROM THE SPECIAL CORRESPONDENT OF THE ALTA.

Arrival of General Thomas—Military Matters in Sitka—Extremes Meet—Catching Salmon—Excursion on the Newbern—Departure of the Eclipse-Observers—Ebb and Flow of Population.

SITKA, July 24th, 1869.

Salmon Fishing.

Salmon fishing is carried on extensively by all the Russians and Indians, the salmon, dried, being a staple winter food with them. The bay is full of them, and they often come up very near the shore in large schools. A couple of weeks ago, the pilot, a Russian, fixed his seine in the bay not a hundred yards from where he lives—less than a quarter of a mile from where we are now writing, and drew in at one haul fourteen hundred and twenty-seven salmon—real beauties; fine, large, shrew, silver salmon. (It was Sunday morning, had he captured a Sunday school?) You can buy a large one, freshly caught, that will weigh about twenty pounds, for two bits; but they are not so tender and juicy as the Oregon salmon. The Ice Companies are doing very well at their depot, at the mouth of Ozersky, and take them in steadily, with every prospect of a success this year.

Marine Matters.

Last week the Newbern made an excursion trip to Ozersky, with a gay party on board. Pretty nearly every one went, and all who did enjoyed the day exceedingly. There was music and dancing on the way down and back; and while there the party witnessed the feat of seining and catching salmon in the traps, and tried hooks and lines a little, picked berries and flowers, and passed the day only too quickly. Ozersky is about fifteen miles below here, and is described as being beautifully situated. As we were unable to go, we cannot give a personal description of the place.

The harbor looks quite lively, now, with two steamers lying in it, and several little schooners. Since we last wrote, the Narwester, Sweepstakes and Major have all returned from trading expeditions, and all report the Indians quiet and friendly in the different sections from which they have come. They have among them visited the different villages of Chilkat, Takoo, Koo, Kontzoon, Stikeen, Floona, Kassa, Ichetscheenez, and others. Their trading proved very satisfactory, each vessel bringing back a nice lot of furs.

The Davidson Expedition.

A week ago to-day, Professor Davidson left us, to further the cause of science by taking observations at the time of the eclipse of the sun, on the 7th of August. He has gone to anchor in the Chilkat country about thirty miles above the head of Chatham Straits, two hundred miles above Sitka. This will be on the central path of totality, in latitude about 60° and longitude 141½ west of Greenwich. It was his intention to fix his apparatus in proper position on some high mountain, if possible, so that if the day proved rainy he might be above the clouds. General Davis was very anxious, indeed, to assist him in getting off in good style, and wanted very much to give him a vessel to go in, but that was impossible—there was not a vessel of any kind in the harbor to be had—and he was obliged to start in an open boat, and was escorted by a large Indian war canoe manned by good, reliable Indians. As he passed away from the wharf, and by the Newbern, Captain Freeman, of that vessel, gave him a parting salute. He was seen by Mr. Louthan, of the schooner Sweepstakes, two days later, about one hundred miles above here, at the entrance to Peril Straits, going along at a fine rate. We wish him every success, and will give him a cordial welcome on his return.

Exhibit 22

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RECEIVED

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UNITED STATES DEPARTMENT OF THE INTERIOR
OFFICE OF HEARINGS AND APPEALS
Hearings Division
6432 Federal Building
Salt Lake City, Utah 84138-1194

UNITED STATES OF AMERICA,	:	A-0842
	:	
Contestant	:	Native Allotment Claim
	:	involving 20 acres of land
v.	:	situated within Sec. 35,
	:	T. 57 S., R. 64 E., Copper
THOMAS BENNETT (deceased),	:	River Meridian, Sitka
	:	Recording District, Alaska
Contestee	:	

POSTHEARING BRIEF OF THE UNITED STATES

Comes now the United States of America, through its undersigned attorney, and states the following as the position of the United States on the above-captioned matter, the hearing on which was held before Judge John R. Rampton in Juneau, Alaska on June 10, 1993:

FACTUAL BACKGROUND

By 1809 there was a Russian settlement, called *Salenie Dranishnidova*, some 12 miles south of Sitka, Alaska at the head of (what is now called) Redoubt Bay at the entrance to Deep or Redoubt Lake. U.S. Exhibit 22, p. 1-2 and U.S. Exhibit 26, p. 9. By June 1818 the settlement was known as the Ozerskoi Redoubt,

U.S. v. BENNETT
U.S. BRIEF

"redoubt" being the Russian term for fort, and was used to supply fish to other Russian-American Company settlements. U.S. Exhibit 22, p. 2 and U.S. Exhibit 26, p. 9. By 1825 there were substantial buildings and industries on the site - a house, three barracks, three watchtowers, a wind powered flour mill, a tannery, a fish processing building with saltery, weir and traps, and a Russian Orthodox church. U.S. Exhibit 22, p. 2-3 and U.S. Exhibit 26, p. 9-10. A water powered mill was completed in 1826 and a sawmill became operational in 1833. U.S. Exhibit 22, p.2-3 and U.S. Exhibit 26, p. 10.

By 1826 there were 38 men stationed in the redoubt, with as many as 300 people being employed during the fishing season. U.S. Exhibit 26, p. 11. U.S. Exhibit 27 contains a contemporaneous description of the property from the 1817-1832 period. The lithographs and drawings, introduced as U.S. Exhibits 28, 29, 30 and 31, show the extensive development at the property between 1841 and 1868. [The remains of the docking facilities can be seen on the land today. TR. 104, ln. 7-11.]

In 1867 Prince Maksutov, last Governor and Chief Manager of the Russian-America Company, transferred the property to the American-Russian Company of San Francisco. U.S. Exhibit 26, p. 15. On October 18, 1867 His Majesty the Emperor of all the Russias transferred title and sovereign to all properties in Alaska to the United States, except for title to certain properties which had been previously transferred. Treaty of Russian Cession, March 30,

1867.¹ In 1868 the American-Russian Commercial Company established a fishery at the Redoubt. U.S. Exhibit 26, p. 13. In 1883 the American-Russian Company sold the property to William C. Lynde and Howard M. Hough. Appendix A to U.S. Exhibit 26 (deed clearly describes the land). In 1883 Lynde and Hough of San Francisco opened a station at the property under the direction of Captain W. S. Morrisey. U.S. Exhibit 26, p. 13. In 1888 the Northwest Fisheries Company built a 20 by 30 feet structure on the site. U.S. Exhibit 26, p. 14. In 1889 Lynde and Hough sold the property to Captain Morrisey and Captain L. H. Smith, U.S. Exhibit 26, p. 16, who built one of the first fish canneries in Alaska, the Baranoff Packing Company, on the land. U.S. Exhibit 26, p. 14. By 1987 the fishery was greatly depleted, down to 6,000 fish, and the cannery had been moved. U.S. Exhibit 26, p. 15.

November 15, 1900 the Baranoff Packing Company (Morrisey and Smith) sold the property to Territorial Governor John G. Brady. Appendix B, U.S. Exhibit 26 (this deed expressly included the land). Governor Brady duly recorded the deed in the District of Alaska, Division No. 1 (which includes Sitka) land records. U.S.

¹Investigation by the Department has led to the conclusion that the title to the land was not transferred, merely possessory right to the buildings. See U.S. Exhibit 16. Sheldon Jackson College, the current holder under the chain from the American-Russian Company (Moss and Baum) has decided not to contest this interpretation. U.S. Exhibit 23. This legal interpretation has no bearing on the issue to be decided in this case, since the relevant issue is the use of the land. The chain of title through the American-Russian Company supports the evidence that since 1818, there was extensive nonnative use of the property so that potentially exclusive use by the applicant prior to withdrawal in 1909 was impossible.

Exhibit 32 (entry no. 659). In 1901 Governor Brady built a cabin on the property. TR. 132, ln. 15-20. The Brady family used this cabin as a summer home until 1910. TR. 132, ln. 21-TR. 133, ln. 11. Through probate after the governor's death, the property passed to Elizabeth Brady, John's wife in 1924. U.S. Exhibit 32 (entry no. 978). In 1981 the Brady family deeded the property to Sheldon Jackson College. U.S. Exhibit 26, p. 16.

On February 16, 1909 the site of the Russian redoubt was included in land withdrawn for the Tongass National Forest by Presidential Proclamation No. 846, 34 Stat. 2226. U.S. Exhibit 3.

On or about August 24, 1909 Thomas Bennett filed an application for allotment of an unsurveyed tract of land at the head of Redoubt Bay in Alaska, U.S. Exhibit 1, which land was the same as the area upon which the Russians had constructed their church and buildings. TR.95, Ln. 16-22. He stated that he had commenced using the land as head of a family in 1900 and, as part of the application, had a supporting affidavit signed by two people. U.S. Exhibit 2, p.2. This application was approved by the Secretary on June 13, 1910. U.S. Exhibit 2.

On September 10, 1914 a survey of the allotment was completed. U.S. Exhibit 4. On May 15, 1915 Mr. Bennett was notified that on May 4, 1915 the survey of the allotment had been suspended, certain land would be excluded from the allotment, and that he had a right to appeal the decision. U.S. Exhibit 8, p.4 and Bennett [hereinafter "B."] Exhibit F. On June 12, 1915 an attorney for Mr. Bennett acknowledged that Mr. Bennett was willing to accept the

amendment which removed shoreland from the survey of the allotment.

B. Exhibit G.

On February 27, 1922 the Chief of the Field Division reported that the allotment was surveyed. U.S. Exhibit 2 and U.S. Exhibit 7, p.1. On April 24, 1922 the Chief of the Field Division was directed to conduct an investigation. U.S. Exhibit 2 and U.S. Exhibit 7. On August 16, 1922 a report on the field examination was transmitted to the Commissioner of the General Land Office which stated that the three buildings on the allotment were "all of them unoccupied, being erected by a cannery or saltery." U.S. Exhibit 8, p. 2. The report concluded that Mr. Bennett had not made "sufficient use, if any, of the allotment to entitle him to approval thereof." U.S. Exhibit 8, p. 3. On November 11, 1922 Mr. Bennett's application was held for rejection and he was given 60 days to appeal. U.S. Exhibit 5. (It appears from this decision that the original approval was erroneously based upon a conclusion that Mr. Bennett had built the buildings.) This November 11, 1922 letter was forwarded to Mr. Bennett certified mail and delivered on December 2, 1922. U.S. Exhibit 9. On March 12, 1923 the approval was revoked and Native allotment application no. Juneau 0842 was rejected and the case closed. U.S. Exhibit 11.

Thomas Bennett died on April 23, 1930. U.S. Exhibit 15.

On March 16, 1981 the Bureau of Land Management (BLM) reinstated the application pending further determination of status, since the original denial appeared to be lack of evidence supporting use and occupancy. U.S. Exhibit 12, 13 and 14. As a

result, a contest complaint was filed in September 1992 and this hearing was held.

I. THE SECRETARY MAY CANCEL APPROVAL
AT ANY TIME PRIOR TO CONVEYANCE.

At the hearing on June 10, 1993 a motion was made on behalf of the heirs of the applicant that this matter be dismissed since the application was previously approved. This motion should be denied since it is well established that the Secretary of the Interior may and indeed has a duty to re-examine any decision to grant title to public lands up until the time title is actually conveyed if there is any question as to the applicant's entitlement.

Mr. Bennett's application was approved on June 13, 1910 by the Secretary of the Interior, but, before the land was conveyed, the approval was cancelled as a result of an investigation. As will be shown herein, the law is long and well-established that the Secretary of the Interior may and indeed has a duty to re-examine any decision of even his or her predecessor in office to grant title to public lands up until the time title is actually conveyed if there is any question as to the applicant's entitlement to the same.

Under the United States Constitution Article 4, Section 2, Clause 2, Congress has been vested with complete control over the disposition of the public domain. Kleppe v. New Mexico, 426 U.S. 529, 536-41 (1976); United States v. City & County of San

Francisco, 310 U.S. 16, 28-30, reh'g denied, 310 U.S. 657 (1940); Ventura County v. Gulf Oil Corp., 601 F.2d 1080, 1083 (1979), aff'd without opinion, 445 U.S. 945 (1980). Both the executive and the courts are strictly bound to apply any terms and conditions set forth by Congress with respect to the disposal of public lands. Kidd v. United States Department of the Interior, 756 F.2d 1410, 1412 (9th Cir. 1985). The Secretary of the Interior has both the right and the duty to review BLM's decisions that Mr. Bennett met the terms and conditions of the Alaska Native Allotment Act if a question arises as to the validity of that decision. This obligation continues until the legal title has been conveyed.²

The Secretary's power has been long recognized in the courts. In Knight v. United Land Ass'n, 142 U.S. 161, 178 (1891), quoting from Pueblo of San Francisco, 5 Land Dec. 483, 494 (March 12, 1897), the Supreme Court stated:

The statutes in placing the whole business of the Department under the supervision of the Secretary, invest him with authority to review, reverse, amend, annul or affirm all proceedings in the Department having for their ultimate object to secure the alienation of any portion of the public lands,.....

Further, the review power may be exercised in a manner of the Secretary's own choosing. In Knight, the court stated:

Such supervision may be exercised by direct orders or by review of appeals. The mode in which the supervision shall be exercised in the absence of statutory direction may be prescribed by such rules and regulations as the Secretary may adopt. When proceedings affecting titles to lands are before the Department the power of super-

² There is no dispute herein that legal title to the lands at issue remains in the United States.

vision may be exercised by the Secretary, whether these proceedings are called to his attention by formal notice or by appeal. It is sufficient that they are brought to his notice. The rules prescribed are designed to facilitate the Department in the despatch of business, not to defeat the supervision of the Secretary.

142 U.S. at 178.

The Supreme Court also stated:

It makes no difference whether the appeal is in regular form according to the established rules of the Department, or whether the Secretary, on his own motion, knowing that injustice is about to be done by some action of the Commissioner, takes up the case and disposes of it in accordance with law and justice.

142 U.S. at 181. The court reasoned this must be so because:

The Secretary is the guardian of the people of the United States over the public lands. The obligations of his oath of office oblige him to see that the law is carried out, and that none of the public domain is wasted or is disposed of to a party not entitled to it. He represents the government, which is a party in interest in every case involving the surveying and disposal of the public lands.

142 U.S. at 181. Finally, the power of review may be exercised at any time prior to the issuance of a land patent; because, as the

Knight court reasoned:

For example, if, when a patent is about to issue, the Secretary should discover a fatal defect in the proceedings, or that by reason of some newly ascertained fact the patent, if issued, would have to be annulled, and that it would be his duty to ask the Attorney General to institute proceedings for its annulment, it would hardly be seriously contended that the Secretary might not interfere and prevent the execution of the patent. He could not be obliged to sit quietly and allow a proceeding to be consummated, which it would be immediately his duty to ask the Attorney General to take measures to annul. It would not be a sufficient answer against the exercise of his power that no appeal had been taken to him and therefore he was without authority in the matter.

142 U.S. at 178.

Similarly, in Hawley v. Diller, 178 U.S. 476, 490 (1900), the Supreme Court stated that "the Government has the power and authority to cancel and annul an entry of public land when its officers are convinced, upon a proper showing, that the same was fraudulently made" and "that the Land Department has control over the disposition of the public lands until a patent has been issued therefor." The Hawley court specifically held that a secretarial decision "reversing the decision of the Commissioner of the General Land Office [which was reached after a full adversarial hearing], and in rejecting and canceling Hackley's entry, did not exceed the jurisdiction conferred upon him by law." 178 U.S. at 495.

In Orchard v. Alexander, 157 U.S. 372, 381-82 (1895), the Supreme Court quoted extensively from Knight v. United Land Ass'n, and reaffirmed the "power of the general officers of the Land Department to review and correct the action of the subordinate officials in all matters relating to the sale and disposal of public lands." 157 U.S. at 382.

The Secretary's authority to reconsider has continued to be recognized by the courts. In Schade v. Andrus, 638 F.2d 122, 124-25 (9th Cir. 1981), the court recognized the continuing jurisdiction of the Department of the Interior to consider all issues in land claims. Accord Ideal Basic Industries, Inc. v. Morton, 542 F.2d 1364, 1367-68 (9th Cir. 1976).

Thus the law is well established, the Secretary of the Interior is not precluded by any action of his or her subordinate

or predecessor from ordering a re-examination of Mr. Bennett's entitlement to an allotment. Further, the IBLA has specifically been delegated the Secretary's functions with respect to "[t]he use and disposition of public lands and their resources...." 43 C.F.R. (4.1(b)(3) (1990). Therefore, the IBLA may like the Secretary order a re-examination of a person's entitlement to a conveyance of public lands prior to actual conveyance of that land.

Despite this well-established rule, plaintiffs allege that this power may not be exercised with respect to Mr. Bennett's application because the 1910 approval means use and occupancy was proven at that time. TR. 35. As stated in Akootchook v. United States, 747 F.2d 1316, 1320 (9th Cir. 1984): "Prior to receiving an allotment, an Alaska Native has no title to any lands subject to the Allotment Act." Therefore, since an allotment had not yet issued to Mr. Bennett, plaintiffs pursuant to Akootchook have no title or right to the lands at issue. The power of the Secretary to enquire into Mr. Bennett's entitlement to the land was not affected by the 1910 approval. See Reed v. Morton, 480 F.2d 634, 642-43 (9th Cir.), cert. denied, 414 U.S. 1064 (1973)(passage of equitable title to Desert Land entry did not preclude enquiry into entitlement to the lands). The Secretary may inquire into whether equitable title in fact properly passed. Id.

The Supreme Court addressed and rejected any due process implication in Cameron v. United States, 252 U.S. 450, 460-61 (1920). All plaintiffs are constitutionally entitled to is a notice and opportunity for a hearing prior to the issuance of any

decision denying the Bennett allotment application. Cameron v. United States, 252 U.S. at 461; Reed v. Morton, 480 F.2d at 643. Plaintiffs are receiving that notice and opportunity now via the hearing on the contest complaint.

As shown above, there is no absolute finality or repose until legal title is actually conveyed by the United States. The United States is not estopped from challenging Mr. Bennett's entitlement. The general rule is that the government is not estopped from challenging any illegality. Reed v. Morton, 480 F.2d at 643. Here the 1923 cancellation of approval in effect states that Mr. Bennett is not legally entitled to the land, and that conveyance to him would be unlawful. The government is not precluded from doing so and the motion to dismiss the contest since the allotment was approved in 1910 must be denied.

II. THOMAS BENNETT DID NOT QUALIFY FOR ALLOTMENT OF THE LAND.

The Alaska Native Allotment Act of 1906, 34 Stat. 197, as amended, 43 U.S.C. §§270-1 through 270-3 (1970), repealed, with savings clause, 43 U.S.C. §1617(a) (1976), provided that an Alaska Native could receive no more than 160 acres of land and that a preference right to the land attached if there was actual use. By 1935 the Department of Interior required that the applicant complete 5 years use and occupancy prior to the issuance of an allotment certificate. Allotments of Public Lands in Alaska to Indians and Eskimos, 55 I.D. 282, 285 (1935). By the Act of August 2, 1956, 70 Stat. 954, Congress required proof of "substantially

continuous use and occupancy of the land for a period of five years" before an allotment could be granted. 43 U.S.C.270-3 (1970). It is provided at 43 CFR 2561.0-5(a) that:

[t]he term "substantially continuous use and occupancy" contemplates the customary seasonality of use and occupancy by the applicant of any land used by him for his livelihood and well-being and that of his family. Such use and occupancy must be substantial actual possession and use of the land, at least potentially exclusive of others, and not mere intermittent use. [Emphasis added.]

The IBLA discussed the origins of this test in United States v. Mary Akootchook, 123 IBLA 6, fn.6, and stated that the requirement of "notorious, exclusive and continuous [use and occupancy], and of such a nature as to leave visible evidence thereof so as to put strangers upon notice that the land is in the use or occupancy of another" was derived from a precursor to the 1906 act. United States v. 10.95 Acres of Land, 75 F.Supp. 841, 844 (D.Alaska 1948); United States v. Flynn, 53 IBLA 208, 227, 88 I.D. 373, 383 (1981). Therefore, this requirement of potentially exclusive use and occupancy has been applied since the inception of the Alaska Native allotment program.

The applicant for a Native allotment can show that the use and occupancy was potentially exclusive of others by physical evidence of use on the land itself. "Physical evidence serves the purpose of alerting others that land is or might be under the claim of someone else." Angeline Galbraith, 97 IBLA 132, 168 (1987), aff'd on recon., 105 IBLA 333 (1988). What is relevant to a determination of potentially exclusive use and occupancy is

"evidence of those activities on the lands." United States v. Estabrook, 94 IBLA 38, 41 (1986). Lack of such evidence is probative of a lack of potential exclusivity. "[A] claimant must show that the nature of the use was such that, under normal circumstances, any person on the land knew or should have known it was subject to a prior claim" in order to qualify for an allotment. Angeline Galbraith, 97 IBLA at 169.

The land for which Mr. Bennett applied was withdrawn from availability on February 16, 1909. Presidential Proclamation 846. When Mr. Bennett filed his application in 1909 he claimed that he had occupied the land since 1900. U.S. Exhibit 1. There was no evidence introduced that Mr. Bennett used the property before that date. Therefore, the issue for decision is whether Mr. Bennett established qualifying use and occupancy, potentially exclusive of others, of vacant and unappropriated land between 1900 and February 16, 1909.

Except for the original application, the record is devoid of evidence concerning Mr. Bennett's use and occupancy of the land in the relevant period. The record is replete with testimony and documents showing a continual nonnative presence³ on the land

³Eugene W. King, witness for applicant and adopted great-nephew, TR. 179, testified that the Tlingit had not ceded the land to the Russians so the Natives still owned the land. The Ninth Circuit has on numerous occasions held that aboriginal title was extinguished in Alaska and the Alaska Native Claims Settlement Act was compensation for any claims against the United States based on aboriginal title. People of Village of Ganbell v. Clark, 746 F.2d 572 (9th Cir. 1984); United States v. Atlantic Richfield Co., 612 F.2d 1132 (9th Cir. 1980), cert.denied, 449 U.S. 888 (1980); and see United States v. Maine, 420 U.S. 515 (1975).

until, at least 1910, when the Brady's ceased using their summer cabin. TR. 133, ln. 6-8. See Factual Background above. There is also evidence of community use of the area for fishing and other pursuits in the 1900-1910 period. TR. 133, ln. 12-TR. 134, ln. 1. U.S. Exhibit 17 refers to Native use of the land in the early 1900's. However, the information in that exhibit speaks to Native communal use and not qualifying use by Mr. Bennett. U.S. Exhibit 17, p. 3. It is possible that Mr. Bennett was one of the people from Sitka who used the land,⁴ but the evidence is clear that it is not possible that his use was potentially exclusive.

Even without the showing that Mr. Bennett's use could not have been potentially exclusive, the testimony at the hearing and the exhibits introduced did not establish that Mr. Bennett's use would qualify him for the allotment of the land. Current archeological investigations and excavations have uncovered no remains of Native occupancy at the site. TR. 105, ln. 6-9. Mr. Bennett himself maintained a home in Sitka. U.S. Exhibit 1 (in 1909), U.S. Exhibit 4 (in 1914), and U.S. Exhibit 8, p.2 (in 1922). The testimony and affidavits submitted in support of the contestee refer to Mr. Bennett's activities (at unidentified time periods well after 1909)

⁴The affidavits submitted as evidence on behalf of the applicant, B. Exhibits A-E, are by people who were not born until after the relevant time. The affidavits talk generally of others recollections of Mr. Bennett's use but do not specify what time period is being referenced and deal with the issue of potential exclusivity only in terms of an incident that occurred in 1940. B. Exhibit E. The testimony of Eugene W. King did not discuss Mr. Bennett's use of the property between 1900 and 1909. TR. 178-TR. 188.


as being trapping and fishing in the summer. B. Exhibits A-E. These are not activities which, even if they occurred before 1909, would necessarily put anyone that the land was claimed as the personal property of any individual.

Reference is made in the affidavits of a cabin. In 1914 the surveyor's field notes talk about a house and a boardwalk in the area of the cannery "of which ex-Governor Brady was head," and that the house was used as "temporary quarters." U.S. Exhibit 4, p. 9-10. There was no sign of cultivation of the land. Id., p. 10. This cabin was the subject of the investigation that led to the cancellation of the approval of the application in 1923. U.S. Exhibit 5, U.S. Exhibit 11, and U.S. Exhibit 8. On the field examination of June 11, 1922, it was discovered that the improvements consisted of three buildings "erected by a cannery or saltery," U.S. Exhibit 8, p. 2, and that "if there is any residence maintained on the land it must be at infrequent intervals." Id. This information is consistent with the information put forward by the contestee that Mr. Bennett used his cabin occasionally (seasonally) in the 1920's. None of this evidence regarding the "cabin" relates to Mr. Bennett's use prior to the withdrawal in 1909, but it does make it appear likely that when the Brady family ceased using the cabin in 1910 (after the date of the withdrawal), Mr. Bennett, and perhaps others in his absence, used the building as a shelter when in the Redoubt Bay area fishing. This type of use is not sufficient to demonstrate entitlement to the land. E.g., Angeline Galbraith, 97 IBLA 123 (1987).

CONCLUSION

WHEREFORE, the United States requests that an order be issued denying contestee's motion to dismiss the contest complaint and rejecting Native allotment application no. A-0842 for failure to show entitlement to the land for which application was made.⁵

Respectfully submitted: January 21, 1994.


REGINA L. SLEATER
Attorney for the United States

CERTIFICATE OF SERVICE/MAILING

The undersigned hereby certifies that she is an employee in the Office of the Regional Solicitor, Alaska Region, and is a person of such age and discretion as to be competent to serve papers. That on January 21, 1994, she sent the original of the Posthearing Brief of the United States, certified mail postage prepaid, to Judge John Rampton, Office of Hearings and Appeals, with a copy of the same, certified mail postage prepaid, to the following:

Mary Ann Kenworthy, esq.
Attorney for Contestee
Alaska Legal Services Corporation
1016 W. 6th Avenue

⁵Although the government made a cross-motion to close the record based upon administrative finality as set forth by the IBLA in Thelma M. Eckert, 120 IBLA 367 (1991) and State of Alaska (Henry J. Ekada), 117 IBLA 373 (1991), it appears that the evidence regarding entitlement was so clear that a ruling, that the applicant failed to demonstrate entitlement to the land for which he applied, would effectively moot the government's motion.

Anchorage, Alaska 99802-1628

Thomas Bennett
c/o Alaska Legal Services Corporation
419 Sixth Street, Suite 322
Juneau, Alaska 99801

U.S. Department of Agriculture
Office of the General Counsel
Federal Building
P.O.Box 21628
Juneau, Alaska 99802

Mary Bennett Perkins
c/o Alfred Perkins
P.O.Box 683
Sitka, Alaska 99835

Elsie Bennett John
1821 Wickersham Drive
Juneau, Alaska 99801

Joseph C. Bennett, Sr.
1736 Glacier Avenue
Juneau, Alaska 99801

Margaret Bennett Gamble
1038 Capital Avenue
Juneau, Alaska 99801

Harriett Bennett Gamble
127 S. Franklin, Apt. 304
Juneau, Alaska 99802

June Bennett Pegues
P.O.Box 6313
Sitka, Alaska 99835

Nellie Bennett
6500 Greenwood Avenue, North
Seattle, Washington 98103

Thomas Bennett, Jr.
6500 Greenwood Avenue, North
Seattle, Washington 98103

Sealaska Corporation
One Sealaska Plaza, Suite 400
Juneau, Alaska 99801-1276

and copy to:

U.S. v. BENNETT
U.S. BRIEF

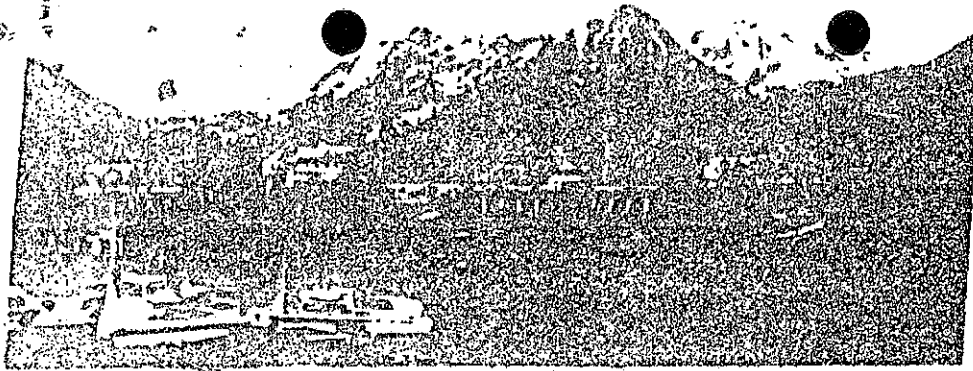
BLM Paralegal (961)
Alaska State Office

Lorraine Carter

Exhibit 23

Sheldon Jackson College

P.O. Box 479 • Sitka, Alaska 99
Telephone (907) 747-5220



A Christian school in spectacular Southeast Alaska

July 15, 1981

To: Ray Williamson, R.O., CASAS

FROM: Drew Baylon

FROM: Drew Baylon

PAGES: 2 MINUTES: 17

DATE: 8/11 INITIAL: MLO

CHATHAM	
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AUG 11 1981

USFS Juneau, Alaska
Lands/Waterals/
Watershed

Mr. William P. Gee
Forest Supervisor
U.S. Forest Service
Chatham Area-Tongass National Forest
P.O. Box 1989
Sitka, Alaska 99835

Dear Mr. William Gee:

This letter is in response to a personal discussion between you and me concerning the future of Ozorsky Redoubt as it is being transferred to Sheldon Jackson College.

I am sure you are aware that until recently the Brady Family has held ownership of the 160 acres of land in the vicinity of the outlet from Redoubt Lake. The members of the Brady Family have recently relinquished their interests in the land to Sheldon Jackson College. Sheldon Jackson is currently perfecting the deed and expects to formally notify the U.S. Forest Service of the claim.

The purpose of this letter is to advise you of the pending action in a formal way. Also, it is well to clarify the position of the college with respect to its intent to cooperate with the Forest Service and all other agencies.

I must first stipulate that this letter is not an official statement of policy for Sheldon Jackson College. It is a statement of current practice of the college in the absence of a formalized policy.

The Board of Trustees of Sheldon Jackson College will be stipulating formal policies with respect to the Ozorsky Redoubt Policy some time in the future. Until you are further notified the practices stipulated in this letter will be effective under my authorization as President of the College.

A make cc for SRD.

It is the plan of Sheldon Jackson College to cooperate with the Forest Service and the Alaska Department of Fish and Game in the improvement of the Redoubt Lake Salmon Fishery. The exact nature of the development of these cooperative efforts will have to be worked out together. We intend to give both parties reasonable access to the key outlet land for monitoring and fish population survey. Weirs and other counting devices of a temporary nature should be perfectly acceptable.

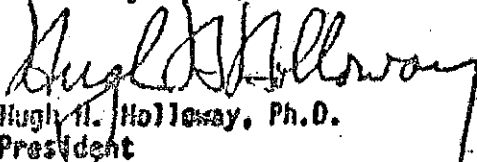
I see no reason why Sheldon Jackson should not continue to allow traditional public access for recreational purposes.

Until the Board has established more formal policies I would not be in a position to authorize any excavations or removal of artifacts or other materials from the property.

It is the intent of Sheldon Jackson College to preserve all of the historical aspects of the Ozorsky Redoubt and to work with all appropriate agencies in developing a long range plan that will fit in for the best purposes of the State of Alaska with respect to historical aspects of the land, with respect to the fisheries aspects of the area, with respect to the Forestry possibilities of the area, and with respect to recreational activities that may be conducted in that area.

I trust this letter gives you sufficient freedom to proceed with activities of a reasonable nature. We would hope to be kept advised of any activities that you are planning so that our appropriate personnel can either participate or observe for the interests of and on behalf of Sheldon Jackson College.

Sincerely Yours,


Hugh H. Holloway, Ph.D.
President

cc: Board of Trustees

Exhibit 24



United States
Department of
Agriculture

Forest
Service

TNF-CMA

Shoals Bay
Received on 9/15/81

Reply to: 5450 Title Claims, Sales and Grants

Date: August 12, 1981

Subject: ANCSA Section 14 (L) (1)

To: Regional Forester

After a extensive review of the Bureau of Indian Affairs Section 14 (L) (1) case report, "Redoubt Lake Village", BLM #AA-10495, we recommend that this property not be conveyed at this time.

~~The question of historic native use at Ozerskoi Redoubt (Redoubt Lake Village)~~ has been researched both through the literature and by an on-the-ground investigation. No evidence was discovered that indicated the site had been occupied by a native village.

Accordingly, in our opinion, the site does not meet the definition as outlined in 43CFR 2653.05 (b), or the criteria as outlined in 43CFR 2653.05 for a significant native site.

During the investigation, it was also discovered that the property in question had been sold by the Russian American Company to an American concern in 1867. According to the records, the property was resold and acquired by the Brady family about 1900.

We are in receipt of a letter from Hugh Holloway, president of Sheldon Jackson College (enclosed), stating their acquisition of the property from the Brady family. This claim of ownership must be settled before any consideration can be made on the 14 (L) (1) selection. We will forward any additional information or claims submitted by Sheldon Jackson.

H. Drew Bellon

H. DREW BELLON
Recreation and Lands Staff Officer

Enclosure



Exhibit 25



United States
Department of
Agriculture

Forest
Service

Regional
Office

P.O. Box 1628
Juneau, AK 99802

111-10495

MW (96)

Reply to: 5450

Date: JAN 10 1985

Mr. Harold E. Wolverton
Alaska State Office
Bureau of Land Management
701 C Street, Box 13
Anchorage, AK 99513

RECEIVED
ANCHORAGE ALASKA

JAN 14 2 45 PM '85

BUREAU OF LAND
MANAGEMENT
MAIL ROOM

Dear Mr. Wolverton:

This is in response to your December 3 letter regarding third party interests on Sealaska Corporation's selections pursuant to Section 14(h)(1) of ANCSA.

AA-10509 This selection is not within the Tongass National Forest.

AA-10491 No third party interests.

AA-10492 No third party interests. We still request a boundary adjustment as indicated in our letter, and Exhibit #1, of August 17, 1982 (copies enclosed).

AA-10522 No third party interests.

AA-10523 No third party interests.

AA-10440 No third party interests.

AA-10441 No third party interests.

AA-10495 This site lies within private land owned by Sheldon Jackson College. Per our discussions with Ruth Stockie, we are in the process of providing title evidence to her.

AA-10457 No third party interests.

AA-10443 No third party interests.

AA-10520 There are no third party interests, although the USDA Forestry Sciences Laboratory in Juneau has a permanent growth plot, which is remeasured every five years, located in a 102 year old evenaged stand in the SE4, Section 21. We reserve the right to request an easement into this area.

AA-10502 No third party interests.

AA-10534 No third party interests.



Mr. Harold E. Wolverton

2

If we can be of further assistance, please let us know.

Sincerely,



JAMES A. CALVIN
Director of Lands, Minerals,
and Watershed Management

Enclosures (2)

Exhibit 26



United States
Department of
Agriculture

Forest
Service

Regional
Office

P.O. Box 1628
Juneau, AK 99802

Reply to: 5450

Date: FEB 20 1985

Mr. Michael J. Penfold
Bureau of Land Management
701 C Street, Box 13
Anchorage, AK 99513

L

Dear Mr. Penfold:

A recent proposed 14(h)(1) site (AA-10495) by Sealaska has been found to be in private ownership.

The parcel in question goes back to land acquired as part of the territory purchase. Enclosed for your review is a complete copy of title to present as acquired from the Sitka Recording Office. Present owner is Sheldon Jackson College, Sitka, Alaska.

Should you have any questions, please contact John Harmening in this office.

Sincerely,

JAMES A. CALVIN
Director of Lands, Minerals,
and Watershed Management

Enclosure

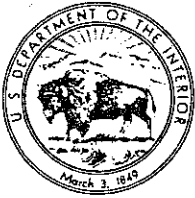
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ANCHORAGE ALASKA

FEB 22 10 37 AM '85

BUREAU OF LAND
MANAGEMENT
ANCHORAGE



Exhibit 27



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
ALASKA STATE OFFICE
222 W. 7th Avenue, #13
ANCHORAGE, ALASKA 99513-7599



2540 (967)

23 January 1990

Mr. Michael E. Kaelke, President
Sheldon Jackson College
801 Lincoln Street
Sitka, Alaska 99835

Dear Mr. Kaelke:

This is in response to your correspondence of July 1, 1988, concerning the quitclaim deed Sheldon Jackson College received in 1981 for the Redoubt property.

The Bureau of Land Management has looked over the material you sent, along with other documents available in our office. It is our determination that the original deed transferred only possessory rights to the buildings and improvements. As a result, fee title to the property rests with the United States rather than the College. This determination is based on the following:

On October 26, 1867, Commissioners Pestchouroff and Rousseau approved the deed issued to J. Mora Moss and Charles Baum. However, this approval did not recognize any interest in the land on which the improvements were located.

Documents in the form of a certificate were issued to individuals who received fee-simple title to their property in 1867. These properties were listed on Inventory "C" which was made a part of the transfer of Alaska to the United States (H.R. Ex. Doc. No. 125, 40th Cong., 2d Sess. (1868)). The Redoubt property was not included in Inventory "C."

In similar situations the courts held the occupants had, at best, only a possessory right to the buildings and no title whatsoever in the land. Kinkead v. United States, 150 U.S. 483 (1893) and Haltern v. Emmons et al., 1 Alaska Fed. 177, 46 F. 452 (D. Alas. 1890), aff'd, 1 Alaska Fed. 340, 159 U.S. 252 (1894).

The Redoubt Bay area was added to the Tongass National Forest, along with many other areas, on February 16, 1909, under Proclamation 846 (35 Stat. 2226). Our current status plats show there are two other applications on file which appear to include some of the land claimed by the College. They are A-0842, Native Allotment application of Thomas Bennett, and AA-10495, Historical Place application of Sealaska Corporation.

We have consulted with our legal counsel at the Regional Solicitor's Office in an attempt to determine if the College could receive the land under any existing public land law. Our research and discussions have lead us to the conclusion that the College can make a Color-of-Title claim to the land at Redoubt Lake; however, there are a number of factors which must be overcome for such an application to be approved.

In order for the College's possessory right to defeat other claims to the land (including the withdrawal for the Tongass National Forest), continuous use and occupancy from 1867 to the present must be shown. From the documents made available to the Bureau of Land Management, it appears that substantial use and occupancy could be established from 1867 to 1900. However, very little information was readily available to show use and occupancy from 1900 to the present. "[T]he use and occupancy which gives rise to such a (possessory) right must be notorious, exclusive and continuous, and of such a nature as to leave visible evidence thereof so as to put strangers upon notice that the land is in the use or occupancy of another, and the extent thereof must be reasonably apparent." United States v. 10.95 Acres of Land in Juneau, 11 Alaska 518, 524-525, 75 F. Supp. 841, 844 (1948). Possessory rights must also be substantial. United States v. State of Alaska, 201 F. Supp. 796, 800 (D. Alas. 1962). "Mere occasional, sporadic, or periodic entries on land for temporary purposes do not constitute actual possession and are insufficient to acquire title by adverse possession." 2 C.J.S. Adverse Possession, §31, (1972) p. 686. You should also be aware that, "possessory right(s) acquired in public lands may be lost by abandonment, and where a party, having once acquired this right, surrenders his claim, goes off the ground, or gives up his possession in the sense of abandoning his right, the piece of land becomes restored to its original status in the public domain, and is subject to occupancy and possession by any other citizen." Carroll v. Price, 1 Alaska Fed. 445, 450, 81 F. 137, 140 (D. Alas. 1896).

The Color-of-Title Act and regulations are enclosed for your information. In order to establish a class I Color-of-Title claim, the claimed improvements must exist on the land when the application is filed, and they must enhance the value of the land. However, the lack of valuable improvements will not be fatal to the application if sufficient cultivation can be proven. Malcolm C. and Helena M. Huston, 80 IBLA 53 (1984). Again, since the land claimed by Sheldon Jackson College was withdrawn for the Tongass National Forest in 1909, some type of improvement or cultivation must have existed at the time of withdrawal. The improvements that were in existence at the time of withdrawal do not have to be the same improvements that are in existence at the time of application.

Good faith is a critical element in Color-of-Title claims. Some of the documents previously provided suggest that the College may have been aware of a title problem prior to receiving conveyance from the Brady family. We have enclosed unpublished decision Clement Vincent Tillion, Jr., A-29277 (April 12, 1963), which addresses the issue of good faith.

If the College decides to pursue a Color-of-Title claim and receives a favorable ruling from the Bureau of Land Management on the application, an appraisal will be conducted on the property to determine the fair market value of the property. The property would then be sold to Sheldon Jackson College for the appraised value less any equities reported by the applicant. Equity is based on the longevity of the applicant's claim, amount applicant and grantors paid for the land, reasonableness of applicant's belief that he acquired good title, length of time involved in the chain of title, error(s) relied upon to initiate the chain of title, and payment of taxes on the land or valuable improvements made to the land.


The total acreage allowed under a Color-of-Title claim is 160 acres. If the application exceeds the 160-acre limit, the Bureau of Land Management will issue a decision redescribing the claim. All decisions issued by the Bureau of Land Management are subject to the right of an appeal to the Interior Board of Land Appeals in accordance with the regulations in Title 43, Code of Federal Regulations, Part 4, Subpart E. An application form is enclosed. A \$10 nonrefundable filing fee will need to accompany the application.

If the College decides not to pursue the Color-of-Title claim, there are at least two other possibilities for its long-term use of the land. The State of Alaska has the ability to select national forest lands under Sec. 6(a) of the Alaska Statehood Act of July 7, 1958, 72 Stat. 339, as amended. You may wish to contact the Department of Natural Resources, State Interest Determinations Unit, and request that this land be selected. Check with the State of Alaska on what options would be available to Sheldon Jackson College if the State were to receive conveyance to this land. You could ask the State if it is possible for them to reconvey the land to the College as a non-profit institution or issue the College a long-term lease to the land.

Another possibility would be to contact the U.S. Forest Service and request a long-term use permit for the property.

If you have any questions concerning this matter, please call Lynda Ehrhart at 271-3341. We would appreciate hearing what course of action Sheldon Jackson College decides to take.

Sincerely,



Lester K. Rosenkrance
Acting State Director

Enclosures:

Application form

H.R. Ex. Doc. No. 125, 40th Cong., 2d Sess. (1868)

Color-of-Title Act and Regulations

Pan Alaska Fisheries, Inc., 74 IBLA 295 (1983) ✓

Clement Vincent Tillion, Jr., A-29277 (April 12, 1963)

Malcolm C. and Helena M. Huston, 80 IBLA 53 (1984)

Copy furnished to:

Forest Service
Regional Forester
Attn: Lands
P.O. Box 21628
Juneau, Alaska 99802-1628
(w/aperture card)

Forest Supervisor
Tongass National Forest
Chatham Area
204 Siginaka Way
Sitka, Alaska 99835
(w/MTP)

Tongass National Forest
Sitka Ranger District
204 Siginaka Way
Sitka, Alaska 99835
(w/MTP)

State of Alaska
Department of Natural Resources
Division of Land and Water Management
Land Title Section
3601 C Street, Suite 960
Anchorage, Alaska 99503
(w/MTP)

State of Alaska
Department of Natural Resources
State Interest Determinations Unit
P.O. Box 107005
Anchorage, Alaska 99510-7005
(w/MTP)

Mr. Ernie Hillman
Sealaska Corporation
One Sealaska Plaza, Suite 400
Juneau, Alaska 99801-1276
(w/MTP)

Realty Officer
Southeast Alaska Agency
Bureau of Indian Affairs
P.O. Box 3-8000
Juneau, Alaska 99802
(w/MTP)

Realty Officer
Central Council of the Tlingit and
Haida Indian Tribes of Alaska
320 West Willoughby Avenue, Suite 300
Juneau, Alaska 99801
(w/MTP)

Exhibit 28

90 01-1 P435



Office of the President

September 21, 1990

Ms. Lynda Ehrhart
Bureau of Land Management (967)
Alaska State Office
222 West 7th Avenue, #13
Anchorage, AK 99513

Dear Lynda:

Thank you for the materials you sent to me concerning the Redoubt Lake and Sheldon Jackson College's claim to ownership.

After reviewing everything you have sent to us and everything that we have in our files, we have concluded that it would be fruitless for Sheldon Jackson College to continue to seek fee simple title of the Lake Redoubt area. It is clear to us that the documents currently available to us do not establish clear title and that future action on our part would not be cost effective.

We appreciate your help in this matter, thank you very much.

Sincerely,

John H. Smith
Vice President for
Administrative Services

cc: Dr. Mike Kaelke

US EXHIBIT 23

Exhibit 29

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

IN REPLY
REFER TO:

SHORT NOTE TRANSMITTAL

3/27/91
(Date)

TO : File

FROM : Lynda Ehrhart

SUBJECT: Redoubt Lake property

Called Sheldon Jackson College
(John Smith) and asked if the
College planned to pursue the
property at Redoubt Lake any
further. John Smith told me
Sheldon Jackson College approached
the State of Alaska once. The
State did not seem interested in the
property. If the State does decide
to ~~receive ownership~~^{select} this property -
that would be fine with Sheldon
Jackson College - but the College will
not push the State to do so.

Note: Return this form when action is completed or attach it to data requested

Lynda

Exhibit 30



April 15, 1997

Mr. Terry Hassett
BLM Alaska State Office
222 W. 7th Avenue - #13
Anchorage, AK 99513-7599

Dear Terry:

I want to thank you, Pat Baker, Pat Underwood and Jerry Sansone for meeting with Sealaska to discuss the status of 14(h) (8) and 14(h) (1) land conveyances. The purpose of this memorandum is to summarize our discussions and to provide a record of the current status of the land conveyances.

14(h) (1) Historic Sites and Cemeteries:

Chilkoot River Burial

Number: AA10508

Status: Sealaska Corporation is fourth in priority to receive this conveyance. Superior interests include several native allotments, a power site withdrawal, a State land selection and finally Sealaska Corporation. The native allotments for this site have been largely settled and BLM advises that the power site withdrawal is about to be removed. Once the power site is relinquished the site will be conveyed to the State because its selection predates Sealaska 14(h) (1) selection.

Next Steps: 1) Sealaska has initiated contact with the Alaska Department of Natural Resources, Division of Lands and the Division of Parks to determine the feasibility of receiving a portion of the AA10508 application.

2) BLM will advise Sealaska of the current status of the power site relinquishment and schedule for that relinquishment.

Schedule: Sealaska is contacting the Department of Natural Resources to secure a satisfactory resolution of the state land selection and Sealaska's 14(h) (1).

Lutak Burial and Petroglyph

Number: AA10512

Status: Conveyance of this site is being withheld due to State selection that is superior to Sealaska's 14(h) (1) conveyance request. However, this site does not appear to be in direct conflict with the State selection and park located between Chilkat Lake and Lutak Inlet.

Next Steps: Sealaska will work with the Department of Natural Resources, Division of Lands and Division of Parks to secure their non-objection for conveyance of this site.

Lost River Village - Yakutat

Number: AA 10534

Status: Original conveyance was withheld pending resolution of native allotments. The allotment issues now are apparently being resolved.

Next Steps: BLM will proceed with the adjudication and conveyance of this historic site to Sealaska Corporation.

Schedule: The projected date for conveyance is December 1997 barring no other complications.

Sumdum Village

Number: AA10517

Status: Conveyance of this site to Sealaska was withheld pending resolution of appeal by the Forest Service to the IBLA. IBLA found in favor of Sealaska and has instructed BLM to proceed with adjudication of the site.

Next Steps: BLM will proceed with the adjudication and conveyance of this historic site to Sealaska Corporation.

Schedule: The projected date for conveyance is December 1997 barring no other complications.

Redoubt Lake

Number: AA 10495

Status: The site has not been conveyed to Sealaska due to a prior interest established by Sheldon Jackson College. BLM has sent a letter to SJ requesting their non-objection, however no response has been received.

Next Steps: Ernie Hillman will contact SJ within the next 30 days and begin the process to solicit their statement of non-interest of the site. Concurrently we will contact the Forest Service to determine their interest and to find a resolution to any competing claims.

Kaxnuwu Village (Ground Hog Bay)

Number: AA10525

Status: The site is in conflict with several native allotments. One allotment the Marvin allotment is a valid allotment and has a superior interest to Sealaska's 14(h) (1) application. That portion of the 14(h) (1) within the Marvin allotment will be rejected. The second allotment the Yaquan allotment (Cecelia Kunz) is still being adjudicated. If the allotment is found to be valid the balance of the Sealaska 14(h) (1) application will be rejected.

Next Steps: No further action on conveyance of the application will occur until the native allotments are resolved. BLM will advise of a possible schedule for processing of this allotment.

Sinitsin Cove

Number: AA10500

Status: The site in conflict with a native allotment. The Forest Service appealed the allotment based on user occupancy. Apparently the allotment was granted under appeal. However, the final adjudication of the allotment did not vacate or invalidate the 14(h) (1) selection. This is a technical error and is likely that Sealaska's Sinitsin Cove 14(h) (1) application will be denied by BLM.

Next Steps: BLM will review its records to determine why the 14(h) (1) application was not vacated under the allottee's successful adjudication. BLM will advise Sealaska the status.

Jamboree Bay

Number: AA10488

Status: The Tlingit Haida Central Council received a grant from BIA to undertake archeological survey of the site. Apparently field work was completed however, a final report has not been provided. Pending final report BLM will take no further action of the 14(h) (1) conveyance.

Next Steps: BLM and Sealaska will follow-up on status of the archeological investigation and initiate whatever action available to it to complete the archeological investigation.

If my notes are inconsistent with our agreed upon actions, please feel free to contact me so that we can develop a final work plan on these historic sites.

14(h) (8) Land Conveyances:

Soda Bay Conveyance:

Status: Sealaska has agreed to send a letter to the BLM removing approximate 80 acres from our priority list comprising two 40's one in Section 32 and one in Section 33. After Sealaska's removal of these 80 acres from our priority list BLM will withdraw easements 15, 16, 17 and 18 since public lands will no longer be isolated by Sealaska's selection. Prior to Sealaska reprioritizing the two 40's we need to confirm the status of Haida land selection immediately to the south of Sealaska selection.

Next Steps: This conveyance request is well along. BLM is in the final steps of completing the decisions and notices.

Schedule: Conveyance is projected to occur during the month of June.

Section 29 and 32 T72S, R81E - Klawock

Status: Klawock Heenya Corporation has filed its relinquishment on that portion of Section 29. Klawock needs to relinquish its selection right in the NW ¼, NW ¼ of Section 32 T72S, R81E.

Next Steps: Ernie Hillman will contact Klawock Heenya to request their expeditious release of the land in Section 32.

Schedule: BLM believes most of the easement work will have been completed in this site and expects that a timely conveyance can occur. BLM will advise Sealaska of a possible schedule for conveyance of these properties.

Kasaan - South ½ S 12 T73S, R85E

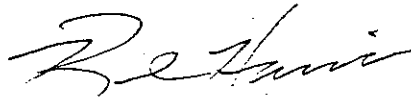
Status: This 160 acre prioritization request by Sealaska Corporation was part of our 1979 priority request AA14015. The conveyance of this parcel did not occur due to mineral survey application AA24795.

Next Steps: BLM will review the current status of AA24795 and give priority to completing conveyance documents so that Sealaska can receive title to this property.

Sealaska appreciates your attention to these requests and if we can help in any way to expedite the final conveyance process please do not hesitate to give us a call.

Sincerely,

SEALASKA CORPORATION



Richard P. Harris
Vice President Resource
Planning & Administration

cc: Leo H. Barlow
Robert W. Loescher
Ernest Hillman
Joe Devine
Ventura Samaniego
Bob Girt

RPH/jh
Hassett

Exhibit 31



United States
Department of
Agriculture

Forest
Service

Alaska Region
Tongass National Forest

204 Siginaka Way
Sitka, AK 99835
Phone: (907) 747-6671
Fax: (907) 747-4331

File Code: 5570-1

Date: October 6, 2005

Route To:

Subject: Response to BLM Request for Third Party Interests, AA-10495, Redoubt Lake Village

To: Director of Recreation, Lands, and Minerals

As requested, we have reviewed our files for any third party interests created by or under the jurisdiction of the Forest Service on these lands that are about to be conveyed to Sealaska Corporation. The Sitka RD has issued four outfitter/guide permits for use of the Redoubt Bay/Redoubt Lake area for fishing and hunting. The permits expire in December of 2005 and the operators will likely be considered for new 10-year permits upon expiration of the current permits. The permits, as issued, do not contain specific location information; it is difficult to determine if outfitter/guide use actually occurs on the parcels of land that have been selected by Sealaska. Copies of these permits have been mailed to Jackie Swanson.

The two small parcels, serialized as AA-10495 and selected by Sealaska Corporation, lie on either side of the falls between Redoubt Bay and Redoubt Lake. The area is known as a prime subsistence, sport fishing, and hunting area; is the subject of diverse and overlapping land claims and clouded titles; figures prominently in the history of Russian-America, and at one time was thought to be owned by a former Territorial Governor of Alaska. It is something of an understatement to say that the issues associated with this conveyance are complex. Consequently, the potential conveyance of this parcel to Sealaska continues to be very controversial both within the community of Sitka and among Forest Service employees. Since there has been no apparent activity related to this potential conveyance for at least 13 years, we will take this opportunity to again request easements, provide historical information, update information that appeared in earlier correspondence, and re-state our position regarding this conveyance.

Easement Reservations

We have re-considered public and agency access needs in the vicinity of the selected parcel since we responded to BLM in 1990. It is unclear if we will be asked again to identify easement needs; therefore, we are stating them at this time. Please note that these requested reservations are somewhat different from those identified in 1990. The easement locations are shown on the photo that has been mailed to Jackie Swanson. We wish to reserve the following:

1. An easement approximately 500 feet in length for an existing trail from Redoubt Lake to Redoubt Bay all within Sec. 35, T. 57 S., R 64 E., CRM. The uses allowed are those activities associated with the construction, operation and maintenance of the weir and public access to Redoubt Lake.



2. A site easement approximately fifty (50) feet in width and ten (10) feet in length above the high tide line for an existing boat haul out system all within section 35, T. 57 S., R. 64 E. CRM. This area is needed to store USFS boats while working in the area.
3. Depending on where the actual property boundary lies, an easement approximately fifty (50) feet in length and fifty (50) feet wide on the north and south parcel for the attachment of the weir all within section 35, T. 57 S., R. 64 E., CRM is needed.
4. An easement for public access, in the form of a corridor from approximately the mean high tide line, inland thirty (30) feet starting at the shoreline of Redoubt Lake extending along the saltwater portion of both the north and south parcel for traditional subsistence use.

Fisheries Enhancement, Subsistence, and Access

The Sitka Ranger District has a substantial investment in equipment and facilities near the Redoubt Lake outlet to support a sockeye salmon habitat restoration/enhancement project. The USFS and cooperators have operated a weir at the site for 26 years (1953-1955 and 1982-2005). This project benefits subsistence, sport and commercial fishing interests.

Access to Redoubt Lake, the weir, and crew cabin has historically been through the selected parcel of land north of the lake outlet on a well-established trail beginning at saltwater. This trail includes a wooden staircase and segments of a boardwalk. Public access to the lake also occurs along this trail. There is an anchor system for our boat that utilizes ropes and pulleys located within this parcel. Additionally, depending on where the actual property boundary lies, two segments of the sockeye weir may extend onto both parcels of the selected parcels.

This area has a long history of traditional subsistence use. The locations used by dip netters are within the parcel to be conveyed. This public resource is under the joint stewardship of State, Federal and tribal resource managers who work through the State Board of Fisheries and Federal Subsistence Board process to maximize benefits of the fishery. Private ownership of this site would likely have a negative effect upon the subsistence use of this area. It is entirely appropriate for the Forest Service to advocate for continued public access to this fishery. (See easement request number 4, above.)

History and Archaeology

(Most of the information in this section is taken from letters and reports by Stan Davis, former Forest Archeologist, Chatham Area.)

The first documented use of the area at Redoubt was by the Russians beginning sometime around 1812. The area was occupied in order to procure and salt fish for the settlement of New Archangel (Sitka). In the 1820's the importance of the "outpost" at Ozerskoi Redoubt increased with the construction of a tannery and flourmill. By 1832 there was an administrator's home, barracks, flourmill, tannery, saltery, a sawmill (the first in southeast Alaska), and a church, all of which were surrounded by a stockade. Outside of the stockade was a tower with eight cannons and a barracks for the officers. In 1867 with the transfer of Russian America to the United States, the land at Redoubt was sold to a company in San Francisco who then established a saltery there.

Background research indicated that the last Russian American Chief Manager had sold the Ozerskoi Redoubt property, which included the buildings and 160 acres, to the American-Russian Commercial Company of San Francisco in 1867.

Surveys conducted in 1975 for the Sealaska Corporation identified the site as "a well-documented summer village" and stated that local stories indicated that the area was "once used by the Russians also." Sealaska Corporation filed an ANSCA 14 (h)(1) application for the site in December 1975. In October 1980, John Hope, Acting Area Director, Bureau of Indian Affairs (BIA) certified Redoubt Lake Village as an historical place and also in 1980, an archaeologist with the Cooperative Park Studies Unit concluded that the Redoubt Lake Village had significance, qualified as a historic site, and should be conveyed to Sealaska.

In 1980-81, the Forest Service became actively involved with Ozerskoi Redoubt due to a fisheries enhancement project. Forest Archaeologist Stan Davis disagreed with the conclusions of the Sealaska survey and initiated a testing program at the site to identify: the boundaries of the site, locations of buildings or activity areas based on an 1862 drawing of the site, and to determine if there was evidence of native occupation at the site. The State Historic Archaeologist (Preservation Officer) was asked to help with the site investigations. Most of the field efforts went into mapping the area with some limited testing. Features were identified along the terrace and hill that may have been the base for the port facilities and the location of the fort's armament. Many features were identified that appeared to be the stone and brick rubble of structures. Artifacts collected near the stream and from the terrace included metal, ceramics, and glass items. More than 160 artifacts were collected and mapped. Davis and the State Historic Preservation Officer concluded that the artifacts were consistent with the material culture popular in the 1800's. No artifacts or features were recovered which indicated a native/prehistoric occupation in the area. They concluded that the site was a historic Russian-American site of extreme importance to the American public because it is one of the last remaining intact Russian-American sites known to exist. In addition, Davis voiced the opinion that it is highly doubtful the Redoubt area would have been "shared" with the natives of the area since it played such an important role in the growth and development of New Archangel (Sitka) and of the Russian American Company. He stated that Ozerskoi Redoubt is important in that it is likely to contain information about Russian culture, fortification and period architecture as well as information about the various cottage industries. He concludes by stating that this is the only Russian settlement site which survives today in southeast Alaska with minimal disturbance, and is therefore a very important archaeological site. For these reasons he felt that this site should not be conveyed as a 14(h)(1) site but should be retained by the United States.

Our case files contain extensive correspondence in opposition to the ANCSA 14(h)(1) designation/selection of the site. An August 1981 letter from Regional Forester Sandor to the BIA states:

"No evidence was discovered that indicated the site had been occupied by a native village. Accordingly, in our opinion, the site does not meet the definition ... or the criteria ... for a significant native site."

A July 23, 1990, letter from the Forest Supervisor (FS) to the Regional Forester (RF) stated:

"We continue to be opposed to the conveyance of this site to Sealaska. Our archaeologists and the State Historic Archaeologist (Preservation Officer) ... have surveyed the site and not found any evidence indicating it had been occupied by a native village."

A July 26, 1990, letter from the Regional Forester Barton to BLM opposed the 14(h)(1) designation on the basis that the site is not a Native historical site, but is a significant American/Russian historical site.

We continue to advocate this position.

Land Title Issues

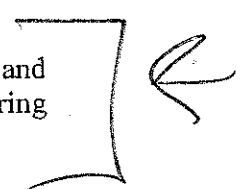
There has been considerable confusion in the past concerning the ownership of the land. The Chatham Area, Tongass NF operated under the premise this was private land belonging to the Brady family, until it was deeded to Sheldon Jackson College (SJC) in 1981.

A March 1981 letter to ADF&G from the Sitka District Ranger refers to "all the above hinges on clarification of ownership of the land." In July 1981, the President of Sheldon Jackson College by letter to the FS writes, "the members of the Brady Family have recently relinquished their interest in the land to SJC. Sheldon Jackson is currently perfecting the deeds." An August 1981 letter to the BIA from the Deputy RF states "we encountered a land status problem Sheldon Jackson has a recorded quitclaim deed that covers the site, with possible title evidence dating from the purchase of Alaska from Russia in 1867."

The Regional Office (RO) response to a BLM request for third party interests on this parcel of land in January 1985 states "this site lies within private land owned by Sheldon Jackson College..." In addition, the Forest Service held an easement with SJC for a boat tramway within this selection site.

In May 1985, the BLM wrote a letter to the RO with further questions on the chain of title leading to the quitclaim deed from Hugh Brady to SJC. In October 1986, the Tongass NF Recreation /Land Uses Staff Officer penned a letter to SJC stating "We believe the MTP to be in error...been informed by BLM personnel that it the MTP is not in error and this land is presently under NF administration. A letter in the file dated January 23, 1990, to SJC from the BLM "It is our determination that the original deed transferred only possessory rights to the buildings and improvements. As a result, fee title to the property rests with the United States rather than the College."

Within the last few months, we have again received inquiries regarding SJC's ownership of land at Redoubt Lake. Reportedly, certain members of the Board of Directors of SJC are considering pursuing a title claim to land at Redoubt Lake.



Conclusion

We continue to oppose the conveyance of this site to Sealaska Corporation as an ANCSA 14(h)(1) site because the preponderance of evidence seems to indicate that it is a Russian-American historical site, rather than a Native historical site. If the site is conveyed over our objections, we wish to reserve four easements for public and agency access, as described above.

Copies of the four outfitter/guide permits issued by the Sitka RD and an easement location photo have been mailed to Jackie Swanson. We have also included a copy of an August 23, 2005, article that appeared on the front page of the Daily Sitka Sentinel.

Please contact Barbara Stanley at (907) 826-1646 with any questions.

/s/ Scott G. Fitzwilliams
SCOTT G. FITZWILLIAMS
Recreation, Lands, Minerals Staff Officer

cc:
Jackie Swanson, R.O. Lands
Carol Goularte, SRD
Melissa Dinsmore, SRD
Barbara Stanley, TNF

cc:
Jackie Swanson
Carol A Goularte
Melissa Dinsmore
Barbara Stanley

Point for west crew located on
this island

Southern end of well
GPS location: N 55 05.111' W 135 17.565'

Northern end of well GPS location:
N 55 05.159' W 135 17.672'

End of 100' line
GPS location: N 63 23.172'
W 135 17.537'

"Substation" anchoring
system for U.S. vessel

End line for anchoring system
to cabin GPS location:
N 55 03.207' W 135 17.589'

Approximate well
location

Approximate location of trace used
for GPS and ground station
for crew, if correct, etc.
Approximate location of substation
anchors (approximate)

PLEASE NOTE: Accuracy of the
GPS was approximately 25 feet
while taking these locations

APPROXIMATE