

In the United States District
Court in and for the District
of Alaska -

The people.
Ex rel. - Soh-quah.
vs. Kikla-
Koh. K. - Klam.

Petition for
Habeas Corpus

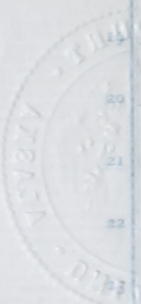
Respondent

To The Honorable Lafayette Dawson
Judge of the above Court -

The petition of Soh-quah
respectfully shows, that he is now
restrained of his liberty by Kikla
- K. - Klam. or his agent in the
District of Alaska, illegally and
wrongfully and for an Criminal
or suspicious Criminal matter
and that he is so restrained as
a slave and chattel

He therefore prays your honor
to grant a writ of habeas corpus
directed to the said Kikla K. - Klam
commanding him to bring before
your honor the petitioner body
to do as and abide such order
as your honor may direct

Soh-quah
District of Alaska
Duly sworn, deposes and says he is



The petitioner accused in the foregoing
petition subscribed by him; that he
has heard the same read and
carefully inspected them, and
knows the contents thereof and that
the statements made therein are
true so he truly believes

Subscribed and
sworn before me
this 19th day of
April A.D. 1886

Andrew P. Lewis
Clerk

John ^{his} ~~of~~ ~~each~~
mark

Debet Cont-

Peopl ex ml

Mah-quoh

Is
Neh-ku-Klum

Petition for Grant of

Native Rights

Filed this 19th day
of April 1856

Andrew D. Lewis
Clerk

J. Clark
Att for Pet

In the District Court of the
United States for the District of
Alaska

The President of the United States
of America

To Nah-Ki-Klan.

We command you, that you have
the body of Sah-quah by you
detained as it is averred together
with the times ^{and} cause of such detention
by whatsoever name said Sah-quah
shall be called or changed before
Lafayette Dawson Judge of the
District Court of the District of
Alaska at the Court room of said
District Court in the town of Sitka
on the 26th day of April A.D. 1886
at the hour of 10 o'clock A.M. to do
and receive what shall then and there
be considered concerning the said Sah-quah

And have you then and there this
writ with a return of your doings
in the premises

Witness the Honorable Lafayette
Dawson Judge of the District Court
for the District of Alaska and the seal
of said Court affixed at Sitka

No 35

Original

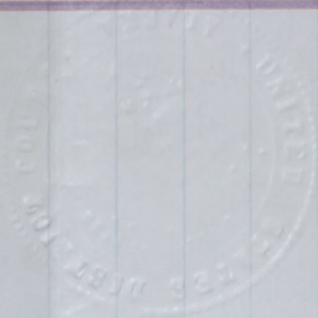
In the matter of
the application of
Seh-quah Plaintiff
for a writ of Habeas corpus

vs

Nah-Ki-Klaw

Defendant

W. Clark Attorney
for petitioner



in said District this ~~20th~~ day
of April 1886

Andrew P. Lewis
Clerk
per John W. Parsons
Deputy

To the United States District
Court in and for the District of Alaska

The people, ex. rel.
Suk-quaah.
vs. Kikoler.
Kah-ku-Klan.
Respondent.

Order Writ of
Habeas Corpus

On reading and filing the petition
of Suk-quaah, duly signed and
verified by him, whereby it appears
he is illegally restrained of his
liberty and held as a slave by
Kah-ku-Klan - or Kikoler in the
District of Alaska, from which it
appears to me that a writ of
Habeas Corpus ought to issue

It is ordered that a writ of
Habeas Corpus issue out of and
under the seal of the United States
District Court of Alaska, directed to
the said Kah-ku-Klan, commanding
him to have the body of the said
Suk-quaah before me in the Court
room of the said Court on the 26th
day of April at 10 o'clock in the
forenoon of said day with and
accompany what shall then and there be
-said concerning the said Suk-quaah,
together with the true cause
cause of his detention, and

Wish to have been said. When
the same unit -

Dubin or Siska Alaska on the
19th May of June 1886

La Fayette Dawson
District Judge

no 35

Dispute Court

People ~~are~~ ni

Soh-quah

vs.

Koh-ke-Kluin

Order Granting
Ant. of Habeas Corpus

Filed this 19th day
of April 1886

Andrew J. Lewis
Clerk

Wm. H. Clark
Solicitor

In the District Court of the United -
States for the District of Alaska.

The President of the United States of
America

To Ah-ki-klan.

We command you, that you have the body
of Sah-quah by you detained as it is averred
together with the time and cause of such detena-
tion by whatsoever name said Sah-quah shall
be called or changed before Lafayette Dawson
Judge of the District Court of the District of
Alaska at the Court room of said District
Court in the town of Sitka on the 26th day
of April A. D. 1886 at the hour of 10 o'clock
A. M. to do and receive what shall there and
there be considered concerning the said Sah-
quah. And have you there and there
this writ a return of your doings in
the premises.

Witness the Honorable Lafayette Dawson
Judge of the District Court for the District
of Alaska and the seal of said Court af-
fixed at Sitka in said District this 20th
day of April 1886.

(Signed) Andrew P. Lewis

Clerk
per John M. Dawson
Deputy.

United States of America
District of Alaska } S.S.

J. Barton Attorney General
State Marshal in and for the District of
Alaska hereby certifies that I duly compared
the Original writ of which the within is
a true copy by delivering the same for
convey to the within named Nah-ri-klan
that said writ was served at Sitka in the
District of Alaska on the 22nd day of
April A. D. 1886.

Barton Attested
W. J. Marshals
By John Stephens
Deputy W. J. Marshals

No 35

Copy

In the matter of
the application of
Sah-gwah Plaintiff
for
writ of Habeas Corpus
vs.

Nah-ri-klan
Defendant.

W. Clark,
Attorney for peti-
tioners

Exel Salguati

vs.

Nah ke klarr.

W. Clark atty. for relator,
M. L. Ball atty. for re-
spondent.

First witness Salguati
the petitioner called on his
own behalf. Exam. by Mr.
Clark. Sworn and testified
as follows.

q. What is your name?

a. Salguati.

q. Where are you living now?

a. In Jack's house.

q. In the Sitka Indian village?

a. Yes sir.

q. You have alleged in your
petition to this court that
you are held as a slave.

What people do you belong to?

a. I belong to the Haidah
tribe, they principally
occupy the island known
as the Prince of Wales Island.

q. Do you mean you are a
native born Haidah or held
there.

a. I belong to the Haidah tribe.

q. When did you leave there?
a. I don't know, but a long time ago, a great many years ago I ~~was~~ stolen when a little boy by the Flat Head.

q. Where did they take you to?

a. To Uade in British Columbia, a river below the Skeena River.

q. What did they do with you there?

a. They made a slave of me, they took me to the Stikine River, a portion of that is not in Alaska.

q. Have you any idea of your age?

a. No, white men know their age because they read and write I know nothing of my age.

q. You have no idea of your age?

a. No.

q. (To the interpreter) How old do you think?

a. About 35 or 40

q. What did they do with you at the Stickers River hold you as a slave?

a. Yes.

q. Was it the same master?

a. Another man.

q. At the Stickers River you were held by another man, where did you go to from there?

a. Chilcat.

q. Same master?

a. Another.

q. How did you happen to change master, were you sold?

a. Yes.

q. Where were you sold to next?

a. Yakutat.

q. Is it near the mouth of St. Elias in Behring's Bay?

a. Yes sir.

q. Where did you go to from there?

a. That is all.

q. How did you happen to get here?

a. I was poor there and this man took pity on me
This man sitting at

brought me down here.

Q. Are you the slave of this man?

A. He is my father.

Q. Is he your master also?

A. Yes he is my father.

Q. What do you mean by that is he really your father?

A. Yes sir.

Q. What people does your master belong to?

A. Sitka.

Q. How does it happen you are a Haidah if your father is a Sitka Indian?

A. The white man is same as Indian they adopt children.

Q. Do you mean that this man treats you as a father you consider yourself a son?

A. Yes sir.

Q. Have you considered yourself a slave of this man ever since you left Yakutat?

A. No.

Q. You needn't be afraid no
one will hurt you tell
just as you told us.

A. He is just like my father.
Court. Mr. Clark I think that
inquiry unnecessary as
slavery is admitted.

Mr. Clark. I have to make it
to know if he should be
released; but it is un-
necessary.

Q. Have you always been
treated well by this man
or have any of these ever
abused you?

A. No.

Q. None ever abused you?

A. No.

Q. You have been very lucky
how did you lose your eye?

A. I hurt my eye with
something like needle
it is I believe a devils
walking club.

q. Was it an accident or did someone do it to you?

a. I am a hunter and like to hunt all the time, I went after black bear and hurt my eye by hunting for bear.

q. Has your master ever paid you?

a. No.

q. Did you ever make any application before to get free?

a. No.

q. Have you had any conversation with your master or any other Indians in regard to this trial, did they threaten you or tell you what to say? Now you must tell the truth.

a. No.

q. Where I sent you from my office to make a demand for your freedom did you do so?

a. Yes I told you that I was a slave and I wanted a paper from the Big Chief so I could walk

around like any other
man.

Court. Do you want that now?
a. I like to be here now and
sit here and like to get
paper and be my own
master.

q. Did you ask your master
for freedom when I sent
you down?

a. Yes, when I asked this
man I did not know
that he was going to
give me freedom, when
I asked him he in-
formed me that he was
going to give me freedom
in the fall of the
year.

q. After he had finished
building the house he
was to release you.

Cross examination by Dist. Atty. Ball

q. Do you know how old
you were when taken from
the Hardacre?

a. I don't know how old
I was but about as large

as this boy.

q. How did you happen to be taken away.

a. I was stolen by the Flat Heads, they killed my relatives.

q. Was there war going on at the time between the Haidahs and the Flat Heads?

a. No, all the same they killed my relatives, I was a little boy and that is why they stole me.

q. Did the Haidahs know that you were taken away by the Flat Heads?

a. Yes.

q. Did they try to get you back?

q. Did you see any Haidahs at Stickers when you were a slave there?

a. First they brought me to Naas and then to Stickers.

q. Did you find any slaves among the Flat

Heads in Stikine besides
yourself?

a. I know that I was
there but don't know
about the others.

q. Do the Haidahs have
any slaves?

a. I do not know.

q. When you were stolen
did the Haidahs live
like Indians or white
men.

a. The Flat Heads just
like dogs, bad people.

q. Did you never meet
any Haidahs all the
time you were a slave
till you got back here,
never send any word to
them about being a
slave?

a. No.

q. Never heard about them
asking for you or try-
ing to find where you
were?

a. No.

q. Do you know how you

got from the Flat Head to the Stikune, whether you were sold or not?

a. I was stolen only once by the Flat Head and the Stikune Indians bought me from there I do not know how much they paid for me.

q. Did you find any other slaves among the Stikune?

a. I knew that I was a slave but I don't know as they had any other slaves, maybe they had lots of them.

q. Do you know whether the Chilcate had any slaves?

a. Yes.

q. Yakatata have any?

a. Yes sir.

q. Are there any other among the Pitka Indians beside yourself?

a. I came here lately and don't know much about it.

Q. Did this man you call your father buy you did he pay anything for you

A. Yes sir.

Q. To have him?

A. Yes.

Q. I believe that is all.

Court. One moment, how long since you lost your eye?

A. Eight years.

Q. Were you deprived of that eye by the tribe that owned you, for the purpose of keeping you

A. No, no, no, no, no, no. It was the same thing I told before.

Q. How did you hurt your eye

A. Are you going to give me medicine? It was the devil came there that put my eye out. That is all.

Mr. Clark. One moment, have you any slave mark

or you?

a. Yes sir.

Marchia sworn and testified as follows.

Examination by Mr. Clark.

Q. They tell me you were held once as a slave, will you tell me about it.

a. I am not a man I am a woman, I am bashful.

Q. It is no disgrace to have been held that way, please tell the Court just how it happened.

a. Yes I was at one time.

Q. Tell the story in your own way, just how it happened all about it.

a. I was a little girl and didn't know I was a slave, but when I grew up I found out that I was a slave.

Court. How did you get free?

a. I don't know anything, I am young and don't

know much about the
Indians ways, there
are plenty other Indians
who probably know
more about it than
I do I know anything
and do it care to tell a
falsehood

q. You can tell who held
you as a slave?

a. The woman held me
as a slave but some time
ago some bought me, I
doit know how much
he paid for me.

q. You a Stikere originally?

a. Yes originally.

q. To what race did the
woman belong that held
you once.

a. Some

q. What tribe?

a. Some belongs to Anna-
hutz family.

q. How did you regain
your freedom?

a. I have been free about
two years probably more

When Tom finished his house he set me free.

~~Cross Examination by Lieut. Alby. Ball~~

Q. Can you recollect Capt. Cambell?

A. Yes sir.

Q. Were you a slave at that time when you were here?

A. Yes.

Q. Did he inform you that you were free?

A. No sir, I don't know.

Q. Did he give you your freedom after you informed him you were a slave.

A. No sir, I never spoke to him.

Court. You had better direct your inquiries as to whether they are divided into tribes or families.

Amarabootz swore and testified as follows.

Examination by Mr. Clark.

Mr. Interpreter can you put that question to Amarabootz.

roots in regard to the
Indians, if there are
families or tribes, do
they have their ruler
as tribes or do the heads
of families have control
over their family only.

a. The Pitka Indians have
the same law of rela-
tion, ~~as~~ the Haidah and
Houah and others have
adopted the same rule.

q. Is there one chief over
all?

a. No.

q. Why do you call yourself
a Kalwantan?

a. I am / there, one chief / ~~the~~ / of
the Kalwantans

a. Yes I am a Kalwantan.

q. Is there one chief of the
Kalwantans?

a. There are several chiefs
in Kalwantan.

q. Are these chiefs heads of
their own family only?

a. Only for my own family.

q. There as a family they

recognise one member of the family as being the head

a. Yes sir

q. Is it not the custom for ~~Indians~~ instance, where a member of the Koh-wan-tau commits some offence, that they settle it among their own family?

a. When King George was at Boston must do anything wrong they settle it.

q. Suppose, for instance a Koh-wan-tau should kill a Chilcat would all the family pay for it or only the immediate family?

a. His relatives pay for this man, his brothers, his sisters, his cousins and his aunts.

Court. Has slavery been customary only in tribes here?

a. I will tell you all about it if you will only listen.

Court. You had better translate some of that in sections.

a. The Indians used to be in constant war and riot from Cion down to Queen Charlotte Is. they used to steal from each other all the southern Indians in the southern part of this territory up to Chilcat here they used to pay for them.

q. About the worth, fifty or sixty blankets?

a. They used to pay for a young man ten Reindeer skins, for a woman five Reindeer skins they used to buy but never steal.

q. Was it the custom to mark their slaves by putting out an eye or otherwise?

a. Yes a long time ago. The Russians used to take slaves away from the Indians and sent them to Kodiak. Now Macchia she used to be a

slave but now she is free.

Q

In your recollection have they had a tradition that because Joseph was sold to an Ishmalite that they had a right to sell Indians?

A. I don't know anything about it, may be that was the cause of it.

Q. Has this system of slavery always existed among the Indians of this coast before your time?

A. A long, long time ago - always, white men had slaves too.

Cross Examination by Dist. Atty. Ball

Q. Did it exist before he could remember or did it exist before you were born.

A. Slavery has existed ever since I ~~can~~ can remember.

Q. What right did they suppose they had to these slaves? if they had a right under what law?

If they thought it was right?

a. A long time ago they used to buy slaves and own them, but now it is different, there are no slaves.

q. We know that you know what is right about them now, but when they did hold slaves what did they think was right about it?

a. A long time it was the custom for a chief to buy a slave and when he finished the house to let him go, if he did not do that he was very much ashamed.

q. Of killing them?

a. Yes but not here.

q. Did they never get any other slaves in any other way besides buying them, did they ever take them for some offence or crime?

a. A long time ago the Indians

used to be in constant war they used to take slaves and there ~~was~~ if one Indian killed another they had to pay in blankets, if not able to, they took them as slaves but now they go down below

q. Was it not the custom for the family to right him by putting up blankets or money, if he didn't pay for it they would keep him as a slave?

a. They didn't used to do that, my hands are just like a book.

q. Are there some that still keep up the Indian customs yet?

a. Only this tribe adopted white man's law, all others still stick to their own law.

q. Suppose a man of this tribe was to die and leave property whose law would

they follow, white man's
or Indian's who would
get it his relatives?

a. If anyone marry my
wife supposing I die, it
is inherited for him.

q. When they did have sla-
very was the fact of the
mother being a slave
make the children slaves.

a. No sir.

q. Children were not slaves?

a. No Sir.

q. Did the slave generally con-
sider their masters their fa-
thers, were they treated well
by them?

a. This man told the truth when
he called his owner father, when
a slave love a parent he calls
his owner father.

q. Did the owners generally treat
them well or treat them as
members of their family?

a. Yes they do treat them
well.

Testimony

1.
Opinion of the Court

In the District Court of the United States for the District of Alaska.

Sah-quah
^{vs}
Nah-Ki-Klan

On petition for writ of habeas corpus Petitioner alleges that he is unlawfully restrained of his liberty by the respondent who claims to own him as a slave and chattel, and prays to be released from the restraint imposed upon him by the respondent. Respondent ~~Respondent~~, by way of return to the writ, in substance alleges that both he and the petitioner are Indians of the Thlinket or Kaloshian race, that they are uncivilized natives, that they and their ancestors have inhabited the Alaskan shores from time whereof the memory of man runneth not to the contrary, in communities independent of any other law, authority or jurisdiction except that established by their own rules and customs. That the buying, selling, and holding of slaves is one of the rules and customs of their race and tribe, that the

civil authorities have no jurisdiction over them and impliedly asserting that Alaska is Indian country, and that they as inhabitants are subject to no law, save the usages and customs of Indians.

P

The issue presented is important and necessarily involved an examination of the treaty by which this vast region was ceded to the United States by His Majesty, the Emperor of all the Russias, as well as certain acts of congress in relation to Alaska. The third Article of the treaty of March 30th 1867 is as follows.

P
 Paragraph
 of nonpareil
 straight of
 brevier.

"The inhabitants of the ceded territory, according to their choice, reserving their natural allegiance, may return to Russia within three years; but if they should prefer to remain in the ceded territory, they, with the exception of uncivilized native tribes, shall be admitted to the enjoyment of all the rights, advantages, and immunities of citizens of the United States, and shall be maintained and protected in the free enjoyment of their liberty, property and religion. The uncivilized

~~The civilized~~ tribes will be subject to such laws and regulations as the United States may, from time to time, adopt in regard aboriginal tribes of that country."

P

It will be observed that the power to make laws and regulations for the government of the Indians is expressly reserved in the treaty, to the United States, thus indicating very clearly that they were even then regarded as subject to some power superior to their own untamed inclinations. Pursuant to the power reserved in the treaty, congress on the 27th day of July 1868 extended the laws of the United States relating to customs, commerce, and navigation to and over all the main land, islands, and waters of Alaska, and conferred upon the President of the United States power to restrict and regulate or prohibit the importation and use of fire arms, ammunition, and distilled spirits into and within the Territory.

(Secs. 1954 and 1955. Rev. Statutes.)

On the 3rd day of March 1873 congress amended the two sections referred

to by extending over this Territory two sections of the act of June 30th 1834, known as the "Indian Intercourse Laws" relating almost exclusively to the interdiction of the liquor traffic among the Indians, and to the distillation of ardent spirits in the Indian country. But I cannot infer that when congress in express terms extended two sections of the same act, and made them applicable to a certain people, it was intended to extend the whole act.

¶ The presumption is clear that by singling out, mentioning and extending, two sections only, the intention was to withhold or exclude from the territory all the other sections of the act. If I am correct in this conclusion it necessarily follows, that ^{only} as to the prohibited commerce mentioned in ^{the} sections referred to, ~~if~~ ^{if} ~~can~~ Alaska be regarded as Indian country. (Opinions of Atty. Gen. Vol. 14, p. 290 = Ibid ————— Vol 16 p. 141)

What then is the the legal status of Alaska Indians? Many of them have connected themselves with the

mission churches, manifest a great interest in the education of their youth, and have adopted civilized habits of life. Their condition has been gradually changing, until the attributes of their original sovereignty have been lost, and they are becoming more and more dependent upon, and subject to the laws of the United States, and yet they are not citizens within the full meaning of that term.

P From the organization of the government to the present time the various Indian tribes of the United States have been treated as free and independent within their respective territories, governed by their tribal laws and customs, in all matters pertaining to their internal affairs, such as contracts and the manner of their enforcement, marriage, ~~descent~~, and the punishment for crimes committed against each other. They have been excused from all allegiance to the municipal laws of the whites, as precedents or otherwise in relation to tribal affairs, subject however to such restraint

as were from time to time deemed necessary for their own protection, and for the protection of the whites adjacent to them. * (Cherokee Nation v. Georgia 5. Peters 1, 16, 17. Jackson v. Goodall 20 Johns. 193.)

P

This policy upon the part of the ~~United States~~ ^{United States} government, grew out of the ordinance of 1787 adopted by the confederate congress for the government of the territory of ~~the United States~~ northwest of the Ohio River, and has been constantly and scrupulously observed ~~by the government~~ in relation to all Indians, existing under tribal customs, and with whom the ~~United States~~ ^{government} has treated, and recognized as independent tribes.

P

1

The doctrine enunciated by the supreme court ^{of the United States} ~~of the United States~~ in the Crow Dog case in 1883, 109th U.S. Reports p 336, is based upon the idea of the supremacy and independence of the Brule Sioux tribe of Indians, in their tribal capacity, as admitted and recognized by the United States in a treaty stipulation. It was held that the District Court of Dakota had no jurisdiction

to try and punish Crow Dog for the murder of a member of his own race because he had been or was liable to be punished by the local law of the tribe. But does the rule in that case apply to the Indians of Alaska? I think not, and for various reasons. The United States has at no time recognized any tribal independence or relations among these Indians, has never treated with them in any capacity, but from every act of congress in relation to the people of this territory it is slowly inferable that they have been, and now are regarded as dependent subjects, amenable to the penal laws of the United States, and subject to the jurisdiction of its courts. Upon a careful examination of the habits of these natives, of their modes of living, and their traditions, I am inclined to the opinion that their system is essentially patriarchal and not tribal, as we understand that term in its application to other Indians. They are practically

in a state of pupillage, and sustain a relation to the United States similar to that of a ward to a guardian, and have no such independence or supremacy as will permit them to sustain and enforce a system of forced servitude, at variance with the fundamental laws of the United States.

Counsel for respondent ~~insists~~ ^{suggests} that these people are not included within the thirteenth amendment to the constitution, and the subsequent legislation by congress to enforce it.

P

Before discussing the amendment and its object it is necessary to briefly examine the system of slavery among these natives. The object of all intellectual research is the discovery of truth, and unless we close our eyes to observation, and disbelieve an unbroken chain of human evidence, we cannot escape the conclusion that slavery in its most shocking form has been thoroughly interwoven with the social polity of the Indians of Alaska, and still exists in many localities under circumstances of extreme

cruelty. The life of the slave is entirely at the disposal of his master or his mistress, and it has been customary among them to kill one or more slaves on the death of a master, or on the happening of some other event, such as the completion of a new house. Boring the ears, or putting out an eye of a slave or some other mode of marking the flesh has been and is now a custom with some of the families of these people. The evidence shows that the object of such mutilation is to impress upon the slaves their inferiority and render their humiliation complete; that they are believers in witchcraft, and that when a spirit of insubordination becomes manifest upon the part of the slaves the juggler is called upon, and that he by exorcisms and magical incantations pretends to drive out the rebellious spirits, and the slaves are compelled to submit. Can such a system be tolerated in a country whose people lay claims to civilization and Chris-

trianity? Does not every precept of religion, every principle that underlies our system of government, every axiom of our political fabric cry out against such monstrous inhumanity?

P What was the object of the thirteenth amendment to the constitution? In construing the constitution or any of its amendments, or any of the laws enacted in obedience to its commands, the court may derive aid from contemporaneous exposition, may look to the history of the time of its adoption, may ascertain the evil sought to be remedied, and the object to be accomplished. (Story on the Const. § 405.)

The object of the thirteenth amendment is easily understood. Its language is sweeping and far reaching. African slavery had practically been abolished by use of the military arm of the government. A new era had dawned upon the American people. The last vestige of forced servitude except for the punishment of crime was to be eliminated from our political system, by organic law.

The thirteenth amendment was proposed to the legislatures of the several states by the thirty-eighth congress on the 1st of February 1865, and was declared in a proclamation of the secretary of state, dated on the 18th day of December following, to have been ratified by the legislatures of twenty seven of the then thirty six states.

P The amendment is brief but broad in its scope:

Sect. 1. "Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted shall exist within the United States or any place subject to its jurisdiction."

Sect. 2 "Congress shall have power to enforce this article by appropriate legislation."

P It is indeed seldom that so much meaning is contained within the compass of so short a sentence, and for the purpose of making the amendment effectual, **The** law known

as the "Civil Rights Bill" was enacted in April 1866. By it the last relic of slavery or forced servitude in any conceivable form except for the punishment of crime is emasculated.

Act. 1990 abolishes peonage in New Mexico, and in every state and territory where it had a foot hold. On March 3rd 1871 congress passed a law absolutely forbidding any future treaties with Indian tribes, or the recognition of tribal independence.

See Sect. 2079 Rev. Statutes, and by an act approved March 3rd 1883; U.S. Statutes at large Vol. 23, p. 385, congress made all Indians amenable to the criminal laws of the United States courts for all offences designated in said act, committed against the person or property of any ^{other} Indian, or any other person.

P The last act of congress referred to materially strengthens the view herein expressed that the Indians of Alaska are under the control of, and subject to

the laws of the United States. The petitioner testifies that he was captured and sold into slavery when a mere boy, that his labor from that time to this has been appropriated by others. He has lost one eye, his ears are badly mutilated and he is certainly a sad spectacle of humiliated manhood. The crack of the lash, the torture of mutilation, the fear of death, the annoyance of the juggler, the excess of manual labor imposed upon him, the extreme hardships of his life, with the sense of degradation and inferiority constantly before him have subdued his manhood, and the pitiable spectacle of his once stately form is an evidence of the blighting curse of slavery.

This case has been ably argued on both sides and all the learning accessible to the attorneys has been brought to bear, but I can arrive at no other conclusion than that the petitioner must be released from the merciless restraint imposed upon him and go forth a free man, & such is the order of the Court.

In the District Court of the United States
for the District of Alaska.

Sah - quah }
" } On petition for writ
Kah - ki - klan } of habeas corpus.

This, the return of said defendant to the writ, & answer to the petition of the relator respectfully sets forth —

— That defendant admits the custody & detention of petitioner by him, & that he enjoys & controls the services of petitioner, whom he here now produces, in obedience to the writ of this court, but he denies that his said detention is an illegal one, or subject in any respect whatever to the jurisdiction or inquiry of the court, because he shows:

1 - Both the said defendant & the relator are Indians of the Thlinket or Koloshian race, ^{an uncivilized native people of men,} which have inhabited the Alaskan shores from time whereof the memory of man runneth not to the contrary, in communities independent of any other law, authority or jurisdiction, in all their civil & domestic relations, than that established

by their own rules & customs:—

2— That the holding of slaves is one of said rules & customs, recognized by immemorial observance and universal practice, among all the tribes or divisions of the said race.

3— That the said relator is the slave of this defendant, lawfully acquired & held by him, according to the authority & recognized usage of said laws & customs among the said uncivilized natives.

4.— That the United States has never acquired, by treaty, by conquest or by consent of the said uncivilized tribes, or of the uncivilized inhabitants of Alaska, any authority to impair the recognized rights of said Indians, under their said immemorial usages, in the property & services of their slaves, or in any other respect.—

5— That the said United States has never attempted to assert any such authority, by any enactment of their law, under which the jurisdiction of this Court can be asserted for the severance of any of the relations or customs established by said immemorial usage, or ^{the abrogation} any of the rights of persons or property among said—

uncivilized natives, or by which said rights
may be impaired, or regulated by any of
its Courts - And defendant denies that
he is as such a slave-holder, under said
established customs, amenable to the order
or authority of this Court, in respect to
any of his said rights or relations -

And he prays to be hence dis-
missed, & discharged of any further answer,
with his reasonable costs & disbursements.

Nah-Ke-Klan ^{his}
~~more~~

Subscribed and sworn to before
me this 26. day of April 1886

Andrew J. Lewis
Clerk

U. S. Dist Court for Alaska

Sah-quah } On

"

} hab. corp

Na-ki-Klaw }

Answer of Defendant.

Filed this 36 day
of April 1886

Andrew J. Lewis
Clerk

In the District Court of the United States
for the District of Alaska.

Hon. Lafayette Dawson, Judge.

April 26, 1886.

Ex-Rel...

Sah-quala, an Indian Slave, Relator, } Habeas Corpus -
V.S. } writ allowed and
Respondent. } Hearing granted on return.

Willoughby Clark and W. P. Berry Atty. for Relator. }
Atty. " Respondent. }

Submitted. }

Your Honor. Having joined Advocate Clark,
Senior Attorney in the case now before this Court for
adjudication, it was not my intention to present my
views in any other manner, than to render to him
from time to time as the case proceeded such
material assistance as were possible - the immediate
and surrounding circumstances to be considered.
However, upon reflection I concluded it was not
only a duty but an imperative one to raise my voice
in condemnation of these slave holding natives and
lay before your Honor a few brief facts that are
uncontrovertible; and while it is not probable that
in any manner they will affect your decision to
be given hereafter from this bench - I believe
that it will be ^{well} that they should become a matter of
record for those who follow us on the plane of time
to contemplate.

It is supposed and believed by at least fifteen
three fourths ~~twentieths~~ of the adult population of our ~~country~~
Country that no vestige of human slavery exists
within the borders of the United States of America.

9) That being as asserted - what think your Honor and the Citizens assembled within the precincts of this Court, ^{What} will be the feelings of the masses of our contemporaries throughout the length and breadth of our land - the United States - when this Court speaks authoritatively - and says, - undoubtedly, slavery ^{does exist} and still has a foothold in this the last purchase and most distant of the Territories of the United States? ~~from the seat of such Government.~~

~~I have no intention your Honor of attempting in any manner of foreshadowing your conclusions, nor do I presume to interrogate yourself. But I must say that the question pending this day in this Court, after the promulgation of your decision, will direct the minds of our liberty loving peoples to this subject, of human slavery in Alaska, and the acts of those in power, since the flag of our nationality was declared that of this land, will be subjected to the closest scrutiny.~~

The question will be asked, and it must be answered, wherefore this more than criminal neglect of the God given right of man to liberty after all the declarations of the government to the contrary? ~~which are contained~~ in the 13th 14th + 15th Amendments of the Constitution, and ~~the~~ Section 1990 R.S. of the United States? ~~which is~~ ^{is} particularly direct and positive, ~~leaving nothing to be referred on ambiguous whatever.~~

3) I anticipate ~~your honor~~ that the reply by the government to the question of the people will be that, - heretofore there was no official knowledge of such slavery existing among this people: - A plea of ignorance which ~~should it be made,~~ will be as intolerable as the fact itself - and that such ~~interfuge~~ may be met and controverted, ~~with your permission~~ I present the following: - During the early days of the reign of the Tyrants in the Satrapoy of Alaska, reports were made to the ~~proper~~ officers occupying prominent positions under the ~~then existing government,~~ that a horrible state of human slavery, existed among the native tribes ~~occupying living in South-~~ ~~eastern Alaska.~~ That ignorance cannot be accepted as the plea for indifference permit me to ~~tax your patience while I relate - that -~~

During the winter of 1874 & 5; Lieut., now Captain Dyer, 4th U.S. Artillery, was stationed with a small number of troops at Fort Wrangle, ~~this Territory,~~ ~~during his service at that place -~~ He in conjunction with a Deputy Collector of Customs, went upon the beach in front of the Indian village and rescued a slave woman who had been bound and gagged, and thrown where the incoming tide would end her then miserable existence - the act was done in face of the loud protestations of many ~~black-throated~~ slave-holding savages. About the same time there were two men slaves drowned ~~unrecorded~~

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~~floated on to the beach~~ - The dead bodies lay in ropes with which they were originally confined - and drifted back and forth the sport of the waters until the horrified white men then at that place gave them sepulchre.

P
Shortly after ~~the time to which I refer~~ one of the headmen of the Stickeen was subpoenaed to appear before the U.S. District Court at Portland Oregon - ~~From the office who was sent after him~~ He demanded the privilege of taking with him a favorite slave, a kind of body servant, - the Marshal consented and ~~the result was, that~~ about the time of the entrance of the steamer into the Columbia river, the master committed suicide by cutting his throat in a room in the cabin of the ship and simultaneous with that act of ~~the master,~~ the slave threw into the furnace of the vessel a package of gun powder, hoping thereby to destroy the steamer and accelerate his own death - which he believed was a fixed fact, because of the suicide of the master. ~~It is to say~~ ~~that~~ The fireman of the steamer seeing ^{the} act of ~~the~~ ~~slave~~ quickly raked from the furnace the can or cans of powder thereby averting a catastrophe - He in turn was violently attacked by this slave, who he partially disabled with a blow of his poker or rake, but did not succeed in overcoming him until assistance arrived in the

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~~fire room.~~ The slave was put in irons and held until the steamer returned to Wrangel - there he was put on shore.

~~Due to the general disturbance originating from that the foregoing and other causes, General Howard, Commander of the Military Department of the Columbia soon after visited this part of his Command - called the Sticheens into Council and paid the relatives of the suicide five hundred Blankets.~~

All of ~~above~~ ^{these} cases and many more were from time to time reported officially to the proper officers of the government, ~~thus your Honor will see at a glance that no plea of ignorance or denial in the part of the government can be accepted.~~

~~That human Slavery does exist in its most horrible form within the borders of the United States cannot be controverted. There was funds to re-imburse the relatives of a suicide - but not a dollar to alleviate the miseries of their chattels - their more than much abused slaves.~~

~~I cannot continue the relation of other and further facts and cases of slaves being held and disposed of - but will not do so, believing the foregoing to be all sufficient - but before closing I desire to point out to your Honor the effect of what at the time of the promulgation of we who lived here designated as ^{the} Emancipation proclamations.~~

P

~~When some~~ Officers of the ~~United States~~ Army and Navy who were stationed here for a limited period notified the Natives ~~here~~ at Sitka - who a few years since had many slaves - that Slavery was prohibited by the government which they represented. The Indians ~~here on every occasion~~ promised obedience and immediate manumission to their slaves, and while pretending to obey quietly removed the greater portion of ^{them} ~~their~~ persons to other and distant parts of the Country, ~~and all had been removed or disposed of, they have presented themselves before the powers that were saying, "we have recognized your right to dictate to us, and we have conformed to the letter of your laws."~~

Now, what became of these many people? ~~thus removed~~ Some were undoubtedly destroyed, but the greater portion were distributed ^{around among other} ~~and sold to families residing~~ as the South, commencing at old Tongue, then coming north to the pirates near Cape Fox, to the unsubdued residents of Fox river on the main land at the head of Eugene sound, to the Hydahs on Prince of Wales, scattered through the Keou group of islands - again the dwellers on Admiralty and the Chichagoff islands received a share - the Aukhs received a few - the Chilcoots also, the Chilcats many, Situya ~~on~~ French bay received some, Yakutat and

little Chilcat was considered a good market, several were disposed of at the upper village on the Taca river - some that a market could not be found for were brought back and down to the present day are held in bondage by their masters here at Sitka.

That is the manner which the much talked of obedience was rendered to the Emancipation proclamations of ~~these~~ officers. All the effect that they had was to make the masters more guarded and vigilant, and to ~~sunder and~~ ~~ties~~ as had grown or sprung from the surroundings of years of fixed habitations for the slaves and instead of an amelioration of their condition I regret to say, that I believe, the tendency has been to make their condition worse if such thing were possible. The masters in many instances ^{they} considered it an unwarrantable interference with their rights of property - and when opportunity offered, like all other barbarians, inflicted punishment on the innocent cause for which action had been taken.

JP In proof of that which I desire to impress upon your Honor is, that proclamations of Liberty, not followed up with the strong hand of power are of no avail against this people. A circumstance which transpired a few years since related by a person who was on the ground at the time

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~~I offer as corroboration of the position assumed - and from which conclusions may be drawn.~~

A prospector ~~for mineral~~ passed up the Chilcoat-inlet intending to make the village of the same name his head quarters while exploring the mountains thereabout for ore. On his arrival at the village he found it in a great state of excitement over the death of their Chief Medicine Man or Shaman, a few days before - ~~to leave out details I will simply say that~~ There was to be a sacrifice of three slaves to assist his medical highness across the river Styx. The Slaves were naked, bound and staked to the ground. He said, "I heard the moaning of the victims and went where they were; two of them I recognized as ^{former} slaves belonging to Sitka - they had been starved from the time they ~~had been~~ ^{were} seized. I thought it my duty to save them if I could - my first effort was to talk and protest vigorously against the horrid rite - next to purchase them - I offered all that I had and dealt liberally in promises - the Indians were very sullen - nothing that I could say or do made any impression on them - the fate of the slaves was sealed - they were consigned to torture and a lingering death - I then thought it

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my duty to shoot them and made up my mind
so to do - to conclude I did just nothing -
being glad to escape myself - I was warned
and was concealed until the sacrifice and
and attending orgies were completed."

To my enquiry - Did you ever report the
circumstances?"

My informant replied that he did & where he
reported it, it stopped.

P There are ^{many} other ~~and similar~~ well authenticated
circumstances which I could relate, but it
would occupy too much time of the Court -
However be that as it may the fact strikes
your Honor in the face, that real, genuine
barbaric slavery exists in the District of Alaska,
and that you are now called upon to meet it
~~a hand to hand conflict and that without~~
adequate means so to do.

None of these many collections of people
~~mentioned~~ will bring their slaves near enough
to be reached by an order of this Court - ~~the~~
~~slave himself or herself knows that torture~~
awaits them if by any accidental circumstance
he or she should not be removed from the
immediate vicinity of the master, unless sure,
swift and condign punishment would fall
upon such master for disobedience of a
mandate issued by your Honor.
Therefore the slaves themselves will not

10 ~~assert rights to liberty - let them know it~~
~~ever so well.~~

~~Such being the situation,~~ I can see no
immediate remedy for the extinction of this
most unjustifiable evil, unless ~~the~~ Congress
~~of the United States~~ place at the disposal
of your Honor proper means to enforce
obedience to the mandates of your Court.

Major M. P. Berry's
Argument.