

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

Petition for Writ of Habeas Corpus:

Page 1

The people ___ Sah-quah relative
v.

Nah-Ki-Klan Respondent

To the Honorable Lafayette Dawson, Judge of the above court

The petition of Sah-quah respectfully shows this is how _____ of his liberty by Nah-Ki-Klan. At Sitka in the District of Alaska illegally and wrongfully and for no criminal or supposed criminal action and that he is so _____ as a slave and chattel.

He _____ prays your honor _____ a writ of habeas corpus _____ to the Nak-Ki-Klan commending him to being before your honor the _____ body who as any abide such order as your honor _____.

United States District of Alaska

Sah-quah being duly sworn deposes and says he is the petitioner because in the foregoing petition _____ by him; _____ has heard the _____ read once carefully _____, once knows the contents _____ and the statements made herein and _____ as he truly believes.

Sworn _____
This 19th day of April AD 1886
Andrus T. Lewis
Clark

District Court
People ex el
Sah-quah
v.
Nah-Ki_Klan

Petition of Writ of Habeas Corpus

Dated this 19th day of April 1886 A.D.
Andrew Lewis Clark

(pages 2 & 3 are illegible)

Page 4:

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 _____ together with the time 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 now of said District Court in the town of Sitka on the 26th day of April 1886 A.D. 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 page 5)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

Page 6

The people ex. al

Sah-quash

Vs. _____

Nah-Ki-Klan Respondent

Order _____ Writ of Habeas Corpus

On _____ and filing the petition of Sah-quash duly signed _____ by him, _____ it appears he is illegally _____ of his liberty and held as a slave by Nah-Ki-Klan at Sitka in the District of Alaska, from which it appears when that a writ of habeas corpus right _____.

This order that and of Habeas Corpus issue out of _____ of the _____ District Court of Alaska declined to the said Nah—ki-Klan commanding him to have the body of the said Sah-quah before him in this court room of the said council on the 6th day of April at 10 o'clock in the _____ of said day with _____ never what shall _____ and _____ concurrency _____ Sah-quah _____ with the hour and _____ of his _____

(Pages 7 & 8 are illegible)

Page 9:

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 _____ together with the time 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 Sita 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 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 in said District this 20th day of April 1886

(Signed) Andrew T. Lewis, Clerk
Per John M. Dawson, Deputy

UNITED STATES OF AMERICA
DISTRICT OF ALASKA

I Barton Atrius United States Marshall in and for the District of Alaska hereby certify that I duly served the original writ of which the within is a true copy by delivering the source per _____ to the within named Nah-Ki-Klan that said writ was served at Sitka in the District of Alaska on the 22nd day of April A.D. 1886

Barton Atrius
U.S. Marshal
By: John Stephens, Deputy US Marshal

(no page 10)

Page 11:

Ex el Sali Quali

vs

Nali ke Klaar;

W. Clark atty for relator, M.D. Ball atty for respondent

First witness Sale Quah the petitioner called on his own behalf. Exam By Mr. Clark
Sworn and testified as follows:

Q: What is your Name?

A: Sali Quali

Q: Where are you living now?

A: The Jackie 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 specifically occupy the island known as the Prince
of Wales Island.

Q: Do you swear 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 where a little
boy by the Flat Heade.

Q: Where did they take you to?

A: To _____ in British Columbia a river below the Stikine 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 to 40

Q: What did they do with you at the Stikine River hold you as a slave?

A: Yes.

Q: Was it the same master?

A: Another man

Q: At the Stikine River you were held by another man where did you go from there?

A: Chilcat

Q: Same master?

A: Another

Q: How did you happen to change masters were you sold?

A: Yes

Q: Where were you sold to next?

A: Yakutat

Q: It near the mouth of St. Elias in Behringe Bay?

A: Yes sir

Q: Where did you go to from there?

A: That is all

Q: How did you happen to get there?

A: I was from there and this man took pity on me. He brought us down there

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 swear 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 need not 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 unnecessary.

Q: Have you always been treated well by this man or have any of them 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 needles it is I believe a devil's walking club

Q: Was it an accident or did someone do it to you?

A: I am a hunter and like to hurt 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 conversations with your master or any other Indian in regard to their trial, did they threaten you or tell you what to say? Now you must tell the truth

A: No

Q: When I sent you from my office to make a demand and for your freedom did you do so?

A: Yes, I told you that I was a slave and I wanted a _____ 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 _____ 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 informed 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 Haidah?

A: I don't know how old I was but as large as this boy.

Q: How did you happen to be taken away

A: I was stolen by the Flat Header they killed my relative

Q: Was there war going on at the time between the Haidah and the Flat Head?

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

Q: Did the Haidah know that you were taken away by the Flat Head?

A: Yes

Q: Did they try to get you back?

Q: Did you see any Haidah at Stikine where you were a slave there?

A: First they brought me to _____ and then to Stikine.

Q: Did you find any slaves among Flat Head in Stikine besides yourself?

A: I know I was there but don't know about the other.

Q: Do the Haidah have any slaves?

A: I do not know

Q: When were you stolen did the Haidah live like Indians or like white men?

A: The Flat Head just like dogs. Bad people.

Q: Did you ever meet any Haidah 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 trying to find where you were?

A: No.

Q: Do you know how you got from the Flat Head to the Stikine whether you were cold or hot?

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

Q: Did you find any other slaves among the Stikine

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

Q: Do you know whether the Chilcate had any slaves?

A: Yes

Q: Yakutat have any

A: Yes sir

Q: Are there any other amongst the Sitka Indians besides 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. Clarke: Q: One moment, leave you any slave mark on you

A: no sir

_____ 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 and I am a worried 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 Q: How did you get free

A: I don't know anything I was young and don't know much about the Indian ways. There are plenty other Indians who probably know more about it than I don't know anything and don't care to tell a falsehood.

Q: You can tell who held you as a slave?

A: The woman held me as a slave but sometime ago _____ bought me don't know how much they paid for sure

Q: For a Stikene originally

A: Yes originally

Q: To what race did the woman belong that held you once

A: _____

Q: What tribe?

A: Some belong to Anna Hootz family

Q: How did you regain your freedom?

A: I have been free about two years probably more. Where Tom (?) finished his house he set me free

Q: Can you recollect Cap't Campbell?

A: Yes Sir

Q: Were you a slave at that time when you were there?

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 inquirer as to whether they are divided into tribes or families

Anna Hootz sworn and testified as follows:

Examination by Mr. Clark:

Mr. _____ can you direct that question to Anna Hootz in regard to the Indians if they are families or tribes, do they have their ruler or tribes or do they heads of families have control over their family only?

A: The Sitka Indians have the same laws of relation the Haidah and Hoouali and others have adopted the same rule.

Q: Is there one chief over all?

A: No

Q: Why do you call yourself a Kalewaritau (??)?

A: Yes I am a Kalewaritau

Q: Is there one chief of the Kalewautau?

A: There are several chiefs in Kaliwautau

Q: Are there chiefs heads of their own family only?

A: Only for my own family

Q: These are a family they recognize as member of the family as being the head

A: Yes sir

Q: Is it not the custom for instance where a number of the Kalwautau commit some offense that they settle it among their own family?

A: When King George men or brothers do anything wrong they settle it

Q: Suppose for instance a Kalewautau should kill a Chilcat would all the family pay for it or only the immediate family?

A: His relative pay their man his brother 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 listen

Court: You had better translate some of that in sections

A: The Indians used to be in constant war and riot from _____ down to Queen Charlotte Island. They used to steal from each other all the southern Indians in the southern part of their territory up to Chilcat where they used to pay for them.

Q: About the worth of fifty or sixty blankets?

A: They used to pay for a young man ten Reindeer skin 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 one eye or otherwise?

A: Yes a long time ago the Russians used to take slaves away from the Indians and send them to Kodiak. Now Marchia she used to be a slave but now she is free.

Court: In your recollection have they had a tradition that because _____ was sold to an _____ 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 their system of slavery always existed among the Indians of their _____ before your time?

A: A long long time ago always, white men had slave 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 had existed ever since I can remember

Q: What right did they suppose they had to these slaves if they had a right under the 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 they custom for a chief to bury 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 ever get any other slave in any other way besides buying them? Did they ever take them for some offense or crime?

A: A long time ago the Indians used to be in constant war, they used to take slaves and then 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 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 custom yet?

A: Only their 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 relative?

A: If anyone marry my wife supposing I die it is counted for him.

Q: When they did have slavery was the fact of the mother being a slave make the children slave?

A: No sir

Q: Children were not slaves?

A: No sir

Q: Did the slaves generally consider their masters their fathers? Were they treated well by them?

A: This man told the truth when he called his owner father when a slave loses 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.

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 allege 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 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 these 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.

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 Russians, as well as certain acts of congress in relation to Alaska. The third Article of the treaty of March 30th, 1867 is as follows:

“ 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 tribes will be subject to such laws and regulation as the United States may, from time to time, adopt in regard aboriginal tribes of that country.”

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 in limitations. Pursuant to the forever 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 overall the main land, islands and waters of Alaska and conferred up 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. (Sec 193.4 and 193.3 Rev. Statutes) On the 3rd day of March 1873 congress amended the two sections referred to by intending 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 can Alaska be regarded as Indian country. (Opinions of Att. Gew Vol 14 290

I bid – Vol 16 141)

What then in 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.

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, _____ 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 Georgia 3 Peters 1, 16, 17 Jackson v Goodall 20 Johns 193).

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

The doctrine enunciated by the supreme court of the United States in the Crow Dog case in 1883, 109th W.S. Reports for 3.3.6, 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 reorganized any tribal independence or relations among these Indians, has never treated with them in any capacity but from every act of congress in relative to the people of this territory it is clear by inferable that they have been and now are regarded as deferred but subjects amendable to the formal law of the United States and subject to jurisdiction of its courts. When 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 suggests that these people are not included with the thirteenth amendment to the constitution, and the subsequent legislation by Congress to enforce it.

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 observations, 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 policy 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 amongst them to kill one or more slaves on the death of a master or on the happenings 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 Christianity? 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?

What was the object of their tenth amendment to the constitution? In construing the constitution 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 s. 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 exist for the punishment of crimes 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 legislature of twenty seven of the then thirty six states.

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 State or any place subject to its jurisdiction" Sect 2 "Congress shall have power to enforce this article by appropriate legislation."

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. Sect 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 statues and by and act approved March 3rd 1885; 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.

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 hardship 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 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

v.

Nak-ki-klan

Petition for writ 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 _____ or Koloshian race, an uncivilized native race 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 of jurisdiction, in all their civil & domestic relations, that established by their own rules and 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 apert any such authority by any enactment of their law, under which the jurisdiction of the court can be _____ for the severance of any of the relations or customs established by said immemorial usage, the abrogation or 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_____ & discharged of any further answer with reasonable costs & disbursements.

U.S. District Court for Alaska

Sah-quah
v.
Na-Ki-Khan

Answer of Defendant

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF ALASKA
Hon. Lafayette Dawson, Judge

April 26, 1886

San-quah, an Indian slave, relation

Vs

Respondent

Willoughby Clark and Mr. P. Berry

Atty for Relation
Atty for Respondent

Habeas Corpus writ allowed and hearing granted on return.

It is supposed by at least three fourths of the adult population of our country that no vestige of human slavery exists within the borders of the United States of America. What will be the feelings of the masses of our contemporaries when this court speaks authoritatively and says undoubtedly slavery does exist in this the last purchase and most distant of the territories of the United States. 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 in the 13th, 14th, & 15th amendment of the Constitution and Section 1990 of the United States.

I anticipate 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 will be as intolerable as the fact itself and that such subterfuge may be met and controvertible. I present the following: During the early days of the reign of the tyrants in the Satrapoy of Alaska reports were made to the officers occupying prominent positions that a horrible state of human slavery existed among the native tribes. During the winter of 1874 & 5 Lieut, now captain Dyer, 4th U.S. Artillery was stationed with a small number of troops at For Wrangle. 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 slave-holding savages. About the same time there were two

men slaves drowned the dead bodies lay in ropes with which they were originally confined and drifted back and forth the apart of the waters until the horrified white men then at that place gave them sepulture.

Shortly after one of the Headmen of the Stichens was subpoenaed to appear before the US. District Court at Portland Oregon he demanded the privilege of taking with a himself a favorite slave, a kind of body servant the marshal consented and 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 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. The fireman of the steamer seeing the act quickly raked from the furnace the can 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.

The slave was put in irons and held until the steamer returned to Wrangel. There he was put on shore General Howard commander of the Artillery Department of the Columbia soon after visited this part of his command called the stickeens into council and paid the relatives of the suicide five hundred blankets. All these cases and many more were from time to time reported officially to the proper officers of the government.

I desire to point out the effect of what at the time we who lived here designated as the Emancipation Proclamation. Officers of the army and navy who were stationed here notified the natives at Sitka that slavery was prohibited by the government which they represented. The Indians promised obedience and immediate emancipation to their slaves and while pretending to obey quietly removed the greater portion of them to other and distant parts of the country. Now what became of these people? Some were undoubtedly destroyed but the greater portion were distributed around among other family.

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. They considered it an unwarrantable interference with their rights of property.

That which I desire to impress your Honor is, that proclamations of liberty, not followed up with the strong hand of power are of no avail against these people. A prospector passed up the Chilcoot inlet intending to make the village of the same name his headquarters while exploring the mountains thereabout for one. On his arrival at the village he found it in a great state of excitement over the death of their chief medicine man and shaman. There was to be a sacrifice of three slaves to assist his medical highness across the river. 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 slaves formerly belonging to Sitka. They had been starved from the time they were seized. I thought it is 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 slave was sealed; they were consigned to torture and a lingering death. I then thought it my duty to shoot them and made up my mind to do so – to conclude I did just nothing being glad to escape myself. I was warned and was concealed until the sacrifice and attending orgies were completed. To my inquiry did you ever report the circumstances? My informant replied that he did and where he reported it, it stopped.

There are many other cases showing the fact that real, genuine barbaric slavery exists in the District of Alaska and that you are now called upon to meet it without adequate means to do so. Some of these many collections of people will bring their slaves near enough to be reached by an order of this court. I can see no immediate remedy for the extinction of this most unjustifiable evil unless Congress places it at the disposal of your human proper means to enforce obedience to the mandates of your court.