

Petition for writ of
Habeas Corpus

Anura Vire (Pds)
vs.

Sheldon Jackson Co. et
al.

Filed 11th day
of month 1885

Andrew J. Davis
-clerk

M. P. Barry
attf.



In the United States District Court
District of Alaska

Ben Ward McAllister Jr.
Justice.

Petition for Writ of
Habeas Corpus

Anna Vine Pltff.
vs.

Sheldon Jackson, Alonzo E. Austin
and — Mrs — McFarland defth.

The Complainant Anna Vine, Subject by marriage,
of her Britannic Majesty, Queen Victoria, Rex —
Empress of India &c. &c., — for Cause of Complaint
against the above named defendants — viz: — Sheldon
Jackson, Alonzo E. Austin and — Mrs — McFarland
defth., Complain as follows — viz: —

That one Emma Hamilton, a female minor
Child, about thirteen (13) years of age is
unlawfully held in what is generally known
as the Sheldon Jackson Institute — certain
House or Houses, situate in the town of Sitka
Alaska, against her own free will or consent
or that of her natural guardian the said Anna
Vine, Plaintiff above named.

Wherefore your petitioner prays that a writ of
Habeas Corpus directed to M. B. Kilgus United States
Marshal for the District of Alaska, be issued

Commanding him to have the body of the
said Emma Hamilton, minor child -
before your Honor the district Judge for
said Tulece district, forthwith,
that inquiry may be made, why and wherefore
the said Emma Hamilton, minor, is restrained
of her liberty, and further that she be allowed,
provided, she be a person of sound mind as
recognized by law - to make her election.
And for all and such further relief as
may be allowed by your Honor, in the
premise.

M. D. Berry
Atty for
Complainant.

District of Alaska } S.S.
Town of Sitka

Anna Vine Plaintiff in the above cause
being first duly sworn says that she is the
natural Guardian of Emma Hamilton - that
the said Emma Hamilton was given her by a
deceased relative the said Child's Mother to
raise - that she is able to provide for
the girl and furnish her with all the
necessary comforts of life and education
and that she is desirous of taking her to

home at Victoria British Columbia,
and that was the sole and only reason
of her coming to Sitka Alaska.

Further that the U. S. Mail Steamer departs
on the 12 day of March 1885 on her return trip
to her home at Victoria and for that
reason only affiant prays his honor to
issue a writ returnable forthwith for
the said Emma Hamilton.

Annarine ^{her} ~~X~~ mark

Witness Signature

Joe Carroll
Subscribed and sworn to
before me this 11 day of
March 1885

Andrew D Lewis
clerk



no 9

Anna Clark
vs Atty

Sheldon Jackson
Atty.

Merrill's Trust



In the United States District Court for
the District of Alaska

Anna Vine

vs Plaintiff

Sheldon Jackson

Defendant

} no 9

Dr To U. S. Marshal

To warrant

2.00

" mileage

40

2.40

I James Sullivan U. S. Deputy
Marshal do solemnly swear that
the above is a just and true
account of fees due the Marshal
for services in the above
entitled Cause

x James Sullivan

Subscribed and sworn to before
me this 21 day of September 1885

Andrew J. Lewis

Clerk

Received from Andrew J. Lewis
Clerk \$2.40, fees in the above
entitled Cause

x James Sullivan

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

Anna Vane

PLAINTIFF

No. _____

Sheldon Jackson

DEFENDANT

Statement of Disbursements claimed in the above entitled cause, viz:

Clerk's Fees _____ \$ _____

Marshal's Fees _____

Costs in lower Court _____

Advertising _____

Depositions _____

Attorneys' Fees _____

Attorney's Fee for taking _____ depositions, at \$2.50 each _____

Master's Fees _____

Referee's Fees _____

Disbursements _____

Witness' Fees _____

10 00

Total _____ \$ *10 00*

District of Alaska,

} ss.

I, M P Berry, being duly sworn, say that I
am the Attorney

in the above entitled cause; that the costs and disbursements set forth
above have been necessarily incurred in the prosecution of this suit, and that

is entitled to recover the same from the

Defendant
M. P. Berry

Subscribed and sworn to before me, this

20 day of Aug 1885

Andrew J. Lewis
Clerk.

By _____ Deputy Clerk.

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

Plaintiff,

vs.

Defendant.

COST BILL.

Filed _____ 188

Clerk.

By _____ Deputy Clerk.

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

No. _____

Donah Clah et ux
PLAINTIFF

Sheldon Jackson
US.
DEFENDANT

Statement of Disbursements claimed in the above entitled cause, viz:

Clerk's Fees _____ \$ _____

Marshal's Fees _____

Costs in lower Court _____

Advertising _____

Depositions _____

Attorneys' Fees _____

Attorney's Fee for taking _____ depositions, at \$2.50 each _____

Master's Fees _____

Referee's Fees _____

Disbursements _____

Witness' Fees _____

\$10.00

Total _____ \$ *10.00*

District of Alaska,

ss.

I, W P Berry, being duly sworn, say that I
am the Attorney

in the above entitled cause; that the costs and disbursements set forth
above have been necessarily incurred in the prosecution of this suit, and that
is entitled to recover the same from the Defendant

W. P. Berry

Subscribed and sworn to before me, this

20th day Aug 1885

Andrew J Lewis

Clerk.

By

Deputy Clerk.

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

Plaintiff,

vs.

Defendant.

COST BILL.

Filed 188

Clerk.

By Deputy Clerk.

In the matter of
Habeas Corpus for
The Chief Justice
Hawickton

Writ

Filed this 23rd
day of March 1885

Andrew J. Lewis
Clerk

Forrest

United States of America
District of Alaska

I hereby certify and
return that the within
writ came into my hands
for service on the 1st day
of March 1885 and I
personally served the within
on the same day by reading
the within writ to Mrs.

Mrs. Farland agent of the
Home Missionary Associa-
tion of New York City
& taking into custody the
within named Emma
Farwickson and now
have them before the
Court. —

M. C. Schuyler
a. s. Marshall
By James Sullivan
Deputy U. S. Marshal

In the United States District Court,

District of Alaska,

Hon. Ward McAllister Jr. Judge.

The President of the United States of America
To the United States Marshal of the District of
Alaska.

Greeting:-

We Command You, that you have the body of
Emma Hamilton - a minor - female child
brought before us forthwith - that we may
inquire into the cause of her restraint,
imprisonment and detention from liberty.
said child is as it is averred - detained or
imprisoned in the certain building situate
in the town of Sitka, known as the
Sheldon Jackson Institute.
And have you there and then the body and
this writ with due return thereon

Ward McAllister
District Judge of
Alaska

No.

IN THE

District Court of the United States

DISTRICT OF ALASKA.

THE UNITED STATES

vs.

Frank Munn Child

COMMITMENT.

Returned and filed,

March 23 1885

Andrew J. Davis

Clerk.

By

Deputy Clerk.

Robert W. A. Mendenhall

Raymond Sullivan

W. J. Mendenhall

M. C. Steyer

and Davis by order of the Court.

and in this 21st day of March 1885 also charged
in the house of Mrs. Packer at Leno and
fining the within named Davis minor child
this day I personally arrest the same by con-
dorse on the 16th day of March 1885 and on the
within Commitment came into my hands for
Richard hereby certify and return that the
State Marshal for the District of
Alaska and keeper of jail in said
District of Alaska
J. M. C. Steyer United
States Marshal for the District of
Alaska } ss.
United States of America }



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

THE UNITED STATES

VS.

Don-ah Clah & Hah-ha-see

Habeas Corpus
For Violation of Section

Revised Statutes.

THE UNITED STATES OF AMERICA.

DISTRICT OF ALASKA. ss.

The President of the United States to the Marshal of the District of Alaska, or to his Deputy; and to the Keeper of either of the Jails in our said District, Greeting:

Whereas, at the Term of the above entitled Court *"Fair"* a minor child *Committed* to the charge of the United States Marshal during the pending of the trial of the above habeas Corpus case ~~was duly convicted of the crime of~~

~~Contrary to form of the Statute in such case made and provided, and against the peace and dignity of the United States of America, for which offence he hath this day been sentenced by our said Court to pay a fine of~~

~~100 Dollars, and the costs of this action taxed at~~ ~~100 Dollars, and to be imprisoned in~~

~~and to be there kept~~ ~~for the term of~~

~~or to be so imprisoned for a term of~~
~~and to stand committed till this sentence be performed.~~

NOW, THIS IS TO COMMAND YOU, the said Marshal or Deputy, to take and keep and safely deliver *judicial* the said defendant ~~into the custody of the Keeper or Warden in charge of said prison forthwith.~~ *Before me*

AND, THIS IS TO COMMAND YOU, the said Keeper or Warden in charge of the said prison, to receive ~~from the said Marshal or Deputy the said defendant, convicted and sentenced as aforesaid, and him keep and imprison in accordance with said sentence, or till he be otherwise discharged by law.~~ Hereof fail not at your peril.

WITNESS the Honorable

Hard McAllister Jr
Judge of said District Court, and the seal of said Court, affixed at

Sitka Alaska in said District, this
16th day of March 1885

Andrew P. Lewis
Clerk.

By

Deputy Clerk.



Write of
14th March 1885

In the matter of
Hester before the
the Court

Filed this 23rd
day of March 1885
Andrew J. Davis
Clerk

M. A. Davis
W. S. Marshall
By James Sullivan
Deputy W. S. Marshall

United States of America
District of Alaska
I hereby certify and
return that the within will come into my
hands for service on the 14th day of March
A. D. 1885 and I personally served the within
on the same day by reading the within
and he Davis agent of the Prothonotary
Some Motion being made before the
A. V. and taking into custody the within
named Deague and now have her before
the Court.

In the United States District Court }
Judicial District of Alaska }

Hon. Ward M^c. Allister, Jr., Judge.

The President of the United States of America,
To the United States Marshal of the District of Alaska,
Greeting: -

We Command you, that you have the body of the
Minor Child, named Teague, imprisoned, detained
and held, as it is averred in the Certain Buildings
situate in the town of Sitka, District of Alaska,
and occupied as a School, and further known as
the "Sheldon Jackson Institute", under the control
and supervision of Sheldon Jackson, Almon C.
Austin and other persons unknown to the Plaintiff.
And you are further commanded to have and hold the
body of the said Child, and produce the same
before me, District Judge for the District of
Alaska at the Court room in the said town
of Sitka said above District, at the hour of
Eleven (11) O'Clock on the 14th day of March
A. D. 1885, being the time set for the hearing
of the cause of the detention and restraining of
the liberty of the said Minor Child, Teague.

And have you there and then this writ with
due return thereon.

Ward M^c. Allister
District Judge

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

To the Honorable Ward M. Allister, Jr.

Judge of the aforesaid Court - in Chambers.

Don-a-clan, the Father }
and Delch-cha-see the Mother } Plaintiffs.

U.S.

Sheldon Jackson and }
Alonso E. Austin } Defendants.

And now comes the Plaintiffs above named by their Attorney
Mr. P. Berry, and demurs to the answer or defence filed
herein by Defendants, for the reason that the Contract as
set up and claimed by the Defendants, above named, is
absolutely prohibited by law, and therefore constitutes
no defence to Plaintiffs right, or legal possession of the
Minor Indian Child in controversy.

The Defendants six (6) articles of defence as plead
are not admissible in the face of positive
statutory prohibitions.

With the foregoing announcements the Plaintiffs
aforesaid lay before the Honorable Court
the following provisions of law - Revised
Statutes of the United States - viz: -

1st Title 28, - Page 367, - Chapter 2, Section 2103. -
"Private Contracts with Indians" - Void.

2nd R.S. - Title 28 - Chapter 1 - Page 363 -
Sections 2071 and 2072.

"Instructions of Indians and Indian
Teachers."

3rd .. Title 28, - Page 369 - Sections 2111 and 2112,
"Government and Protection of
Indians."

4th Supplement to Revised Statutes,

Vol 1, - 1874 + 75 - Page 16. - Section 1. -

The Secretary of the Interior, only,
to Contract with Indians.

5th Defendants claim possession of the Child by the
Authority and virtue of a verbal Contract made
and entered into with Plaintiffs on the Twentieth
(20) day of January 1885 - The said Contract
had there been one, which we deny - would
have been void owing to the Statute prohibiting
all persons from making Contracts with Indians,
and specially reserving such right, and providing
for such procedure by the Secretary of the
Interior under the direct, ^{and immediate} supervision of the
President of the United States, and more
particularly in this instance by Article Three
(3) of the Treaty, - Sale of Alaska to the United
States of America by the Emperor of Russia, to
the said United States of America, which Treaty
was ratified, confirmed and proclaimed

by the High Contracting powers and parties thereto,
June 20th 1867. -

Which reads as follows -

- "The uncivilized tribes will be subject to such laws and regulations as the United States may from time to time adopt, in regard to aboriginal tribes of that Country."
- 6th The answer or defense made by Defendants, adverse to our claim for possession of our child the said Minon, is an unwarrantable proceeding and should not be justified or recognized as a good cause for defence by this Honorable Court, on the special grounds of our inability to contract, and Defendants have no authority in law to act for, with or against Indians.
- 7th There is no precedent, proper, to lay before this Honorable Court, in justification of Defendants so called Contract, and it is for this Court to be the first to rule in the matters so set forth. Therefore we - the Plaintiffs pray and ask the Honorable Court to return to our guardianship the Child, Teague, at this time within the precincts of the Court, and such other and further relief as may be deemed necessary and that the costs, disbursements and expenses of this suit be taxed against the Defendants herein.
- M. P. Berry
atty for Plaintiffs.

In United States District
County District of Columbia
John Ward D. Allen, Jr.
Judge
In Chambers.

Brief

Dem-a-cla Et al. Plf
vs.
Sheldon Bacon Et al Def.

Filed this 13 day
of March 1885
Sheldon Bacon
Clerk

W. D. Barry
Attorney Plf.

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

To the Honorable Ward M. Allison Jr. In chambers.
In rem

Don-ah-Clah the Father }
and Hith-sah-see the Mother } Plffs.
Vs.

Sheldon Jackson and }
Alonza E. Austin } Dfts.

comes now the defendant Alonza E. Austin,
and pleads that there was a verbal contract
between said Plaintiffs and said defendant
aforesaid to the effect to wit:

That Don-ah-Clah the Father and
Hith-sah-see the Mother of a female child
by name Taik - did contract with
Alonza E. Austin the defendant, to
leave the said female child in the
hands of the defendant for the term
of five years, and this for the purpose
of educating and instructing the said
child; on or about the twentieth day
of January 1885. The foregoing facts
were to in open court on the 16th.
day of March A. D. 1885.

1st:

As testified to by aforesaid defendant the said contract was a verbal one and contained in it an agreement that the said female child Tark, would be left in charge of said defendant by said Plaintiffs for and in consideration of the care clothing, and education of said child. See Bouvier l. 393 on contracts at common law.

2nd:

That the agreement in a contract may be, to do anything which is lawful - see Statute of Frauds.

3rd:

That the construction to be given an agreement in a contract is to be favorable to upholding it and according to the intention of the parties to the contract to the contract at the time of making it.
..... See l. Parsons on Cont. 7.;
2 Kent 505.; l. H. Bla. 569. 614. and specially bearing on this point in the most pointed manner see Church on Habeas Corpus pages 579, 580, which says
"the later decisions in this country are
"undoubtedly against the repudiation of
"an agreement by a parent to surrender
"to another the right to the custody
"of his infant children, and unless a
"clear breach of the agreement or abuse
"of the child is shown, the courts will

" not assist him to recover it on habeas
" corpus. - - - - -

" Further, the same authority continues,
" where the duties of maintenance and
" education have been properly performed
" by a third person to whom the
" father has surrendered his infant
" child, the authority of the father
" ceases, and passes to the person standing
" in loco parentis. - - - - -

4th: The welfare of the child must also
be taken into consideration and the
last mentioned authority refers to this
subject, specially pages 583. 584. expressing
in the strongest language possible the
paramount importance for judicial
vigilance and exhaustive inquiry.

5th: The object of the defendant in
the present cause and in relation to the
aforesaid female child is not to restrain
the said child of her liberty but to feed
clothe educate and surround her with
every influence that would tend to
to improve her morally and physically
and eventually make her a good wife
and mother.

6th: With these facts in view, with the
law as cited in such explicit terms

To Hon. Wm. W. Allen Esq
in chambers.

Don-oh-oh et al)
vs
Sheldon Jackson et al)

Proof

Filed this 13th day
of March 1885
Andrew D. Lewis
Clerk

John J. McLean
att. for deft.

in the foregoing questions we ask the
honorable court to render a decision
in favor of the defendant and remove
the said child to the custody of
said defendant

J. J. McLean
att. for deft.

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

To the Honorable Ward W. Allister Jr. Judge:

Answer: to Petition for Writ of Habeas Corpus.

Don-ah-Clah the father }
and Hitch-sha-see the mother } Pltffs.

vs.

Sheldon Jackson and }
Olson E. Austin } Defds.

Comes now the Defendant Olson E. Austin in the within named writ, and respectfully submits to your honor that true it is that the said female child - by name "Tair", is confined and restrained of her liberty by the said ~~Olson~~ defendant Olson E. Austin, but the said defendant alleges that the said female child by name "Tair", is so restrained lawfully.

1st:

That the possession of the female child named "Tair" is not illegal - that said child was voluntarily placed in the hands of the ^{said} defendant by above Plaintiffs to this cause, for a beneficent and laudable purpose, and that the defendant is now and always

has been willing to fulfil the objects for which said child "Tairk" was placed in his charge; and that these objects were fully explained to said Plaintiffs by a competent interpreter.

2nd:

That we do not deny the parentage of the child but submit to this honorable court that the above named Plaintiffs have voluntarily given up the control of said child to said defendant, and that the mutual understanding as to the care clothing, feeding and education of the said child by said defendant was agreed to by the said Plaintiffs on the 20th. day of January A.D. 1885.

3rd:

That the said Plaintiffs claim that the said defendant assumes an unwarrantable authority over the said Plaintiffs child, is untrue in every particular, inasmuch as the said defendant is able and willing to prove that there was a verbal contract entered into between said Plaintiffs and said defendant for the care and education of the said child for the period of five years from the date of the contract namely the 20th. day of January A.D. 1885; and that the said defendant has in no manner broken the ^{said} contract but always has still is willing to carry out the terms of said contract.

4th:

That the said child "Tair" is not unlawfully detained confined and restrained of her liberty at certain buildings situate in Sitka and within the above district, but that the said child is simply held for the fulfilment of the mutual contract between the parents of said child and said defendant, and that the unlawfulness of her detention is a fiction and exists only in the imagination of the said Plaintiffs.

6th:

That the writ of Habeas Corpus should be withheld in the present ~~inter~~ cause pending action on the part of the U.S. Congress on the report of the Indian Commissioner for the Territory of Alaska, and because the said child "Tair" is being educated and protected from all the demoralizing influences incident to the life she must lead at home with her parents the said Plaintiffs.

7th:

That Congress has not yet declared the status of the Indians of this Territory and that meantime there are none so well fitted to take charge of, educate and develop into good citizens the male and female children of the Indian race as the said defendant, a member of the Presbyterian Mission of Alaska.

8th.

That the said defendant denies the unlawfulness of all and several the allegations of the said Plaintiffs in the said cause and prays this honorable court, to refuse the said writ of Habeas Corpus for which the defendant will ever pray.

John J. McLean
att'y. for Defendant.

District of Alaska)
Term of said Court) ss.

Alonzo E. Austin being first duly sworn says that he is the defendant making objection to the issuing of said Writ of Habeas Corpus, and that the foregoing answers to the several pleas relating thereto are true to the best of his knowledge and belief ~~so help me God.~~

Alonzo E. Austin

Subscribed and sworn to before me
this 16th day of March A.D. 1885

Andrew J. Lewis

[Signature]

In the U.S. District Court
District of Alaska

Hon. Ward McAllister Jr. Judge

Answer to
Petition for writ of Habeas
Corpus

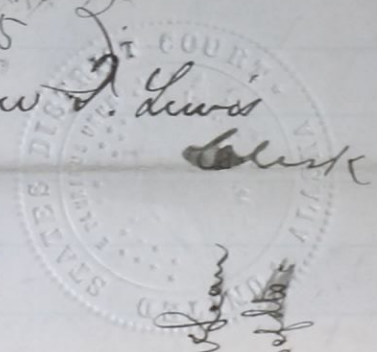
Don-ah-ah & wife)
vs.)
Sheldon Jackson &
A. E. Austin)

Filed this 13th day
of March 1885

Andrew J. Lewis

[Signature]

John J. McLean
att'y. for Defendant



No 10

Donahoe State

vs. Atty

Madden Jackson
Raymond

Marshall's



In the United States District Court
for the District of Alaska

Donald Clark et ux
vs Plaintiff }
Sheldon Jackson et al } No 10
Defendant }

Marshals Fees	Or
To Warrant	2.
" 2 Witnesses	1.
" Mileage	.20
" 7 days @ 1 per day	7.00
	10.20

I James Sullivan M. S. Deputy
Marshal do solemnly swear that the
above is a just and true account of
fees due the marshal for services in
the above entitled Cause

James Sullivan
Subscribed and sworn to before
me this 21 day of September 1885
Andrew A. Lewis Clerk

Received from Andrew A. Lewis Clerk
\$10.20 fees in the above entitled
Cause

James Sullivan

Copy Exhibit A.

In the Commissioners Court for Sitka, Judicial District of Alaska,

Hon. John L. Brady Commissioner.

Petition for writ of Habeas Corpus.

Dona-clah, the Father
and Hetch-cha-see, the Mother } Pltfs.

V.S.

Sheldon Jackson and
Alvora E. Austin } Defts.

The Compliants Dona-clah and Hetch-cha-see Complain of the above named defendants, Sheldon Jackson and Alvora E. Austin; that, they, the said defendants have illegal possession of a female Child - by name, Teague - that the said child is about thirteen years (13) of age - that it is their child by virtue of parentage, and that, ^{the} said child has been taken possession of by the said named defendants and is and has been restrained of its liberty and is held unlawfully by such persons from the care of her natural Guardians and parents.

That to the best of their knowledge and belief the said defendants assume authority over the Plaintiffs Child by virtue of an unwarrantable claim unknown to, or under the statutes of the United States of America; The Organic Act provided for the Government of Alaska, or the General Laws of Oregon.

That the said Child - named Teague - is unlawfully detained, confined, and restrained of her liberty in a certain building situate in the Town of Sitka, District of Alaska, and generally known as the Sheldon Jackson Institute.

That the said minor child is not restrained of her liberty by any legal process, nor is she held by virtue of a warrant in the hands of any legal officer.

That application for a "Writ of Habeas Corpus" has not been applied for, and refused by any Court or Judge, for or on behalf of the minor, Child, Teague, these affiants her Parents and guardians, or any other persons as we verily believe.

Wherefore, Your petitioners pray that a "Writ of Habeas Corpus," directed to M. L. Hillyer United States Marshal for the District of Alaska, Commanding him to have the body of the said Child, Teague, before the District Judge of said Judicial District as provided for in Section 5 of the Organic Act, provided for the Government of Alaska, and approved May 17 1884, to be then and there considered by his Honor, Concerning the said minor Child, together with the cause of her detention, and said writ; and that she the said, minor Child,

may be restored to her natural guardians viz - her parents, and be returned to liberty

may be restored to her natural guardians
viz: her parents, and be returned to liberty

W. P. Berry

Atty. for Plaintiffs.

District of Alaska }
Town of Sitka } S.S.

Don-a-clah and Hitch-ah-see, his wife being
duly sworn, say that they are the Plaintiffs,
applicant for the said related writ of Habeas
Corpus, that the foregoing Complaint has been
read and explained to them by a competent
Interpreter, and that they know the contents thereof
and that the same is true of their own knowledge.

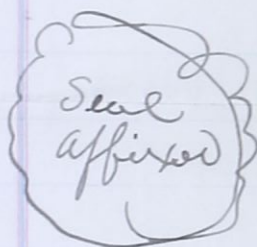
Subscribed and sworn to before me }
This 7th day of March A.D. 1885 }

Signed Don-a-clah ^{his} x
" Hitch-ah-see ^{mark} x
" ^{her} x
" ^{mark}

Signed

Andrew T. Lewis

Clerk



Copy - Q.
Original Petition
for
Writ of Habeas Corpus

Dan-a-ela + wife, Pts
Shelton ^{1.8} Lockman
and
A. E. Austin Wpts.
=

For the District Court
District of Alaska
Hon. Wm. D. Cassida Jr.
Judge.

Application for Return
writ of Habeas Corpus.

Complainant

Ben. Nelson & wife, P.L.P.

^{vs}
John G. Boney U.S. Commissioner

Filed this 9th
day of March
A.D. 1885

Andrew J. Lewis
Clerk

Wm. D. Cassida
Atty.



In the United States District Court for the District of Alaska,
Hon. Ward McAllister, Jr., Judge.

Application for Peremptory Writ of Mandamus.

Uon-a-chen and Hitch-a-tass, his wife, Plaintiffs.
V.S.

John G. Brady, United States Commissioner in and for Sitka,
District of Alaska, Defendant.

The Plaintiffs above named, by their Attorney, M. P. Berry, for
cause of Complaint against the said above named Defendant,
show to the Honorable Court, the following:—

That on the 7th day of March, 1885, Plaintiffs filed
with the said John G. Brady, United States Commissioner,
a proper Complaint in writing, duly verified, before
the Clerk of the United States District Court for Alaska,
an application for a writ of Habeas Corpus, with
a writ ready for such Commissioner's signature,
said writ being for the release of a minor, a child
of issue from their own proper persons as man
and wife, and such writ being made returnable
before your Honor as required by Section 5 of the
Organic Act, provided for the Government of
Alaska.

That up to the time of filing this Complaint and
application for writ of Mandamus, the said
John G. Brady, United States Commissioner,

has neglected to obey the requirements of an
Complaint and mandates of the said writ.
And for further cause of Complaint the Plaintiffs
by their Attorney, aver, that he, the said John
L. Brady, United States Commissioner, defendant,
has practically suspended the writ of Habeas
Corpus, for a time in this part of the District of
Alaska.

That he, the said defendant has acted in an
unlawful manner, not warranted by the Statutes
provided, or the Organic act of Alaska.

That the said defendant has by his refusal to
sign and issue such warrant or writ, endangered
the liberties of all persons and peoples who come
within the periphery of his official acts.

That the said defendant has openly violated
paragraph 2, Section 9, of the Constitution
of the United States.

Wherefore, Plaintiffs pray that a peremptory
writ of Mandamus be ordered and issue, and
that the said defendant be required to show cause
for such neglect and assumption of authority, and
for any and other necessary relief to Plaintiffs
that the Hon. Court may award, and for costs and
disbursements in this action.

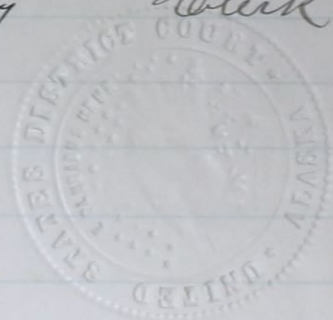
W. P. Berry
Attorney for Plaintiffs

District of Alaska }
Town of Sitka } ss.

Mr. P. Berry being first duly sworn, says that he is the Attorney for the Plaintiffs in the above entitled Cause, that the same is true of his own knowledge except as to those matters therein stated on information, and as to those matters he believes it to be true.

And I further swear that on behalf of my Clients I have exhausted my only present remedy and that the said Commissioner positively refused to issue the writ in accordance with the Statutes and other provisions of law so made and provided, And that the original petition for the Writ of Habeas Corpus and writ is at this time in possession of officers, Copy of which is hereto attached - marked Exhibit A..

Subscribed & sworn M. P. Berry
Andrew S. Lewis
to before me this 9th day Clerk
of March A.D. 1885



Copy of Mail
Exhibit

- "A" -

Copy of Writ
Exhibit "A."

In the Commissioners Court for Sitka,
Judicial District of Alaska
Hon. John L. Brady, Commissioner.

The President of the United States of America,
To the United States Marshal of the District
of Alaska:-

Greeting:-

We Command you, that you have the body of the
Minor Child, named Teague, imprisoned,
detained and held, as it is averred in the
Certain buildings situate in the town of Sitka
District of Alaska, and occupied as a School,
and further known as the "Sheldon Jackson
Institute; under the control and supervision
of Sheldon Jackson and Alouza E. Austin,
And you are further Commanded to have and
hold the body of the said Child, and produce
the same before the Hon United States District
Judge at such time and place as he may
hereafter set for the hearing of the ^{cause} ~~cause~~ of
detention and restraining of the liberty of
the said Teague.

And have you there and then this writ
with due return thereon.

In the Matter of the Female Child
"Faith" of Teresa Luper-

This matter having been fully
determined, you the Hon M.C. Hilgen
U.S. Marshal are hereby ordered to
discharge from custody the said
child and that she be allowed to
return to her parents.

Witness my hand this
21 day of March 1885

Wm M. Allaby
Dist Judge



United States of America }
District of Alaska } ss.

I M. C. Heier, United States Marshal for the District of Alaska and Keeper of Jail in said District do hereby certify and return that the within order come into my hands for service on the 21st day of March 1885 and on the same day I discharged said Tais a minor child from my custody.

M. C. Heier
U. S. Marshal
By James Sullivan

Deputy U. S. Marshal
Coluk

Wm M. Allen
District Judge

Order for Release of
Child "Tais"

Filed this 23rd
day of Mch 1885

Andrew J. Lewis

In the matter of
Helen Sophia
the Child Tais

In the United States District Court }
Judicial District of Alaska }

Hon. Ward M^c. Allister, Dm., Judge.

Petition for writ of Habeas Corpus. }

Don-a-chak, the Father, }
and Hitch-cha-see, the Mother } Pltfs.,
v.s.

Sheldon Jackson and }
Aloosa E. Austin } Defts.,

The Complainants, Don-a-Chak and Hitch-a-see,
Complain of the above named Defendants -
Sheldon Jackson and Aloosa E. Austin, that
they the said defendants have illegal possession
of a female Child - by name, Teague - that the
said child is about thirteen (13) years of age,
that it is their child by virtue of parentage and
they are in law the natural guardians of the said
child - and that the said child, Teague, has
been taken possession of by the said named
defendants, and is, has been, and is now
restrained of its liberty, and held unlawfully
by such persons, defendants, from the
care of her parents and natural guardians.
That to the best of their knowledge and belief
the said defendants assume authority over

the said Plaintiff's Child, by virtue of an unwarrantable Claim, unknown to, and not recognized under the Statutes of the United States of America, the General Laws of Oregon, the Organic Act provided for the Government of Alaska or any other Law applicable to the District of Alaska.

That the said Child - Peague, - is unlawfully detained, confined and restrained of her liberty in certain buildings situate in the Town of Sitka, District of Alaska, and generally known as the "Selden Duckson Institution".

That the said Union Child, is not restrained of her liberty by any legal process, nor is she held by virtue of a warrant in the hands of any legal officer.

That application for a writ of Habeas Corpus has been applied for, and was refused, by United States Commissioner John L. Brady, Commissioner and Magistrate; an officer having jurisdiction to issue writs, on application, of Habeas Corpus, provided for by the Organic Laws for the District of Alaska - on the 9th day of March, A.D. 1885, at and in the Town of Sitka, District of Alaska.

And your petitioners cannot make known the cause for such refusal above plead - for the reason, that the said John L. Brady, United States Commissioner, aforesaid, neglected and refused to state in writing, or in any other manner

any reason or cause for such refusal for
a writ of Habeas Corpus as therein prayed.
That the legality of such restraint for the
Child, Teague, has never been injured
into by any Court or Judge having
jurisdiction thereof.

Wherefore, your Petitioner prays that a "Writ of
Habeas Corpus," directed to M. L. Hollen, United States
Marshal for the District of Alaska, commanding
him to have the body of the said Child, Teague,
before your Honor, the District Judge of the
said Judicial District of Alaska, on the
14th day of March, A.D. 1885 - at the hour of
Eleven (11) O'Clock, A.M., that your Honor may
then and there hear and consider the cause
of the detention of the said minor Child-
Teague, and the defence if any to be made
by the Defendants herein, and that petitioner
her Father and mother may have judgment for
the custody of the said Child and for the
Costs of these proceedings.

W. P. Berry

Atty. for Plaintiffs.

District of Alaska } S.S.
Town of Sitka }

Don-a-clar and Hitch-an-see his wife, being
first duly sworn say, that they are the

District Court for
District of Columbia
1st Ward MacArthur St.
Justice

Petition for writ of
Habeas Corpus

Dem. a. clark & Wife, Pls
vs.
Sheldon Jackson &
A. C. Austin septs

Filed this 13 day
of March 1885
Andrew T. Lewis
Clerk

Mr. P. Berry atty for Pls

Plaintiffs, applicants, for the said related writ of
Habeas Corpus; that the foregoing complaint
has been read and explained to them by a Competent
Interpreter, and that they know the contents
thereof, and that the same is true of their
own knowledge. Done at ^{his} ~~Clark~~ ^{Ed Helms} ~~mark~~ ^{mark}
Subscribed and sworn to before me
this 13th day of March, A.D. 1885.
Andrew T. Lewis

Clerk

