

1916  
11

Territory of Washington  
County of Thurston Jas.

In the District Court of the 2<sup>nd</sup> Judicial  
District of Washington Territory holding terms  
at Olympia for the Counties of Mason, Chehalis  
and Thurston.

In the matter of the application of  
John Hoo  
for a writ of Habeas Corpus. -

To the Honorable J. P. Hoyt Judge of the  
2<sup>nd</sup> Judicial District of Washington Territory  
The petition of John Hoo respectfully  
shows -

That he the said John Hoo is unlawfully  
imprisoned, detained, confined and restrained  
of his liberty by P. H. Wilcox in Olympia  
Thurston County Washington Territory.

That he the said John Hoo is an Indian  
born in the United States about thirty five  
years of age -

That his father and mother died twenty  
five years ago and that since their death  
he has continuously lived with the whites. That  
he has at no time lived with any tribe of  
Indians since the death of his father and  
mother. - That he has lived on no reservation  
since said time, and that he has at no

time received or accepted any annuities from the Government of the United States. -

That for the past twenty five years would all tribal relations with the Indians and that for said period of time he has adopted the habits of the whites, tilling the soil for a livelihood. -

That said R. H. Wilcox is an Indian Agent of the United States, and that the cause of his or pretence of his arrest and imprisonment is his refusal to cohabit with an Indian woman, when so requested to do by said R. H. Wilcox. -

That he has committed no crime and that no other cause has been assigned or exists for his arrest, save and except the cause above stated. -

That the illegality of the arrest and imprisonment consists in this, that he has committed no crime and that no process has been issued by any Court, or officer for his arrest and that no information or complaint has been filed against him. -

Wherefore he prays that he may be forthwith discharged from said imprisonment.

John Jackson  
Attorney for Petitioner

Territory of Washington  
County of Thurston

John P. Judson being first  
duly sworn says that he is an Attorney  
of John Geo the above named petitioner  
that he has read the petition and believes  
it to be true.

Subscribed and sworn *John P. Judson*  
to before me this 25<sup>th</sup>

day of May 1880

Shepard Marcus

Notary Public

Thurston County Wash. Terr.

In the matter  
of the application

John Hees for  
 writ of Habeas  
 Corpus —

Petition —

Filed May 26<sup>th</sup> 1880

R. G. Prinn  
Clerk

Territory of Washington &c.  
County of Thurston &c.

In the District Court of the 2<sup>nd</sup> Judicial  
District of Washington Territory holding terms  
at Olympia for the Counties of Mason, Chhalis  
and Thurston.

In the matter of the application of  
John H. Co  
for a writ of Habeas Corpus

Upon reading and filing the petition  
of John H. Co, duly signed and verified by  
John P. Judson his Attorney whereby it appears  
that the petitioner is illegally imprisoned and  
restrained of his liberty by R. H. Wilroy, Indian  
Agent of the United States, at Olympia Thurston  
County Washington Territory, and stating wherein  
the alleged illegality consists, 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 District  
Court of the Second Judicial District of the  
Territory of Washington and for the Counties of  
Mason, Chhalis and Thurston, directed to  
the said R. H. Wilroy, Indian Agent as  
aforesaid, commanding him to have the body of  
said petitioner before me in the court room  
of the said court, on the 27<sup>th</sup> day of May A. D.



1880 at 11 o'clock A. M. of that day, to do  
and receive what shall then and there be considered  
and concerning the said petitioners, together  
with the time and cause of his detention,  
and that he have then and there the said  
writ.

Dated May 26<sup>th</sup> 1880 John P. Hoyt  
District Judge, and District

In the matter  
of the application  
of  
John Hees -  
for writ of  
Habeas Corpus

Order Granting  
Writ

Filed May 26<sup>th</sup> 1880  
R. H. O'Brien  
Clerk

Territory of Washington  
County of Thurston

In the District Court of the Second Judicial  
District Washington Territory holding terms  
at Olympia for the Counties of Mason  
Chahalio and Thurston.

The people of the Territory of Washington,  
to R. H. Mc... ~~William D. ...~~ Agent of the  
United States, greeting.

We command you that you have the body  
of John Koo, by you imprisoned and detained,  
as it is said, together with the time and cause  
of such imprisonment and detention by whatever  
name said John Koo shall be called or charged,  
before J. P. Hoyt, Judge of the second Judicial  
District of the Territory of Washington at the court  
room of the District Court of said District in  
and for the Counties of Mason Chahalio and  
Thurston, on the 27<sup>th</sup> day of May 1880 at 11 o'clock  
in the forenoon of that day, to do and receive  
what shall then and there be considered concerning  
the said John Koo. And have you then and there  
this writ.

Witness our hand, J. P. Hoyt, Judge of the  
Second Judicial District at the Court room  
thereof, in the City of Olympia and County  
of Thurston this 26<sup>th</sup> day of May A. D. 1880



Attest my hand and the said seal  
of said Court, the day and year last  
above written. -

J. S. Quinn,  
Clerk.

In the matter of  
the application

of  
John Dees -

for writ of

Habeas Corpus

Writ

Washington Territory  
Thurston County

R. H. Wilcox

Being first duly sworn on  
his oath to say he is the same  
person mentioned in the  
annexed writ of Habeas Corpus  
and makes return thereto as  
follows -

That effort during all the times  
in said writ named was and  
still is ~~great~~ for the Indians  
of the ~~tribes~~ Puget and Puyallup  
Agency in Washington Territory  
duly appointed by the United  
States. That said Agency <sup>embraces</sup>  
all that part of Washington Territory  
~~bounded~~ <sup>bounded</sup> by the mouth of  
the Columbia River. Thence east  
<sup>along said river</sup>  
to the Summit of the Cascade  
Mountains. Thence <sup>westerly</sup> along  
the Summit of said mountains  
to the divide between the White  
and Puyallup <sup>Mountains</sup> thence <sup>westerly</sup>  
to Point Pelly on Puget Sound  
Thence west across said Sound - Thence  
south westerly to a point on the Pacific

Ocean - ~~about~~ <sup>about</sup> four miles west of  
Point Pelly <sup>or thereabouts</sup> to the mouth of Columbia  
River <sup>except such part thereof as is included by an order of the United States</sup>

Department of Int. Dec. 5. 1879 a copy of which is herewith  
That all Indians in Washington  
Territory living within <sup>the</sup> ~~boundaries~~  
boundaries or ~~crossing~~ <sup>thereby</sup>  
or within affairs said Agency  
and under the jurisdiction and  
control of officers as such  
agents.

That the said John had in said out-  
mentioned and alleged to be  
unlawfully imprisoned by officers  
is an Indian - of the Chehalis  
tribe. That both said Indian and  
his said tribe are and belong in  
affairs said Agency -

That by virtue of the laws of the  
United States and the rules and  
regulations adopted pursuant  
thereto - by the President of the  
United States, the Secretary of  
the Interior and the Commissioner  
of Indian Affairs of said United  
States - the entire control and  
superintendence of said Indian  
John and other Indians within  
affairs said Agency belong to  
said officers subject only to the approval  
of the said President, Secretary and  
Commissioner of Indian  
Affairs.

That affiant here produces unto  
his return upon said writ of  
habeas corpus the body of the  
said plaintiff and alleges that  
the cause of his detention is that the  
said plaintiff being an Indian an  
appellant and under the  
control and jurisdiction of  
affiant as appellant - refused  
to obey the directions of affiant  
lawfully given regarding  
said plaintiff to go onto the Indian  
Reservation within said  
Agency - and there remains  
until permitted by affiant to  
depart therefrom - Also in  
refusing to obey the directions  
of affiant as such Agent in  
going into and maintaining his  
wife and children who are also  
Indians within affiant's said  
Agency and under his control  
And in defying <sup>at setting at naught</sup> the authority of  
affiant as such Indian Agent  
to the great injury of the Indian  
service within said Agency -  
That for the foregoing reasons  
among others affiant as such  
Agent could said plaintiff

was apprehended by the duly  
Appointed Indian Police of  
said Agency, and now holds  
him to be for the time removed  
to the <sup>Prigallup</sup> Agency Indian  
Reservation, within said  
Agency. There to be detained  
and kept with a view to  
the regulations of said Agency  
in case this Council Court  
deem said detention lawful

W.A. Milsby

Subscribed and sworn to before me  
this 27 day of May A.D. 1880  
R. G. M. W. M. W.  
Clerk

Returned unsold.

May 27 1880

W. H. M. W.

Clerk



Territory of Washington J. ss.  
County of Thurston J. ss.

In the District Court of the 2<sup>nd</sup> Judicial  
District of Washington Territory holding terms at  
Olympia. -

In the matter of the application of John Heo  
for a writ of Habeas Corpus. -

Comes now the above named John Heo  
in his own proper person and for answer to  
the return made by the respondent R. H. Wilroy  
he alleges as follows

He admits that he is an Indian - but  
denies that the respondent has any right to  
restrain him of his liberty by virtue of his  
authority as an Indian Agent

Denies that any treaty was ever made  
between the Chehalis Indians and  
the United States -

He further shows that he was born in the  
County of Thurston Washington Territory  
and that he is now about thirty five years  
of age. -

That his father belonged to the Chehalis

tribe and that his mother belonged to the -  
Squamish tribe. That his father and mother  
died some twenty five years ago and that  
previous to their death they severed their tribal  
relations and removed to the farm of Col.  
Sidney Ford in Thurston County and that  
thereafter they adopted the habits and followed  
the pursuits of civilized life -

That neither his father or his mother ever  
lived on any Indian reservation or ever received  
or accepted any annuities from the Government

That after the death of his father and  
mother he was taken into the family of Col.  
Sidney Ford and that he continued to live  
in said family as a member thereof for the  
period of fifteen years and until the death  
of said Col. Ford. -

That from the time of leaving the Ford  
family he has been constantly living with the  
whites engaged in the pursuits of civilized life.  
That he has at no time lived with any tribe  
of Indians and that he has at no time

acknowledged himself a member of any  
Indian tribe. -

That some ten years since he filed in the  
office of the Supt. of Indian Affairs a declara-  
tion under oath solemnly abandoning all  
tribal relations for the purpose of  
entering land.

That he now proposes as soon as he can  
accumulate sufficient means to avoid himself  
of the provisions of the act of congress (by  
which Indians may enter homestead of  
one hundred and sixty acres of land) entitled  
an act making appropriations to supply  
deficiencies in the appropriations for fiscal  
years ending June 30<sup>th</sup> 1875 and five years  
and for other purposes approved March 3<sup>rd</sup> 1875.

That while employed upon a farm from  
which employment he expects to realize sufficient  
means to carry out his aforesaid intentions  
of acquiring a homestead under the said act  
of Congress - he was arrested and placed in  
jail by the respondent.

And the said John Heo hereby accepts  
to the sufficiency of the return made by the  
respondent because the same is insufficient  
to justify his arrest and imprisonment

Wherefore he prays that he may go  
hence and without delay

John P. Judson  
Attorney for Petitioner

Territory of Washington Es.  
County of Thurston Es.

John Heo being first duly  
sworn says that he is the petitioner herein,  
that he has heard read the above and  
foregoing reply to the return of R. W. Wilcox  
respondent herein, and that he believes the  
same to be true

Subscribed and sworn } John Heo  
to before me this 27<sup>th</sup> }  
day of May 1880. }  
R. W. Wilcox

Deed

John Hess  
Habeas Corpus

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Answer

Filed May 27 1880  
Chas. B. Smith  
clerk

In the District Court of the Second  
Judicial District of Washington  
Territory holding terms at Allouez

In the matter of the application  
of John H. H. for the issuance  
of a writ of Habeas Corpus -

This matter coming on the  
bench this 2<sup>nd</sup> day of May A.D. 1880  
upon the petition of said John  
H. for a writ of Habeas Corpus  
and the return of R. B. Milroy  
the respondent, to the writ issued  
in pursuance of said petition  
and the reply of said John H.  
therein.

And the court having heard  
the proofs to be offered by said  
H. and said respondent  
Milroy - and the arguments  
of counsel of the respective  
parties, and being fully  
advised in the premises -  
denies the application of said  
H. And it further appearing  
to the satisfaction of the court, and  
the judge thereof, that said H.  
is an Indian under the charge of  
said Milroy, as an Indian Agent  
of the United States and



is lawfully held by said Milroy  
by virtue of his said agency  
and in pursuance of the  
duties thereof.

It is therefore adjudged and  
considered that said John H. B. Co.  
be and he hereby is remanded  
to the control and custody of  
said Respondent R. B. Milroy  
and it is further adjudged and  
considered that said Applicant  
John H. B. Co. pay the costs of this  
proceeding to be taxed -

John P. Hoyt  
Judge &c.

# United States of America.

TERRITORY OF WASHINGTON, }  
Second Judicial District. } ss.

To *J. M. Kenney, John Walker*

IN THE NAME OF THE UNITED STATES OF AMERICA, you are hereby required  
to appear *forthwith* at the Court House, in the town of Olympia,  
on the \_\_\_\_\_ day of \_\_\_\_\_, 187\_\_\_\_, at \_\_\_\_\_ o'clock in the forenoon  
to give evidence in a certain cause, wherein

*United States* plaintiff and  
*Matter of application of* defendant on  
the part of *John Walker* writ of Habeas Corpus

WITNESS John P. Hoyt, Esquire, Judge of the Dis-  
trict Court of the Second Judicial District of  
Washington Territory, this *27* day of  
*May* A. D. 187*8*

*R. L. of Min*  
Clerk.

vs.

SUBPENA.

Territory of Washington, }  
County of *Thurston* } ss.

I hereby certify that the within subpoena  
came into my hands on the *27* day of  
*May* A. D. 18*87*, and I  
served the same on the within named wit-  
nesses to-wit:

*D. McKing*

Returned and filled this *27*  
day of *May* A. D. 18*87*

*R. G. Brown*  
Clerk.

by exhibiting and reading the same to each of  
them.

*D. W. Brown*  
*Deputy* Sheriff of \_\_\_\_\_ Co.

FEES:

Serving on *1* witnesses, at 40c *40*

Mileage *2* miles, at 10c *20*

*60*