

1 IN THE DISTRICT COURT OF THE UNITED STATES FOR THE  
2 WESTERN DISTRICT OF WASHINGTON, NORTHERN DIVISION.  
3

4 In the matter of the  
5 petition of Kichitaro Kubota  
6 and Ise Kubota, his wife, for  
Writ of Habeas Corpus.

No. **5556**  
Petition for Writ of  
Habeas Corpus.

7  
8 TO THE HONORABLE JUDGES OF THE ABOVE ENTITLED COURT:

9 The petition of Kichitaro Kubota and Ise Kubota, his  
10 wife respectfully represents as follows:

11 That the said Kichitaro Kubota came to the United States  
12 on or about the first day of February 1911 as a sailor. That  
13 from said date he continuously resided in the United States of  
14 America up to on or about the first day of January 1919 when he  
15 left the United States of America upon a visit. That during  
16 practically all of said period of about eight years he resided  
17 in the city of San Francisco, California; that he was engaged  
18 there in the hotel business and now owns there a one-half interest  
19 in the hotel business, and restaurant.

20 That while in Japan on his said visit he married his  
21 present wife Ise Kubota and attempted to gain a passport back to  
22 the United States, but that some delay was caused in the issuing  
23 of said passport and he was not able to return immediately.

24 That he arrived from his visit in Japan in the United  
25 States on or about the first day of July 1920 and after a  
26 hearing and examination before the United States Commission of  
27 Immigration at the Port of Seattle and a Board of Special Enquiry  
28 convened for that purpose, your petitioners herein were excluded  
29 from the United States for the reason that Kichitaro Kubota never  
30 had a legal residence in the United States and that no passport ~~show~~  
31 should have been issued for his return to the United States, also



1 that they are parties liable to become a public charge.

2 That an appeal was taken from such decision to the  
3 Secretary of Labor, who on or about the 18th day of August 1920  
4 dismissed, refused and denied said appeal.

5 That your petitioner Kichitaro Kubota is a duly domiciled  
6 alien having resided in the United States continuously for  
7 approximately eight years before returning to Japan. That he  
8 is the owner of property in the United States of America. That  
9 upon going to Japan he intended to return to the United States  
10 and that the delay in returning to the United States was on  
11 account of the delay of the Government in issuing passport. That  
12 he is able to support himself and wife, having in his possession  
13 or under his control money and securities of the value of \$400  
14 *and melamau 32000*

15 That he has a regular and lawful occupation, to-wit the  
16 occupation of conducting a hotel and restaurant and as a hotel-  
17 and restaurant keeper, and that his earnings generally average  
18 about the sum of \$200 per month.

19 That your petitioners were denied a just and fair hearing  
20 but were arbitrarily excluded and denied admission, because of  
21 prejudice and in utter disregard of the testimony and that pe-  
22 titioners now have in their possession other and additional  
23 proof showing their residence in the United States in addition  
24 to that submitted before the board of special enquiry, and that  
25 the board of special enquiry which heard the case of your petitio-  
26 ners was not legally constituted.

27 WHEREFORE your petitioners pray that a writ of Habeas Corpus  
28 may issue herein to the said Henry M. White, U. S. Immigration  
29 Commissioner for the Port of Seattle, commanding him that he do  
30 produce your petitioners before this court together with the cause  
31 of their detention and that upon hearing your petitioners be  
discharged and be permitted to land and be admitted into the  
United States of America and for such other and further relief



as to the court may seem just and proper in the premises.

Kichitaro Kubota  
Ise X Kubota  
mark petitioners.

UNITED STATES OF AMERICA )  
WESTERN DISTRICT OF WASHINGTON ) SS:  
COUNTY OF KING )

KICHITARO KUBOTA and ISE KUBOTA

his wife, being duly sworn according to law say:

That they are the petitioners above named; that the foregoing petition has been explained and interpreted to them and that the facts therein stated are true as they verily believe..

T. Akiyoshi, witness to  
Joseph Perkins

Kichitaro Kubota  
Ise X Kubota  
mark

SUBSCRIBED and sworn to before me this 4th day of  
September, A. D 1920.

John L. Gough  
Notary Public in and for the State  
of Washington residing at Seattle.



John P. Gallagher.  
~~RECEIVED BY MAIL~~  
LAWYER  
SEATTLE, WASH.

1 IN THE DISTRICT COURT OF THE UNITED STATES FOR THE  
2 WESTERN DISTRICT OF WASHINGTON, NORTHERN DIVISION.  
3

4 In the matter of the	)	No. 5556
5 Petition of Kichitaro Kubota	)	ORDER GRANTING WRIT
6 and Ise Kubota, his wife, for	)	OF HABEAS CORPUS.
7 Writ of Habeas Corpus.	)	

8

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9

10 In this case the court having heretofore on the 4th  
11 day of September 1920, granted an order requiring the Honor-  
12 able Henry M. White, United States Immigration Commissioner at  
13 the Port of Seattle to show cause before this court on the  
14 7th day of September 1920, at the hour of two o'clock P.M.,  
15 why a writ of Habeas Corpus should not be issued in accordance  
16 with the petition of the petitioners Kichitaro Kubota and Ise  
17 Kubota, therefore filed on said 4th day of September 1920,  
18 and the matter having come on for hearing upon a return made  
19 by said United States Immigration Commissioner in accordance  
20 with said order heretofore filed and upon the petition of  
21 petitioners herein, and the Court having heard the arguments  
22 of John P. Gallagher, attorney for petitioners, and the  
23 argument of the United States attorney representing the said  
24 United States Immigration Commissioner, and being fully advised  
25 in the premises:

26 IT IS BY THE COURT ORDERED AND ADJUDGED and the  
27 Court does hereby order and adjudge that a writ of Habeas Cor-  
28 pus issue herein returnable forthwith, commanding the said  
29 United States Immigration Commissioner at the Port of Seattle  
30 to produce before the above entitled court the bodies of



John P. Gallagher.

REEVES & MORE  
LAWYER  
SEATTLE, WASH.

1 Kichitaro Kubota and Ise Kubota, petitioners herein, then and  
2 there to submit to and receive whatever the court shall order  
3 in the premises.

4  
5 DONE in open court this 8 day of September, 1920.

6  
7 *J. P. Gallagher*  
8 JUDGE.

9  
10  
11 *W. P. Rogers*  
12  
13 *Asst. U. S. Atty.*

14 \* \* \* \* \*



Cert. copy

John P. Gallagher.

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LAWYER

SEATTLE, WASH.

1 IN THE DISTRICT COURT OF THE UNITED STATES FOR THE  
2 WESTERN DISTRICT OF WASHINGTON, NORTHERN DIVISION.  
3

4 In the matter of the petition ) No. 5556  
5 of Kichitaro Kubota and Ise Kubota ) ORDER DISCHARGING  
6 his wife, for writ of Habeas Corpus. ) PETITIONERS.  
7

8 In this cause, an order to show cause why a writ of  
9 Habeas Corpus should not issue herein having been made and  
10 entered by the Court, the United States Immigration Com-  
11 missioner at the Port of Seattle having made his return to  
12 said order to show cause, and the Court having on this date  
13 made and entered an order herein granting a Writ of Habeas  
14 Corpus returnable forthwith:  
15

16 NOW, THEREFORE, the matter coming on for hearing, the  
17 petitioners being present in Court and being represented by  
18 their attorney John P. Gallagher, and the United States Im-  
19 migration Commissioner at the Port of Seattle being repre-  
20 sented by the United States attorney:

21 IT IS BY THE COURT ORDERED, ADJUDGED AND DECREED and  
22 the Court does hereby order, adjudge and decree that the  
23 confinement and restraint of the petitioners Kichitaro  
24 Kubota and Ise Kubota, his wife, by the United States Im-  
25 migration Commissioner at the Port of Seattle is unlawful,  
26 and that the said petitioners are entitled to be admitted  
27 into the United States and that said petitioners Kichitaro  
28 Kubota and Ise Kubota, his wife, be, and they are hereby  
29 discharged and freed from any further detention or restraint  
30



John P. Gallagher.  
~~XXXXXXXXXXXX~~  
LAWYER  
SEATTLE, WASH.

by the said United States Commissioner of Immigration at  
the Port of Seattle.

DONE in open court this 6 day of September, 1920.

*Jeremiah Stelver*  
JUDGE.

*OK.*  
*Chapman*  
*Asst. U. S. Atty.*

\* \* \* \* \*

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