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Surveying Seattle Legal History: An Examination of Judge Thomas Burke

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Abstract

Dr. Jagodinsky examines 19th-century Westerners' habeas corpus petitions and has found that the judges involved in these cases decisions are not as impartial as many would assume. Currently, she is chronicling African American, immigrant, Indigenous, and white petitioners throughout the American West as comparative histories of resistance to enslavement, human trafficking, and sexual coercion.

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Laura Weakly, Metadata Specialist at Center for Digital Research in the Humanities, UNL

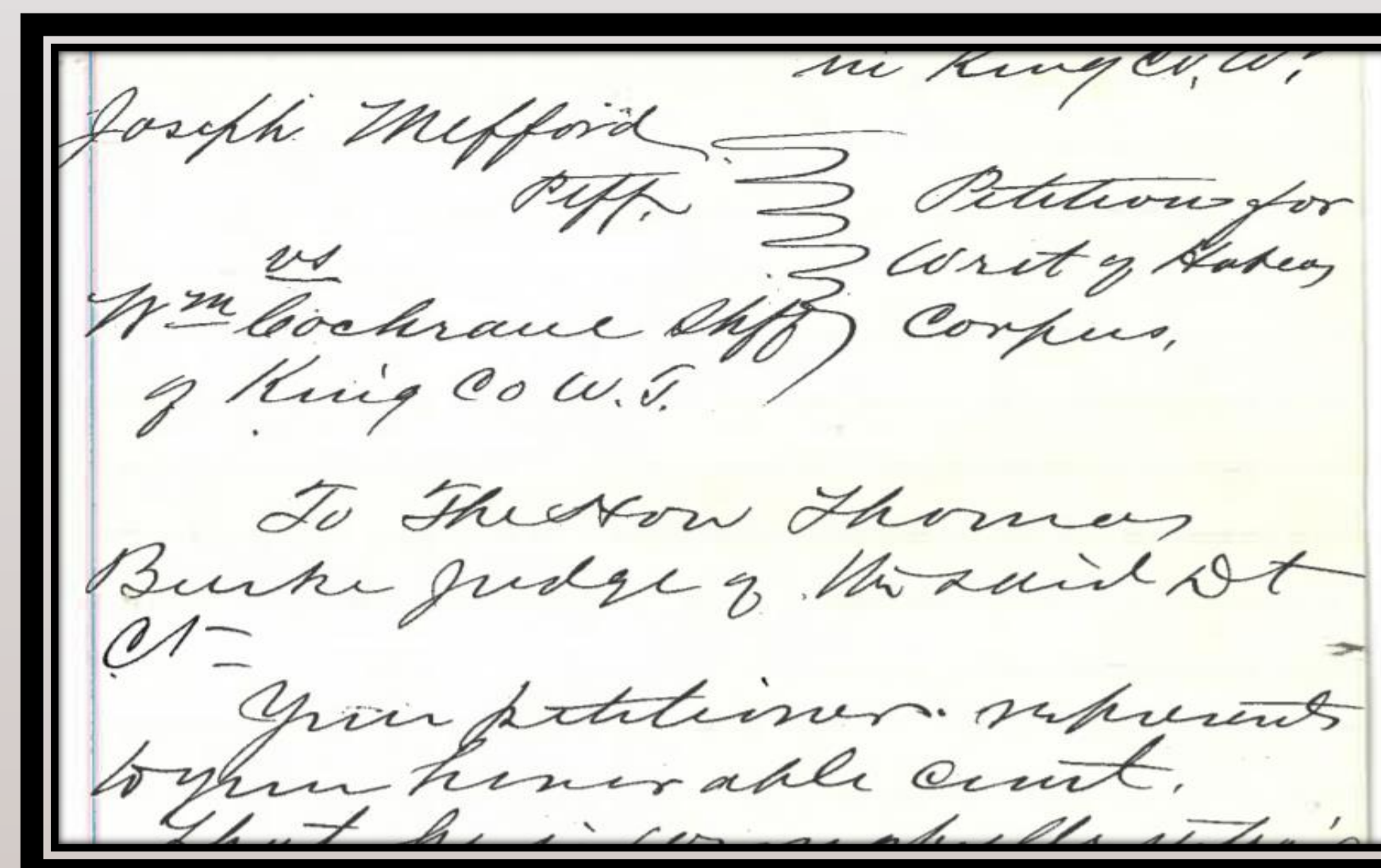
Methodology & Strategies

1. Collecting supplementary primary source documents, such as newspaper articles to contextualize public opinion & notable trends in habeas corpus.
2. Literature Review of Secondary works by legal historians on early Puget Sound & Seattle, Judge Thomas Burke, and economic histories.
3. Reviewing newspaper articles & book entries discussing Judge Thomas Burke's involvement within the Puget Sound & Seattle communities.
4. Linking Judge Thomas Burke's railroad interests, protection of Chinese workers during anti-Chinese riots, and habeas corpus rulings.

Judge Thomas Burke: Biographical Information



Born: December 22, 1849
Died: December 4, 1925
City Attorney of Marshall, Michigan: 1870-1875
King County Probate Judge: 1876-1880
Puget Sound Lawyer: 1881-1887
Chief Justice of the Supreme Court of Washington Territory: 1888-1889



Anti-Chinese Sentiment: Puget Sound

** Judge Burke was an ardent advocate for Chinese immigrants in Puget Sound. When anti-Chinese sentiments peaked, Judge Burke protected Chinese immigrants.
** In Feb 1886, a large anti-Chinese riot occurred in Seattle, WA, no deaths occurred since the two companies of militia rushed to the scene to join the Home Guard, creating a barrier between the Chinese and the rioters.
** Judge Burke was present and assisted in protecting Chinese laborers from the mob.
** On October 5, 1886, Judge Burke gave a speech that berated the "crowd for anti-American attitudes & castigating foreigners."

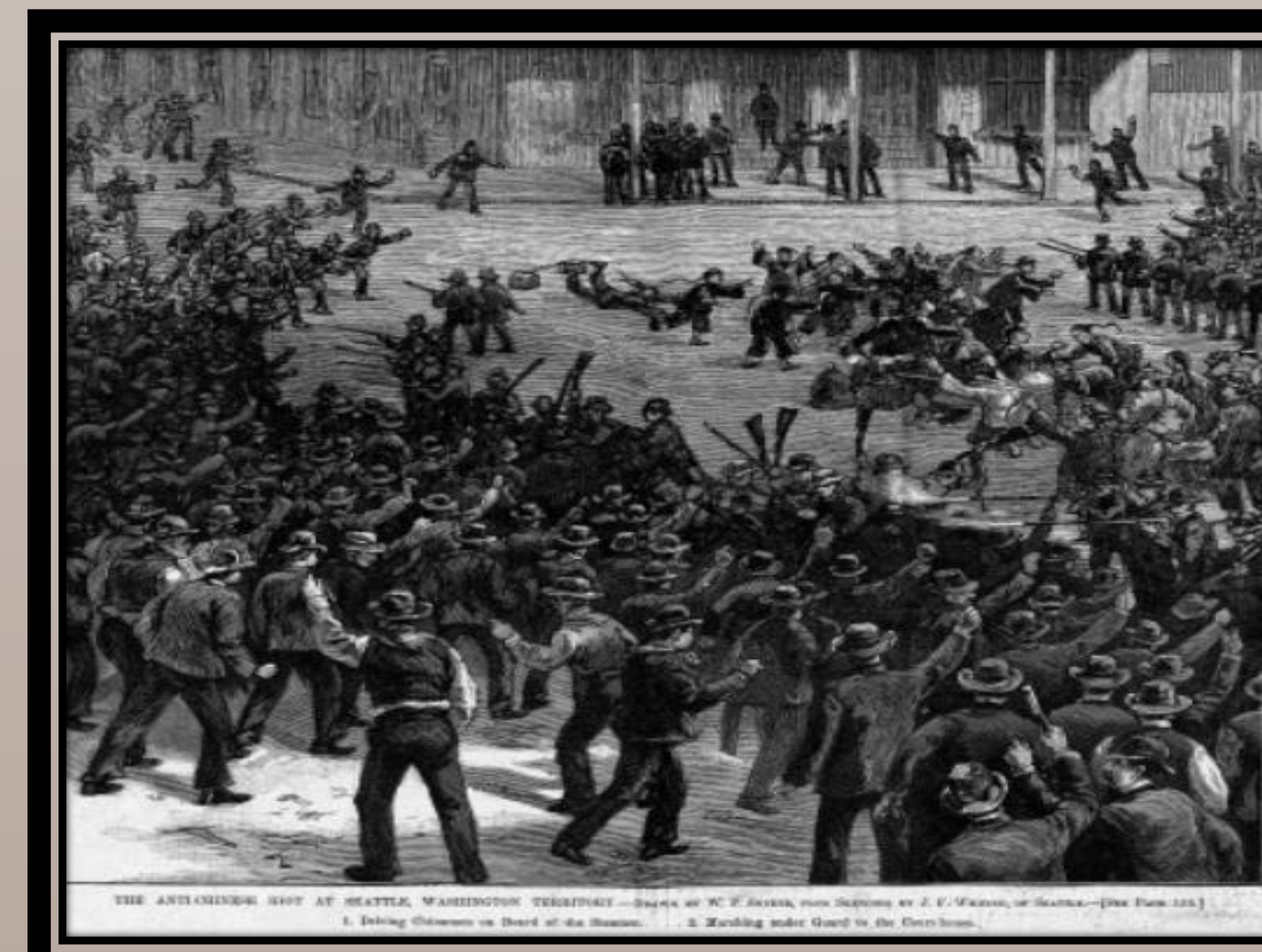
Habeas Corpus Petitions

** Of the available cases, Judge Thomas Burke only decided two cases, both during his appointment as Chief Justice of the Supreme Court of Washington Territory. No Habeas Corpus cases were available for his term as Probate Judge.

** Jimmy Jardine & Frank OBrien v. William Cochrane: resulted in writ of Habeas Corpus against illegal imprisonment.

** Mary Ellen Lyts v. W.D. Lyts: resulted in dissolution of marriage & Mary Ellen Lyts gaining custody of her child.

** No cases specifically addressed anti-Chinese sentiments during the 1880s.



Investment in Railroads

** Many hoped for the Northern Pacific company railway to pass through Seattle to provide commerce and transportation year-round.

** On April 15, 1885, Seattle men formed the Seattle, Lake Shore and Eastern Railway Company.

** In June 1887, the Northern Pacific company completed its line to Tacoma, causing the local company to shift its route to the Snohomish and Skykomish rivers.

** Much work on the railway occurred during and after Judge Burke's term as Chief Justice for the Washington Territory Supreme Court. Judge Burke bought significant amounts of land for the railway.

** Significant work was accomplished by Chinese laborers who willingly worked at lower wages compared to white union laborers during wage cuts and layoffs



Questions

** What connections did Judge Thomas Burke have in Puget Sound?

** Did they influence his rulings in the courtroom?

** How does his economic and political involvement reflect the general authority of judges in Puget Sound?