

A Veiled Cabinet of Curiosities:

A preliminary report on Minnesota's 1862 gallows artifacts

by

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“There are walking sticks owned by Mankato people made from some of the timber which formed the scaffold on which the thirty-eight Indians were hanged here in 1862 but never since the wood was prized as relics has the city possessed so large a piece of it as turned up here this week when W. H. Pay President of the Blue Earth County Historical Society obtained a twenty-four foot timber from the University of Minnesota.”<sup>2</sup>

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## **Summary**

My goal in this paper is to supply a preliminary public research base on two related artifacts from the December 26, 1862 executions of 38 Dakota men at Mankato, Minnesota: a beam reputed (currently disputed) to be a plate timber from the gallows, and a noose said to have been used on the gallows. I establish the period primary sources on both artifacts, trace their donation histories, and discuss the process by which later attributions have become entrenched as factual history, clouding modern attempts to reckon with the artifacts and their stories. I conclude that if a newly discovered photo matches the beam in Blue Earth County, then that artifact is the same one the donor claimed was a notched plate timber from the 1862 gallows. I also conclude that MHS is obligated to consider non-sensational contexts for exhibiting the rope.

**“A sight never before seen on the face of the earth.”<sup>3</sup>**

The afternoon of Friday December 26, 1862, the Mankato, Minnesota, *Independent* ran an unprecedented 1,500 copies of the paper containing the details of the largest mass execution in the history of the United States: the simultaneous hanging of 38 Dakota men alleged to have committed war crimes during the U.S. Dakota war of 1862.<sup>4</sup> At “precisely 16 minutes past 10” o’clock in the morning the *Independent*’s editor wrote, “Maj. Burt of the 7<sup>th</sup> waved his sword. Major Brown gave one blow on the Big Drum, a prop was knocked away, the rope cut, and the platform fell[.]”<sup>5</sup>

Newspaper coverage of the 1862 execution was much like media coverage of a major event today. The editor of the *Independent* developed this lead story on the execution with back stories for commentary: the death-row ‘confessions’ of the condemned; a color-story about a Dakota ‘death dance’ in the condemned men’s communal cell; and President Lincoln’s official order naming each man, among other articles. The newspaper also recapped the stories of two settler-survivors, William J. Duly (who cut the rope triggering the drop) and Thomas Ireland, both of Lake Shetek, detailing the deaths, captivities and sufferings in each man’s family. The net effect was to underline the perceived moral imperative of the spectacle of mass execution being consumed by newspaper readers.

Most significantly for this report, the *Independent* presented the only known period description of the gallows under construction. A second description of the gallows on the day of execution, also dated December 26, 1862, was written by an eye-witness and later published in the *New York Times*. If John F. Meagher’s 1881 claim is true, that the “stick” he donated to the University of Minnesota was a gallows timber supporting ten nooses, and if J.K. Arnold’s 1869 claim that the noose he donated to MHS was one of 38 employed that day on the gallows, then

these two newspaper descriptions give us a real-time glimpse of both artifacts *in situ* in 1862.

These stories are complimented by another primary source, a diagram of the scaffold sketched in February 1, 1863 letter by Herb Watson, a soldier who witnessed the executions.<sup>6</sup>

A column dated December 24, 1862, printed in the December 26 edition of the *Mankato Independent*, described the gallows under construction:

SCAFFOLD BUILDING. Yesterday and today a detachment of men under the direction of Colonel Marshall, have been erecting the gallows.<sup>7</sup>

It consists of eight upright posts a foot square and 14 feet high, set in sills and plates, is four square, and looks like a small old-fashioned barn-frame without rafters. The length of the sills is about 24 feet. The upper edges of each plate timber is notched so as to prevent a sharp strain on the rope. There is a series of 10 notches on the upper edge of each plate –places for 40. When the 39 hang there will be one vacant notch....<sup>8</sup>

A strongly framed platform runs around the whole structure, about four feet wide, and lying half within and half without the upright timbers, a plank of the covering being left out at the place where each of the eight posts project through it. In the center of the enclosure a timber is set firmly in the ground; the timber is about twenty feet high and from the top more than half-way down is rounded and made smaller than the part below. On this rounded shaft an iron ring will slide to which the eight ropes will be attached, to support the platform. A single rope tied in a staple of the ring will pass over the top of the center post and reach down to a fastening near the ground.

The slash of a sword, or the stroke of an axe, upon this rope, will drop the platform, and launch the 39 horrible murderers into Eternity.

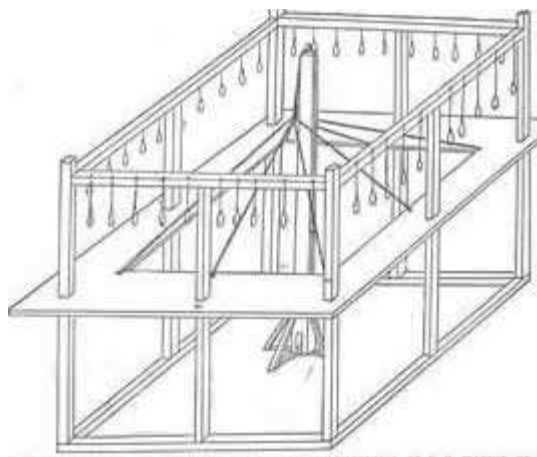


Figure 1 (above): Sketch attributed to Charles Herbert “Herb” Watson, published in the Minneapolis *Sunday Times* February 11, 1900. This image does not quite match the Watson holograph at MHS, which shows only 7 or 8 nooses

on the left side of the foreground beam and dots on the other three beams, where nooses appear here. The original sketch appears on the last page of a letter dated February 1, 1863, in which Watson wrote to his father: "I have drawn you a sketch of the Indian scaffold a great deal more like the scaffold than the one in Harpers Weekly was if you look at it right you see how the drop fell there was an Indian at every one of them dots but two and and [sic] when that big rope in the center was cut the drop fell to the bottom of the frame I have put a few ropes on there to hang them that big rope that goes over the top of the pole held the whole platform up on one chop with the ax it fell [.]"<sup>9</sup> Google Images.

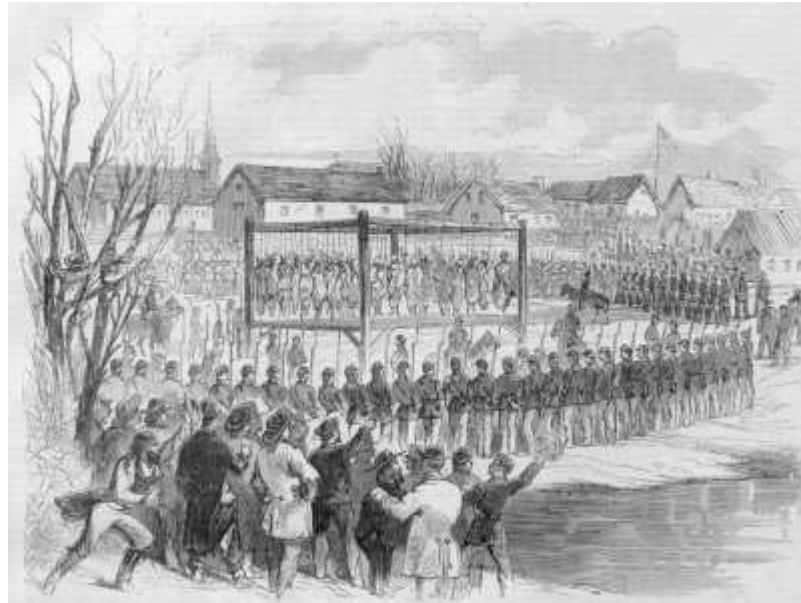


Figure 2 (above): The January, 1863 illustration of the execution in *Harper's Weekly*. Watson may have been referring to the construction of the scaffold platform or floor, which is drawn here as if it is fixed, not suspended by ropes from a central pole, which is missing. The uprights at the center of each side of the gallows are also missing. As inaccurate as the Harpers image may be, we are historically indebted to the anonymous illustrator because it prompted Watson, an eye-witness, to produce his own sketch highlighting the mechanics of the drop-away floor. Google Images.

Another detailed account of the execution artifacts *in situ* was transmitted by an unnamed "Special Correspondent" to the New York Times who dated his letter "Mankato, Blue Earth County, Minn. Dec. 26, 1862."<sup>10</sup>

**THE SCAFFOLD.** The instrument upon which the extreme sentence of the law was to be performed, was constructed in a very simple yet most ingenious manner. It was erected upon the main street, directly opposite the jail, and between it and the river. The shape of this structure was a perfect square, and not, as has been stated, a diamond. The cause of this latter error being made was because the sides of the structure was not parallel with the front line of the jail; but being built on an oblique across the roadway presented a point or angle to both the river and jail.

The base of the gallows consisted of a square formed by four rough logs, one foot each in diameter, and twenty feet long. From each corner of this square rose a heavy round pole, running up to a height of twenty feet, while from the centre came another but heavier

timber, rising to about the same height. At an elevation of six feet from the ground was a platform, so constructed as to slide easily up and down the corner pillars, and with a large opening in the centre around the middle mast or post. From each corner of this platform a rope or cable was fastened to a movable iron ring that slid up and down middle mast by means of a rope fastened to one of its sides. This rope was taken to the top of the mast, run through a pulley, and returned to a point between the ground and the second frame or platform, and made fast. The mechanism of the whole thing consisted in raking the platform by means of the pulley, and then making the rope fast, when by a blow from an ax by a man standing in the centre of the square, the platform falls; the large opening in its centre protects the executioner from being crushed by the fall.

About eight feet above the platform, when in its raised position, was another frame similar to the ground square, morticed [sic] into the corner pillars. Into these timbers were cut notches, ten on each side of the frame, at equal distances, and a short piece of rope was passed around the beam of each notch, and tied securely. Depending from this again was the fatal noose.

On December 26, a crowd the *Independent* estimated contained 4,000 civilians and 1,500 soldiers looked on as soldiers mounted the gallows to suspend the nooses. “[A]t half past nine the halters were fastened in their places and hung dangling, ready for their victims. The immediate superintendence of the scaffold preparations were under the direction of Lieut. Col. Marshall.” Notwithstanding the fact that, “[o]ne rope broke” so the Dakota had to be “drawn up” again, the *Independent* editor concluded, “The falling of the platform was splendid success, it reflects high credit upon all concerned.” “When the platform fell, a suppressed but joyful shout went up from the vast throng of spectators –but all was perfect order. It was a sight never before seen on the face of the earth. But justice was done.”<sup>11</sup>

The New York *Times* story contains more color but agrees in basic detail:<sup>12</sup>

Click! goes the sharp ax, and the descending platform leaves the bodies of thirty-eight human beings dangling in the air. The greater part died instantly; some few struggled violently, and one of the ropes broke, and sent its burden with a heavy, dull crash, to the platform beneath. A new rope was procured, and the body again swung up to its place. It was an awful sight to behold. Thirty-eight human beings suspended in the air, on the bank of the beautiful Minnesota; above, the smiling, clear, blue sky; beneath and around, the silent thousands, hushed to a deathly silence by the chilling scene before them, while the bayonets bristling in the sunlight added to the importance of the occasion.

AFTER THE SHOCK. At first every one seemed stupefied [sic] by the sight before them, but only a moment elapsed before a low murmur ran through the crowd, and culminated in a few cheers, in which many participated whose cheeks were blanched, and eyes strained with terror; but it was the cheer of victory with them, for the murderers of their fathers, and mothers and children had received their merited punishment.

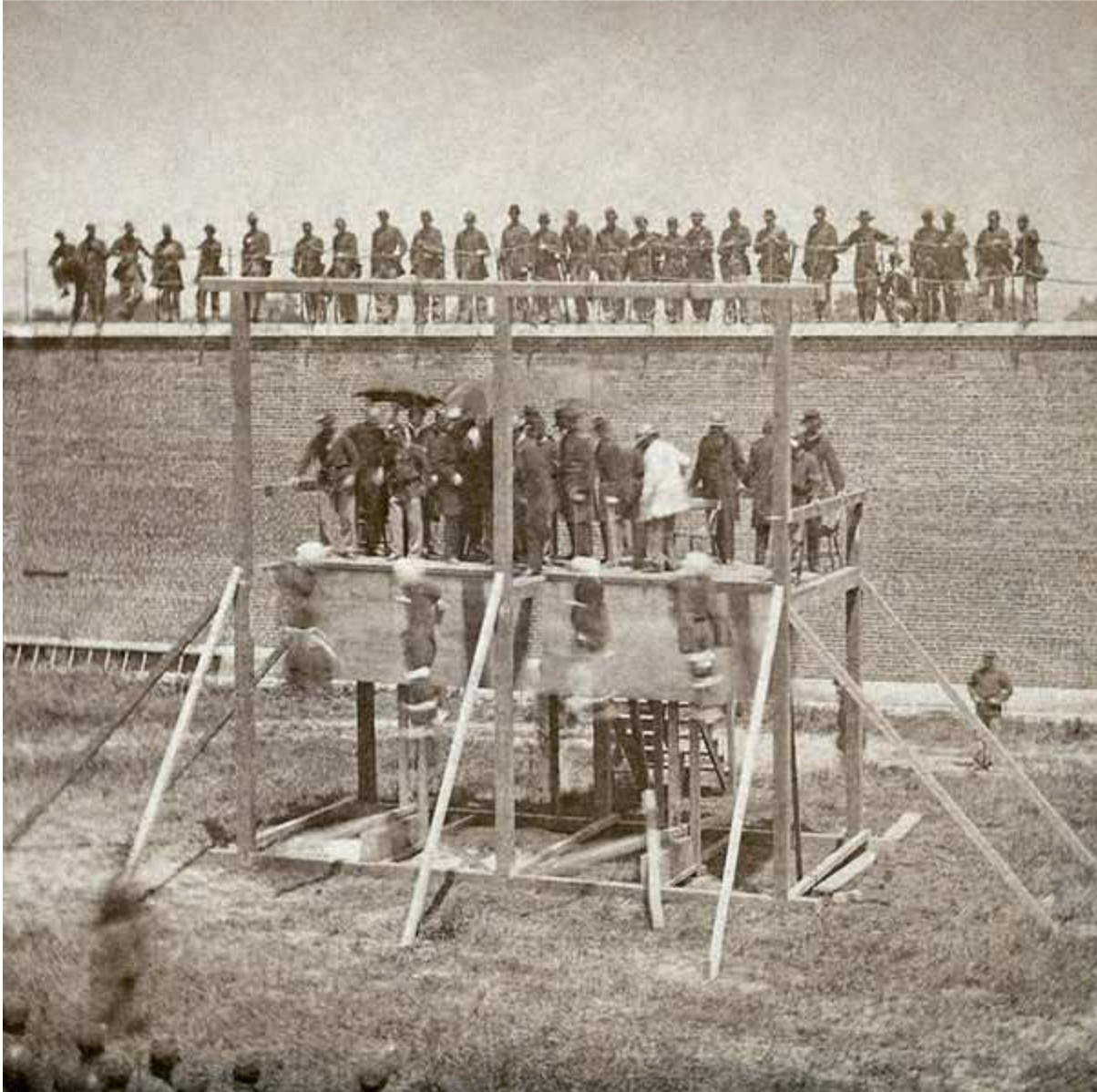


Figure 3 (above): History repeats itself. The next multiple hanging on record in the United States is that of Mary Surratt, David Herold, George Atzerodt, and Lewis Powell on July 7, 1865, convicted of conspiring in the assassination of Abraham Lincoln. Lincoln had authorized the Mankato executions. This photo supplies logistical clues and social commentary not available in the many representations of the 1862 Dakota executions, all of which are frozen at 10:15 AM, before the drop at 10:16 AM. Wikimedia Commons.



Soldiers including Adjutant J. K. Arnold, were detailed to cut down the Dakota bodies and to remove and collect the hanging ropes, a task which took about an hour.<sup>13</sup> Arnold snatched a noose and claimed he concealed it and almost eight feet of attached rope under his jacket.<sup>14</sup> The bodies of the executed men, piled ten to a wagon, were hauled to a mass grave half a mile away in heavy sand in the flood plain of the Minnesota River below Front Street.<sup>15</sup>

Among the spectators thronging the roofs and windows of buildings and packed row upon row in the streets and river banks, stood 26 year old Mankato hardware merchant John F. Meagher. Meagher had emigrated from Ireland at the age of eleven and settled in Illinois before moving to Minnesota in 1857.<sup>16</sup> In August, 1862 at the outbreak of the Dakota War, Meagher, who had lived in Mankato for four years, was among the first Mankato men to answer besieged New Ulm's plea for help. Meagher actively defended New Ulm during the siege and battles.<sup>17</sup>

Three months later, on December 26, 1862, when he joined the execution spectators who temporarily quintupled the population of Mankato, it seems Meagher had a more immediate concern than whether the dimensions of the scaffold timbers were commensurate with his plans to expand his hardware store. Instead, Meagher had his eye on one of the corpses stacked three or four deep in an army wagon, being hauled away to the sandy grave site: the body of a Dakota man Meagher called "Chaska Don" who was alleged to have murdered an old friend of Meagher's, George Gleason.

A Dakota named "Chas kay dan," listed as number 20 on the "Confessions of the Condemned" in the December 26, 1862 *Independent*, was reported as having said, "Then along came Mr. Gleason... his friend shot Mr. Gleason, and he attempted to fire on him, but his gun

did not go off.”<sup>18</sup> Meagher, who was not an eye-witness to Gleason’s death, believed that “Chaskay dan,” who Meagher called “Chaska Don,” had fired the fatal shot.<sup>19</sup>

Years later, Meagher confessed how he avenged Gleason’s death: “After Supper on the Evening of the Execution a few well-known men of that day accompanied Dr. Bootilier [sic] with a team and Wagon wanted to make sure that all who were Executed were Good Indians took up some of them and among those resurected [sic] was Chaska Don. We all felt keenly the injury he had don [sic] in murdering our old friend Gleason, in cold blood. I cut off the Rope that bound his hand and feet, and cut off one Brade [sic] of his hair with the intention of sending them to Gleasons [sic] relatives....”<sup>20</sup>

The Dakota whose noose Arnold had hidden in his uniform coat was Meagher’s “Chaska Don.”<sup>21</sup> Arnold and Meagher harvested execution souvenirs from the same Dakota body, one of many dug up and carted away the night of December 26, 1862 for dissection and articulation by medical doctors.<sup>22</sup>

### **“Momentoes of those terrible times and that great hanging Event”**

On June 6, 1863, the scaffold was still standing near the levee in Mankato. Ninety miles away in the state capitol of St. Paul, Governor Alexander Ramsey, President of the Minnesota Historical Society, picked up his pen and acknowledged a donation from Colonel Stephen Miller: the axe Duly swung to trigger the drop; a piece of the large central rope Duly’s axe severed; and a hanging rope.<sup>23</sup> Miller could officially afford the donations. Three weeks previously, the federal government had shipped the remaining Dakota prisoners to Davenport, Iowa. Minnesota had no hope for a reprise of the mass execution spectacle if the president authorized more Dakota executions. So the gallows and its accoutrements were obsolete.

Thus the earliest donation of 1862 execution artifacts was not made by scavengers like Arnold or Meagher. Rather, the artifacts were formally conveyed by Col. Miller, the federal official in charge of superintending the execution, to Gov. Ramsey, the President of the Minnesota Historical Society, for safekeeping in the institution designated by the State Legislature as Minnesota's collective historical memory.<sup>24</sup>

The July 4, 1863 Mankato *Independent* gave the last glimpse I found of the gallows *in situ*. The editor proposed a patriotic re-use: "We would inform President Lincoln that the Indian gallows upon which were executed the memorable "thirty eight" is still is in working order and suggest that it be taken down or made to use in hanging *copperheads*. No need of an order Uncle Abe; just signify your wish and it shall be done instanter *pro bono publico*."<sup>25</sup>

The day before, Little Crow, the ostensible leader of the Dakota War (who would have been executed on the gallows if he had been captured) had been shot by a farmer seeking a state-sponsored scalp bounty. These human remains, which on July 4<sup>th</sup> had yet to be identified as Little Crow's, would become the most famous –then later, the most infamous – Dakota War "momentoes" publicly displayed in the Minnesota Historical Society's cabinet of 1862 curiosities. However, Little Crow's skull, arm bones and scalp never appeared alongside Duly's axe or the scaffolding ropes donated in 1863. Sometime after Ramsey accepted the donation, but before they were accessioned, the Miller artifacts vanished from MHS.<sup>26</sup>

According to stories later told about the scaffold, a government quartermaster sold the gallows timbers at auction in the summer of 1863.<sup>27</sup> John F. Meagher was the high bidder. The stories say Meagher carted the lumber to his hardware establishment on Front Street where he reused the notched top ("plate") beams inside his store. Other timbers

became the sill plates supporting an addition on the back (alley side) of the same store.<sup>28</sup> Still other gallows timbers are said to have been used in a barn (or warehouse) Meagher owned on Walnut and Second Streets used to store grain.<sup>29</sup> If these stories are accurate, by the spring of 1864, the gallows timbers were out of view, covered in batten- and clapboard like giant splinters under the thickening skin of Mankato's burgeoning civic identity.

Six years after the execution, on July 29, 1869, Miller's Adjutant, J. K. Arnold, wrote a letter to MHS secretary J. Fletcher Williams donating the pilfered noose:

Dear "Fletch,"

Your acknowledgment rec'd "OK." Many Thanks. Only when your next meeting comes off have the resolution acknowledging receipt of the document be made to the "Seventh Regiment, Minn Infty thro' J. K. Arnold Adjutant &c." I fw'd to day the rope, original with knot and noose just as it was taken off from Chaska's head. It has never been untied, and is, as it was taken from his neck. I stole it. Col. Miller was going to send them all (38) to Washington, but I wanted this one which hung Chaska. I took it off his neck hid it under my coat, went to my room. Hid it under my blankets (bed) and slept on it until the excitement was over for the missing rope, when I shipped it home by Express, since which I have carefully preserved it. "Old Steph" made an awful fuss about it wondering what could have become of it, &c & does not know to this day that his Adjutant had the same.

Well enough. Accept it, from your friend. And—one word more. Any thing—Relics—Statistics or whatever you wish I can furnish. Call upon  
Your Friend (I hope)

J. K Arnold<sup>30</sup>

This time, in 1869, MHS actually accessioned the noose, perhaps because with the Miller ropes missing, the Arnold noose was one-of-a kind.



Figure 4 (above): Parade on Front Street, Mankato in the 1880s. Meagher's hardware store was on Front Street. SMRC, Minnesota State University, Mankato via Google Images.

By 1881, nineteen years after the execution, Mankato had recovered from the economic depression triggered by the Dakota war and was thriving. The city's leading businessmen were reinventing their wooden shops in more august –and more fire proof –stone and brick. Meagher had been in the hardware business in Mankato for almost a quarter century in the summer of 1881.<sup>31</sup> Preparing to redevelop his block in brick, Meagher salvaged a unique beam from the old frame building on Front Street, wrote his name on a manila tag, tacked the ticket to one end of the beam and shipped it to the University of Minnesota care of Professor Christopher Warren Hall. Hall was gaining renown as a geography teacher and was, later, the founder of the Minnesota Geography Society. Hall had been the Principal of Mankato High School in 1873.<sup>32</sup>

The November 24, 1881 issue of the University of Minnesota *Ariel* acknowledged

Meagher's gift:

Through the kindness of Professor C. W. Hall, we are enabled to publish the following interesting item related to one of our museum curiosities:

During the past summer an interesting historical relic was presented to the general Museum of the University. It was a stick of oak timber 16 or 18 feet long which Hon. John F. Meagher, of Mankato, took out of an old building on Front Street in that city while removing the same to give place to an elegant business block. In his letter of presentation to professor Hall, Meagher wrote: "Agreeable to promise I have sent the last stick of the 'Indian Gallows' this p. m. to the St. Paul and Sioux City depot to be forwarded to the University of Minnesota. It is rather a hard used 'relic' and you may be disappointed when you see it, but I can assure you it did the business and completely civilized ten Sioux Indians who thought themselves the 'Big Indians' of this beautiful valley. \* \* [sic] The notches cut round on one side of this stick were cut to accommodate the ropes and keep them from slipping. \* \* [sic] The officer of the day and the officer of the guard at the execution was Capt. W. H. Burt of Washington county."

When a new museum will give place for the exhibition of this rough but business-looking stick, many will look at it and read its label with singular interest, for with it the practice of hanging for murder died out in our state; other methods of punishment, less effective, perhaps, but more humane, have taken its place. But the stick will attract more attention for its historical associations. It marks the close of the bloody and brutal Sioux outbreak which swept through the Minnesota Valley in 1862....

The thanks of the University are due Mr. Meagher for his kindly interest in the institution, which interest has been shown in many other ways than this.

While Meagher donated the beam to the University of Minnesota, he retained at least one other "memento" of the executions: Chaska Don's "Brade." Failing to locate any of George Gleason's relatives, Meagher had the hair plaited into a watch chain, as befitted his stature as a rising businessman –Meagher was the first President of Mankato's Citizens National Bank –and "wore it until it was about as you can see, wore out." Then in 1887, Meagher donated the watch chain to the Minnesota Historical Society, "thinking that some day it might be of interest with the other momentoes [sic] of those terrible [sic] times and that great hanging Event."<sup>33</sup>

**“Pay does not know whether it formed part of the top or bottom of the scaffold frame...”**

One hundred and twenty-five years after Meagher donated the scaffolding beam to the University of Minnesota, U of M Archivist Erik Moore, on March 28 and 29, 2012, searched the University Archives for information on Meagher’s gift. Moore located the November 24, 1881 *Ariel* article (excerpted above) acknowledging Meagher’s donation to the University. But Moore found no accession or deaccession records for the beam at the University. Moore explained, “The General Museum at the time was basically the geology & archeology museum. The annual reports for the Regents and the Geological and Natural History Survey, which oversaw the museum, make no reference to acquiring it.”<sup>34</sup>

Moore’s modern characterization of the General Museum fits the description given in an 1927 Mankato *Free Press* article written at the time the beam returned to Mankato: “[The beam] had been stored in the geological survey rooms of the University, and was about to be destroyed when the President of the Blue Earth Historical Society heard of it and asked if it could be returned.”<sup>35</sup> This December 21, 1927 article continued: “The beam arrived here almost on the anniversary of the hanging from the University of Minnesota, where it has been kept for years. It was sent there by John F. Meagher, a Mankato hardware dealer who purchased the wood of the scaffold in the summer of 1863, six months after the executions, and there it remained until W. H. Pay secured it.... It was sent down sheathed in boards to prevent damage to it in shipment.”<sup>36</sup> (W. H. Pay, President of the Blue Earth County Historical Society, was the son of Benjamin D. Pay, who in 1862 as deputy Sherriff of Mankato had helped construct the gallows.)<sup>37</sup>

Three days later, on December 24, 1927, the *Free Press* elaborated, “The University was about to destroy it after having preserved it for many years in the geological survey rooms there, but Pay wrote and asked for it. The timber still has on it the little square address ticket which the sender John F. Meagher...tacked on it when he shipped it. The bit of cardboard is yellow with age.”



Figure 5 (above): The Hotel Ben Pay, Mankato Minnesota. Undated. When the beam returned to Mankato in 1927, reporters viewed it in the basement of the Ben Pay Hotel because the beam was too long to fit in the rooms of the Blue Earth County Historical Society. “Untitled 93” SMRC, Minnesota State University, Mankato via Google Images.

It seems no one actually measured the beam when it was returned to Mankato in 1927. While the 1881 *Ariel* article placed the length of Meagher’s “stick” at “some 16 or 18 feet,” forty-six years later, when reporters viewed the timber in the basement of the



Ben Pay Hotel (owned by BECHS President W. H. Pay) they reported the beam was “about twenty four feet long” and “about a foot square.”<sup>38</sup> How did the beam gain six to eight feet in length between its donation to the University and its return to Mankato? (The *Ariel* gave no estimation of the beam’s width.)

It seems that those who viewed the beam reported what they expected to see. Pay understood Meagher had harvested the beam from the 1862 gallows and had probably heard stories from his father, Benjamin D. Pay, who had helped build it. But by 1927, a confusing number of dimensions for the scaffold were afloat in public memory. According to a July, 1896 Mankato newspaper story, upright posts reported as 16 feet long and four inches square were repurposed by Meagher to frame a warehouse.<sup>39</sup> Yet, in 1862, those same uprights were described by the *Independent* as fourteen feet tall by twelve inches square and by the New York *Times* correspondent as twenty feet tall (no width specified). The writer for the *Times* described the footprint of the gallows as framed by four “rough logs”—not the engineered beams of the Watson diagram—each “one foot in diameter and twenty feet” —not twenty-four feet —long. So it seems quite possible that observers in 1927 estimated the 24 foot length from expectations based on lore, not scientific measurement. If they did not actually measure the length, the 1927 width estimate of “about a foot square” is also suspect.

The 24-foot citation was especially enduring in Mankato because it originated with the *Independent*’s editor, who went on to become the long-time editor of the *Mankato Record*, and the *Mankato Review*. He recycled his 1862 story dozens of times for a Mankato audience during his career. Further, other Minnesota editors picked up the story and repackaged the details in their papers.<sup>40</sup> Thus the 24 feet-square dimension,

dispersed in diverse sources and repeated often, rose to the level of seeming fact, while the New York *Times* correspondent's 20-foot estimate was forgotten. One hundred and fifty years after it was built, in 2012, the actual footprint of the gallows remains speculative.

The stories behind these gallows artifacts are built more upon attribution than fact. An attribution is any characteristic ascribed to an object (like the length of a beam) or person (like whose noose). For purposes of researching and writing history, attributions gathered from primary sources and eye-witnesses close in time to an event are most likely to supply accurate technical details. (Examples cited thus far are: the December 26, 1862 *Independent* story, the letter of that date published in the New York *Times*, and Charles Watson's diagram.) Careful readers will note how few of the extant sources on the 1862 execution artifacts fall into this top-drawer category; most are retrospective newspaper articles. This means the modern story is strewn with attributions presented as facts.

For example, the MHS noose is said to have been Chaska's, an attribution made by the donor, J.K. Arnold. Outside sources verify Arnold's claim to have been at the scene and in the role he described. But ultimately, we must take Arnold's attribution in good faith –unless a second primary source arises, like a diary entry noting “today I saw the Adjutant take Chaska's noose. He hid it in his coat.” [This quote is my invention.]

The attributions for the beam should be considered with equal care. Meagher was only 45 years old in 1881 when he passed attributions about the beam onto Hall at the U of M. Meagher's 1887 letter to MHS corroborates the idea that he witnessed the 1862

executions. With business interests on Front Street and at Second and Walnut in Mankato, the scaffold would have been a familiar site for Meagher during the time it stood. It also seems likely that Meagher would have carefully examined the scaffold pieces he purchased at auction to determine how to reuse them. This suggests Meagher's knowledge of noose notches in the beam *preceded* the alterations he made when he repurposed the wood. So Meagher's claim to Hall that, "The notches cut round on one side of this stick were cut to accommodate the ropes and keep them from slipping" is solid as far as attributions go.<sup>41</sup>

However by the time of the beam's return to Mankato in 1927, Meagher had been dead for thirty years and the attributions he had made were lost. BECHS president Pay, "does not know whether it formed part of the top or bottom of the scaffold frame," the *Free Press* reported. Then, in the space of a single comma, speculation flared: "...but the presence of nine notches cut in one edge leads him to believe it was part of the top. He points out that these notches may have been cut for the passage of ropes."<sup>42</sup> The attributions made in 1927 are not as reliable as Meagher's because they are actually inferences made by secondary eye-witnesses (people who viewed the beam in person in 1927, but who had no first-hand knowledge of the beam in 1862-63).

Inferences breed inferences. After a few days to reflect on the anomaly of finding only nine notches, the *Free Press* observed in 1927, "The ropes used to hang the Indians are believed to have run in these notches. The scaffold was made to hang forty, and with nine notches on each side there would only be thirty six. The other sides may have had more notches. But it is impossible to tell. The notches show no evidence of being worn by ropes, although they probably would not in any case since the scaffold was used only

once....Various fixtures of metal used on the gallows were collected by the soldiers and placed among the Army stores as were probably the hanging ropes. All this material has no doubt long since disappeared.”<sup>43</sup>

We know the last inference is wrong. It didn't all disappear. After decades in storage so obscure that MHS employees were unaware the rope existed, Chaske's noose resurfaced in 2011 when exhibits staff began culling Dakota War artifacts to consider including in the upcoming exhibit, “Minnesota Tragedy: the U.S. Dakota War of 1862.”<sup>44</sup> At first, MHS staff thought the noose must be one of the missing ropes Miller donated in 1863. But there was a wrinkle: why did MHS wait six years, until 1869, to accession it?<sup>45</sup> Exhibit researcher Ian Lilligren combed MHS's institutional correspondence series circa the recorded accession date and found the holograph letter dated July 29, 1869 from donor J. K. Arnold to MHS Secretary J. Fletcher Williams. The noose MHS staff found was not the one Miller donated; it was Arnold's.

The rope Arnold donated in 1869 is approximately three-quarters of an inch in diameter, in a three-strand twist. The noose loop is 14 inches in diameter. The noose knot is four loops tall, measuring about three inches long overall. The free length of rope beyond the noose is 95 inches and is frayed at the extreme end.<sup>46</sup> The rope used on the gallows is said to have been manufactured by a Mr. Blair of Henderson.<sup>47</sup> Stephen Miller later explained that without the rope Blair supplied, there would have been no mass execution:

There was no rope in Mankato except bed cords to hang them with when the order reached me, and I sent a telegram (by express) to General H.H. Sibley (via St. Peter) asking that the time be extended and suitable rope be sent me –or that otherwise I would rig up a single gallows, splice the bed cord and hang the Indians one at a time. General Sibley, in conformity with the kindness exhibited toward me from the first hour that I first met him, had the proper ropes forwarded to me and secured the extension of time from the President and I executed the Indians December 26, 1862. Stephen Miller<sup>48</sup>

MHS's accessioning the noose rope suggests MHS accepted Arnold's representations for his gift. In the same way, we see the University accepting Meagher's claims for the gallows beam, and BECHS President Pay's belief in that identity in 1927 when he rescued the beam from disposal and had it returned to Blue Earth County. In both cases it is hypothetically possible that the donor created a "relic" and invented a story to support the invention. Or perhaps more mildly, the donor might have obtained a genuine artifact with plain-vanilla provenance and aggrandized his own role for history by embroidering details. (Ascribing the noose and the braid of hair to Chaska would be a classic example of the latter. The only Dakota on the scaffold with more period notoriety was Cut Nose, whose rope is said to have broken, and whose body apparently multiplied after burial: several doctors claimed to own his skeleton.)

While it is important to recognize the ways human beings actively shape their own history, like by telling stories that associate them with noteworthy people or events, it is critical to realize that the 1862 execution artifacts comprise a unique set with quantifiable physical attributes. As such, they offer objective commentary on the accuracy of textual sources and on authenticity of the other pieces with the same attribution. The odds are remote that two donors (Arnold and Meagher) successfully forged and passed complimentary artifacts (a noose and a scaffold beam) to two institutions (MHS and the University of Minnesota) decades apart (1869 and 1881). Because artifacts like the beam and the noose exist today as tangible objects, modern historians do not have to depend on attributions. Asking a question like, "Does the MHS noose fit in a notch on the BECHS beam?" would seem to be a simple matter of inter-agency cooperation.

But a major problem arose in February 2012 when the Blue Earth County Historical Society publicly announced that their beam is *not* the piece from the scaffold Meagher donated to the University in 1881.<sup>49</sup> BECHS now believes the timber is a piece of an 1856 military bridge the organization accessioned around the same time.<sup>50</sup> Obviously, it is problematic to consider the BECHS beam part of an inter-related set of execution artifacts if it is not the same beam Meagher donated.

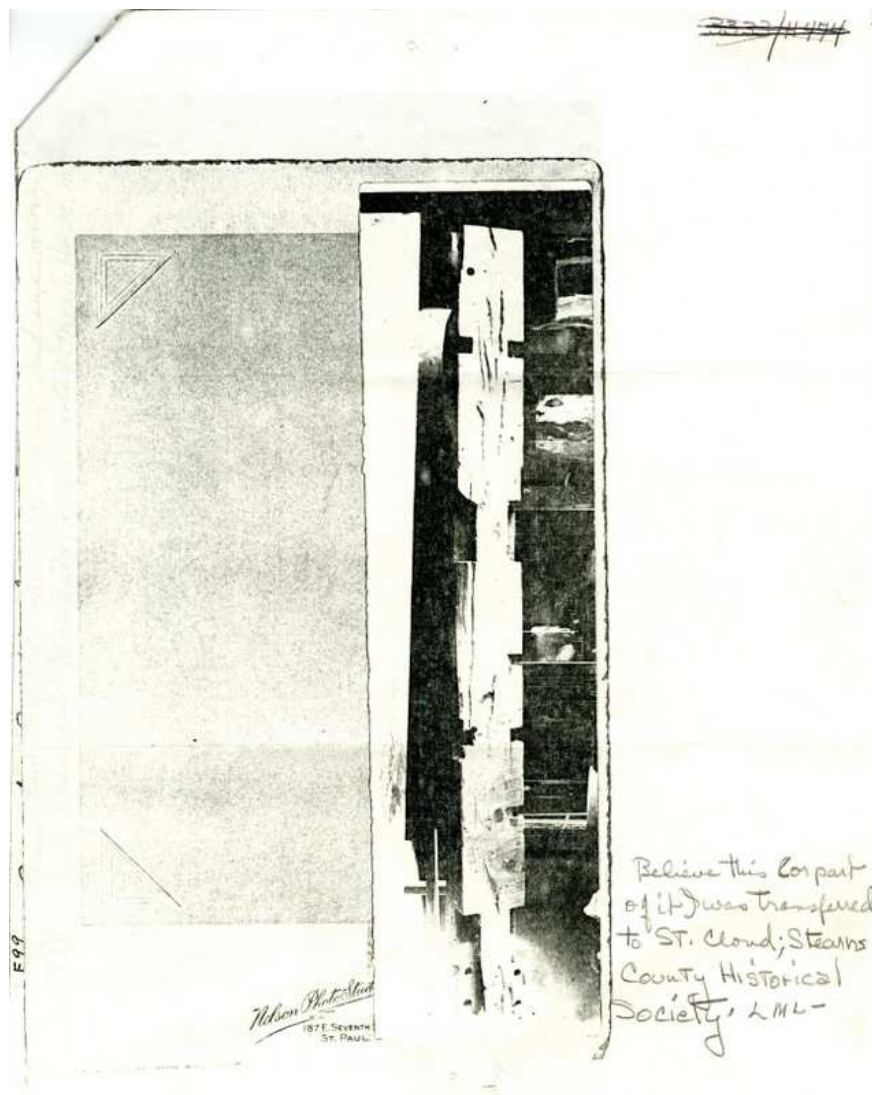


Figure 5 (above): “Beam from Scaffold where 38 Sioux Indians were hanged, Mankato, Minnesota, December 26, 186[sic] original timber in museum at University” Institutional files, the Minnesota Historical Society. Used with permission.

But at the time BECHS made that pronouncement, they were unaware that decades ago, Lolly Lundquist, a registrar at MHS, placed a copy of a photo of the University of Minnesota's gallows beam into the Arnold noose accession file. Benjamin Gessner found it there in 2011 when he began investigating the provenance of the noose.<sup>51</sup> The photo is not dated, but two clues indicate the photo was taken while the beam was at the University of Minnesota: a handwritten inscription on the reverse ("original timber in museum at University") and a St. Paul studio stamp on the front (Nelson Photo Studio 187 E 7<sup>th</sup> St. Paul). A handwritten note on the back identifies the piece as "Beam from Scaffold where 38 Sioux Indians were hanged, Mankato, Minnesota, December 26, 186[sic]".<sup>52</sup>

The history of the beam photo at MHS is checkered. For years, MHS had a digital image of the beam (a cropped version of the Lundquist photo) on its website identified as a beam from the 1862 executions. Researchers could (and did) assume the beam itself was in MHS's collections because MHS had publicly cataloged a "scaffold fragment" dated 1862, of unknown dimensions. The catalog entry was public information but contained no mention of the fact that the "fragment" was missing, and has been as long as current employees can remember.<sup>53</sup> Besides the mystery "fragment," MHS owns other artifacts associated with the 1862 gallows, like the noose and a cane made of scaffolding wood. It also accessioned the beam's donor's human-hair watch chain (although the Meagher chain has been missing from the MHS collections since at least the 1920's).<sup>54</sup> So MHS, besides being the state's designated historical repository, had demonstrable collections interest in owning a photo of an 1862 scaffold beam.

However, the MHS photo of the beam was lost to history just after the turn of the 21<sup>st</sup> century in an event familiarly known in the research community as “the photo purge” –the destruction by MHS of photos in their collection that were not originals. It seems MHS did not have the resources to first ascertain that another copy of each photo existed in another public institution; they destroyed some images for which MHS owned the only known copy.<sup>55</sup> But Lolly Lundquist’s copy of the lost beam photo survived, tucked away where she left it, in the noose accession file.<sup>56</sup>

## **Conclusion**

This newly discovered photo is the key to linking the beam Meagher donated to the University of Minnesota to the beam at the Blue Earth County Historical Society. However, there is no modern full-length photo of the BECHS beam publicly available and I have not seen the beam in person. A careful comparison of the University photo to the BECHS beam will settle the question of whether the beam Meagher donated to the University of Minnesota in 1881, is the same beam in storage at BECHS today.

The documentary evidence presented in this report raises new questions on top of those correctly raised by the Blue Earth County Historical Society in the February 2012 newspaper stories, some of which remain unanswered. Still other questions have come to light about the objects in MHS’s collection as I’ve written this report. While the lost photo is critical in establishing that Meagher’s beam was returned to and still exists Mankato, comparing the two is only the first step in unraveling the lingering mysteries about the extant artifacts from the 1862 gallows.



## Appendix A The Bachman Inquiry

While the bridge-timber revelation is a recent twist in the history of the timber at BECHS, questions have swirled since its return in 1927 when the newspaper reported the anomaly of finding only nine notches in a beam other sources, including the beam's owner-donor, Meagher, said contained ten. Historians have sought access to the beam to try to address these questions since at least since 2002. That year, Walt Bachman, armed with a file of research findings and a provenance-less photo of a scaffold beam copied off the MHS website, went to Mankato determined to learn everything he could about the 1862 executions.

Bachman, a retired Minnesota lawyer transplanted to New York, was researching the life of Joseph Godfrey, a fugitive slave who married a Lower Dakota woman. On August 18, 1862, Bachman's great-great grandfather, Ernst Deidrich, was killed in an ambush said to have been led by Godfrey, who was tried and sentenced to death. As a retired prosecutor, Bachman was especially interested in the 1862 war trials and the resulting executions of 38 Dakota men at Mankato on December 26, 1862.

On September 20-21, 2002, Bachman visited BECHS. In his 2002 report of his visit, Bachman noted:

“On Saturday, the 21<sup>st</sup>, the volunteer in charge, when he learned of my interests, took me into the back storage room to see:

- 1.) A 20-foot-long section of the 1862 hanging gallows, which was mostly wrapped up. This must be another top piece, with notches cut into it, identical to that kept by the Minnesota State Historical Society.\*
- 2.) A replica of the scaffold made by a local man. [Another replica, I was told, is in the nearby Hubbard House Museum, also not on public display.]

3.) Four beer trays depicting the hanging. [I didn't see these, but they must be similar to the one I saw being sold on eBay.]”<sup>57</sup>

In 2002 Bachman was under the impression that the Minnesota Historical Society also had a gallows beams in its collection, based on the photograph he had copied off the MHS website and a statement in an 1894 *Mankato Review* article: “one of the timbers was presented to the State Historical Society.”<sup>58</sup>

The question of which execution artifacts MHS owned in 2003 was further clouded by MHS not being able to locate a “scaffold fragment” listed in their catalog, or the 1863 Miller artifacts for which Bachman, in the course of his research, had discovered the donor letters. At the same time, MHS also denied in writing ever owning human remains, while Bachman could document MHS had accessioned Little Crow's and placed on exhibit.<sup>59</sup>

Stymied at MHS, in preparation for another research trip to Minnesota, Bachman on April 13, 2004 wrote a letter to BECHS requesting:

“...I'm wondering if you can give me information about any objects in your society's collection that are pertinent to that conflict. In September 2002, I spent a couple of days in Mankato reviewing and copying documents from your files. A very helpful volunteer also showed me some historical objects in storage there that are related to the Dakota uprising. My interest at this point is in those tangible objects....I know you have a long section from the original scaffold used in the 1862 hangings. Can you possibly tell me when and from whom your society acquired this item? The Minnesota Historical Society displays a very similar scaffold piece on its website, but the state society is now unable to locate it. Is it possible that the item you have was forwarded to the Blue Earth society by MHS?

Second, do you possibly have any of the other items that are missing from the MHS collection (but were once there)? For example do you know the whereabouts of the original axe used to cut the rope in the 1862 execution? Or the sections of the ropes used? Or any other execution-related items?...

I would be glad to pay a research fee for any time spent in providing answers to these questions.”<sup>60</sup>

Bachman was not barking up a random tree when he wondered if MHS had transferred its missing artifacts to Mankato. In the 1960's the Minnesota Historical Society began its Minnesota Regional Research Center (MRRC) initiative, it said, to better serve out-state patrons and to relieve a severe space shortage at their main facilities in St. Paul.<sup>61</sup> This led MHS to transfer material deemed of regional interest to a corresponding regional facility. For example, because the 1862 executions were held in Mankato, MHS transferred its only copy of the National Archives microfilm of the 1862 Dakota War trials to the Southern Regional Research Center in Mankato. Further, the MRRC initiative called for the regional centers to partner with the county historical societies in their region. So Bachman's attempt to trace the missing MHS artifacts to Mankato made sense. But BECHS did not reply to his letter.

The On August 18, 2004 Bachman followed up on the letter with a telephone call and wrote in a summary that conversation:

“Because I had received no reply to my letter of April 13, 2004, I called Jessica Potter today at the Blue Earth County Historical Society.

She said the scaffold beam that I was shown (wrapped in a sheet) is not supposed to be on display, and that the volunteer who showed it to me was not following proper procedures. She said that they have an article saying that the beam was reputed to be from the scaffold and noting that it was given by the University of Minnesota to the Blue Earth Historical Society in about 1900. She said the beam is not displayed for two reasons: the sensitivity of the entire subject of the execution in Mankato, and the fact that she is not completely positive that the beam is authentic....

As for the authenticity of the beam, I told her I thought that issue could be resolved with a high degree of certainty. After all, descriptions of a beam of such-and-such dimensions, with ten notches per side for ropes, could be compared easily with the artifact. She said she thought that it was likely that it was one of the beams, but that she couldn't be positive.

My impression is that “sensitivity” in this case being used to stifle both access and historical authenticity issues, which is a distortion of history itself. She said they

don't "advertise" the beam's existence, and that it is never on display. At one point she said they were "kind of hiding the fact that they have it."

She said she's quite convinced that the beam is not the same one that was once held by the MHS. I gather that she has compared it with the website photo, and does not think they are identical (but I'm not sure of that)....

They do not have any other artifacts from the day of the executions, such as ropes, the axe, or anything else....

All in all, this was a frustrating example of political correctness. This museum has a very valuable historical artifact that it is actively shielding from the world."<sup>62</sup>

The following day, Bachman wrote a letter to James Lundgren, the Executive Director of BECHS, "to draw your attention to and to criticize some of your society's policies." Bachman summarized his research interests in the beam and his frustration with being told by Potter that he could not write anything about the beam without the permission of the BECHS board of directors. "She said she is not 100 percent positive that the beam is an authentic artifact. 'How do I know it's not simply a part of some bridge?'" Bachman quoted Potter as having said in their phone conversation.

"I am sure you are fully aware of the indispensable and irreplaceable historical significance of this particular artifact...." Bachman assured Lundgren.

"Especially since the Minnesota Historical Society cannot locate its scaffold beam, your artifact is historically crucial. It needs to be carefully preserved, readily available to interested scholars, and openly listed in any indexes or catalogues of your collections....

If there is any question about the authenticity of this item, that is all the greater reason to disclose its presence and to invite scholars and experts to assist in the determining [sic] whether it is genuine or not. Frankly, I suspect that the 'authenticity' point is nothing less than a smoke screen (and itself a distortion of history) to justify an untenable policy. Reviewing my research files, I find that there are many documents that trace this item's provenance from its purchase by Mankato resident John Meagher in the 1860's, to the gift of the beam to the University of Minnesota in the 1880's, to its transfer to your society in the 1920's. If someone in your society now doubts its authenticity, those reservations should be aired publicly and discussed freely by scholars and anyone else interested in Minnesota history."

On Tuesday August 31, 2004 Lundgren replied to Bachman, apologizing “for the miscommunication between our staff and you regarding this issue.”

“It is not, nor has it ever been, the policy of our organization to hide items in our collection....Ms. Potter’s concerns revolved around the fact that our collections storage room is for authorized personnel only....

We have contacted the Minnesota Historical Society in regard to this issue. We were told....that the Minnesota Historical Society has a few items related to the hanging. Their records do not indicate they ever had a beam from the scaffold. After examining the photo on their web page, I am convinced that this is a photo of the beam in our collection. Perhaps when it was on display by us or by the University of Minnesota....We were further told that the Minnesota Historical Society does not allow anyone other than staff or Native American researchers to view items they classify as Native funeral items. They classify items related to the execution in this category....

Our policies follow established museum practices. We regularly review our policies and those of other museums and make changes when appropriate.”<sup>63</sup>

Since Lundgren did not specify, we cannot be certain that he was counseled by MHS that its beam was protected under NAGPRA, the 1990 Native American Graves and Repatriation Act.<sup>64</sup> But the advice that MHS, “does not allow anyone other than staff or Native American researchers to view items they classify as Native funeral items. They classify items related to the execution in this category” sounds like a reference that act.<sup>65</sup> This response in 2004 effectively shut off Bachman’s official avenues for inquiry. As a non-Native scholar, he understood he would not be allowed to examine the beam at BECHS and also would be denied access to the execution-related artifacts at MHS.<sup>66</sup>

This is the stuff, quite literally, of which history is made. Had Bachman been able to secure the cooperation of MHS and BECHS in 2004, the current questions about the gallows beam would have been aired and examined. But, as Lundgren pointed out in his letter, local organizations cannot fairly be expected to innovate policies more enlightened than the state

society to whom they look for advice and support. Instead, the story of 1862 gallows beam still festers beneath the state's skin like a 19 foot by nine inch splinter.

## **Appendix B Beam Investigation**

If the University of Minnesota photo of the beam matches the beam in storage at BECHS, points like those below could be clarified by comparing Meagher's claim for the beam (that it was a notched plate timber from the 1862 scaffold), as well as the claims made for the beam in print sources, to the physical evidence: the beam itself. I have found no reason to doubt Meagher's claim but am convinced history does not need to rest on his word. The beam itself should contain evidence of what it is.

### **The length of the beam vs. the dimensions of the scaffold**

The BECHS beam is about 19 feet long. The 1862 NYT story estimated the scaffold footprint at 20 feet square, not 24 feet. The document that might settle the question, Marshall's plan diagram for the scaffold, has not yet been discovered. (It is my hypothesis that a measured diagram was created in 1862.) So the actual dimensions of the 1862 gallows, perhaps 20-24 feet square, is an approximation. Moreover, the beam may have been shortened by Meagher when he repurposed it. So the length of the beam at the time Meagher donated it (1881) and its length in the present day are not meaningful for establishing whether or not this artifact is a genuine piece of the 1862 gallows.

### **The width of the beam in the early press vs. the width of the beam in storage today**

The cited width of twelve inches for the original is a 1927 attribution, not a measured fact. Like the length, the present width is not meaningful for establishing whether or not this artifact is genuine.

### **The species of wood used in the scaffold**

I found no early (1862-63) references to the species of wood. White oak is the only species mentioned in the later sources, but unless I missed something, all the white oak claims are retrospective. This means maybe the scaffold was made of white oak, or maybe it wasn't. The number of unusually large timbers required may have demanded builders use whatever was at hand –possibly several species of wood.

### **The diameter of the rope vs. the width of the notches**

The actual diameter of the noose rope at MHS is three-quarters of one inch. The width of the smallest notch on the BECHS is one inch. (Confusion was introduced here by references to two- or three-inch diameter rope used on the scaffold. This heavier rope was used on the center pole, not on the beams.)

### **The presence of nine notches versus the expected ten**

Meagher's donation letter specified the beam killed ten men; it is reasonable to expect to find ten notches. The beam currently bears nine. At the time the scaffold was constructed, Lincoln's hanging order was known to list 39, not 40 names. So one beam may have borne only nine notches, not ten. A second possibility is that when the beam was repurposed, a notch was lost.

### **Which side of the beam faced up?**

Noose-notches might not be the only hallmark feature of a genuine scaffold beam. The Watson diagram shows the beam originally would have intersected with a center support post rising up from below. Is there a wide mortise on one face of the beam 10-12 feet [presuming the original length of the beam was 20-24 feet] from the tenon end that might mark the original center of the bottom face of the beam? If that surface is posited as the bottom face, which face do the suspected "noose notches" appear on? [Note that the suggested "bolt-holes" in the 1927 newspaper story were speculation.<sup>67</sup> I found no documentary mention of bolts; indeed with timbers this massive, mechanical fasteners might not have been needed. It would be good to consult a timber-frame barn expert on points like joinery.]

### **What was the original length of the beam?**

If a center support mortise can be determined, what is the length from the center of this mortise to the far edge of the tenon end of the beam? Doubling this figure (presuming original symmetry) would suggest the original length of the beam. Is that length in the ballpark suggested by the documentary sources?

### **Was the tag switched?**

If the photo matches, the tag bearing Meagher's name was not switched from the scaffolding beam to the bridge timber; this is the same beam to which he affixed the tag in 1881. Besides being the most logical reason to find the Meagher tag on the beam, it is also historically improbable that a paper tag so old would survive the transfer suggested in the bridge-timber scenario.



<sup>1</sup> I am an independent historian specializing in the context and historiography of the U.S. Dakota War of 1862, and currently serve as the Vice President of the Pond Dakota Heritage Society in Bloomington, Minnesota. I am the primary editor of *A Thrilling Narrative of Indian Captivity: Dispatches from the Dakota War* (The University of Nebraska Press, 2012), a lost text written by Mary Butler Renville with the help of her Dakota husband, John Baptiste Renville, telling the story of the Dakota Peace Party during the war.

<sup>2</sup> Mankato *Free Press* December 24, 1927.

<sup>3</sup> Mankato *Independent* December 26, 1862.

<sup>4</sup> For the publication history of this edition, see the Mankato *Independent* January 2, 1863 and the Mankato *Review*, December 29, 1896. It appears from later stories that the *Independent's* editor went on to edit the Mankato *Record* and the Mankato *Review*.

<sup>5</sup> Mankato *Independent* December 26, 1862. The paper sold so many copies that the editor reprinted the pages reporting on the execution in the January 2, 1863 edition of the *Independent*. On the microfilm produced from the Minnesota Historical Society's copies of this newspaper, the January 2 reprint is much more legible. The "prop" according to a December 26, 1862 diary entry by a soldier eye-witness named Ferdinand Scherrer, were "corner posts knocked out from under the scaffold" upon the second of three drum taps. Text and photos of the Scherrer diary appear in "Army Recruit's Diary Records the Day of the Death Dance December 16, 1862" in the Mankato *Free Press*, December 27, 1971. Execution subject file, the Blue Earth County Historical Society.

<sup>6</sup> See Figure 1 and the discussion in the captions for Figures 1 and 2 in this report.

<sup>7</sup> A November 24, 1911 Mankato *Review* clipping in the Execution file at the Blue Earth County Historical Society noted, "Col. Miller informed Mr. [Benjamin D.] Pay [acting Sheriff of Mankato] that he had received orders to hang a number of the Indian prisoners and said that a scaffold would have to be built. Lieut. Col. Marshall, afterwards one of the governors of this state, drew up the plans of the scaffold in the Higgins hall [the Leech building; see the clipping] and Mr. Pay and Mr. Dooley and several others living here at the present time built the scaffold right across the street from Higgins hall."

<sup>8</sup> On December 24, 1862, when this was written, news of Tatemima's presidential reprieve had not yet reached Mankato.

<sup>9</sup> Charles H. Watson to his father, February 1, 1863. Charles H. Watson letters. MHS. Of the many depictions of the scaffold, Watson's is the only one to contain all the elements (in their right places) mentioned in documentary primary sources.

<sup>10</sup> Text online at <http://www.startribune.com/local/blogs/138273909.html> In the future, this should be compared to an original image of the NYT story to check for transcription errors, to ascertain the date of publication (which must be later than the date on the reprinted letter) and to look for clues to the identity of the correspondent.

<sup>11</sup> All quotes in this paragraph, Mankato *Independent* December 26, 1862.

<sup>12</sup> The 1862 *Independent* states a single blow on a drum signaled Duly's axe chop; the NYT correspondent cited three measured "taps" on a drum. Decades later, the former editor of the *Independent* told the story with three tap signals. The *Independent* also describes the executed men showing signs of life for 5-10 minutes while NYT story says most "died instantly." These two early stories are somewhat sanitized compared to later retellings by eyewitnesses. Later stories are more nuanced and complex; my sense is that the later stories, on this particular point, are more honest, that the early impulse to publicly justify the executions bred the more humane-sounding early stories, especially in the Minnesota press.

<sup>13</sup> About an hour: Scherrer diary, Mankato *Free Press*, December 27, 1971. Execution subject file, the Blue Earth County Historical Society. I have found no archival sources commenting on whether the white hoods of unbleached muslin, styled "caps" in period sources, were removed from the bodies at gallows at the same time the nooses were removed, or whether the Dakota bodies were taken to the grave hooded. Grave robbers claimed to have singled out specific bodies when they later exhumed them. The fact that the officials in charge and the media all were expecting the president to order another round of executions leads me to hypothesize that the hoods, too, were likely removed when the bodies were cut down with the intent to reuse the hoods for subsequent executions. Despite the fact that the axe, pieces of the central rope, two nooses and many pieces of scaffold were collected as commemorative trophies, I'm not aware that anyone claimed to have preserved a hood.

<sup>14</sup> J.K. Arnold to J. Fletcher Williams July 26, 1869. Minnesota Historical Society Institutional Archives, MHS.

<sup>15</sup> Mankato *Independent* December 26, 1862.

<sup>16</sup> For basic biographical information on Meagher see <http://www.leg.state.mn.us/legdb/fulldetail.aspx?ID=13931> and <http://archive.leg.state.mn.us/docs/NonMNpub/oclc07794761.pdf#page=10> Meagher's obituary in the June 19, 1887 *Mankato Review* gives his birth date as April 11, 1836. He died June 18, 1887 at his home in Mankato.

<sup>17</sup> "Something for Voters to Remember." *Mankato Weekly Review* October 31, 1863, p. 2. Meagher was running for Blue Earth County Treasurer when the article appeared. The defense of New Ulm, at the time, was viewed as a defense of Mankato and St. Peter and other cites east of New Ulm. See also a reference to New Ulm during the war in Meagher's letter to J. Fletcher Williams December 26, 1887. Typescript of donation letter. M582 roll 1, MHS.

<sup>18</sup> "Confessions of the Condemned" Number 20, Chaskay dan. *Mankato Independent* December 26, 1862. This is the same defense Chaska (who was tried under the name Wechankwashtondopee) offered at trial.

<sup>19</sup> "[A]ll of the old Settlers of the Minnesota Valley, will remember the Genial face and hearty laugh of Geo. Gleason....Gleason was killed by Chaska Don, at the time of the outbreak....Several miles above the Red Wood River Chaska Don and one or two other Indians who saw [Gleason's wagon] coming secreted themselves in the Grass by the road side. As Gleason drove up, Chaska Don fired, and with his unerring aim, Gleason fell dead in the wagon.... Chaska Don was among the thirty Eight executed here on December 26<sup>th</sup> 1862." John F. Meagher to J. Fletcher Williams December 26, 1887. Typescript of donation letter. M582 roll 1, MHS.

<sup>20</sup> John F. Meagher to J. Fletcher Williams December 26, 1887. Typescript of donation letter. M582 roll 1, MHS.

<sup>21</sup> For the identity of Arnold's "Chaska" see J.K. Arnold to J. Fletcher Williams July 26, 1869. Minnesota Historical Society Institutional Archives, MHS.

<sup>22</sup> I was interested in developing this report for that very reason: 1862 captive Sarah Wakefield knew this Dakota man as Arnold did, as "Chaska." Wakefield and Chaske (the modern spelling), who was tried under the name Wichankwashtandopee (Wicaŋhpi Wastedaŋpi), are the subjects of my next book.

<sup>23</sup> Alex Ramsey to Colonel [Miller] June 6, 1863. Institutional Archives, MHS.

<sup>24</sup> I believe Stephen Miller may have been on the Executive Council of MHS at this time. I did not have time to pursue that question because the use copy (microfiche) of the Executive Council minutes books is missing this segment of time. (It appears from the fiche copy that a section was skipped. I believe MHS still retains the originals.) Miller legally became part of the Executive Council when he became governor in 1864.

<sup>25</sup> *Mankato Independent* July 4, 1863 p. 2. I read the *Independent* until the end of its run and the *Review* through the first issue of 1864, thinking I would find some reference to the auction in the "summer" of 1863 at which the scaffold is said to have been purchased by Meagher, or to his expanding his hardware store with the timbers, said to have been done in the winter of 1863. I found nothing besides this cite. I began reading the *Union*, which replaced the *Independent*, but quickly formed the opinion that the editor of the *Union* seemed bent on keeping the paper "upright" in tone. The *Review* was pro-Masonic and the *Union*, pro-Presbyterian. I stopped reading the *Union* to spend more time in the *Review*, whose editorial policies seemed more in keeping with execution stories.

<sup>26</sup> In September, 2011, MHS added this note to an internal research file: "These correspondence, one from Colonel Stephen Miller to Governor Ramsey offering for donation, and one from Gov. Ramsey to Colonel Miller accepting the donation of an executioner's axe, a small piece of rope which supported the scaffold, and a noose, were mistakenly added to the accession paper file 3333.h474 and are now removed. After examining the databases and original registers with Dan Cagley, Collections Manager, and Matt Anderson, Curator, all evidence seems to illustrate that these objects were never accessioned, and therefore never registered or given tracking numbers. Ben Gessner, Collections Assistant 9/29/2011" Copy provided by Ben Gessner to me via email April 11, 2012. Backing this up, several scholars including myself who have spent a decade tracking references to the exhibition and later disposition of Little Crow's remains by MHS have found no anecdotal evidence that MHS ever exhibited the axe and ropes. Little Crow's remains were repatriated to his family in 1971.

<sup>27</sup> Much later, one old-timer recalled the gallows standing until "about 1865;" he and his friends played around it as children. Other reports suggest Meagher did not purchase the store in which he installed the timbers until 1864. While 1863 seems like a logical date for a federal auction, given the absence of any mention of the auction in the 1863 newspapers, it is quite possible the scaffold was auctioned later.

<sup>28</sup> "[T]he scaffold timber....formed a part of if not all of the sills under the rear part of John Meagher's store." Clipping, "Neff and the Indian Hanging," *Mankato Free Press* Daily November 29, 1911. Execution subject file, Blue Earth County Historical Society. If the newspaper stories are reliable, when Meagher redeveloped his block in brick around 1881, he detached this addition and moved it to the other side of the alley where it was used as a warehouse until it burned in late July 1898. On that fire, see: "Big Bonfire," *Mankato Weekly Free Press*, July 29, 1898. This fire is not to be confused with a July 23, 1896 fire that consumed another warehouse (also called a barn) owned by Meagher, at the corner of Walnut and Second Street. It is also said to have contained gallows timbers. On the latter see "Pieces of the Scaffold" in the *Mankato Review*, July 23, 1896.

<sup>29</sup> In a December 29, 1896 edition largely republishing the December 26, 1862 edition of the Mankato *Record*, the editor of the Mankato *Review* summarized, “The gallows was afterwards sold to Mr. John F. Meagher who used the timbers in building a warehouse. Afterwards one of the timbers was donated to the State Historical Society, and the others have been lost sight of in the course of time. Some having been in the incendiary fire of the old barn on the corner of Second and Walnut streets.” p. 3.

<sup>30</sup> Letter discovered in the MHS institutional archives by exhibit researcher Ian Lilligren, transcribed by exhibit designer Kate Roberts, both of MHS. Copy provided to me by Kate Roberts October 31, 2011.

<sup>31</sup> According to a transcription titled, “The Old City Hall from Review, May 1888” in the “Old Settlers Stories” manuscript at the Blue Earth County Historical Society, Meagher did not buy the building in which he is elsewhere said to have installed the notched gallows top plate until 1864. According to this article, Meagher did not tear down the building until the spring of 1888. p. 91-92.

<sup>32</sup> See Martin, Lawrence “Memorial of Christopher Webber Hall” in *Annals of the Association of American Geographers* vol. 2 (1912) 101-104. Available on Google Books:

<http://books.google.com/books?id=FXJIAAAAYAAJ&dq=Memoir%20of%20Christopher%20Webber%20Hall&pg=PA101#v=onepage&q=Memoir%20of%20Christopher%20Webber%20Hall&f=false> The Christopher Webber Hall Papers at the University of Minnesota ( <http://special.lib.umn.edu/findaid/xml/uarc00731.xml> ) contain fieldwork notebooks, not correspondence.

<sup>33</sup> John F. Meagher to J. Fletcher Williams December 26, 1887. Typescript of donation letter. M582 roll 1, MHS. In the same letter, Meagher told Williams he also cut off the ropes that had bound Chake’s hands and feet. The whereabouts of those ropes is currently unknown; he did not donate them to MHS. MHS believes the watch chain went missing before 1920. Ben Gessner to Carrie Zeman, email April 18, 2012.

<sup>34</sup> Email, Erik Moore to Carrie Zeman March 29, 2012.

<sup>35</sup> Mankato *Free Press* December 21, 1927.

<sup>36</sup> Mankato *Review* November 24, 1911.

<sup>37</sup> See on Benjamin D. Pay, see note 7 above.

<sup>38</sup> The Pay family started out in the livery business and expanded into hotel-keeping in Mankato. Numerous clippings in the Pay Family file at the Blue Earth County Historical Society.

<sup>39</sup> “Pieces of the Scaffold” in the Mankato *Review* July 23, 1896.

<sup>40</sup> The Mankato *Review*, December 29, 1896.

<sup>41</sup> University of Minnesota *Ariel* November 24, 1881. University of Minnesota Archives, Twin Cities.

<sup>42</sup> Mankato *Free Press* December 21, 1927.

<sup>43</sup> Mankato *Free Press* December 24, 1927.

<sup>44</sup> Many MHS employees were unaware it existed: Adam Scher to Walt Bachman July 11, 2003, cover letter and 17 page 1862-related object list provided to Bachman by Scher, which does not list the noose. Copies of both documents were given to me by Walt Bachman and are in my project files for this report.

<sup>45</sup> Kate Roberts to Carrie Zeman in conversation at MHS, October 2011.

<sup>46</sup> Cataloged dimensions of noose in email from Kate Roberts to Carrie Zeman February 27, 2012. Diameter of rope, email Benjamin Gessner to Kate Roberts and Carrie Zeman March 27, 2012.

<sup>47</sup> An unidentified clipping in the Blue Earth County Historical Society Execution subject file reads, “Mr. Blair, the man who made the ropes used in hanging the 38 Indians, paid Mankato a visit yesterday, after an absence of twenty years. At the time of the execution he resided in Henderson, but is now a citizen of Grand Forks, North Dakota. Mr. B. is well-preserved, enjoys excellent health, and we hope has a long future yet before him.” David P. Blair, born in Ohio c. 1834, is a solid candidate. His occupation is listed as “miller” in Henderson in the 1860 census, as “plasterer” in Henderson in 1870, and in 1880 was a plasterer in Grand Forks, North Dakota.

<sup>48</sup> Mankato *Free Press* clipping dated January 26, 192, BECHS. The clipping declares the text was written on the back of a letter discovered in the MHS collections by Ethel Virtue, curator of manuscripts. I have not yet encountered this holograph at MHS. By my rough calculations, based on the overall length of the MHS noose rope, Blair must have supplied at least 400 feet of three-quarter inch rope (ten feet per noose not including the “short piece,” the loop wrapped around the beam).

<sup>49</sup> “Wood Believed to be from 1862 Scaffold Stashed Away” by Tim Krohn. The Mankato *Free Press* February 4, 2012: <http://mankatofreepress.com/local/x584480000/Wood-believed-to-be-from-1862-scaffold-stashed-away>

<sup>50</sup> “Scaffold Timber War Really from Bridge, Historical Society Says” by Dan Linehan. The Mankato *Free Press* February 10, 2012: <http://mankatofreepress.com/local/x1704536764/Scaffold-timber-was-really-from-bridge-historical-society-says> . See also the Blue Earth County Historical Society’s web page on the 1856 bridge timber: <http://bechshistory.com/collections/Timber.php> accessed April 20, 2012 and saved to the project file for this report.

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<sup>51</sup> Lolly Lundquist worked for the Minnesota Historical Society from the mid-1960s to the mid-1980s where she was the keeper of the accession files. Ben Gessner to Carrie Zeman and Kate Roberts to Carrie Zeman, both email, March 29, 2012.

<sup>52</sup> The edge of the original was missing or marred; the end of the year is missing on the copy.

<sup>53</sup> Benjamin Gessner to Carrie Zeman email April 17, 2012.

<sup>54</sup> Benjamin Gessner to Carrie Zeman email April 17, 2012.

<sup>55</sup> This is my representation of the “photo purge” from my researcher’s point of view. I am not aware that MHS has publicly advanced its institutional rationale.

<sup>56</sup> Lundquist left modern historians a red herring the day she noted in the margin of her photo copy: “Believe this (or part of it) was transferred to St. Cloud, Stearns County Historical Society. LML” John Decker, Archivist at the Stearns History Museum and Research Center replied to my recent inquiry about the photo and Lundquist’s note. Decker said SHMRC does not have the photo, or the beam, or any part of the beam in its collections and never has. John W. Decker to Carrie Zeman, email April 12 and 13, 2012 in my files.

<sup>57</sup> Walt Bachman file D.46. Copy given to me by Bachman in February 2012, in my files.

<sup>58</sup> “Thirty Two Years Ago.” *The Mankato Review* December 26, 1894.

<sup>59</sup> In 1988, MHS acknowledged that, “Judged by the Society’s standards today, the exhibition of human remains and the treatment of them as museum artifacts is unthinkable.” *Minneapolis Star Tribune*, March 17, 1988. 1B, 3B & 12B.

<sup>60</sup> Walt Bachman to Jessica Potter April 13, 2004. Copy given to me by Walt Bachman in February 2012, in my files.

<sup>61</sup> For more information on the MHS MRRC initiative see “Minnesota Regional Research Facilities” by James E. Fogerty in *Minnesota History* Spring 1974, p. 30-32. Available on line at: <http://collections.mnhs.org/mnhistorymagazine/articles/44/v44i01p030-032.pdf> .

<sup>62</sup> Walt Bachman file D.124, August 18, 2004. Copy given to me by Walt Bachman in February 2012, in my files.

<sup>63</sup> James Lundgren to Walt Bachman August 31, 2004. Copy given to me by Walt Bachman in February 2012, in my files.

<sup>64</sup> <http://www.nps.gov/nagpra/INDEX.HTM>

<sup>65</sup> While that may have been Lundgren’s understanding in 2004, as of my inquiry in March 2012, MHS does not classify its 1862 executions-related artifacts as restricted by NAGPRA. Benjamin Gessner to Carrie Zeman in conversation with Kate Roberts and Ian Lilligren at MHS on March 28, 2012. In fact, several months ago I –and I am not of Native decent –was was invited to view the MHS noose, which, at the time, MHS was considering placing in a public exhibition. MHS removed the noose from the exhibit list and returned it to storage before I saw it.

<sup>66</sup> Bachman reviewed and commented on a draft of this report.

<sup>67</sup> *Mankato Free Press* December 24, 1927.