

CASE NO.115

HENRY MILLARD. (HALF BREED)

Proceedings of Military Commission organized
at Camp Release opposite the Mouth of the Chippewa
River by virtue of the following order
Order No 53. Head Qrs Camp Release Sep. 28th 1862
A Military Commission composed of Col. Brock Reg
M. B. Marshall Jr. Captain Grant M. Bailey 1st and
M. B. of the 3rd Reg. will convene at some convenient
point in camp at 10 O'clock A.M. to try summarily the
Mulatto and Indians, or Mixed Bloods, now prisoners
who may be brought before them by the direction of the
Col. Comd'g if found guilty of Murder or other crimes
upon the White, during the present state of hostilities
of the Indians, the proceedings of the Commission to be
returned to the Head Qrs immediately after their con-
-cluding for the consideration of the Col. Comd'g

The Commission will be governed in their proceed-
ing by Military Law and usage

By order of the Col. Comd'g M. B. Inspr
(Sgt. S. H. Fowler
A. J. A. Gen

Head Qrs Camp Release Oct 15th 1862
Order No 55. I. The Military Commission to be composed of Col
Comd'g M. B. in Prisoners will convene tomorrow
at 10 O'clock and from then on as practicable and
proceed with the business of war

II. - M. B. Marshall Jr. Reg. M. B. being absent
on duty Major Bradley of same Reg. is hereby detailed
to fill the vacancy thus occasioned

By order of Gen. J. H. Sibley
J. H. Fowler
A. J. A. Gen

Camp Release opposite the mouth of the
Chippewa River Oct 17th 1852.
The Military Commission must pursuant to the order
Present

Colonel	Barber	6 th Reg M V.	} Members
Major	Pydley	7 th " "	
Captain	Grant	8 th " "	
"	Pieper	" " "	
Major	Our legal Advocate		} Recorder
Lieutenant	Head	W. Phails Mounted Rangers	

The Military Commission was then duly sworn
and Henry Melord ^{a half A. B. Reed} ~~a half A. B. Reed~~ was
assigned on the following Charge & Specification

Charge & perpetration against Henry
Melnd a ~~white~~ ^{red} ~~red~~ ^{red} half Breed

Charge Perpetration in the murders
outrages & robberies committed by the
same Indians on the Minnesota Frontier

Specification for this that he the said
Henry Melnd a half Breed did
join with and participate in the
murders robberies & outrages committed
by the above tribe of Indians on the
Minnesota Frontier between the 18th
day of August 1862. and the 28th day of
September 1862 & participating in the battles
at the Fort Rice Elm & Buck Lake
& fired his gun at the latter place
last. exchanged with the murder of
a white man when in company
with E. Lay. brother

By me of General H. H. Ashley
J. A. Fowler

Witness
E. Lay brother

Attest
J. A. Fowler

Prisoner Status

That he is not guilty of the

Charge

Went from Red Hood to the fort - was present only at the 2nd battle at fort - Was down in Coolie near Cutler in Company with his uncle David Daribault, Tom Robertson & many other 1/2 breeds, was looking at Indians - had gun, was broke, had a good gun, but an Indian took it, & gave him his bad one in exchange - had some powder, gave it away to Indians (who were in the fight) took no part in the fight (don't recollect) did not want to take a part - Staid in Coolie all the time, Indians all there in Coolie - Did not go out of Coolie for fear of being killed - Same reason kept Indians from going out of Coolie - Staid all day in Coolie with other Indians, then started down to N. Elm on the other side - Indians fired from Coolie (Says "of course") lock was broken, tried it, was loaded by Indian - tried it before arrival at fort - Wouldn't go at all (gun) Old Indian took his good gun, asked prisoner for it - old man lived at Shakopee - is not here - made no objection to exchange of gun - Went to N. Elm in charge of Indian horses, never recovered my gun

Was looking on at fight at N. Elm -
Was with David Fairbault, was at
lower end of town - Staid all day -
walked around - Was fired on -
Indians gnaided them. Could not
escape - Was at Wood Lake with Joe
Campbell, was on hill - Was forced
to go by indians -
Was at Birch Coolie, Duncan Campbell
and Tom Robertson were there - Was
ordered by indians to go. Zit-Ka-na-
ro-ta - was prominent in ordering him
to go with indians, had horses &
mule & white horse to take care of. had
no gun - white horse ridden by -
Tom Robinson's brother - Had no gun -
fired no gun at Birch Coolie -
Don't know E-tay-ho-ta - Went on
no tramps with indians - Was
with Tom Robinson - all the time -
Don't recollect of firing a gun at any
battle - Am certain - If I did I did
not see anything to shoot at -
When indians first came to J. Medicine
cleaned gun & fired it - Was not at
lower agency. Aug 18 - was 2 1/2 miles
from Redwood. Indian gave me
a blanket, was not present at
breaking into of stores &c -
Saw Crawford coming back from N. Elm -
Fairbault Sen^r was stripped, paraded -
had gun - had his own horse - Did
not see, or hear of Fairbault's firing

Did not see an indian Kill a white man -

O-lay-ho-ta - Worn, and back explained to him - He says he understands his duty under oath - Dont know anything Godfrey Worn - Saw prisoner at fort - Saw him fire his gun at fort - Saw him fire in direction of houses in fort - Near Coolie, that goes up by Syster's house - Near Randalls old store - Prisoner did same as indians - they would run up & fire & then run down again - Was there Saw him fire a great many times, did not Count the number of shots - Saw him at New Ulm - Saw him going down to New Ulm, but lost sight of him there - Saw prisoner at Birch Coolie - Saw him do nothing - Saw him at a long distance -

Saw prisoner at Wood Lake on horseback. Saw him pick up a Cannon ball that is all he saw him do - Saw Stan-du-ta, at fort was alongside of prisoner - Did not see Fairbault Sen? there - Did not see Tom Robertson there - (at fort) - Ma-za-i-bo-bdu - told witness that prisoner & 2 other 1/2 breeds - went across opposite Crow's village & Killed a white woman - and Ma-za-i-bo-bdu got across after the woman was killed. Having gone over to look for oxen. Saw prisoner & 2 1/2 breeds shoot white woman. Prisoner in Prisoner had double barrel gun.

a shot pouch & powder horn -
Prisoner asked other Indians for lead
and powder - Plan-du-ta was the
Indian that furnished prisoner with
powder & lead - Prisoner & Plan-duta &
Witness were sitting together smoking -
Heard Witness ask prisoner ask
Plan-duta for balls - Saw Plan-duta give
prisoner balls -

Prisoner said to ~~Witness~~ & Plan-duta
that he (prisoner) had a good chance
to fire from near Randall's store,
but had run out of ammunition
and for that reason, ran down into
the Coolie, to get a supply - After
Plan-duta gave prisoner the balls,
Henry Milord (prisoner) asked Plan-duta
to go back with him to the back
of Randall's store - Plan-duta replied
that he had to look after his brother,
& could not go back with him -

Mazabondor, only recognized prisoner,
out of the 3 half breeds -

Don't remember names of other Indians
who were present in Coolie, during
conversation, referred to above between
prisoner & Plan-duta -

X When men came where I was standing
the ~~assess~~ ^{Phantom} asked him where
he came from he said that he came
from behind the settlers store & wanted
some powder & bees -

Prison rules -

See Hypocrite Anqui
and Baptista ^{Scott} Campbell went across
the river at Brown village for cattle,
to bring them on this side at the request
of the Indians - They sent us over to
get them -

There was no one present but
the witness & Plandota when the ^{convict}
which witness alludes at the fact
is said to have taken place -

We saw no women there.

If we had we should have brought
her here -

I came up to the Cooley & asked
Plandota for a light for my pipe -

Gulley was coming up - I lit it &
we smoked together - I don't remember
of asking for powder or bees - I
told Plandota I had given away
all my powder & bees to the Indians -
Plandota gave me more powder
& bees -

Baptiste Campbell sworn says -

I know Henry Miller

I went over the river with him
from Brown place - right across -

We were sent over by the Indians
to drive some cattle across - We
saw a man there with a lot of cattle -

We tried to drive them but they
run off - We shot at the man - Henry

Miller - Hypocrite Ange - ~~of the~~ ^{Henry} Cow
Can Indian dressed in white) and
another Indian, ~~all~~ shot at him -

E. Fa-ho-ta, ^{the} another Indian, (addressed in white)
who was
in the party, killed the white man -

I shot first - The Indian
shot last and hit him - Killed
him - Miller never went to any fight.

Miller was in camp at the fight at
the fort - He never moved from camp -

He was not at the fort - I saw
him here in the morning of the fight
at New Aera -

Muz-ze-bow-iden Sworn, says -

The prisoner & some other half breeds
went over the river & when they came
back told the other Indians that
they had killed a white man & a

White woman —

Plan. du. tau system — says —

I know him,

Mien asked me at the fort for a light
for his pipe — Henry then told me that
we had better go down in the ravine as
they were firing at them — I then
saw Henry go down in the ravine — Henry
let me have 4 bullets — I had the
bullets in my hand & went down the hill —

I saw Henry fire 2 shots — Henry
fired from near the Butters store — the
Corbin — I didn't see the negro there —

Henry didn't fire away all he had —

Henry had a double barreled gun there.
I was some distance from him but saw
him fire —

Henry had a bad good looking
gun. Henry told me the gun wouldn't
go — one of the locks was bad —

Spr. Stiles — I tried to fire ^{twice} at the
fort, but my gun snapped — Tazoo
tells the truth with this exception —

Munzeboomida says — I saw capt.
come across the river at Crow

Village - I heard Henry & a lot of others
^{went}
come across the river & killed a white
man & woman - I heard some
of the party say so - in presence of Henry -

Left. Guys -

It is true I said what
last witness says in my presence -

I saw and heard the Indians were
firing & heard they killed a white man.

I fired my gun as Campbell
says, but after I fired my gun
off after the Indians fired the man
was dead. When we went out
only one white man was killed -

I was 5 or 6 rods from the white man
when he was shot - It was on a hill.

I heard John Coon fire one shot - Lybrate
fired one - He fell at the second shot -

The Indians crept around through
the ravine & fired - I fired a long
time after they fired - I snuffed my
gun before the Indians shot him -

I thought he was dead because
he fell before I fired -

Thos. Robinson - I never saw left. fire kill
any white persons -

I have heard since I have been in
Camp that Capt. Killea a person - David
Harribmet said so - said he heard
it from another Indian.

Ta-shu - Kay - muzzu, my
brother was the Indian who rode the
white horse at Birch Creek -

(Henry Miller case)

David Farnhamet sworn -

The second day of the outrages Miller said they shot at a woman with a young Indian -

The Indian said he shot the man & Henry said "No he shot him" - I would ^{not} believe a word he says - I don't think Miller was forced to go over the river - They said the woman & man were fixing a stack of oats when they killed them. He talked of it as if he wanted to do it -

When Miller spoke of killing whites I said he ought to have done it - He said, well, he had killed one anyway -

And therefore the case being closed the Commission was closed and proceeded with their finding and sentence -

The Military Commission after some deliberation on the foregoing find the prisoner Henry Miller as follows -

Guilt of the charge -

Guilt of the specification

And sentence him to be hung by the neck until he is dead -

D.O. O'Heard -

Recorder -

R.C. Olm

St. J. M. Min. Vol.

Judge Advocate Mil. Com.

Wm. C. Work
Col. Gen. Min. Vol.
Pres. Mil. Com.

Henry M. Milled

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Charge, testimony re

as.

Henry chloride -

sentenced to be hung