

CASE NO.178

NA-PAY-SHUE

Proceedings of a Military Commission commenced at Camp Release opposite the mouth of the Chippewa River, by virtue of the following order

Order H. Q. Camp Release Sep. 28th 1862

Order 1553. A Military Commission composed of Col. Cook, 6th Reg. M. V. Col. Marshall 7th Reg., Captains Grant Bailey 6th Reg. & Hunt of the 3rd Reg. will convene at some convenient point in camp at 10 o'clock to try summarily the Mulatto and Indians & Mixed Bloods, who may be brought before them by direction of the Col. Commanding and to judge & sentence upon them of fraud, guile, of Murder or other outrages upon the whites, during the present hostilities of the Indians. The proceedings of the Commission shall be returned to the H. Q. immediately after their conclusion for the consideration of the Col. Commanding.

The Commission will be governed in their proceedings by Military Law and usage

By Order H. H. Lobb

Col. Commanding Fort Snider

Order H. Q. Camp Release Oct. 15th 1862

Order 1554. The Military Commission heretofore of Col. Cook, 65th 6th Reg. M. V. is President, will reconvene tomorrow at 10 o'clock or as soon thereafter as practicable and proceed with the business before it

I. I. - Col. Marshall 7th Reg. M. V. being absent on duty, Major Bradley of same Reg. is hereby detailed to fill the vacancy thus occasioned.

By order of Gen. H. H. Lobb

S. H. Fowler

Adj. Gen.

Adj. Gen.

Camp Little Bore Agency Oct 29th 1862
The Military Commission did pursuant to the order

Present

Colonel	Corrals	6 th Reg. M.D.	} Members
Major	Brady	7 th " " "	
Captain	Grant	6 th " " "	
"	Bailey	" " " "	
Suit	Thun	3 rd " " "	Judge Advocate
Adjutant	Shand	W. Phillips M.D.	} Recorder
	Manym		

The Military Commission was then duly sworn and
Na-fay-shwe a Sioux Indian was
arraigned on the following charges & specification

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Charge & Specification against
Na-pay-shne

charge: Participation in the murders outrages
& robberies committed by the Sioux tribe of Indians
on the Minnesota frontier.

Specification: In this that he the said
Na-pay-shne

did join with & participate in the murders outrages
& robberies committed on the Minnesota frontier by
the Sioux tribe of Indians between the 18th day of
August 1862 and the 28th day of September 1862 &
particularly in the Battle at Fort, Birch-cook
New Ulm & Wood Lake — was wounded at New
Ulm — said he killed nineteen persons.

Witnesses

Wellingworth
David Gessibault
Thomas Robertson

H. H. Leblay
Brigadier General Commanding

Prisoner States -

I was not at
the Tent - I was not at New
Nem - I had a sore knee
and couldn't go -

Thos. Robertson being sworn states

I heard the
prisoner say the morning after
the first massacre that that
(his gun) was an old gun, but
that he had killed 19 with it -
This was in front of John
Moore's house - His wife and
children were the first ones over with
Beaver Creek Massacre -

Walter Washday - being duly sworn
says -

I never heard anything
about prisoner -

I

Prisoner says -

I never fired my gun off -

And thereupon the case being closed, the
Commission was cleared and proceeded with
their finding and sentence.

The Military Commission after due delibera-
tion on the foregoing find the prisoner the
said Ma-pay-shne...a Sioux Indian as follows
Guilty of the Specification
Guilty of the Charge
and sentence him to be
hanged by the neck until he is dead.

Amel Brooks
Col. 6th Reg. Minn. Vol's
Presdt Mil Comm
R. C. Olm Li. 3rd Minn. Vol's.
Judge Advocate Mil. Com.

Edw O'Keefe
Recorder

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Chas. J. Stearns Jr.
Ma-pay-shne -
Sentenced to be hung