

CASE NO. 318

WA-SHE-CHOON

(or)

TOOW-KAN-SHKAN-SHKAN-MENE-HAY

Proceeding of a Military Commission convened at Camp Release, opposite the Mouth of the Chippewa River by virtue of the following order

Order / H<sup>d</sup> 2<sup>d</sup> Camp Release Sept 28<sup>th</sup> 1862  
 No 535 A Military Commission composed of Col. Crook 6<sup>th</sup> Reg. M. V. H. Col. Marshall 7<sup>th</sup> Reg. Captain Grant & Bailey 6<sup>th</sup> Reg. and Lieut. Vane of the 3<sup>rd</sup> 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 or who may be brought before it by direction of the Col. Commanding and pass judgement upon them if found guilty of Murders or other outrage upon the Whites, during the present hostilities of the Indians. The proceedings of the Commission will be returned to these H<sup>d</sup> 2<sup>d</sup> for the consideration of the Col. Commanding.

The Proceeding of the Commission will be governed by Military Law and usage

Adj<sup>t</sup> / H. H. Sibbey  
 Col. Commanding Mil. Exh<sup>t</sup>

Order / H<sup>d</sup> 2<sup>d</sup> Camp Release Oct 15<sup>th</sup> 1862  
 No 535 I. - The Military Commission whereof Col. Crook 6<sup>th</sup> Reg. M. V. is President, will convene Tomorrow at 10 O'clock or as soon thereafter as practicable, and proceed with the business before it.

II - H. Col. Marshall 7<sup>th</sup> Reg. M. V. being absent on duty, Major Bradley 6<sup>th</sup> Reg. is hereby detailed to fill the vacancy thus occasioned

By order of Genl. H. H. Sibbey  
 Col. J. H. Fowler  
 H. Col.  
 J. H. Fowler

U.S. Camp Sibley Lower Agency  
November 2<sup>nd</sup> 1882

The Commission met pursuant to the above order

Present

|          |                                  |            |
|----------|----------------------------------|------------|
| Colonel  | Brooks 6 <sup>th</sup> Reg. M.V. | } Member   |
| Major    | Bridley 4 <sup>th</sup> " " "    |            |
| Captain  | Grant 6 <sup>th</sup> " " "      |            |
|          | Pailley " " " "                  | } Recorder |
| Suit.    | Hein 3 <sup>rd</sup> " " "       |            |
| Adjutant | Heard McPhail Wito               |            |
|          | Rangers                          |            |

The Commission was then duly sworn and  
Wa-she-choon - or <sup>aka Red. man</sup> Shan-Hana Sioux Indian was  
arraigned, on the following Charge & Specification

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Head Quarters. Camp Sibley  
29<sup>th</sup> Oct. 1862

Charge & Specification against  
Wa-the-choon - a Too-Han-shkew-shkew man

Charge. Participation in the  
murders robberies & outrages com-  
mitted by the Sioux Tribe of Indians  
on the Minnesota Frontier

Specification. In this that he  
the said Wa-the-choon a  
Sioux Indian did join with and  
participate in the murders robberies  
& outrages committed by the  
Sioux Tribe of Indians on the  
Minnesota Frontier between the  
18<sup>th</sup> day of August 1862 and the  
28<sup>th</sup> day of September 1862 and  
particularly in the Battles at the  
Fort New Ulm Birch Creek & Wood  
Lake

Witnesses

Mark Graham

H. H. Sibley  
B. J. Genl. Canby

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Prisoner states -

At the fort I fired one shot in the direction of the stone, and one struck on this side - I fired three shots at New Crean -

David Hamblin, son, says -

I heard the prisoner say a few days after the outbreak he shot La-Bulle's son -

Prisoner says -

It was here at this house -

I and another Indian came here, (since dead) and found the door shut - returned and saw La-Bulle's son, going out - Saw his clerk here and that is the man David Hamblin says I shot. My snapper my gun at - He said he wanted to live -

I had not time to shake hands with him and another Indian shot him with an arrow - I fired at him, but didn't hit him,

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

The Military Commission after  
due deliberation on the foregoing, find the  
prisoner, the said Wa-she-choon, or Toon-Kem-  
shoon-mane, 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.

W. D. Heard  
Recorder

W. C. M. W. C.  
Capt. 3rd Minn. Vol.  
Presdt Mil Com.

R. C. Olm  
Lt. 3rd Minn. Vol.  
Judge Advocate Mil. Com.

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Charge Specifying &c  
Wa-she-choon - or  
Toon-Kem-shoon-mane -  
being  
Sentenced to be hung