

5-E

CASE NO.5

WY-A-TEH-TO-WAH

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

Order No 55 For

Head Quarters Camp Release
Sept 28, 1862.

A Military Commission composed
of Colonel W. Brooks of the 6th Regiment.
Lieut Colonel Marshall of the 7th Regiment
Captains Grant & Bailey of the 6th Regiment
and Lieutenant Blair of the 9th Regiment
will convene at some convenient point
in Camp at 10 O'clock this morning
to try summarily the Mulattoes and Indians
or mixed bloods or who may be brought
before them by direction of the Colonel Command-
ing and pass judgement upon them if found
guilty of Murders or other outrages upon the
Whites during the present State of hostilities
of the Indians the proceedings of the
Commission to be returned to these Head
Quarters immediately after their conclusion
for the consideration of the Colonel Commanding.

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

(Signed) H. H. Sibley -

Colonel Commanding.

Military Expedition.

Camp Release opposite the
Mouth of Chippawa River Min
Sept 28. 1862

The Military Commission met
pursuant to the above order

Present

Colonel Brooks 6th Regt M.A.
Lieut Colonel Marshall 7th " " " } Members
Captain Grant 6th " " " }
Captain Bailey " " " " }
Lieutenant Clin 8th " " " }
Adjutant Hearn W. Thails Mountain Range - Recorder

The Military Commission was then
duly sworn and ~~He~~ ^{My-a-tah-towa} ~~the~~ ~~the~~ ~~the~~ a Sioux
Indian was arraigned on the following charges
and specifications.

Charge and specification against
My-a-tah-to-wa, a Sioux Indian.
^{Charge} ^{murder} ^{in this} ^{that} ^{the} ^{and} ^{My-a-tah-towa}
did, on or about the 18th day of August
1862, kill, or by his participation cause
to be killed, a white man named Francis
Patillo, a citizen of the United States -
This between Fort Ridgely and New Ulm
Minnesota -

Witnesses -

Miss Melius }
Miss Swan }

By order of Col. A. A. Libbey

Comdg. Mil. Expedition -

Lt. A. Fowler, S. M.,
A. A. A. G.

and thereupon in answer thereto the prisoner made the following statement -

It was never my intention to kill any one, but what I did was done under the influence of evil spirits - This outbreak was commenced by three Indians of different bands, and I was led into it by force by them - It was never my intention to do anything bad, but what I did, was done under the influence of evil spirits - My Chief told me to stay here, and the Government would deal fairly by us -

Mulashum is my chief - Have seen Patville often - know when he was killed - I was present - There was a lot of Indians coming from below and I was with them.

I saw the Indian fire at Patville.

I shot at him but don't know whether I hit him, or not. I was near when I shot at him. A good many shot - I aimed at the crowd when Patville was shot - I shot at the crowd when they were in the wagon.

3 of the Indians are arrested and 3 were killed - The negro was of the party.

I never saw the negro man kill any whites - I have been in 3 fights - at New Nem - Birch Cove and Wood Lake - I fired 2 shots at New Nem - 4 at Birch Cove - 2 shots at Wood Lake.

I have a bad gun - I always kept a good wings off -

Don't know that the negro killed anybody - I was wounded at the battle of New Orleans in the breast.

The past seems to me like a dream.

The powers above made my eyes dark - Ma-pe-du-ta - ' Miz-ze-bon-ida - Ma-ha-han-du-yai - Ptan-dlov-ta and Godfrey were of the party -

Matthie Williams being present in Court ^{was} ~~being~~ then called as a witness and duly sworn, testified as follows -

I do not recognize the deft. as one of the Pataille murderers -

The testimony being closed, the Commission was then cleared and proceeded to their finding and sentence

The Military Commission after due deliberation upon the foregoing find the prisoners as follows -

Guilty on the specification,

Guilty on the charge and do thereupon sentence him, the said My-a-tah-taw-a to be hanged by the neck untill he is dead.

J. V. D. Heant -

Recorder.

Mark Cook

R. C. Clin St. 3 rd Minn. C.	} Col. 6 th Minn. Vols.
Judge Advocate Mil. Com.	
	} Pres. Mil. Com.

3-

R

Charges, testimony re,

vs.

My, a lat. to wals -

Sentenced to be hung.

Confessed to having been in
3 battles and firing his gun
does not know that he
killed any one - and no
proof but his own confession
that he was the party who mur-
dered Mr Patrick.