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CASE NO. 68

E-TAY-HOO-TAY

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

Order }
No. 55 } Head Quarters Camp Release September 28th 1862.

A Military Commission composed of Col. Wm. Brooks of the 6.th Reg. Minn. Vol. Col. Marshall of the 7.th Reg. Captains Grant & Bailey of the 6.th Reg. & Lind Blair of the 3.rd Reg. will convene at some convenient point in Camp at 10 O'clock this morning, to try summarily the Menette, and Indians, or mixed bloods, who may be brought before them by direction of the Col. Commanding 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 the conclusion, for the consideration of the Col. Commanding.

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

By order of the Col. Commanding Military Expedition

(Signed) S. H. Fowler

Adj. A. A. Genl

Head Quarters Camp Release Minn.

October 18th 1862.

Order }
No. 65 } I. - The Military Commission whereof Col. Wm. Brooks 6.th Reg. Minn. Vol. is president will reconvene tomorrow at 10 O'clock or as soon thereafter as practicable, and proceed with the business before it.

II. As Col. Marshall 7.th Reg. Minn. Vol. being absent on duty Major Bradley of the same Reg. is hereby detailed to fill the vacancy thus occasioned

By order of Genl. H. H. Sibley

S. H. Fowler

Lieut. Col. S. M.

Adj. A. A. Genl

Camp Release opposite the mouth of the
Chippewa River

October 18th 1862.

The Military Commission and pursuant to the above order
Present

Colonel Crooks	6 th Reg. Minn. Vol.	} Members
Major Bradley	7 th " " "	
Captain Grant	6 th " " "	
" Bailey	6 th " " "	
Serjeant Min	3 rd " " "	} Judge Advocate
Adjutant Heard	McPhail's Mounted Rangers	

The Military Commission was then duly sworn, and Etay-
ho-ta a Sioux Indian was sworn on the following charge
and Specifications

Charge & Specification against
Etay-ho-ta a Sioux Indian

Charge Participation in the murders
robberies & outrages committed by the
Sioux Indians on the Minnesota
Frontier

Specification In this that he
the said Etay-ho-ta - a Sioux Indian
did join with & participate in the
murders robberies & outrages committed
by the Sioux Tribe of Indians on
the Minnesota Frontier between the
18 day of August 1862 and the
28th day of September 1862. & particularly
in the killing at the Fort New Ulm. Much Cookie
& Wood Lake, and said he killed seven the
first day across the river, and killed Deval
after he was shot

By order of General W. H. Sibley
Witness
David Humboldt Lt Colonel
a a a g e

Prisoner states —

I shot two shots at the Fort —

I saw Ha Hea shoot Diwee.

I had no gun at the time —

Davie Hamblumet sworn says —
Sept.

told me he killed Diwee — He said
he also killed seven Whites across
the river — & his father said he would
give him seven plumes to wear —

Prisoner states — He didn't kill
Diwee —

Daniel Hamblumet further states — Sept.
told me the second day he crossed the
river & killed a white man & a
woman —

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

The Military Commission after due deliberation on the foregoing, find the prisoner the said Clay-ho-ta, a Sioux Indian as follows

Guilt of the Specification

Guilt of the Charge

and sentence him to be hanged by the neck until he is dead,

J. D. Heard,

Recorder

Col. 6th Minn Vol^s
Pres^t Mil. Comm.

R. C. Blair

Lieut. 3rd Minn Vol^s

Judge Advocate Mil. Comm.

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Charge, testimony &c

As

Clay-ho-ta - Tang -

Sentence as to be hung,

E. Taylor