

No. 318. WA-SHE-CHOON, or TOON-KAN-SHKAN-SHKAN-MENE-HAY.—Convicted of participating in the murder of LaButt's son.¹

Trial Record October 1862

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

viz:

A Military Commission composed of Colonel Wm Crooks of the 6th Reg., Lieut. Col. Marshall of the 7th Regiment, Captains Grant & Bailey of the 6th Reg. And Lieut. Olin of the 3rd Reg. Will convene at some convenient point in camp at 10 o'clock this morning to try summarily the Mulatto, and Indians, or mixed bloods, now prisoners, or who may be brought before them, by direction of the Col. Commanding and pass judgment upon them, if found guilty of murder 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 Col. Commanding.

By order of the Colonel Commanding Military Expedition

A.A.A. Genl

Order No. 65

I. The Military Commission of which Col. Wm Crooks 6th Regt Minn Vols is President will reconvene tomorrow at 10 Oclock AM or as soon thereafter as practicable and proceed with the business before it.

II.Lieut. Col. Wm R Marshall 7th Minn Vols being absent on duty Maj. Gen Bradley of the seventh is hereby detailed to fill the vacancy thus occasioned.

By order of Gen.l H.H. Sibley
S.W. Fowler Lieut Col. A.A.A. Gl

Camp Sibley Lower Agency
November 2 1862

The Military Commission met pursuant to the above order-

Present

Col. Crooks - 6th Reg. M. V.

Maj. Bradley, 7th Regt. M.V. Members

Capt. Grant, 6th Regt. M.V.

Capt. Bailey, 6th Regt. M. V.

Lt. Olin – 3rd Regt. M. V., Judge Advocate
Adjutant Heard – McPhail's Mounted Rangers – Recorder

The Military Commission was duly sworn and Wa-she-choon or Toon-kana-shka-mane a Sioux Indian was arraigned in the following charge and specifications, viz

Head Quarters Camp Sibley
29th October 1862

Charge and specification against Wa-she-choon or Toon-kan-shkan-shkan-mane a Sioux Indian

Charge – Participation in the murders, outrages & robberies committed by the Sioux Indians on the Minnesota frontier

Specification – In that Wa-she-choon Sioux Indian did join with and participate in the murders robberies and outrages committed by the Sioux Tribe of Indians on the Minnesota frontier between the 18th day of August 1862 and the 28th day of September 1862 and particularly in the Battles of the Fort, Birch Coolie, New Ulm, and Wood Lake

H.H. Sibley
Brig Gen Commanding

Witness
Alek Graham

Prisoner states –

At the Fort I fired one shot in the direction of the store and one struck this side. I fired three shots at New Ulm.

David Faribault, sworn, says –

I heard the prisoner say a few days after the outbreak he shot La Batte'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 LaBatte's son going out. Saw his clerk here and that is the man David Faribault says I ~~shot my~~ snapped 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 there upon the case being closed the Commission was cleared and proceeded with their finding and sentence.

The Military Commission after due deliberation on the foregoing, the evidence being closed and Commission was cleared and proceeded with the finding and sentence.

The Military Commission find the prisoner, the said Wa-she-choon or Toon-kan-shkan-shkan-mane, a Sioux Indian, as follows –

Guilty of the specification

Guilty of the charge,

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

[signatures of Mil. Com.]²

Riggs Synopsis December 1862

The Riggs “confession” numbered “31” was not made by the man tried as #318, but by another prisoner by the same name. The day the men whose death sentences President Lincoln allowed to stand were selected out of the main prison, another man stepped forward when Washechoon (Toonshkanshanmane)’s name was called. Defendant 318 lived; the other man was executed in his place. Carrie Reber Zeman

¹Whiting-Ruggles Report to Abraham Lincoln December 5, 1862.

²Dakota Trials Records. Microfilm and holograph records in Center for Legislative Archives, U.S. Senate Records, National Archives. Transcription by Walt Bachman. See corresponding digitations of microfilm by John Isch.