

No. 115. HENRY MILORD, a half breed.—Convicted of participating in the murder of a white man and woman.—(See cases 138 & 175.)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. G1

Camp Release opposite the mouth of the Chippewa River
October 16 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 Henry Millord a ~~Sioux Indian~~ half Breed was arraigned in the following charge and specifications, viz

Charge and specification against Henry Millord a ~~Sioux Indian~~ half Breed

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

Specification – In that Henry Millord a ~~Sioux Indian~~ half Breed 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 at eh Fort, New Ulm, and Birch Coolie and fired his gun at the latter place and charged with the murder of a white man when in company with Etay-ho-ta.

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

Witnesses
Etay-ho-ta
Godfrey

[Frame 850]

Prisoner states –

The he is not guilty of the charge.

Went from Red Wood to the fort. Was present only at the 2nd battle at fort – Was down in Coolie near Sutlers in Company, with his uncle David Faribault, Sam Robertson and many other ½ breeds, was looking at Indians. Had gun, was broke, had a good gun, but an Indian took it and gave him his bad one in exchange. Had some powder, gave it away to Indians who were in the fight. Took no part in the fight (don't recollect) did not want to take a part – staid in Coolie all the time, Indians all there in Coolie. Did not go out of Coolie for fear of being killed. Same reason kept Indians from going out of Coolie. Staid all day in Coolie with other Indians when started down to N. Ulm on the other side. Indians fired from Coolie (says "of course"). Lock was broken, tried it, was loaded by Indian. Tried it before arrival at fort. Wouldn't go at all (gun). Old Indian took his good gun, asked prisoner for it. Old man lived at Shakopee – is not here – made no objection to exchange of gun.

Went to N. Ulm in charge of Indian horses, never recovered my gun

[Frame 851]

Was looking on at fight at N. Ulm. Was with David Faribault. Was at lower end of town – staid all day – walked around. Was fired on. Indians guarded them. Could not escape. Was at Wood Lake with Joe Campbell, was on hill. Was forced to go by Indians.

Was at Birch Coolie. Duncan Campbell and Jim Robertson were there. Was ordered by Indians to go. Zit-ka-na-no-ta was prominent in ordering him to go with Indians. Had horses, a

mule and white horse to take care of. Had no gun. White horse ridden by Sam Robinson's brother. Had no gun. Fired no gun at Birch Coolie.

Don't know E-tay-ho-ta. Went on no tramps with Indians. Was with Sam Robinson all the time. Don't recollect of firing a gun at any battle. Am certain. If I did, I did not see anything to shoot at. When Indians first came to Y. Medicine cleaned gun and fired it. Was not at lower agency. Aug 18, was 2 ½ miles from Red Wood. Indians gave me a blanket, was not present at breaking into of stores, etc.

Saw Crawford coming back from N. Ulm. Faribault, Senr. Was stripped – painted – had gun. Had his own horse. Did not see or hear of Faribault's firing

[Frame 852]

Did not see an Indian kill a white man.

E-tay-ho-ta, sworn, and oath explained to him. He says he understands his duty under oath. Don't know anything.

Godfrey, sworn – Saw prisoner at fort. Saw him fire his gun at fort. Saw him fire in direction of houses in fort. Near Coolie that goes up by Sutler's house. Near Randall's old store. Prisoner did same as Indians. They would run up and fire and then run down again. Was there. Saw him fire a great many times, did not count the number of shots.

Saw him at New Ulm. Saw him going down to New Ulm, but lost sight of him there. Saw prisoner at Birch Coolie. Saw him do nothing. Saw him at a long distance.

Saw prisoner at Wood Lake on horseback. Saw him pick up a cannon ball. That is all he saw him do.

Saw Ptan-doo-ta, at fort, was alongside of prisoner. Did not see Faribault Senr. There. Did not see Tom Robertson there (at first). Ma-za-e-bo-bdu told witness that prisoner and 2 other ½ breeds went across opposite Crow's village and killed a white woman. And Ma-za-e-bo-hdu go across after the woman was killed having gone over to look for oxen. Saw prisoner and 2 ½ breed shoot white woman ~~Prisoner is~~ Prisoner had double barrel gun

[Frame 853]

a shot pouch and powder horn.

Prisoner asked other Indians for lead and powder. Plan-du-ta was the Indian that furnished prisoner with powder and lead. Prisoner and Plan-duta and witness were sitting together smoking. Heard prisoner ask Plan-duta for balls. Saw Plan-duta give prisoner balls.

Prisoner said to Ptanduta that he (prisoner) had a good chance to fire from near Randall's store, but had run out of ammunition and for that reason ran down into the Coolie to get a supply. After Planduta gave prisoner the balls, Henry Milord (prisoner) asked Planduta to go back with him to the back of Randall's store. Planduta replied that he had to look after his brother, and could not go back with him –

Maza-bomi-doo, only recognized prisoner out of the 3 half breeds.

Don't remember names of other Indian who were present in Coolie, during conversation referred to above between prisoner and Plan-duta.

[Frame 857 (out of sequence) transcript attempts original order]

Baptiste Campbell, sworn, says –

I know Henry Milord.

I went over the river with him from Crow's place – right across.

We were sent over by the Indians to drive some cattle across. We saw a man there with a lot of cattle.

We tried to drive them, but they ran off. We shot at the man. Henry Milord, Hypolite Auge and Henry Coon (sp?) (an Indian dressed in white) and another Indian, all shot at him. E-ta-ho-ta, the ~~other~~ Indian (not dressed in white) was was [sic] in the party. Killed the white man.

I shot first. The Indian shot last and hit him. Killed him. Milord never went to any fight.

Milord was in camp at the fight at the Fort. He never moved from camp.

He was not at the Fort. I saw him here in the morning of the fight at New Ulm.

Muz-ze-bom-an, sworn, says –

The prisoner and some other half breeds went over the river and when they came back told the other Indians that they had killed a white man and a

[Frame 854]

white woman.

Ptan-du-tah, sworn, says –

I know Milord.

Milord asked me at the Fort for a light for his pipe. Henry then told me that we had better go down in the ravine, as they were firing at them. I then saw Henry go down in the ravine. Henry let me have 4 bullets. I had the bullets in my hand and went down the hill.

I saw Henry fire 2 shots. Henry fired from ~~near the Sutter's store~~ the Coolie. I didn't see the Negro there.

Henry didn't fire away all he had.

Henry had a double barred gun there. I was some distance from him but saw him fire.

Henry had a bad looking gun. Henry told me the gun wouldn't go. One of the locks was bad.

Dft. States – I tried to fire twice at the Fort, but my gun snapped. Tazoo tells the truth with this exception.

Muzzeboomida says – I saw deft come across the river at Crow's

[Frame 855]

Village. I heard Henry and a lot of others went across the river and killed a white man and woman. I heard some of the party say so – in presence of Henry.

Deft. says –

It is truth. I said what last witness says in my presence.

I heard the Indians were firing and heard they killed a white man.

I fired my gun as Campbell says. I fired my gun off after the Indians fired and the man was dead. When we went out only one white man was killed.

I was 5 or 6 rods from the white man when he was shot. It was on a hill.

I heard John Coon fire one shot. Hypolite fired one. He fell at the second shot.

The Indians crept around through the ravine and fired. I snapped my gun before the Indian shot him.

I thought he was dead because he fell before I fired.

Thos. Robinson – I never saw deft. kill any white man.

[Frame 858 out of sequence?]

I have heard since I have been in camp that deft. killed a person – David Faribault said so. Said he heard it from another Indian.

Ta-shon-kay-muzza, my brother, was the Indian who rode the white horse at Birch Coolie.

[Frame 856]

When Milord came to where I was standing Ptanduta asked him where he came from. He said that he came from behind the Sutter's store and wanted some powder and ball.

Prisoner states –

Hypolite Auge and Baptiste Campbell went across the river at Crow's Village for cattle to bring them on this side at the request of Indians. They sent us over to get them.

There was no one present but the witness and Planduta when the comments to which witness alludes at the Fort is said to have taken place.

We saw no woman there. I we had we should (?) have brought her here.

I came up the Coolie and asked Planduta for a light for my pipe. Godfrey was coming up. I lit it and we smoked together. I don't remember of asking for powder or balls. Told Planduta I have given away all my powder and lead to the Indians. Plan-duta gave me neither powder or balls.

[Frame 859]

David Faribault sworn –

The second day of the outrages, Milord said they shot at a woman with a young Indian.

The Indian said he shot the man and Henry said "No, he shot him." I wouldn't believe a word he says. I don't think Milord was forced to go over the river. They said the woman and man were fixing a stack of oats when they killed them. He talked of it as if he wanted to do it.

When Milord spoke of killing whites I said he oughtn't to have done it. He said, well, he had killed one any way.

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, Henry Milord, 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

19. Henry Milord (a halfbreed): Henry says he went over the river with Baptiste Campbell and others. They were forced to go by Little Crow. He fired his gun at a woman, but does not think he killed her. Several others fired at her, also. He did not see her afterwards. Henry Milord was raised by General Sibley; he is a smart, active, intelligent young man, and as such would be likely to be drawn into the Dakota rebellion; indeed it was next to impossible for young men, whether halfbreeds or full bloods, to keep out of it. They are to be pitied as well as blamed.³

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.

³*Mankato Independent* December 26, 1862, "Confessions of the Condemned" p. 2. Editorial introduction reads: "Rev. S. R. Riggs has kindly prepared for us the following synopsis of conversations held with each one of the condemned prisoners, wherein is contained much interesting information." As reprinted in Daniel Buck, *Indian Outbreaks* Ross & Haines 1965, p. 259.