

No. 12. WAH-HE-HUD.—Convicted of participating in the battles, and of murder.¹

Trial Record October 3[?] 1862

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

Order No. 55 viz:

Head Quarters Camp Release

September 28th 1862

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.

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

By order of the Colonel H. H. Sibley Commanding Military Expedition

~~Signed A.A.A. Gnl.~~

Camp Release opposite the
Mouth of Chippewa River, Minn.
Oct 3rd [?] 1862

The Military Commission met pursuant to the above order-

Present

Col. Crooks – 6th Reg. M. V.

Lt. Col. Marshall, 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

Charges and Specifications against Wa-Ho-Hna

Charge 1st

Murder

Specification In this that said Wa-ho-hna, a Sioux Indian, did at New Ulm or at or near Fort Ridgely, Minn., on or about the 25th day of August 1862 named Richardson

Charge 2nd

Making war upon Citizens of the United States.

Specification In this that said Wa-ho-hna, a Sioux Indian, did between the 18th day of August 1862 and the 28th day of Sept. 1862 participate in the various onslaughts and murders of the white citizens of the United States committed by the war parties of his tribe on the Minnesota frontier.

Witness

David Faribault [Sr.]

[By order of H. H. Sibley, names of commission]

[Frame 118]

The prisoner being asked whether he was guilty or not guilty, says

I am not guilty. I have been in 3 battles – have shot at white people, but I [never?] took good aim. I was threatened by the Indians if I didn't go – Don't remember of having killed a white man. If I had I would be with Little Crow – at the battle of Birch Coolie I was below the Fort with a party to take horses – the Indians killed one and took one alive. I have stolen horses and I tell you I have fired at white men in battle. The Indians gave me powder and bullets and the soldiers made me go.

David Faribault Senr being first duly sworn says-

I heard him say to another Indian that Richardson was coming on horse back and they shot him off his horse and murdered him and then tried to get some news of him and after they got it – they shot him dead – It was near the Fort – or New Ulm. The man said “~~Hear~~ Now you have got the news let me go – and he shot him. The prisoner shot him. I heard him say so soon after the battle at New Ulm. Don't recollect the time.

The prisoner further says that he joined the soldier's lodge after the outbreak.

The case being closed, the Commission was cleared and proceeded with their finding.

[119]

The Military Commission after deliberation on the foregoing finds the prisoner the said Wa-ha-hud, a Sioux Indian, as follows:

Guilty on the specification.

Guilty on the Charge.

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

[Signatures of Mil. Com.]²

Riggs Synopsis December 1862

Wa he hua (do not know what the name means) said that he did not kill anyone; if he had believed he had killed a white man he would have fled with Little Crow; the witnesses lied on him.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."