

No. 170. HA-PINK-PA.—Convicted of the murder of Garvie.<sup>1</sup>

## Trial Record October 28, 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 6<sup>th</sup> Reg., Lieut. Col. Marshall of the 7<sup>th</sup> Regiment, Captains Grant & Bailey of the 6<sup>th</sup> Reg. And Lieut. Olin of the 3<sup>rd</sup> 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 Commanding Military Expedition

(signed) S.H. Fowler

A.A.A. Genl

Head Qtrs. Camp Release Min. Oct. 15 1862

Order No. 65

I. The Military Commission of which Col. Wm Crooks 6<sup>th</sup> 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 7<sup>th</sup> 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 Release opposite the mouth of the Chippewa River  
October 16 1862

The Military Commission met pursuant to the above order-

Present

Col. Crooks – 6<sup>th</sup> Reg. M. V.

Maj. Bradley, 7<sup>th</sup> Regt. M.V.    Members  
Capt. Grant, 6<sup>th</sup> Regt. M.V.  
Capt. Bailey, 6<sup>th</sup> Regt. M. V.  
Lt. Olin – 3<sup>rd</sup> Regt. M. V., Judge Advocate  
Adjutant Heard – McPhail's Mounted Rangers – Recorder

Camp Sibley Lower Agency  
October 28, 1862

The Military Commission was duly sworn and Ha-pink-pa a Sioux Indian was arraigned in the following charge and specifications, viz

Charge and specification against Ha-pink-pa

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

Specification –In that Ha-pink-pa a 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 18<sup>th</sup> day of August 1862 and the 28<sup>th</sup> day of September 1862 and particularly at the Battles of the Fort, Birch Coolie, New Ulm, & Wood Lake.

H.H. Sibley  
Brig. Gen Commanding.

Witnesses  
Jos. LaFrambois  
Daniel Renville  
Gabriel Renville

Prisoner states –

I was not at New Ulm, the Fort or Birch Coolie.

At Wood Lake I stood with the half breeds a long ways off.

When I went to the Big Woods there were 100 in the war party. I was at Cedar Island with them. There a horse tramped on my foot and I couldn't go any farther.

I was smoking my pipe in front of Royer's house when they shot Garvie.

Daniel Renville, sworn, says –

I heard the prisoner say that he had shot Garvie. I heard him say distinctly that he had fired on Garvie, and heard him groan.

Prisoner says –

I said I heard the second shot at Garvie and then heard him groan. I never told last witness what he says.

[Frame 313]

Gabriel Renville, sworn, says –

I heard prisoner say that he shot Garvie with an arrow.

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 Ha-pink-pa, 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.]<sup>2</sup>

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### **Riggs Synopsis December 1862**

23. Hay-pin-kpa (*The Tip of the Horn*) is condemned because he boasted of having shot Stewart B. Garvie with an arrow. As it is now known that Mr. Garvie was not shot with an arrow, but with buckshot, it is probably true, as he said before the commission, that he lied about it. This is not the first time that a man has been killed for lying. He now says that they determined to send off all the white people from the Yellow Medicine without killing any. Mr. Garvie refused to go. He did not shoot him. He dies without being guilty of the charge, and he trusts the Great Spirit to save him in the other world.<sup>3</sup>

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<sup>1</sup>Whiting-Ruggles Report to Abraham Lincoln December 5, 1862.

<sup>2</sup>Dakota 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.

<sup>3</sup>*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."