

Whiting-Ruggles Summary December 5, 1862

No. 377. O-YA-TAY-A-KOO.—Convicted of participating in the murder of Patville.¹

Trial Record November 3, 1862

[Trial #377 – O-ya-tay-a-koo]

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 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 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 3, 1862

The Military Commission met pursuant to the above order-

Present

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

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Maj. Bradley 7th Regt. M V. Members

Maj. Bradley, 7 Regt. M.V.
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 O-ya-tay-a-koo a Sioux Indian was arraigned in the following charge and specifications, viz

Head Quarters Camp Sibley
29 October 1862

Charge and specification against O-ya-tay-a-koo a Sioux Indian

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

Specification –In that O-ya-tay-a-koo 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 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

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

Witness

Wakan hdiota

Prisoner states –

I do not remember stabbing Patwell. I was standing by when he was killed.

Godfrey sworn – When Patwell was killed prisoner was present. Patwell was shot but was not dead. He was thrown upon the ground and prisoner stabbed him before he was dead.

Wakan hdiota, sworn – Has heard the same thing of prisoner.

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 O-ya-tay-a-koo, 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

37. O-ya-tay-koo (*The Coming People*) says he was with the company that killed Patwell and others. He is charged with striking him with a hatchet after he was shot; this charge he denies.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.”