

No. 67. TOON-KAN-CHAH-TAY-MANE.—Said in the presence of witness that he shot a man in an ox-wagon, and was in several battles.<sup>1</sup>

## Trial Record September 1862

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

## Head Quarters Camp Release

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.

(Signed) H. H. Sibley  
Colonel Commanding  
Camp Release opposite the  
Mouth of Chippewa River, Minn.  
Sept. 28 1862  
Head Qtrs. Camp Release Min. Oct. 15 1862

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.

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 18 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

The Military Commission was duly sworn and Toon-kan-e-chay-tah-mane a Sioux Indian was arraigned in the following charge and specifications, viz

Charge and specification against Toon-kan-e-chay-tah-mane a Sioux Indian

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

Specification –In that Toon-kan-e-chay-tah-mane 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 in the Battle at the Fort where he was seen under the hill.

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

Witness

David Faribault

The prisoner states –

I stood by the stable at the Fort. I didn't fire at all. I was at New Ulm but didn't fire my gun. I was this side on a hill. I didn't fire at the last battle: was too far off. Didn't fire my gun off at all. Didn't get any plunder.

David Faribault sworn, says –

I saw deft. at the fight at New Ulm with a gun. Didn't see him fire. He told in my presence that he shot a man in an ox wagon near Crow's village, going down from Yellow Medicine.

Prisoner states –

Another Indian shot the white man and took the team.

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 Toon-kan-e-chay-tah-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.]<sup>2</sup>

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### **Riggs Synopsis December 1862**

14. Toon-kan-e-chah-tag-mane (*One who walks by his grandfather*) says he took nothing from the stores except a blanket. He was at Fort Ridgely but killed nobody. He is charged with killing white persons in a wagon, but he did not; they were killed by another man.<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."