

III: Senate Hearing Report

Official Correspondents

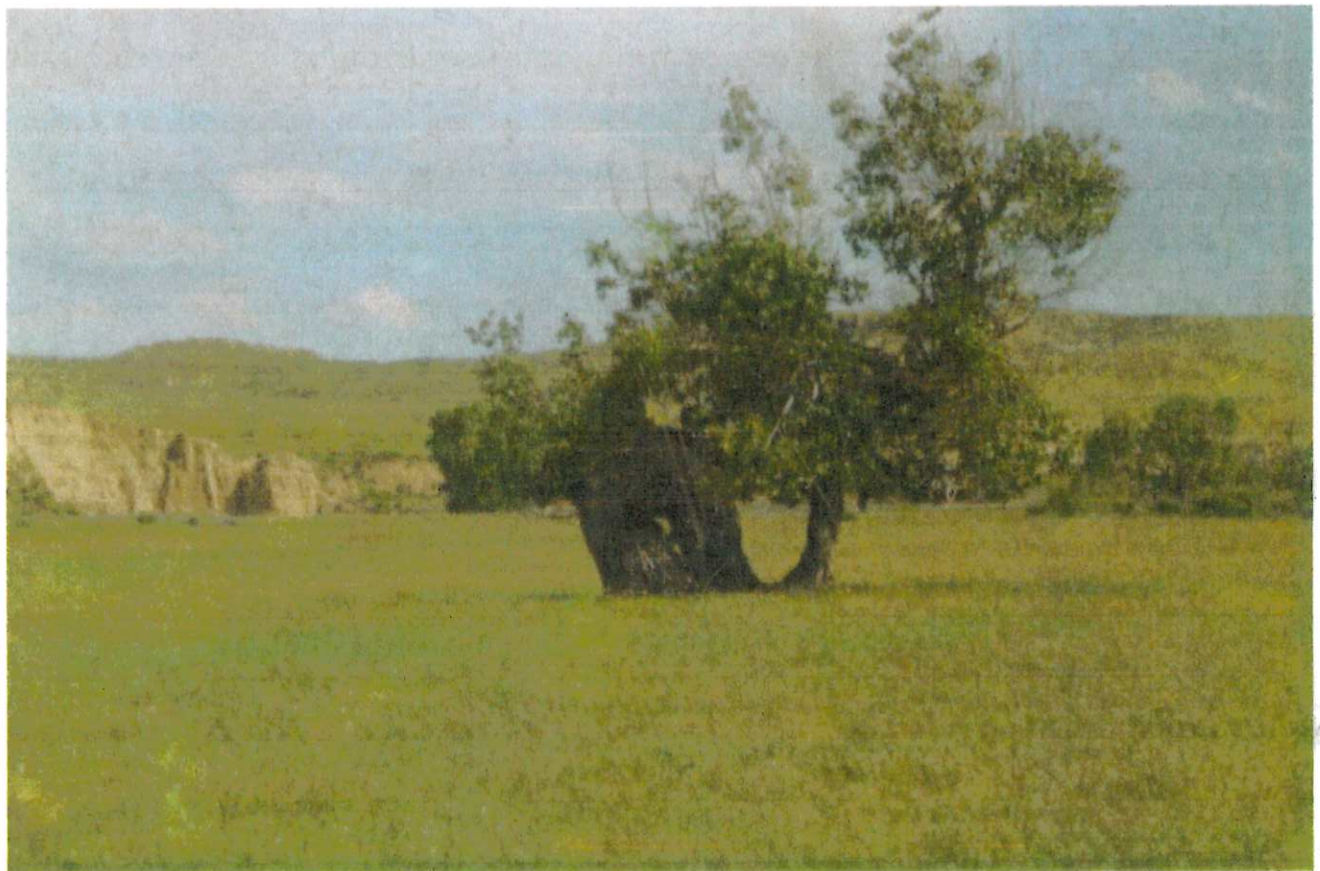
Newspaper Accounts

Depositions of Indians

Preliminary Hearing Transcript



View the Oglala saw of the posse in hiding firing on the young boy - {h/t Randy Tucker}



Cottonwood tree the Oglala men took position behind to return fire on the Miller posse - {h/t Randy Tucker}



The ridge in Northwest Niobrara County where 11-year-old Peter White Elk was killed - {h/t Randy Tucker}



View of the ridge where the main Oglala party was when a young boy was ambushed - {h/t Randy Tucker}



Burial site of Black Kettle, Gray Bear, Charles Smith, Susie Smith - {h/t Randy Tucker}



Monument set to record the spot where Sheriff Billy Miller died at the Lightning Creek site - {h/t Randy Tucker}



Frank Mondell, Wyoming's U.S. congressman



Wyoming U.S. Sen. Francis E. Warren

Wyoming's top politicians, including U.S. Sen. Francis E. Warren, and Acting Gov. Fenimore Chatterton, joined U. S. Rep. Frank Mondell in supporting the posse members and were dissatisfied with the results of the preliminary hearing in Douglas.



Weston County Sheriff Billy Miller



Pine Ridge Indian Agent John Brennon



Acting Governor Fenimore Chatterton



Major Benjamin Harris Cheevers



SIoux INDIANS HELD IN DOUGLAS, WYOMING, JAIL FOR MURDER OF SHERIFF MILLER OF WESTON COUNTY.

- | | | | | |
|----------------|--------------------|----------------|----------------------------|----------------|
| 1. Iron Shield | 2. Chief He Crow | 3. Red Pin | 4. High Bull | 5. Broken Nose |
| 6. Big Elk | 7. James White Elk | 8. Charge Wolf | 9. Jesse Little War Bonnet | |



Survivors of the Lightning Creek fight, these women were taken into custody near Lusk, Wyoming



U. S. Attorney Timothy Burke, Defense Attorney



William F. Mecum, Prosecuting Attorney



Foster Rogers (Testimony bottom of page 94)

SUBPOENA Budget Steam Print.

THE STATE OF WYOMING, }
County of Converse. } SS.

IN JUSTICE'S COURT.

BEFORE JUSTICE *H. R. Daniels*

Foster Rogers,

IN THE NAME and by the authority of the State of Wyoming you are hereby com-
manded to appear before the undersigned, one of the Justices of the Peace in and for
said county at *Weylan Wyo* on the *14th*
day of *Nov.* *1908* at *9* o'clock in the *fore* noon of said day,
to give evidence in a certain case then and there to be tried between *The State*

of Wyo. Plaintiff, and *Highway, Red River et al*
Lawrence defendant on the part of the *State of Wyo.*

Given under my hand this *7th*

day of *Nov.*

A. D. *1908*

H. R. Daniels

Justice of the Peace in and for Converse County.

The Casper Tribune-Herald _____ Annual Wyoming Edition February, 1947

There is another good yarn from these parts, and this also is true. Foster Rogers, former druggist here and longtime resident, gives his version of one of the last Indian battles in these parts. He was drawn in as a spectator without warning. All of this happened before Foster went off to Northwestern University to study pharmacy. Like most youngsters making his way in the world, he had a job. His duties were that of nursemaid to several thousand of the late Jacob Mill's sheep. His story is written 9-13-33.

"I was herding sheep for Jakie Mills now of Lusk, Wyo. We had been cutting out mutton sheep, and I was left with a small band. It was nearly sundown. To the west I saw a band of Indians approaching. They came in typical Indian style, strung out in single file. There were 17 wagons and 140 ponies. Many of the ponies were loose. As the Indians came opposite to me, a couple young bucks rode over to where I was watching the sheep and asked me for tobacco as was the Indian custom to borrow tobacco and matches off everyone they met."

"We chewed the rag for a few minutes when a big commotion arose in front. I did not know at this time what the commotion was about, but it occurred to me that something was amiss for the reason that every buck was mounted and carrying a rifle. The women were driving the wagons."

"These Indians had come from the west, approached the bend of the creek, and were traveling parallel to the creek when this commotion arose. I later learned that Sheriff Miller of Weston county was concealed behind a cut bank in this vicinity with a posse of 12 men. It was his encounter with the Indians which had started the commotion."

"The trouble had started in Weston county. These Indians were off the reservation and had busied themselves killing antelope in defiance to the game laws. They had killed anumber of antelope as was evidenced by the quantities of jerked antelope meat and hides. The sheriff had trailed them to this place. During this trailing he had recruited his possee to 12 men. It was this sheriff with his deputy, a man named Falkenberg, who had jumped upon the bank in open view to the Indians and demanded that they submit to arrest. It was at this time that the Indians opened fire upon the sheriff and his deputy. The Indians as a whole did not offer much resistance, but one family of which Half-Breed Smith was a member took up the affray with a vengeance. The entire family was either killed or rendered helpless by the sheriff's posse."

"I was in the direct line of the posse's bullets. I ducked behind greasewood as quickly as possible to prevent being hit. I was surrounded by fleeing Indians as the bullets whistled over my head. One of the sheriff's posse, John Owens, engaged in a shooting duel with an elderly Indian. This Indian was hiding behind a large log and was pouring considerable fire into the sheriff's men when Owens ran out and shot him

at close range. Half-Breed Smith did his firing through the spokes of a wagon wheel. One Indian passed me on horseback riding furiously and clinging to his pony in desperation. I saw that some one had bored him a big hole in the back."

"After the fight was over, I thought only of my sheep. I attempted to corral them to a cabin a short distance away. It was beginning to get dark. As I passed some bushes on my way to the cabin, I saw a man raise up on his elbow. It was only when I reached the cabin did I learn the full story of what went on. I told them of seeing this man, but none of the sheriff's party would believe my story. They claimed that this Indian had been killed and left for dead.. They had, however, removed his firearms."

"The next morning an investigation revealed that Indian had made a campfire in the company of two squaws. He had been hit in the leg and he had strapped a cartridge belt tightly above his limb to prevent fatal hemorrhage."

"The night we had passed was not a pleasant one. Two men had stood guard about the cabin all night."

"We brought the party of Indians to the cabin and the next morning and kept them there all day. Another man and myself, he was also a half-breed Indian, and working for Mr. Mills, measured Smith's leg for a splint. A doctor was sent for from Lusk. I cannot remember his name. He also treated one of the Indian women who had been shot through the chest. Half-Breed Smith swore all the time, but he gave no outward expression of pain. I realized that he must have suffered, but his only outward expression of pain were his facial features. The women gave vent to their discomforts by low moans."

"I don't believe that the doctor gave Smith anything for the pain. While the medico was washing out the wounds of one of the women, one of the men holding a basin of water felt something behind him, and he turned quickly around to feel the hand of Half-Breed Smith reaching for the gun in his holster. Smith had threatened to kill all of the party as a means of revenge. I believe that Smith knew he was going to die. He died at 2 o'clock that afternoon. The woman was brought to Lusk."

"Smith was a Carlisle graduate, a man about 35 years of age. He was buried in a shallow gulch. One of the stories is that an old homesteader living close by used Smith's shallow burial mound as an inducement for coyote trapping. The youngest of the Indian women, incidentally, was not injured. She took her grief less seriously. She busied herself looking for some calico in one of the wagons. We thought that she might be looking for a gun. Following her discovery of the calico, she made herself very presentable in a new dress."

"The rest of the Indians outside of the few who were arrested returned to their reservation, and they had returned in a hurry leaving their plunder scattered on the plains in transit."

"It would seem that the Indians who had murdered the sheriff and deputy were the two who had been killed. The evidence presented at the trial was similar to courts trying liquor cases and availed little in actual prosecution."

Foster tells a beaner of a good story, and I believe every word of it, for I have known him to be a very honest and fine man. What a story to tell a grandchild, seated on his knee! It would make some of my own yarns look sick by way of comparison. But the grandchild may prefer the radio to anything Granpa Foster has to offer. He might even say: Hey, grandpa, let's lay off that stuff? How about dialing in on Edgar Bergen and Charlie McCarthy? Or, Don't you even listen to Jack Benny? I'd rather listen to Fred Allen.

This is indeed, a modern age.

