

PINE RIDGE AGENCY, S. DAK.,
November 30, 1903.

Statement of Red Paint.

RED PAINT, being first duly sworn, deposes and says:

Questions by TIMOTHY F. BURKE, United States attorney for the district of Wyoming:

- Q. What is your name?—A. Red Paint.
- Q. How old are you?—A. Forty-six.
- Q. Did you go to Wyoming last month with William Brown's party?—A. Yes.
- Q. Did you have your wife and children along with you?—A. No. I have a wife and three children, but I left them at home.
- Q. Did you go in your wagon or with some one else?—A. Went in my own wagon.
- Q. What did you go to Wyoming for?—A. William got a pass, and he wanted me to go to Wyoming with him to get some roots.
- Q. Did you do any hunting for antelope while up there?—A. I have been up in the country before and I have seen those parties up there go out and get deer.
- Q. Did you go up there to get some antelope or deer?—A. As for myself, I killed some prairie dogs and some prairie chickens.
- Q. How many antelope?—A. Some of those white men used to pack deer to us whole and sell it to us. I could not tell their names, because I don't speak any English.
- Q. What did you buy them with?—A. We traded moccasins, beadwork, and blankets for them.
- Q. How many antelope did the Indians shoot?—A. We didn't take any notice of them.
- Q. Didn't you shoot more than one?—A. I told you I didn't shoot any. I just bought mine. You are my friend, and I would have told you if I killed any.
- Q. How many did you buy?—A. Two; but I could not tell the name of the white man because I don't talk English.
- Q. How many hides did the Indians get all told?—A. I did not go around to many of the wagons, so I could not say.
- Q. How many did you have in your wagon?—A. I had six hides in my wagon.
- Q. Did the other wagons have about the same?—A. I will just make a guess that the others had about the same.
- Q. How many wagons were there?—A. Fifteen.
- Q. Were you there when Sheriff Miller and his party came to your camp the day before the shooting took place?—A. We were in camp when seven white men came and I saw them after they came to our camp. Because I could not talk any English I stayed back where my camp was.
- Q. Didn't William Brown or Charlie Smith tell you what they wanted?—A. As for myself, I didn't hear anything.
- Q. Didn't you know what was wanted?—A. No; I didn't know.
- Q. Were you not the guide of the party?—A. Yes; I was the guide.
- Q. When you started away you were at the head of the procession?—A. No.
- Q. Didn't Miller want you to go up the road to Newcastle?—A. Before I got to the forks of the road I saw a man on horseback. He made some motions to me, but what he wanted to say I don't know.
- Q. You didn't take your party on the road to Newcastle then?—A. I stayed there until some of the wagons in back came up. They were talking, but I didn't understand what they said.
- Q. Didn't Brown or Smith tell you what they were talking about?—A. No; they never said a word to me.
- Q. Didn't they tell you to take the road to Newcastle, or the road to home?—A. No; I didn't understand anything of that kind.
- Q. Was you present the next day when the shooting took place?—A. Yes.
- Q. Where were you in the procession when the shooting commenced?—A. I am not quite sure. I must have been about the seventh from the front. We didn't expect any trouble.
- Q. Did you know it was Mr. Miller and the party you met the day before?—A. I didn't know that Miller or any of the other men were there. I didn't know whether he was in that gang or not.
- Q. What did he say when he saw you?—A. I didn't hear him say anything.
- Q. Didn't he hold up his hand and tell you to stop?—A. No.
- Q. Didn't he tell you he was the sheriff, and had a warrant for you?—A. No; I

didn't hear anything of that kind. I am an Indian, and don't understand English. If those two fellows had told us about it we would have done different.

Q. Did you have your rifle with you?—A. I had an accident with my gun. The wagon ran over it, and it wouldn't load, so I left it in the wagon.

Q. Who fired the first shot?—A. The white men fired the first shot.

Q. How do you know that?—A. The way I know the white men fired the first shot is because we saw them. They came down to a little creek and got off their horses and began to shoot. We were not expecting these men to shoot, so we all took back to the hollow. There was no one stood their ground, as I could see.

Q. Where were Brown and Smith?—A. I didn't take any notice. All I was trying to do was to get away from those bullets.

Q. Wasn't the first shot fired from the corral close to the road?—A. No. There were not any Indians there. They were all in their wagons. All the Indians were in the road and they had no object in going there.

Q. Did you see Black Kettle?—A. No; I didn't see Black Kettle.

Q. How many shots were fired, all told?—A. They were shooting too fast for any one to count, especially when we were trying to get away. There wasn't a man there could count the shots.

Q. Did you do any shooting?—A. I told you my gun was broken. I didn't go armed then. I threw away my gun, and after we got down into the hollow another fellow gave me his gun.

Q. Did you shoot?—A. No. That was after we got back to the hollow.

Q. Now, it is against the law of the State of Wyoming for any outsider, whether he be white man or Indian, to hunt for and shoot antelope, deer, elk, or any kind of large game without a license. Will you tell your friends that so that when they go through Wyoming again they will not get into trouble over shooting game?—A. Yes.

Q. Did any of your party have a license to hunt?—A. No.

RED (his x mark) PAINT.

Witnesses:

A. M. LANDMAN.

F. C. GOINGS.

Subscribed and sworn to before me this 30th day of November, 1903.

[SEAL.]

F. E. McINTYRE,

Notary Public, Shannon County, S. Dak.

My term expires November 8, 1905.

PINE RIDGE AGENCY, S. DAK.,
November 30, 1903.

Statement of David Broken Nose.

DAVID BROKEN NOSE, being first duly sworn, deposes and says:

Questions by TIMOTHY F. BURKE, United States attorney for the district of Wyoming:

Q. What is your name and age?—A. David Broken Nose; 32 years old.

Q. You are an Oglala Sioux, living on Pine Ridge Reservation?—A. Yes.

Q. Did you go to Wyoming last month with William Brown and his party?—A. Yes.

Q. What did you go for?—A. William got a pass and asked me if I wanted to go with him. I said all right, I would go with him.

Q. What was he going for?—A. He asked me to go up with him to get some roots and herbs, and we could get some prairie dogs and chickens and sheep meat. When I went back east with the show, I saw the white people. I wanted to live like the white men, so I came back and joined the police force. I was on the force for four years. I want to abide by the laws of the white men. That is why I try to dress like a white man and keep my hair short. I always try to follow the white man's advice. I have always tried to abide by the agent's instructions, and I have children scattered around at the schools. But I met some white people above here who were not my friends. It is just the same as if they slapped me in the face the way they treated me up there.

Q. The authorities in Washington want to know just what occurred in Wyoming and just what they did to you while there. Were you present when Sheriff Miller and some men came to your camp, the day before the shooting took place?—A. Yes.

Q. What did Sheriff Miller and his men want? Did you find out?—A. I didn't understand. I can tell everything just how the thing took place. I have had it in my mind all the time. You have come here to hear it, and I will tell you just how

it happened. There were seven men there. They didn't have any guns. They scattered themselves among the camps. They had their meal at William Brown's place, and they were playing with the boys. The boys had some bows and arrows, and the men were helping the boys shoot the bows and arrows, and playing with them. I was camped quite a ways from Charlie Smith, and I saw all those men standing around the fire, so I made up my mind to go over and find out what they were talking about. Just as I got to where they were, they took down the tent and started to move, so I went back to camp and pulled down my tent. I was in the middle of the train. Those men followed right along with us and after awhile they left us.

Q. Did they tell Smith they were there with a warrant and wanted you to go to Newcastle?—A. Charlie Smith didn't say a word to me.

Q. Didn't William Brown tell you?—A. No; I don't understand English, so I don't know what either of them were talking about.

Q. Didn't they have a paper?—A. No; I didn't see it.

Q. Didn't they try to head you off onto the road to Newcastle?—A. No; all the other wagons were ahead. I was in the middle and don't know what took place up in front.

Q. When Miller came was Smith there?—A. The white men were there before Charlie came back. Charlie was out to find horses. The men waited until Charlie came back.

Q. Did Charlie have an antelope on his saddle?—A. I can not say, because he was out of my sight. I was camped about half a mile from his camp.

Q. How many antelope did the Indians shoot while in Wyoming?—A. I don't know.

Q. Did they shoot any?—A. I don't know anything about that. They killed some prairie dogs and prairie chickens and I did the same thing.

Q. Did you buy any meat or hides?—A. I didn't buy any myself.

Q. Did the others?—A. Yes; they told me they bought it. I didn't see them bring it. There were a lot of sheepmen and cowboys, and they got it and traded with us.

Q. How many hides did you have in your wagon?—A. I told you I didn't buy anything.

Q. Did you notice any hides in the wagons of the other Indians?—A. Yes; I saw some. Of course, I could not be able to tell where they bought those hides. I didn't ask them where they got them. If a young man like me should ask an old man where he got his hides he would tell me to mind my own business.

Q. How many hides did you say there were in the whole party?—A. I didn't count them. I don't like to make a guess.

Q. Were there 40 or 50 of them in the whole party?—A. I should guess about 30.

Q. Did Smith's or Brown's party have the most hides?—A. Charlie Smith had the most.

Q. Where did you meet Charlie Smith's party? How long before the party was met by the sheriff?—A. It must have been two or three days before we met those seven men.

Q. Were you present when the shooting took place the next day?—A. Yes.

Q. Who did the first shooting, the Indians or the white men?—A. I have been anxious to tell you about that.

Q. Tell all you know, and just how it occurred.—A. We were coming along the road. It was pretty rough there, and the men were all driving and the women were walking. About noon we made camp and had dinner. We started after noon, and followed the little creek. The road was pretty bad in some places, and we had a pretty hard time getting along. At last there was one place that was so bad we had to double up to get the wagons out. We got out of that finally, and when we looked ahead we saw those in the lead going at a pretty good trot. There was a bunch of horses in the lead. The Indians were going down to the crossing when I saw those white men come up on horseback. Before the Indians could get to the creek the white men got there first, and they came up on this side and left their horses on the other side of the creek, and just the minute I looked again, I saw them throw up their guns to fire. I saw them fire, and then I turned my horses back and lit out as fast as I could go.

Q. Where were you in the procession?—A. I was about in the center. All the other wagons in front were pretty well in the lead. The reason we were not closer was because some of our wagons got stuck. One of the young men hollered: "Turn round! turn round! those men are going to shoot."

Q. Who fired the first shot?—A. The white men did the first shooting, because the minute the white men shoot I turned my team. I can't see any other way but the white men did the first shooting.

Q. Did you do any shooting?—A. No; I didn't shoot. We didn't expect any trouble from those white men and we had all our guns in the bottom of the wagons. We didn't feel or dream that they were going to shoot us.

Q. Did you know that they were the same men you met the day before?—A. It was too far for me to see.

Q. Were you expecting them?—A. No; you can just judge for yourself. If some one shot at you when you were not expecting any trouble, you would dig out as fast as you could go.

Q. Did you leave your wagon and horses back there?—A. That was the first time I was ever shot at. I was too young to go on the war path when the Indians used to go. I thought I was shot, and dreaming that I was dead, and still going. I am scared yet.

Q. Do you understand that it is against the laws of the State of Wyoming for any outsider to hunt antelope, deer, elk, and other large game, whether Indian or white man, unless he has a license from a justice of the peace? And will you tell your friends, so that when they go through Wyoming again they will not get into trouble?—A. I would like to tell you another thing, just to show you that if we wanted to fight the white men we had plenty of chance. We were going on to Hat Creek when we met a party of white men. They stopped us and shook hands and took us to a house. We were trying to get out the best we could; if we wanted any trouble we could have had it then. They took us back to Edgemont and put us in jail.

Q. That was after you got out of Wyoming?—A. I don't know what State.

Q. That was after the shooting?—A. Yes.

Q. It was before you were taken to Douglas?—A. They took us down to Edgemont and from there they took us to Douglas. My wife gave birth to a child three or four days before the shooting took place, and she was compelled to ride horseback all the way after the shooting. It was very bad for her. I don't believe the child is going to live, and my wife is not very much better. The child was handled very roughly on account of being on horseback. That was very bad for the child.

DAVID (his x mark) BROKEN NOSE.

Witnesses:

A. M. LANDMAN.

F. C. GOINGS.

Subscribed and sworn to before me this 30th day of November, 1903.

[SEAL.]

F. E. McINTYRE,

Notary Public, Shannon County, S. Dak.

My term expires November 8, 1905. -

PINE RIDGE AGENCY, S. DAK.,
November 30, 1903.

Statement of Fool Heart.

FOOL HEART, being first duly sworn, deposes and says:

Questions by TIMOTHY F. BURKE, United States attorney for the district of Wyoming:

Q. What is your name and age?—A. My name is Fool Heart. I am 58 years old.

Q. Are you an Oglala Sioux, living on the Pine Ridge Reserve?—A. Yes; I am an Oglala Sioux.

Q. Did you go to Wyoming in October with William Brown's party?—A. Yes.

Q. What did you go there for?—A. As for myself, I was going to kill some prairie dogs and prairie chickens. I had a shotgun.

Q. Did you have a rifle?—A. Yes; I had a big rifle.

Q. Did the other Indians have rifles?—A. Yes; they all had guns.

Q. You went down there to hunt antelope?—A. Yes; I went down to get some deer.

Q. Did you shoot any deer?—A. I killed two.

Q. Did the other Indians kill any deer or antelope?—A. No. There was no black-tail or elk; at least I didn't see any.

Q. Were there any antelope?—A. No.

Q. Did you buy any antelope or deer?—A. Yes.

Q. How many did the Indians buy?—A. I could not say.

Q. Did you buy any?—A. I bought three; I had five in all. Got two from the ones I killed. I bought two and I picked one up at a sheep corral.

Q. What did you do with the deer?—A. You mean the deerskins?

Q. Yes; and the meat?—A. We eat the meat; we tan the skins.

Q. Don't they give you enough meat here so you don't have to go off to get it?—A. For myself, I get enough to eat. There is only myself and wife.

Q. Why do you go off the reservation to get meat?—A. As for myself, my eyes are not very good; and I will tell you another reason why I went up there: I went to get some roots and berries for medicine and to get some prairie dogs and prairie chickens and other small birds that fly in the air. I get those birds to make arrows and sell them. And there is some kind of dirt up there that we make paint out of.

Q. Do you know it is against the law of Wyoming for an outsider to shoot deer or antelope without a license?—A. I didn't kill any deer in Wyoming. The deer I killed were just outside of the foothills of the Black Hills.

Q. That does not answer the question. Do you understand that it is against the law to kill deer in Wyoming?—A. As for myself, I don't understand the white men's law; that is why I killed those two.

Q. Were you there at the time Sheriff Miller and his men came to your camp before the shooting?—A. Yes.

Q. Did you know what Sheriff Miller was there for?—A. No; I didn't know.

Q. Didn't William Brown or Charles Smith explain what they wanted?—A. I didn't hear anything from those two fellows.

Q. Did they have any papers or read any papers to Brown or Smith?—A. I was quite a little ways from those people who were talking to Smith and Brown. I didn't go up there myself, because I was tired.

Q. Were you present when the shooting occurred the next day, and where were you?—A. I was quite a ways back. I was driving an old mule and the mule played out on me, and I must have been about a mile behind the rest.

Q. Did you see any shooting?—A. No; I just heard the reports.

Q. You don't know who commenced it?—A. While I was still in the rear the people rushed by me and said, "The white men are shooting at us." That is all I know.

Q. Did you leave your wagon there and come home on horseback?—A. I left my team. I had a horse and a mule; the mule played out. I left the team there, put my wife on another horse, and started home afoot.

Q. Did you get your wagon and hides afterwards?—A. No.

Q. What do you do with the hides when you get them that way?—A. Make moccasins out of them.

Q. Don't you get hides enough on the reservation to make moccasins?—A. I don't know of there being any deer around here.

Q. Then you don't get enough?—A. No.

Q. It is against the law of Wyoming for an Indian or a white man to shoot deer, antelope, or any other large game in the State without a license, and it is against the law for anyone to sell any raw hides of these animals. Do you understand that, and will you tell your friends, so that when they want to go to Wyoming again they won't get into trouble?—A. Yes. Can I say some more?

Q. Yes.—A. I always like to listen to the advice of the white men as well as to the agent of the Great Father. On the way back we met some men that wanted our guns. I turned my gun right over to them. When I turned my gun over to them, I didn't know whether they had any right to take our guns or not, but I gave up my gun because I didn't want to fight.

FOOL (his x mark) HEART.

Witnesses:

A. M. LANDMAN.

F. O. GOINGS.

Subscribed and sworn to before me this 30th day of November, 1903.

[SEAL.]

F. E. MCINTYRE,

Notary Public, Shannon County, S. Dak.

My term expires November 8, 1905.

PINE RIDGE AGENCY, S. DAK.,

November 30, 1903.

Statement of High Dog.

HIGH DOG, being first duly sworn, deposes and says:

Questions by TIMOTHY F. BURKE, United States attorney for the district of Wyoming:

Q. What is your name and age?—A. High Dog; 48 years old.

Q. You are an Oglala Sioux, living on Pine Ridge Reservation?—A. Yes.

Q. Did you go to Wyoming in October with William Brown's party?—A. Yes.

Q. What did you go for?—A. I went there with the intention of getting some holy leaves and roots; that is what I had in my mind when I left here.

Q. Did you take your gun; your rifle?—A. I took my gun, but I only had five cartridges.

Q. Did the Indians shoot any deer or antelope?—A. I don't know about the rest of them. If they shot any, I don't know.

Q. Did you shoot any?—A. I shot two on the little creek that is called Sage Creek.

Q. Was it in Wyoming or in this State?—A. Right near this Sage Creek I killed two.

Q. Is that in Wyoming?—A. It is this side of Wyoming.

Q. Was it very near where you saw Sheriff Miller and his men the day before the shooting?—A. No. It was a long ways off from where we met that man.

Q. Did you buy any deer or antelope while in Wyoming?—A. Away up there in the State, I went to a sheep man's place. He had two buckskin hides on the ground, and I told him I wanted those two and he wanted me to get him some beaded moccasins. So I gave him the beaded moccasins and he gave me the deer hides and some meat.

Q. Did the other Indians trade for deer hides and antelope hides and meat?—A. I didn't see them myself, but they told me they did.

Q. Were you present when Sheriff Miller and some men came, prior to the shooting?—A. There were seven white men came there. I don't know why they came. I didn't go there myself to find out because I am an Indian and don't understand English.

Q. Didn't Brown or Smith explain what they wanted?—A. They didn't do any talking with William Brown; they did all the talking with Charlie Smith. And after they got through Charlie Smith didn't tell us what the conference was.

Q. Was Smith there when the sheriff and his party came?—A. They both came to camp about the same time, Charlie Smith and those white men.

Q. Did Charlie Smith bring in an antelope on his horse?—A. No. I didn't see him bring anything, but I knew he was back because I saw his horse.

Q. Did you hitch up and drive away after that?—A. Right after that; the word was passed that Charlie Smith had said that every one should break camp and take to the road for home.

Q. Didn't the sheriff and his men want you to take the road to Newcastle?—A. I didn't know anything about that.

Q. Did any of the Indians throw dirt into the air?—A. No one did that.

Q. Where did the sheriff and his party eat supper?—A. They ate supper at William Brown's tent. His wife prepared the meal for them.

Q. You say no one threw dirt into the air. If they should, what would it mean?—A. No one did that. We were all in the wagons, and besides, no Indians do that, because it don't mean anything.

Q. Were you present next day when the shooting took place?—A. Yes; I was there.

Q. Where were you?—A. I was away back in the rear.

Q. Did you see who commenced the shooting?—A. I was away back in the rear. One of my horses was tenderfooted; I stopped to put a piece of canvas about it; I was going very slow. I looked up to see where they were in front of me, and I saw them all coming back, as tight as their horses could go. Then I began to hear shooting.

Q. I want to say that it is against the law for anyone living outside of Wyoming to shoot antelope, deer, elk, or any other kind of large game in that State without a license. It is also against the law to buy or trade for the green hides or teeth of these animals. Do you understand that, and will you tell your friends, so that when they go to Wyoming again they will not get into trouble over violating the game laws?—A. Yes. I want to say a few words more. After we left the wagons and started back, we put all the women on horseback. We got as far as Hat Creek, when there were 10 white men standing in the road. Just to show you that we were not out for a fight, we had all the chance in the world then, but there was not an Indian in the party wanted to fight; and we all surrendered our guns and went into Edgemont with those fellows, willing. One fellow was some kind of a headman, so we turned our guns over to him. I left my wagon and all my stuff back in Wyoming.

Q. Did you get your wagon back?—A. I got my wagon back, but I did not get any of the other stuff, at least they could not find it.

HIGH (his x mark) Doo.

Witnesses:

A. M. LANDMAN.

F. C. GOINGS.

Subscribed and sworn to before me this 30th day of November, 1903.

[SEAL.]

F. E. MCINTYRE,

Notary Public, Shannon County, S. Dak.

My term expires November 8, 1905.

PINE RIDGE AGENCY, S. DAK.,
November 30, 1903.

Statement of Chief Eagle.

CHIEF EAGLE, being first duly sworn, deposes and says:

Questions by TIMOTHY F. BURKE, United States attorney for the district of Wyoming:

- Q. What is your name and age?—A. My name is Chief Eagle. I am 35 years old.
Q. You are an Oglala Sioux, living on Pine Ridge Reserve?—A. Yes.
Q. Did you go to Wyoming with William Brown on October last?—A. Yes.
Q. What did you go there for?—A. There are two different kinds of medicine. One is holy leaf and the other is something like sunflowers. I went up to get those two things.
Q. Did you take your gun?—A. Yes.
Q. Was it a rifle?—A. Yes.
Q. How many antelope or deer did you shoot?—A. Three.
Q. Where did you shoot them?—A. They were on what is called Horse Creek, in the Black Hills.
Q. How many did you shoot in Wyoming?—A. None.
Q. Why didn't you shoot any in Wyoming?—A. There is a law in Wyoming and I knew it. I saw some, but I didn't take any shot at them.
Q. Did any of the Indians shoot any in Wyoming?—A. No; not that I know of.
Q. Did they buy any?—A. Yes; I saw some buy some.
Q. How many did you buy?—A. I only had three; that was all I wanted.
Q. Were you there the day before the shooting, when Sheriff Miller and his party were there?—A. Yes; I saw that white man. There were seven men altogether.
Q. What did they want?—A. I don't know what they wanted or what they were there for.
Q. Didn't William Brown, or Smith, tell you what they were there for?—A. They didn't tell me anything about it.
Q. Didn't anyone tell you about it?—A. I don't know what was the matter with the Indians. They didn't seem to want to tell anything. I don't know the reason.
Q. Didn't you know that Miller was there to arrest you? Didn't he ask you to go to Newcastle?—A. No.
Q. Did Miller try to—A. My party headed off and turn them up toward Newcastle?—A. I don't know; I heard of the party in the rear.
Q. Were Brown's party all in the rear?—A. Yes; we were all in the rear.
Q. Were you present when the shooting took place the next day?—A. Yes.
Q. Did you see who did the shooting?—A. I was about as far from those in front as it is from here to the boarding school (about one-half mile). We came to a steep bank and went down and up again, and just as we got to the creek, and were up on the high side, I heard the report of one gun; then the firing became general. Then I turned back, and I was in the lead all the way back. I had a lot of children with me.
Q. Do you know who fired the first shot?—A. I don't know.
Q. Where did you go when you went away?—A. We started and got up on a big divide, and we went down a big hollow, and there we threw out all our dishes and boxes and things, out in the big hollow, and then we unhitched and started out horseback.
Q. You are right. There is a law prohibiting the shooting of any game animals in Wyoming without a license. It is also against the law to buy or trade for any green hides or any teeth of big game. If you understand that, will you tell your friends and acquaintances, so that when they go into Wyoming they will not get into trouble?—A. Yes. After we left the wagons and started out horseback with our families, after we got to a place called Hat Creek, another party fired more shots at us. I don't think that was right.

CHIEF (his x mark) EAGLE.

Witnesses:

A. M. LANDMAN.
F. C. GOINGS.

Subscribed and sworn to before me this 30th day of November, 1903.

[SEAL.]

F. E. MCINTYRE,
Notary Public, Shannon County, S. Dak.

My term expires November 8, 1905.

PINE RIDGE AGENCY, S. DAK.,
November 30, 1903.

Statement of Charging Wolf.

CHARGING WOLF, being first duly sworn, deposes and says:

Questions by TIMOTHY F. BURKE, United States attorney for the district of Wyoming.

Q. What is your name and age?—A. Charging Wolf; 45 years of age.

Q. You are an Oglala Sioux, living on the reservation here?—A. Yes.

Q. Did you go to Wyoming in October with William Brown and his party?—A. Yes.

Q. What did you go there for?—A. What I started up there was for some leaves, roots, and herbs, that we know is very good for certain sickness. That is what I went up to get. Of course the white men don't use them, but the Indians do, and I brought a lot back.

Q. Did you take your guns with you?—A. Yes.

Q. Did you shoot any antelope or deer?—A. No.

Q. Did you buy any?—A. Yes; I bought one.

Q. Did you drive your own wagon and horses?—A. Yes.

Q. How many antelope and deer hides did you have in your wagon when you left it.—A. Three.

Q. Who did the other two belong to?—A. I traded for the other two with the sheep men for some moccasins and bead work.

Q. Was you there the day before the shooting, when Sheriff Miller and his party were in camp?—A. Yes.

Q. What did they come there for?—A. I don't know what they did come for.

Q. Was Charlie Smith there?—A. Yes.

Q. Did Charlie Smith bring in an antelope on his horse?—A. I don't know.

Q. Did Charlie Smith or Brown tell you why they were there?—A. I didn't hear anything about it, and they didn't tell me anything.

Q. Did they eat supper there at William Brown's?—A. I don't know anything about that.

Q. Didn't they try to get you to go to Newcastle?—A. I didn't hear anything about that and didn't know anything about it.

Q. Was you there when the shooting took place?—A. Yes.

Q. Where was you when it commenced?—A. I was about in the middle of the train.

Q. Who fired the first shot?—A. The white men.

Q. How do you know that?—A. There was some teams ahead of me and I noticed them hunch up together. Then I heard one shot, and after that the firing became general. After that I got out as fast as I could go.

Q. Who fired the first shot?—A. I kind of think the first shot came from the white men's side.

Q. What makes you think so?—A. I don't know the reason why I think so, but it seems to me that they fired the first shot. But I got away as fast as I could.

Q. Did you fire any shots?—A. No; I had my gun in the bottom of the wagon and had my fells and other luggage on top of it.

Q. It is against the law of the State of Wyoming to do any hunting for such game as deer, antelope, elk, etc., without a license. It is also against the laws of the State to buy or trade for the hides of such animals. Do you understand that, and will you tell your friends, so they won't get into trouble when they go to Wyoming again?—A. Yes.

CHARGING (his x mark) WOLF.

Witnesses:

A. M. LANDMAN.

F. C. GOINGS.

Subscribed and sworn to before me this 30th day of November, 1903.

[SEAL.]

F. E. MCINTYRE,

Notary Public, Shannon County, S. Dak.

My term expires November 8, 1905.

PINE RIDGE AGENCY, S. DAK.,
November 30, 1903.

Statement of Jesse Little War Bonnet.

JESSE LITTLE WAR BONNET, being first duly sworn, deposes and says:

Questions by TIMOTHY F. BURKE, United States attorney for the district of Wyoming:

- Q. What is your name and age?—A. Jesse Little War Bonnet; 20 years of age.
Q. You are an Oglala Sioux, living on the reservation?—A. Yes.
Q. You went to Wyoming with William Brown as a member of his party in October?—A. Yes.
Q. What did you go for?—A. I understood those people were going to get some roots and herbs and other things, so I thought I would go and see if I could get some. I am not well. My blood is bad. I wanted to get some medicine to see if it would do me any good.
Q. Did you have your gun with you?—A. No.
Q. Did you shoot any elk, deer, or antelope?—A. I did not have any gun, so I couldn't do any shooting.
Q. Did you drive your own wagon or did you go with some one else?—A. I was in my mother's wagon.
Q. Was your father along?—A. No.
Q. Did you buy any antelope or deer skins?—A. I bought one.
Q. Were you there when Sheriff Miller and his party came the day before the shooting?—A. Yes.
Q. What did Miller and his men want?—A. I didn't hear.
Q. Why did you ride up among the white men with your horse and run through them?—A. I went up there for information, but I couldn't get any.
Q. Why did you ride among the white men?—A. I wanted to see what they came there for, but I could not understand them.
Q. Didn't Charlie Smith or William Brown tell you what they were there for?—A. They didn't say anything.
Q. Did Miller and his men want you to go to Newcastle?—A. I didn't hear that.
Q. Didn't they try to turn up the road towards Newcastle, instead of the road towards home?—A. I didn't hear.
Q. Did you see them motion you to go up?—A. No.
Q. Was you present the day the shooting took place, and where were you?—A. Yes.
Q. Where were you?—A. I was in the rear. I had stopped to close the gate we had just gone through, and just as I was on the way up the firing took place.
Q. How far up were you when the firing started?—A. I was quite a ways off. I was the last man coming up.
Q. The white men say you was at the head of the line and was running back when they saw you. Is that correct?—A. No.
Q. Did you have a gun that day?—A. No.
Q. Who fired the first shot?—A. The white men.
Q. How do you know that?—A. I was coming up when I heard the bullets coming down from that direction.
Q. What did you do?—A. I turned around and took the other way.
Q. It is against the law of the State of Wyoming for an outsider, whether he is an Indian or a white man, to shoot deer, antelope, elk, or any such game in that State without a license. It is also against the law of the State to buy or trade for the hides of such animals. I want you to bear that in mind and tell your friends that, so that when they are traveling in Wyoming they will be careful not to violate those laws and get into trouble.

JESSE (his x mark) LITTLE WAR BONNET.

Witnesses:

A. M. LANDMAN,
F. C. GOINGS.

Subscribed and sworn to before me this 30th day of November, 1903.

[SEAL.]

F. E. MCINTYRE,
Notary Public, Shannon County, S. Dak.

My term expires November 8, 1905.

PINE RIDGE AGENCY, S. DAK.,
November 30, 1903.

Statement of William Brown.

WILLIAM BROWN, first being duly sworn, deposes and says:

Questions by TIMOTHY F. BURKE, United States attorney for the district of Wyoming:

Q. State your name and age.—A. My name is William Brown; I am 36 years of age.

Q. Are you the William Brown that got a permit to leave the reservation with a number of others along about last September?—A. Yes, sir.

Q. You are an Oglala Sioux, and live upon the reservation?—A. Yes, sir.

Q. When did you leave the reservation with your party for Wyoming?—A. I have my pass with me [produces pass]. I left about October 8.

Q. And all of these people named on your permit left with you?—A. Yes, sir.

Q. When did you get into Wyoming?—A. About October 15.

Q. Did you shoot any deer or antelope prior to going into Wyoming.—A. I saw one or two in my party.

Q. What did you go to Wyoming for, Mr. Brown?—A. I went to get some roots, herbs, and berries.

Q. For what purpose?—A. To use for medicine.

Q. It is the custom for the Indians of this reservation to go outside for roots and herbs?—A. Yes; that is customary. They found out that the roots and herbs that they got away were better than the roots and herbs here.

Q. How often do they go?—A. This was the first time I knew anything about it—this year and last year.

Q. When you went into Wyoming, into which county did you go? Do you know?—

A. We went into Weston County, and from there into Converse County.

Q. Did you shoot any deer or antelope in Weston County?—A. All we shot there was rabbit, prairie dogs, and prairie chickens.

Q. Did you buy any antelope or antelope hides, deer, or deer hides while in Weston County?—A. The rest of the party bought some, but I didn't buy anything. All I wanted was roots and herbs, and I got them.

Q. How many antelope and antelope hides, deer, and deer hides did your party buy in Wyoming?—A. Of course, I didn't go around through the tents, so I don't know just how many they did buy.

Q. They bought quite a number?—A. Yes.

Q. Would you say as many as 40 or 50?—A. I could not state the number, but I know that they got a good many hides.

Q. How did they pay for them?—A. Hatbands, moccasins, and other beadwork along that line. They traded for them.

Q. Were you there at your camp when Sheriff Miller and his party came there, the day before the shooting?—A. Yes; I was there.

Q. What did they say they wanted?—A. They were at my camp sometime before I came back. They had got ready to leave when I got back and were going away without saying a word to me, but I had a talk with one of them.

Q. What was his name?—A. Miller.

Q. What was the talk you had with Miller?—A. Miller told me that they had eat at my place, and then I asked him what he wanted. He told me he was after us.

Q. What for?—A. He didn't say what for. It was getting dark and he said, "I will see you in the morning."

Q. Did he show any papers?—A. I didn't see any.

Q. Did he show you a warrant for your arrest?—A. No.

Q. Didn't he tell you he had a warrant for your arrest?—A. No, sir. He didn't say anything of that kind, and I didn't have any idea he was there to arrest us.

Q. What did he say he was after you for?—A. That is all he said, "I am after you."

Q. Did not you understand from that that he wanted you to go to Newcastle?—

A. I understood it that way, and I told him "All right."

Q. Did you offer to go to Newcastle with him?—A. He didn't mention the name of any town; he just said, "I am after you," and I said, "All right," and he said, "That's good." And that is all the talk I had with him.

Q. You were hitching up then, were you not, and about to drive away? Didn't Miller try to turn you on the road to Newcastle instead of the road home?—A. No.

Q. Do you remember where the roads fork and one road leads to Newcastle and the other toward home; was there not an effort made there by Miller to turn you onto the road to Newcastle?—A. No.

- Q. Did you see any Indians throw dirt into the air?—A. No.
- Q. What would it mean if they did?—A. It don't mean anything.
- Q. Did you see Little War Bonnet riding among Miller's party the day before the shooting? Did he make himself offensive that day?—A. No.
- Q. Were you near the head of the procession when it started that day? Were you where Smith was?—A. No.
- Q. Did Smith and Miller have any talk?—A. Yes. I saw them talking together.
- Q. Did you tell Miller that you would go to Newcastle if Smith did? Was anything of that kind said there?—A. Yes.
- Q. Did Miller say he would come back the next day?—A. Yes. He said, "I will come back to-morrow."
- Q. Did Miller say anything to you about leaving the State or anything of that kind?—A. No.
- Q. Did you see Miller after that?—A. No.
- Q. Did you see Miller when the shooting took place?—A. I didn't see him.
- Q. Where were you when the shooting took place next day?—A. I was on the road home.
- Q. How far was it from the place where the shooting took place to where you saw Miller the day before?—A. I don't know.
- Q. Did anyone tell you that Miller was there to arrest you?—A. No one ever told me that.
- Q. Did Miller say to you, "We (the whites) want you to go to town with us. We didn't see you kill any deer, but you must go to town with us."—A. Yes. I had that talk with him.
- Q. Then you said that you were willing to surrender, and would surrender, if Smith did?—A. I was the only one that surrendered.
- Q. Did Miller ask you to go to town with him?—A. He just said he would come back again.
- Q. What did Charlie Smith and his party say about surrendering?—A. I didn't understand what kind of talk they had.
- Q. What did Charlie Smith say to you?—A. It was in the evening and getting dark. Charlie Smith didn't say anything to me at all.
- Q. Didn't you and Charlie Smith have a talk with the Indians and tell them what they wanted you to do?—A. I just told what the men said to me—to some of my party.
- Q. That is, that he wanted you to go to town with him?—A. I was willing to surrender with all those named in my party.
- Q. Did you tell the Indians what Miller wanted?—A. Yes; I told them.
- Q. What ones did you tell?—A. Black Feather and He Crow.
- Q. Anybody else?—A. Chief Eagle.
- Q. Anybody else?—A. That is all I can remember.
- Q. What did you tell them?—A. I told them like this: "This white man is here for us, and as I have got a pass I am willing to go with him." And he said, "I will be back in the morning."
- Q. Then Miller didn't try to get you to go to Newcastle that night?—A. No.
- Q. Did anybody there resist Miller in an attempt to arrest you?—A. No.
- Q. Now, the next day, when the shooting took place, did you know who fired the first shot?—A. The white men.
- Q. How do you know the white men fired the first shot?—A. They came right down into the hollow, and we could not help but see them.
- Q. Who was the first white man that fired a shot?—A. We were all in the wagons. There were nine wagons ahead of me. Those fellows came up and started to fire. The firing all came from those fellows.
- Q. Didn't one shot come from in back of you?—A. No.
- Q. Didn't Miller come up on the bank first; Miller and a man by the name of Owens?—A. I could not tell who was there. They were a quarter of a mile ahead of me.
- Q. Did you recognize them as the men who had been at your camp the day before?—A. I was not close enough to see whether they were the same men or not.
- Q. What did they first say the day after you saw them?—A. I didn't say that they said a word. They came on a trot. They just came up that hollow and began to shoot.
- Q. Didn't they hold up their hands and shout "Halt," or something of that kind?—A. No; they didn't say a word.
- Q. Miller and his party had eaten supper at your tent with your wife the night before?—A. That is what my wife told me.
- Q. What did you do at the fight? Did you fire any shots?—A. No; I just turned around and flew. I had my wife and children.

Q. Did you leave your wagon?—A. I went there in a big wagon; and after the stampede took place I left the big wagon and took a light wagon that was there and flew again.

Q. You were not arrested and taken back to Douglas, charged with the murder of Miller?—A. No.

Q. Did you get your wagon back?—A. Yes; somebody went up there and got it.

Q. Were you trying to get out of the State?—A. Yes; we got a pretty big scare.

Q. The second day, you were expecting to see Miller? He had promised you he would come back again?—A. Yes.

Q. What do you think he went away for and promise to come back on the second day?—A. I thought that, being as he was sure, I thought he would come and take us where he wanted us to go.

Q. But you were trying to get away from him, were you not? That is after the first day?—A. We were coming on the road home.

Q. But you were trying to get away from the sheriff and his company?—A. No.

Q. Was there any shooting at you after you left the second day, and took the light wagon to start home? Did anyone shoot at you then?—A. Yes. They did that.

Q. Where was that?—A. Hat Creek.

Q. How many shots did they fire at you there?—A. I should guess about fifty.

Q. Did they hit anybody?—A. They hit one of the horses in the hoof.

Q. That was in the night?—A. Yes.

Q. Were you driving?—A. Yes.

Q. Was that in South Dakota?—A. Yes.

Q. Do you know who shot at you that time?—A. No.

Q. Were there many in the party?—A. It was in the night, and I could not tell how many were in the party.

Q. The laws of Wyoming make it a misdemeanor to shoot any deer, antelope, or other wild animals of this kind, unless you have a license. It is also against the law to buy any green hides of these animals to take out of the State. You understand that, Mr. Brown, and you will tell your friends and acquaintances, so that, when they go through Wyoming again, they will be careful not to get into any more trouble?—A. Yes, sir.

WILLIAM (his x mark) BROWN.

Witnesses:

A. M. LANDMAN.

F. C. GAINGH.

Subscribed and sworn to before me this 20th day of November, 1903.

[SEAL.]

F. E. MCINTYRE,

Notary Public, Shannon County, S. Dak.

My term expires November 8, 1905.

PINE RIDGE AGENCY, S. DAK.,

November 30, 1903.

Statement of Hope Clear.

HOPE CLEAR, being first duly sworn, deposes and says:

Questions by Timothy F. Burke, United States attorney for the district of Wyoming:

Q. Give your name and age.—A. My name is Hope Clear; 18 years old.

Q. You are the daughter of Gray Bear?—A. Yes.

Q. Were you a member of the Charles Smith party that went to Wyoming in October?—A. Yes.

Q. What did that party go to Wyoming for?—A. They got the party to go up there to get some herbs, and leaves, and different kinds of roots that is in that country.

Q. Did they do any hunting on the way?—A. They shot some prairie chickens and prairie dogs and rabbits as they went along.

Q. Did they shoot any deer or antelope?—A. No.

Q. Where did they get their antelope hides and antelope meat?—A. They got their deer hides and deer meat from the sheepmen.

Q. How many hides and how much meat did you get?—A. You mean the whole party?

Q. Yes.—A. I can not say how much each bought, but they each bought some.

Q. Did Charlie Smith shoot any deer while in Wyoming?—A. What do you mean?

Q. Any deer or antelope?—A. No.

Q. Where did you meet Mr. Brown and his party?—A. I don't know the country up there, and I don't remember just where it was.

Q. But it was in Wyoming?—A. Yes.

Q. Was it after you started home?—A. Yes.

Q. Do you remember the day when Sheriff Miller and his party came to your camp?—A. Do you mean those white men?

Q. Yes.—A. Yes.

Q. Were you present?—A. Yes.

Q. Did you hear them talk?—A. No.

Q. Did Mr. Smith tell you what they wanted?—A. No.

Q. Did you hear what they wanted?—A. No.

Q. Did they try to get you or any of the men to go to Newcastle with them?—A. I didn't hear anything of that kind at all.

Q. Did they eat their supper with you?—A. Yes.

Q. Who did they eat with?—A. With the mixed bloods.

Q. Did you see these men the next day?—A. No.

Q. Were you present when the shooting took place on the next day?—A. They came to our camp, and on the next day they commenced to shoot at us.

Q. Did you recognize them to be the same men as those who had come to your camp the day before?—A. Yes; they were the same men; after I got where they were I recognized them as the same men.

Q. Did you recognize them as the same men before the shooting commenced?—A. I saw those men before anyone else saw them.

Q. Where were you when you saw them?—A. I was ahead of the wagons and there were two little boys with me and we were driving some loose ponies. I got off my horse to open the gate and then I saw the white men aiming their guns at me, so I started back to the wagons as fast as I could go.

Q. Where were you on first hearing the shooting?—A. It was the white men that started to shoot.

Q. Where was the first shot fired from?—A. What do you mean by that?

Q. Where was the first shot fired from? Who was the first person who fired and where was he?—A. It was a white man.

Q. Were they on horseback when the shooting commenced?—A. No; they were afoot.

Q. Were they on horseback when you first saw them?—A. The minute I saw them they began to get off their horses, and some of them were already aiming their guns at me.

Q. Did you go back through the gate when the first shot was fired?—A. That was after I got through the gate.

Q. Where was Charlie Smith?—A. Charlie Smith was in the rear on horseback, but he came up.

Q. How many wagons got through the gate before the firing commenced?—A. Two.

Q. How many Indians did any shooting?—A. I noticed that the first shot shot the horse from under the boy that was with me. He got up and started to run and then he got shot. After this boy was shot I got to the wagons. Just as I got up to the wagons I saw my father and Black Kettle getting down ready to open fire.

Q. Did the Indians do any firing previous to that?—A. There was no shooting from the Indians until after a bullet went through my shawl and another through my dress, and my horse shot from under me. Then my father fired.

Q. Is that the shawl you have on now?—A. No; I gave the shawl away.

Q. Where was your father when the firing commenced?—A. I could not say. I know he fired a shot, and after that I didn't see him any more.

Q. Who was at the gate when you came through?—A. Do you mean Indians?

Q. Yes.—A. Some of the Indians had got through the gate and some of them were standing just inside of the gate.

Q. Who were some of the Indians just inside of the gate?—A. Just as soon as the shooting began the Indians ran back.

Q. What did the white men say, or did they say anything before the shooting commenced, when you first saw them?—A. They didn't say a word or call to me. They just went to shooting.

Q. Didn't one or two of them come up on the bank before the rest?—A. I don't know of any.

Q. Did you see one of them put up his hands and say, "Halt"?—A. No.

Q. Did they do any shooting before they got through the wire fence to which they hitched their horses?—A. I did not see where they had their horses, but they must have left their horses on the outside of the fence. The fellows I saw came on the run shooting.

Q. They left their horses before shooting?—A. Yes.

Q. They didn't do any shooting from the road?—A. They were all in the creek bottom.

Q. How many shots did the white men fire?—A. I could not count; they were shooting too fast.

Q. They fired a good many shots?—A. Yes.

Q. Did the Indians fire a good many?—A. There were only two Indians that did any shooting—Black Kettle and my father. The rest fled.

Q. Charlie didn't do any shooting?—A. I didn't see him.

Q. Where did you go?—A. My mother and Charlie Smith's wife were in the wagon, and we started down the fence as tight as we could go.

Q. What became of your father?—A. We started to go up the side of a hill, and just as we were going over the top of the hill Mrs. Smith was shot. When she was shot the blood began to flow pretty freely, and we started for a bank. We just got to the bank and that was all. My mother and Charlie Smith's wife were in the wagon, and I got another horse and I was on horseback.

Q. Did you stay there and bury your father?—A. When we got Mrs. Smith down under this bank I started back up the fence again, and I met my father coming up on his horse. I led him off to the creek. They were still shooting at him. I got my father down into the creek bed and took him to where Mrs. Smith and my mother was, and we started to follow up the creek bottom.

Q. Did your father die?—A. We kept on going up this creek until it must have been along in the middle of the night, then my father got out and went and sat with his back up against the bank, and he sat there till he died. My father and Mrs. Smith were both in the wagon, and when my father got out and on the bank we built a fire.

Q. When did your father die?—A. About midnight.

Q. Did you bury your father there?—A. I buried my father there, and we went back next morning to where the shooting took place. My mother says to us, "Maybe there is a war broken out between the white men and the Indians, and we might just as well go back and get killed where the other Indians were killed, because we can't get home anyway."

Q. Whom did you find killed and wounded?—A. We found Charlie Smith, and we found that boy and Black Kettle there. We got to where Charley Smith was. He wasn't dead yet, so we built a fire to warm him up. By that time these same people were coming back again.

Q. The white people?—A. Yes.

Q. They didn't do any shooting that morning, did they?—A. After we saw those people coming, they started to take aim at us. I walked up toward them, and they pointed their guns at me. I got pretty close to them. I told them that there were only women there, and if they wanted to kill us they could do it. They said, "If that's so you come over here." So I walked over to where they were, and there was an old man in the lead and he shook hands with me, and they all shook hands with me. Then we all went down to where Charlie Smith was laying.

Q. Did they take care of you, then—help you to get water, and help to bury Black Kettle?—A. Charlie Smith asked for some water, and one of the men got some water and gave him a drink. They took us to a log house that was there.

Q. You can talk some English; enough so as to make yourself understood?—A. I can understand more than I can talk. Charlie died in that little log house that evening. I was there when Charlie Smith was buried but not when the other two were buried.

Q. You are sure, Miss Hope, that the first shot was not fired by some Indian up along the line of wagons?—A. Yes, I am sure.

Q. Were the men riding horseback or in the wagons when you first saw Mr. Miller and his party before the shooting?—A. They were all in the wagons.

Q. Where was Mr. Smith when he was shot?—A. Smith was in the rear. He was coming up to where the shooting was going on when he was shot.

Q. Did he have his gun?—A. No; he didn't have it; it was in the wagon. We were not expecting these people to do any shooting, and we were trying to get away the best we could.

Q. Now, Miss Hope, you have been to school at the reservation schools?—A. I went to a day school. I didn't go very regular. I had some sickness and kept getting excuses, so I didn't go very regular.

Q. Did you see any other Indians, with the exception of your father and Black Kettle, do any shooting?—A. No; those are the only two that did any shooting; that is the reason there are so many left alive. If they had all done some shooting, they would have all been killed. The horse I was on was shot four times.

Q. Everything you have stated here is just what you saw, not anything anybody else has been telling you, but just what you saw?—A. I have been sworn in. I have told it just as I saw it myself.

HOPE (her x mark) CLEAR.

Witnesses:

A. M. LANDMAN,
F. C. GOINGS.

Subscribed and sworn to before me this 30th of November, 1903.

[SEAL.]

F. E. McINTYRE,
Notary Public, Shannon County, S. Dak.

(My term expires November 8, 1905.)

PINE RIDGE AGENCY, S. DAK.,
November 30, 1903.

Statement of Mrs. Gray Bear.

Mrs. GRAY BEAR, being first duly sworn, deposes and says:

Questions by TIMOTHY F. BURKE, United States attorney for the district of Wyoming:

Q. State your name and your age.—A. Forty-five years old. My Indian name is Takes The Rope.

Q. You are the wife of Gray Bear?—A. Yes.

Q. You went with Charlie Smith's party to Wyoming with your husband last October?—A. Yes.

Q. What did you go to Wyoming for, Mrs. Gray Bear?—A. They told us that they were going to shoot different things while up there.

Q. What did they say they were going to shoot?—A. Rabbit, prairie dogs, and prairie chickens.

Q. Did they say anything about shooting deer or antelope?—A. There were some of the men who took shots at some of those deer.

Q. Did they get any deer or antelope while there?—A. They got some in the foothills of the Black Hills. They didn't get many, because they were scarce.

Q. Did they get any in Wyoming?—A. No one got any in Wyoming.

Q. Did they buy any while in Wyoming?—A. We got all our skins and meat from the sheep and cattle men. We traded moccasins, blankets, and beadwork for it.

Q. Did you get many in that way?—A. All the men and all the women had done some trading for deer skins and deer meat.

Q. Do you remember when Sheriff Miller and his party came to your camp?—A. Yes.

Q. Did you know at the time what he wanted?—A. They had some talk with these white people, but I didn't understand, because I don't understand a word of English.

Q. Who had the talk with them?—A. They had the talk with Charlie Smith.

Q. Did Charlie Smith tell you what they wanted?—A. He didn't tell us anything.

Q. Didn't your husband tell you what they were talking about?—A. No; he didn't say a word to me.

Q. Where were you when the shooting took place next day?—A. There were two wagons ahead. There was a man and his wife in the lead; then came Black Kettle and his wagon, and third came myself and wagon, and the fourth was Mrs. Smith and wagon.

Q. Was your husband in the wagon when the shooting commenced?—A. I was in the wagon with two daughters and he was in the rear on horseback.

Q. Did you see who fired the first shot?—A. Yes; I saw it.

Q. Who was the one that fired the first shot?—A. My daughter was in the lead, driving some loose horses. She came back and said, "Mamma, there are some white people raising their guns, and they are going to shoot us." The white men were the ones who started the shooting. Then we started back. Just then the boy was shot. He fell right in front of me. After I went around to turn my team around I saw this boy was shot, so I turned around in another direction.

Q. Who of the Indians did any shooting?—A. The rest of the Indians were in the wagons driving the teams. Those who were on horses all rushed up and got killed. My husband and another fellow did some shooting, and they both got killed.

Q. Did Charlie Smith do any shooting?—A. After I saw the boy fall I started out. I saw Charlie Smith coming up with his gun in his scabbard on his saddle, so I don't think Charlie did any shooting. The next morning they found it lying on the ground, and I don't think he had done any shooting.

Q. Did the gun drop out of the scabbard?—A. The gun must have dropped out of the scabbard some way or other, because when I saw him on the horse it was in his scabbard.

Q. How far was it from where Charlie Smith was lying to where they found the gun?—A. I was so badly scared I didn't think to measure it.

Q. Your husband died that night?—A. Yes.

Q. And you buried him next day?—A. Yes. We buried him next morning just as the sun was rising.

Q. You found Charlie Smith next day? He was not dead when you found him, was he?—A. The next morning we went down to see how many were killed and wounded, and the first one we run across was Charlie Smith. He was all covered with frost. He was still alive, so we built a fire for him.

Q. He died that day?—A. They took him back to the log house, and some time during the night he died.

Q. You went to Lusk with Mrs. Smith that night, did you not?—A. Yes.

Q. And they sent you from Lusk back home to the agency, did they not?—A. Yes. They left us at Edgemont.

Q. Did you get your wagon and your horse and harness afterwards?—A. I had my wagon all the way through. But Charlie Smith's wagon was taken to Newcastle because there was no one to take my sister's wagon home.

Q. Was Mrs. Smith your sister?—A. Yes; she was my sister.

Q. You say Mrs. Smith is your sister. She was wounded, was she not?—A. Yes.

Q. What is her condition now? Would she be able to make a statement if you went to her house?—A. No.

Q. Where was Mrs. Smith wounded, in her shoulder?—A. She was shot in the back, in the right shoulder, and the bullet came out down below on the breast in front. When I first heard the shots I thought there must be a war broken out between the white men and the Indians. I told my daughter that the white men would kill us off before we could get home, so we might as well go back where the rest of the Indians were killed and die there. That is how we came to go back to where the shooting took place.

Mrs. GRAY (her x mark) BEAR.

Witnesses:

A. M. LANDMAN.

F. O. GOINGS.

Subscribed and sworn to before me this 30th day of November, 1903.

[REAL.]

F. E. MCINTYRE,

Notary Public, Shannon County, S. Dak.

(My term expires November 3, 1905.)

MISSION FLAT,

Pine Ridge Agency, S. Dak., December 1, 1903.

Statement of Last Bear.

The statement of Last Bear was taken at his house, as he was unable to come to the agency on account of his wound. No proper official being present, his statement was taken without oath.

Questions by TIMOTHY F. BURKE, United States attorney for the district of Wyoming:

Q. State your name and age.—A. My name is Last Bear, and I am about 65 years of age.

Q. Are you a full-blood Oglala Sioux?—A. Yes.

Q. You have lived on the reserve here for a good many years?—A. I have never been off the reservation.

Q. Did you go with the Smith party to Wyoming last month?—A. No; I went with William Brown.

Q. What did you go for?—A. All I went for was because I am an old man, and if those young fellows should run across any game, then they would give me some and I would have something to eat and some soup.

Q. Did you go for roots and herbs?—A. I went for paint, too.

Q. Did you do any hunting while over there?—A. We killed some prairie dogs and prairie chickens, and rabbits. Those fellows that you killed, those are the ones that did the hunting.

Q. Did they shoot any antelope or deer?—A. Maybe. I was not with that party.

Q. Did you buy or trade for antelope hides or meat?—A. Yes. I traded for some deer meat and hides with moccasins.

Q. Did you get them of the sheepmen and the cowboys?—A. It was the sheepmen that sold us the meat and the hides. Maybe those cowboys got some deer too, because they always packed their Winchesters.

Q. Were you present when Sheriff Miller and his party came to camp on the first day, the day before the shooting?—A. Yes. There were seven. Three of them had stars.

Q. What did those stars mean?—A. I thought they were some kind of officers or policemen.

Q. What did they want?—A. I was away from camp that day. An Indian told me that there were white men at the camp, and when I got there I found the white men there. I did not talk with them.

Q. Did Smith or Brown talk to them?—A. I understood from another Indian that Smith talked to them. I only know what I have been told.

Q. Did the other Indian tell you what was wanted?—A. I understood from the other Indian that he wanted us to go with him.

Q. Did you refuse to go with him?—A. Smith was the one that refused to go. The white men had their Winchesters right with them.

Q. Did William Brown refuse to go?—A. William was willing to go along with the white men.

Q. What did the white men claim, that they should want you to go with them?—A. This Charlie Smith told all the Indians to hitch up and break camp, we wanted to go home. So the Indians hitched up and broke camp and those white men went along with us. And they said, "We will be back in the morning." That is what I was told. There were some wagons ahead and they wanted them to go to Newcastle. Then the white men left on the road to Newcastle. We traveled all the night and then we made camp in the morning. We made that camp there and in the morning we started again. We traveled until the sun was pretty low, trying to find water. I was the fifth wagon in the road. I had my little boy ahead driving horses for me. We didn't expect any trouble on the way home. This young boy (pointing to his son) and another boy were ahead driving horses, and there was a girl with them. When she got off her horse to open the gate she saw the white men. She came trotting back and said, "There are some white men there going to shoot us." I heard her say that.

Q. Who fired the first shot?—A. I hold up my hand to the Great Spirit and say that it is the truth that we never expected any trouble. We had just crossed a dry creek and were making for the creek to get to water. We saw those men on horseback, and they were all strung up the creek. I heard the white men say something in English; I didn't understand what they said, but it sounded to me as though they were cursing us. Then the white men fired into us and there was a general stampede.

Q. Did the Indians do any firing; and if so, who were they?—A. I was shot at the first volley and I tried to get out the best I could. I didn't even look back.

Q. Where were you shot?—A. I was shot in the back, the bullet coming out in front just in front of the hip bone.

Q. Did the shot pass through the entrails?—A. No. I was leaning over, and that threw my entrails to one side and the shot did not go through them. If it had, I would not be laying here to talk to you to-day.

Q. Did you recognize the party at the shooting to be the same as the party you met the day before?—A. The first day we met the men I did not notice what kind of men they were—that is, what kind of noses or faces they had. What made me think they were the same men is because they said they would be back the next day; so I suppose they were the same party, only there were more of them.

Q. Did you bring your wagon back with you, or did you leave it in Wyoming?—A. I brought my wagon back; it is standing outside there (pointing through the window). My wife drove me home.

Q. Are you going to get well?—A. Yes; the wound in back is healing up, but the wound in front makes discharges.

Q. Do you understand that it is against the laws of the State of Wyoming to hunt for big game, such as elk, antelope, deer, etc., without a license from the justice of the peace? Also, it is against the law to buy or trade for rawhides of those animals. I want you to explain that to your friends, so that when they go through Wyoming again they will not get into trouble over hunting game. How many Indians did you see shooting?—A. I didn't see any of the Indians do any shooting.

Q. Your statement will not be used against you in any way, and I hope you will get well.

Witnesses:

A. M. LANDMAN.
F. C. GOINGS.

IRON WHITE MAN, being present, stated that he wanted to say this:

In these treaties with the Great Father it said that if a white man killed an Indian he would be punished, and if an Indian killed a white man he would be punished. We are going to have a big council, and we would like to test this law and see whether there is anything in it.

Mr. BURKE. When a white man or an Indian goes into another State, he is bound by the laws of that State. Now, in the State of Wyoming it is against the law for outsiders, whether white man or Indian, to come into the State and shoot game without a license. Of course, if you are shooting game without a license it is the duty of the officers to arrest you. While the officer has no right to shoot you for a little crime, if you resist arrest and try to shoot him, he has a right to shoot. Probably these officers will claim that the Indians shot first and that they resisted arrest, that is why they shot. This Sheriff Miller, who was shot, had a warrant for the arrest of two Indians for having shot antelope in Wyoming without license, so he had the right to arrest them. Probably this whole trouble grew out of a misunderstanding, and not out of any willful intention to shoot or murder the Indians.

I am here to get the Indians' story and account of this affair, so that the Government at Washington may know who is in the wrong, so that the Government may know whether it is the Indians or the white men that have done wrong; and the Government will see that the right thing is done, and will protect the Indians under the treaties and see that they get their rights as men.

Talk with Chief Blue Horse.

PINE RIDGE AGENCY, S. DAK.,

December 1, 1903.

I had a talk with Chief Blue Horse, who claims that he was one of the signers of the treaty of 1868, and the way he understood the treaty was that the Indian would be allowed to hunt anywhere game could be found as long as the Indian existed as a race. "The talk was that in a hundred years the Indians would become as the white men, tillers of the soil, and would no longer care to hunt, and that the buffalo would surely remain as long as that." He did not understand that the Indian relinquished in that treaty, or any other treaty, his right to hunt.