

PINE RIDGE AGENCY, S. DAK.,

October 30, 1903.

Permission is given Charles Smith (K) and wife (W), High White Man and wife, No Two Horns and wife, Gray Bear (K) and wife, Good Wing and wife, Black Kettle (K) and wife, Good Voice Flute, Rattling and wife, Peter White Elk (K) and Lone Hair and wife, to be absent from this agency for a period of fifteen days, for the purpose of visiting the Black Hills and vicinity. Object of visit: Gathering herbs, roots, and berries.

J. R. BRENNAN

United States Indian Agent.

Those marked K were killed on Lightning Creek, Wyoming, October 31, 1903; W, wounded.

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

The following Indians are given permission to be absent from Pine Ridge Reservation for a period of sixty days; object of visit, gathering berries, roots, and herbs:

William Brown and wife, Charging Wolf and wife, Broken Nose and wife, White Elk and wife, Jesse Little War Bonnet and wife, Iron Shield and wife, High Dog and wife, He Crow and wife, Fool Heart and wife, Red Paint and wife, Chief Eagle and wife.

JOHN R. BRENNAN

United States Indian Agent.

[From the Chadron Times.]

THE PALEFACE OUTBREAK IN WYOMING.

The trouble with the Indians in Wyoming is over, and the net result in bloodshed is 2 white men and 4 red men killed and a buck and a squaw wounded.

On the 30th of October two small parties of Indians belonging to the Pine Ridge Reservation and bearing passes from Major Brennan, Indian agent, returning from an expedition into Wyoming, as a result of ordinary good fortune came together on Little Thunder Creek and formed a single party and were quietly and peaceably pursuing their homeward journey when Sheriff Miller with a small posse from Newcastle intercepted them for the purpose of making a wholesale arrest and marching the whole body to the Wyoming town.

The two original bands were headed, respectively, by William Brown, who had three with him, and Charlie Smith, who had a much larger number; and when united the travelers and their train consisted of sixteen men, some women and children, and fifteen wagons. These people had been abroad to gather roots and herbs, and the Indians say that they had killed rabbits, sage hens, and prairie dogs, but no large game, and moreover state that they had traded with the whites who came into their camps, giving moccasins and bead work for sheep and venison, and Last Bear, a member of the Brown party, says that these had no beef at all, except the offals of a carcass for which they traded a blanket at Hot Springs on their outward passage. The claim was made on the part of Wyoming settlers that they were hunting the larger game in violation of the State law, and also that they were killing cattle. We would not greatly doubt that they had shot large game, but it is not so probable that they molested cattle on the range. The excited imagination of men who think Indians have no right to live would have little difficulty in mixing a few cows in with antelope in the indictment against them.

After the two parties had united Charlie Smith was, on account of his superior attainments and ability to speak English, practically the headman. He was fairly educated at the Carlisle school, had been assistant farmer on the White Clay, and during the present year had been one of the agent's foremen and in charge of 40 or 50 laborers on the national work on the reservation and was a peaceable and useful man. There was, therefore, united to his own Indian cunning some of the white man's knowledge and experience. But for this knowledge and experience there would probably have been no bloodshed.

The sheriff wanted the Indians to go with him, but Smith refused to do so, saying that they had done no wrong and were attending to their own business going to the reservation, and that he knew if they were to go with the sheriff they would be stripped of their ponies and wagons and everything else they had, for this had been

their experience in a former like case. Brown advised Smith that he was willing to go with the sheriff, and it is understood that there would have been no objection by the other members of the party. The sheriff and his men took dinner in Brown's tent. He told Smith as they were leaving that he was going away to get reinforcements and that he would return and take the Indians back.

They all moved away together from the dinner encampment at the same time, but had gone only a short distance when they reached the forks in the road, one going to Newcastle, which the sheriff took, and the other bearing toward the reservation, which Smith, who was in the lead, followed, at the same time beckoning to the Indians to come with him. Not being able to understand English, they supposed that some agreement had taken place between Smith and the sheriff, and that it was the proper thing for them to go with the latter.

They traveled until 11 o'clock that night before pitching camp, and at sunrise next morning took to the trail again. At noon they went into camp for dinner. About 5 p. m. they came to Lightning Creek. They had now covered upward of 70 miles since they separated from the sheriff. At this point a girl went to open a gate to let them down to the stream. She returned with the information that a body of white men were down there and were going to shoot at the Indians. The Indians were moving along without a word. Their guns were put away in the wagons, and only two or three on horseback had guns in their hands when the shooting began.

The Indians deny that the conflict was begun by them, and it is said by some familiar with the evidence on both sides that when the truth is fully known it will be seen that the white men were the aggressors. Sheriff W. H. Miller was killed and Deputy Faulkenberg mortally wounded. Of the Indians, Smith and three others were killed, and Smith's wife and Last Bear were wounded. The Indians scattered and fled, leaving ponies, wagons, and nearly everything they had. One Indian who had a wagon and a buggy left the wagon and escaped with the buggy. Last Bear, who was wounded, was put into a conveyance and taken away with his family. Black Feather and Chief Eagle, with their wives, got away with Brown. Several of the Indians were captured by the posse and taken to Newcastle. Those that got away made all possible haste to reach the reservation. They traveled all that night and the next day, intending to camp the next night on Hat Creek, where there was a settlement, but here three shots were fired at them by somebody and they kept on till they reached Horse Head in the vicinity of Oelrichs, where they went into camp. It is said that this party, traveling in every possible way, was in a pitiable condition.

Indian Agent Brennan dispatched some officers from the agency, who, taking Chief Eagle with them, went to gather up the abandoned property and to bring back some families that were behind. The agent also urged the Department to take active measures to investigate and to protect the Indians in their rights, and see that they had proper defense.

Last Saturday the Indians in custody had their examination at Douglas. When the State rested, the United States district attorney moved for a discharge of the prisoners on the ground that no case had been made against them, and the magistrate sustained the motion. There were nine of those who came down Monday night on the train and went to Rushville on their return to the reservation.

[From the Oglala Light.]

THE WYOMING TROUBLE.

So much that is untrue and misleading has gotten into the papers relative to the unfortunate clash at Lightning Creek, Wyoming, October 31, between certain Indians from the Pine Ridge Agency and the sheriff and posse of Weston County, Wyo., that we deem it but proper to make the following statement of the facts as gleaned from Indians who were present at the time of the trouble, and from others, both Indians and white people, who visited the scene later and heard the evidence given by members of the sheriff's party at the trial at Douglas.

Some time in the early part of October passes were issued by Agent Brennan to two small parties of Indians—one headed by Charles Smith, the other by William Brown, both intelligent, law-abiding, well-disposed men, the former having creditably filled the position of assistant farmer on the reservation for a number of years—to visit the Black Hills and vicinity for the purpose of gathering berries, roots, herbs, etc. There were, all told, only about thirty-five Indians, by far the greater part of them being old men, women, and children. Both parties drifted over into Wyoming and, meeting by accident, agreed to go back to the reservation together.

On October 30, while camped together on Dry Cheyenne Creek, in Converse County, Sheriff Miller, of Weston County, with a posse of seven men rode up and, accosting Smith as the man best able to speak and understand English, told him that he had a warrant for the arrest of the Indians for the violation of the game laws of Wyoming, and that they must go with him to Newcastle. Smith denied that either he or any of his party had violated any law, and refused to go. Brown, while likewise disclaiming any infraction of law, said he was willing to go if Smith would. Smith, however, remained firm in his refusal. The matter was discussed in a quiet and friendly way, and the sheriff's party remained and ate supper, which Mrs. Brown prepared for them. After supper the Indians broke camp and started on their way home. The sheriff and posse accompanied them to the point where the road to Newcastle branched off, and at this point made another effort to induce the Indians to go with them. The effort was fruitless, the Indians without further parley continuing on their way. The sheriff's party then took the road to Newcastle. The Indians drove some 25 miles and went into camp for the night. Starting early next morning they had gone some 45 miles and were traveling along Lightning Creek about 4 o'clock in the afternoon when they came to a fence built across the road. There were about 15 wagons in the train, which were strung along a distance of about half a mile, a boy about eleven years of age driving the extra ponies a short distance in advance of the wagons. As they approached the fence a little girl ran forward and opened it. The boy and ponies with two or three wagons had passed through when the Indians discovered ahead of them Sheriff Miller with a posse of 13 men, all heavily armed. Here is where the trouble began.

The accounts of the fight, as told by the sheriff's party on one hand and by the Indians on the other, differ radically. The former state that they were stationed just outside of the fence and that as soon as the Indians saw them they began to get out of their wagons and prepare to fight, whereupon the party moved back about 50 yards and took up a position in the bed of the creek, which is dry, and where they were sheltered by a bank about 5 or 6 feet high. As the Indians came on the party stepped upon the bank and demanded that they halt and surrender. The party claim that at this time the Indians began firing from the back part of the train, and that then the fight became general. The firing lasted from three to five minutes, at the end of which time the Indians had all disappeared.

The Indians, however, say that as they were going through the gate, the boy with the ponies and two or three wagons having passed it, the boy suddenly turned his horse and rushed back toward the wagons, exclaiming, "Look out. White men with guns going to shoot." They state positively that not only did the sheriff's party begin the firing, but that they did so without warning. The boy and the pony he was riding were killed at the first volley, the boy being shot from behind and the top of his head being literally blown off. The Indians also say that the fire was returned by only two or three men in the fore part of the train, and that the balance of the party were so taken by surprise that they attempted no resistance, but fled immediately with the women and children, leaving their wagons and camp equipage on the field.

Such are the statements made by both parties to the affair. The result of the fight was that 2 white men, Sheriff Miller and 1 deputy, and 4 Indians were killed outright, and 2 Indians, an old man and a woman, were wounded. The woman has since died.

Some days later a part of the Indians who made up the party were apprehended at Edgemont, S. Dak., and taken back to Wyoming to answer to the charge of murder. The preliminary hearing was held at Douglas on the 14th, the United States attorney for the district of Wyoming appearing for the Indians. After all the evidence for the prosecution had been heard the justice dismissed the case and released the Indians.

The occurrence was a very unfortunate one and is much to be regretted. While nothing is to be gained in further agitation of the matter, it is the opinion of many that the trouble was brought on by imprudent and indiscreet conduct on the part of the sheriff and might have been averted. The Indians, of course, made a mistake in not going with the sheriff when he appeared with the warrant, but there is excuse for their course in the fact that other Indians had been recently arrested in Wyoming and confined for considerable periods in jail without any charge being preferred against them, and without being given trial, and these Indians knew it. Agent Brennan found one case where a party of Indians had been detained ten days without the shadow of a charge, and it was only when he threatened to bring action against the parties responsible for the outrage that the Indians were released.

The statement of the Congressman from Wyoming that the trouble was the result of bad management of the agency affairs finds no justification among reasonable people familiar with the conditions and circumstances. Agent Brennan, in issuing passes to these Indians to go off the reservation, violated neither law nor precedent,

nor did he commit an error of judgment. The practice of issuing passes to limited numbers of Indians to leave the reservation prevails at all agencies and finds warrant in the regulations prescribed by the Government for the conduct of Indian affairs. It is not true, as was stated in several papers, that these Indians were absent from the reservation for the purpose of hunting, nor is there any evidence that they were hunting in violation of the laws of Wyoming. The fact is that they were simply travelling through the State in the same manner that hundreds of the Wyoming and Montana Indians every year come into South Dakota to camp in the Black Hills and to visit their friends on the various reservations. Such parties are allowed to roam unmolested through the State, and are always accorded courteous and kind treatment.

The Indians making up this party have always borne a good reputation at home. They have at all times been friendly and peaceable, and have never shown any disposition to be troublesome. It will be difficult, indeed, for those who know them to believe that the Indians were wholly in the wrong. It is the opinion of many that they would never have refused to submit to arrest had the matter been properly explained to them.

THE LAW AND THE INDIAN—LIGHT ON THE TROUBLE IN WYOMING LAST MONTH—RESULT OF AN INDIAN OFFICE INVESTIGATION OF THE FIGHT IN WHICH SHERIFF MILLER AND CHARLEY SMITH AND SEVERAL OTHER INDIANS WERE KILLED—A SCHEME OF MURDER ON THE PART OF THE WHITES SIMILAR TO ATTACK ON BANNOCK HUNTING PARTY IN 1895.

WASHINGTON, November 30.—In every controversy one side does very well till the other side is told. This saw is particularly applicable to the case of the Indian fight in Wyoming a month ago, which furnished material for so many sensational newspaper dispatches to the East. Thick-and-thin sympathizers with the white element have persistently stated that the Indians made all the trouble by violating the game laws of Wyoming and defying the authorities. The Indian Office has made a thorough investigation of the whole matter through one of its most trusted special agents, with a view to disciplining the Indians concerned if these stories were true, but the indications, as shown by his report, point in the very reverse direction.

It appears that the people of Newcastle, Weston County, Wyo., according to their own account, became very much excited over reports which reached them "about October 20," of Indians unlawfully killing game in Weston County. So a posse was organized to go in search of the lawbreakers. There were six civilians and the sheriff, one William Miller. In other communities the sheriff recruits his posse and commands it by virtue of his office; in this part of Wyoming, if we may believe a local newspaper narrative which the settlers agree in pronouncing correct, the posse get together and elect their leader; at all events, "early Friday morning (October 23), these men set out, their hopes buoyant and an expression of do or die written on every countenance. Unanimously they chose Mr. Miller as their leader." Elsewhere than in Wyoming this would be pretty good evidence that the raid upon the Indians was a sort of jolly round-up, actuated more by a desire to pot a few infernal redskins than by an extraordinary sensitiveness in behalf of the violated game law. But mark what follows:

Sheriff Miller and his companions beat the bushes for some days, and at length got hold of a band consisting of six male Indians and their squaws, whom they arrested and sent to Newcastle. Mr. Brennan, the Indian agent at Pine Ridge, S. Dak., heard of this arrest, hurried to the scene, discovered that the Indians were locked up in jail without any charge against them, demanded their release, and got it.

Several days later, while wandering around, the posse picked up a cowboy who said that he could guide them to a bunch of Indians whose whereabouts he knew. He did so, and the posse soon came upon a camp in Converse County with a few Indians in it, including William Brown and his wife, from the Pine Ridge Agency, who were the only ones who could understand or speak English. After taking dinner with the Indians, Miller announced that he had a warrant for their arrest. Brown said that the band he was leading had killed no large game, but they were willing to go with the sheriff if necessary. It appeared, however, that the encamped body consisted of two small bands, one led by Brown and another by Charley Smith, a mixed blood, said to have been educated at Carlisle. Smith was absent at the moment, and his followers asked for a postponement of further proceedings till he returned.

Presently Smith came in, apparently from a hunting expedition. Some of the members of the posse assert that he had the carcass of an antelope thrown across his horse, though on that point accounts differ. At any rate, Miller served him with a warrant, which Smith resented, declaring that he knew the sheriff's rights and his own; that his band had not been in Weston County at all, and hence had not killed any game there, and that the sheriff of Weston County had no authority to serve a warrant in Converse County. After some words the sheriff tried to get the Indians to go with him. A line was formed for the trail, the Indians going ahead. Miller believed that the whole lot would submit and go along now; and when they took a start in the wrong direction he rode ahead and urged the leaders to face toward Newcastle. Smith, however, rode ahead also and told them not to obey the sheriff; so they continued in the direction in which they had started—away from Newcastle.

Miller and his posse—which, by the by, is said to have been made up largely of cowboys and bartenders—fell back and held a council of war. They made up their minds they must have reinforcements. So they drafted in a few settlers whom they found here and there, and set out afresh. They caught up with the Indians, who were moving slowly along the highway, impeded by their wagonloads of camp equipment, and by their women and children; the posse got into a commanding position and ordered the Indians to halt and surrender. In the excitement that followed somebody fired a shot—the accounts do not agree as to who it was. That was the signal for a fusillade from both sides, lasting only about three minutes. But this was long enough for killing four Indians, including Smith, and a boy only twelve years old; wounding two others, an old man and a woman, and killing the sheriff and one of his posse. The Indian line broke and fled, the wagon train in one direction and the horsemen in another. No attempt was made by the posse to arrest any of the fugitives. Nine male Indians of the scattered party were arrested several days later in another place; but when arraigned on a charge of murder, the court found no evidence on which to hold them, and they were discharged.

This is a sorry story, but it is entirely typical of conditions in the frontier country. It is absurd to claim that the posse was organized for the arrest of Charley Smith, the only Indian who seems, even on the unsupported statements of the whites, to have been caught with game in his possession; for Smith's pass, on which he left the reservation, was not dated till October 20, on which day he was in South Dakota, 100 miles from the Wyoming border, and at the ordinary rate of travel with a wagon train, women, and children he could not have got his band into Wyoming before the 24th of the month—at least twenty-four hours after the posse had been organized to arrest him for already killing big game in that State.

It is possible, as the whites assert, that Smith was the cause of the Indians declining to come in with the posse, and that he was arrogant and bumptious in his way of meeting the sheriff. It would not be strange, in view of his having had his training at Carlisle, under the management from which that institution has suffered for the last dozen years; but that did not justify a resort to bloodshed. The whole business appears to have been as nearly a cooked-up murder as the similar assault on the Ban-nock hunting party in 1895. It is part of the scheme in certain sections of the country where the people have been educated to the idea of living off the Government and getting something for nothing to stir up a quarrel with the nearest Indians and then shout for troops. If the authorities at Washington can be deluded into the notion that the Indians are dangerous and induced to garrison a fort with two or three companies of soldiers, it gives every rancher in the neighborhood a market for his hay, and his wood, and his beef cattle, and anything else he raises that the Government needs to buy.

The statement made by Last Bear, the old Indian who was wounded, is characteristic. "I was in the fourth wagon from the front," he says. "Charley Smith and his wife were in the second wagon. There were 16 men and 15 wagons in our party. We were looking for a camping place. There was a gate. A young woman, 18 years old, was ahead and opened a gate so we could get to the creek. She rode back and told us that there was some white men at the creek who was going to shoot us. The white men came on with their guns pointed at us. They did not say a word to us and we did not say a word. My little boy was on a horse. I told him to get off and get into the wagon with his mother, and let me have the horse. Just as I got on I was shot through the back, the ball coming out in front. I then turned around and went west. I hold up my hand to the Great Father and say I did not see any Indian shoot. Our guns were packed away in the wagons. I did not have anything to shoot with. We had no game except small game, rabbits and prairie chickens."

The Ogallala council of Pine Ridge Indians made an investigation of the affair on its own account, and in its report occur these passages:

"The Indians did not fire till they were shot at and wounded; then they commenced to shoot. It seems that there were 17 men among the Indians, and if they had chosen to fight they could have killed the sheriff and his whole party; but it goes to prove that they didn't want trouble. * * *

"We, the Indians, according to the treaties of 1868 and 1876, are willing for the courts to settle this matter, and hope the Indians will get a just trial. In the above treaties the Government provides that if any white man kills an Indian, he should be tried and punished, if found guilty, and we think this a good case for the Government to prosecute. * * * It is specified in the treaties that the Indians would have the right to hunt in any of the ceded country as long as there was game in said country. The Government must have known, when making said treaties, that the ceded country would be organized into States, etc., and it was the Government's fault to set provisions in the above-named treaties unless these provisions were lived up to."

It takes the Indian an unconscionably long time to learn that he has no rights which a white man is bound to respect.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Pine Ridge Agency, S. Dak., December 21, 1903.

SIR: I have the honor to transmit herewith for your consideration a copy of investigation made by Hon. Timothy F. Burke, United States attorney for the district of Wyoming, in regard to the late Indian trouble in Wyoming, in so far as the Indian side of the question is shown in his investigation of the whole matter, as ordered by the Department of Justice. After the trial of our Indians in Wyoming, I urged Mr. Burke to come to the reservation and secure the evidence of the Indians who were mixed up in the trouble. This he has done. I presume he will submit the result of investigation to his Department in the near future. Your attention is especially called to the testimony of Hope Clear and her mother, Mrs. Gray Bear (pp. 57-65), wife and daughter of Gray Bear, who was killed by the sheriff's party. Hope Clear talks fairly good English, is quite an intelligent Indian girl, was in the thickest of the trouble from start to finish and gives what United States attorney Burke thinks a truthful statement of just how the trouble began and who were to blame. During the trial at Douglas, Mr. Burke had all the evidence given by sheriff's posse taken down in shorthand. I presume this evidence will be submitted with his report.

Very respectfully,

JOHN R. BRENNAN,
United States Indian Agent.

The COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

Statement of John R. Brennan, United States Indian Agent.

PINE RIDGE AGENCY, S. DAK., November 28, 1903.

JOHN R. BRENNAN, being first duly sworn, deposes and says:

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

Q. What, if any, official position do you hold under the Government?—A. United States Indian agent, Pine Ridge Agency.

Q. What do you know, Mr. Brennan, of two companies of Indians leaving the reservation of which you have charge, the one in September and the other in October, the one headed by a man by the name of Smith and the other by a man by the name of Brown, and state fully how they came to leave your reservation?—A. On September 30, 1903, I issued a permit for a period of sixty days to William Brown and party to be absent from the reservation for the purpose of visiting the Black Hills and vicinity, and for the purpose of gathering herbs, roots, and berries. It was understood when I issued the permit to Brown that he would leave the reservation about October 15, as soon as the party was at liberty to go. This party was composed of mostly old people. Again, on October 20, 1903, I granted a permit to Charley Smith and a small party to visit outside of the reservation, in the Black Hills and vicinity, for the purpose of gathering herbs, roots, and berries.

Q. Have you copies of those permits? If so, produce them.

(Witness here produces copies of permits, which are so identified and are attached hereto, denominated, respectively, Exhibits No. 1 and No. 2.)

Q. You may state whether or not the individuals who were permitted to leave the reservation are correctly named in these permits.—A. Yes; they are correct.

Q. You may state, if you know, if these people named in these permits all went or not.—A. I could not say as to that. I know from information gathered afterwards that a large portion of them went.

Q. What is your knowledge as to—if any more went without permission?—A. I don't know that anyone went except those who had passes.

Q. What is the fact as to whether or not it has been customary to leave the reservation on similar permits, for the purposes named in the permits No. 1 and No. 2?—A. It has always been customary, as long as I have been here, to grant permits about that time of year to visit other reservations and to visit outside of their own reservation for the purpose of visiting their friends and for the purposes named in those permits.

Q. State fully what, if any, knowledge you had of any intention of any of these Indians named of going to Wyoming for the purpose of hunting.—A. I have no knowledge whatever of any intention on the part of the Indians to go to Wyoming to hunt; furthermore I made it a special point to caution all Indians going through Wyoming and Montana not to hunt while on their trip; and if they wanted to hunt the proper course was to get a permit from the proper officers.

Q. Were you personally acquainted with this man Smith to whom the permit was granted?—A. I was.

Q. What was his knowledge and understanding of the English language, and what was his ability to conduct a party under the laws of the State?—A. He talked the English language fairly well. As to his understanding of the language, I can not state. He had always lived on this reservation since his return from school at Carlisle, and had very little intercourse with whites; and, in my opinion, didn't know very much in regard to the customs and laws governing States, counties, and cities.

Q. And what is true as to the man Brown to whom you granted a permit?—A. The same statement would apply to Brown.

Q. What was true as to these other Indians named in the two permits in this respect?—A. Outside of Brown's wife and Smith's wife and one Indian girl named Clear, I don't know of any others who talked English or understood it.

Q. Were you at home on the reservation during the month of October and November?—A. Yes.

Q. When, if at all, did you hear of any trouble happening to either or both of these parties in the State of Wyoming?—A. On November 1, 1903, I received a telegram from Nichols, deputy sheriff of Weston County, which read:

"Your Indians fatally wounded our sheriff and killed one man yesterday. Have some Indians under arrest here. Please come at once. Three Indians killed.

"NICHOLS, Deputy Sheriff."

This telegram was dated November 1, 1903. On November 2, 1903, I received a second telegram from Newcastle, Wyo., dated November 2, reading as follows:

"Sheriff Miller and deputy attempted to arrest Indians on Lightning Creek. Indians fired, killing sheriff and 1 deputy; fight ensued. About 20 Indians have been killed and posse pursuing more. Have some Indians here. Would like to have you come and take them. More trouble expected.

"A. M. NICHOLS, Deputy Sheriff."

Immediately after receiving these telegrams, I telegraphed the Indian Department the contents of these telegrams received from Newcastle, and asking instructions as to whether I should go to Wyoming with an interpreter. The Commissioner replied to take an interpreter and go to Newcastle. I left the agency at 10 o'clock that night for the railroad; that is, on the 2d.

Q. Proceed, Mr. Brennan, if you will, and state as briefly as possible, when you reached Wyoming, as to what you ascertained and did as to the matter in hand.—A. I reached Newcastle on the afternoon of the 4th, and there I found a party of old Indians—men and women—to the number of 9, who had been arrested by the sheriff about the 23d of October. They had been held there from October 23 to November 4 without complaint or process. On learning the condition of affairs I demanded their release. After a conference with the county officers and other officers there, they agreed to turn this party of Indians over to me; and they were turned over on the morning of the 5th. I immediately started them for home. These Indians, however, were not of the Smith or Brown parties, nor connected with them in any way. They were on their return from a visit with some of their friends at the Crow Agency. Five of the party were between the ages of 65 and 80 years.

Q. What then, if anything, did you do in respect to the Brown and Smith parties?—A. I made an investigation, so far as I could with the limited time at my dis-

posal, a full report of which has been submitted to the Indian Department. When at Newcastle, on the evening of the 4th, I was informed that a party of 9 Indians, supposed to be a part of the Smith and Brown parties engaged with the sheriff, were arrested in Edgemont, S. Dak. I immediately took train for Edgemont. Interviewed these 9 Indians under arrest, became satisfied that they were innocent of the charge of murder, and demanded of the governor of Wyoming their release, which demand was refused. These 9 Indians were afterwards turned over to the sheriff of Converse County, charged with the murder of Sheriff Miller, and taken to Douglas, Wyo. I was present at their preliminary hearing, which resulted in their being discharged, and my returning them to their homes on the reservation.

Q. Mr. Brennan, had you been informed of any of your Indians violating the laws of the State of Wyoming? If so, what would have been your duty, and what would have been your course?—A. My duty would have been to at once take notice of the notification and immediately taken steps for the return of the Indians to the reservation, which I would have undoubtedly done, by sending two or three police to bring them home.

Q. Did you receive any other notification other than those telegrams already referred to by you and embraced in your testimony?—A. No, sir.

Q. If there is any other matter you desire to state in connection with this matter, you may do so here.—A. In connection with the release of those parties I found in New Castle under arrest, and for the purpose of showing that the Indians, to a certain extent, were persecuted—on the release of these people the chairman of the board of county commissioners of Weston County signed and handed me a statement to the effect that these Indians had not violated any of the laws of the State; that there were no charges against them, and that they were peaceable, and in that statement they requested the people of Wyoming to treat them kindly on their way home. This written statement I have already submitted to my Department.

JOHN R. BRENNAN,
United States Indian Agent.

Subscribed and sworn to before me this 28th day of November, 1903.

[SEAL.]

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

(My term expires November 8, 1905.)

Statement of He Crow.

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

He Crow, being first duly sworn, desposes and says:

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

Q. State your name.—A. He Crow.

Q. How old are you?—A. Sixty-six.

Q. You are an Oglala Sioux?—A. Yes.

Q. Living on Pine Ridge Reservation?—A. Yes.

Q. Did you go to Wyoming in October?—A. Yes.

Q. Whose party did you go with?—A. With William Brown's party.

Q. Did your wife go with you?—A. Yes.

Q. Any children?—A. No.

Q. How did you go; in your own wagon or with someone else?—A. I went in my own wagon.

Q. What did you go for?—A. That fellow said he had a pass. He wanted me to go with him to get some medicine—herbs, roots, and berries.

Q. What did you want the herbs for?—A. You take the Indians, they have certain kinds of roots that we have to go away to get. We take those roots and make tea out of them and drink it for some sicknesses.

Q. Are you in the habit of going every year?—A. No.

Q. Not every year?—A. No; this is my first trip.

Q. Are some of the Indians in the habit of going every year?—A. Yes; they go up there every year after those herbs.

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

Q. Why?—A. I took my shotgun. In case we ran across any prairie dogs or prairie chickens I would take a shot at them.

Q. Some of them took their rifles, did they not?—A. They may have had guns, but I don't know. I know I had one.

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

Q. Did some of the party shoot any elk or deer or antelope?—A. I will answer that question in this way: I didn't see any of the Indians shoot any game, but I saw some of the white men have deer meat, and some of the Indians would go there and trade their blankets and beadwork for this deer meat, as well as sheep meat, which they bought from the cattle and sheep men.

Q. How many antelope and deer hides did you get?—A. Of course I don't say how many hides they did buy from the white people, but they did buy some. I won't state any number.

Q. You knew of the Indians shooting deer and antelope, did you not?—A. I know of some Indians shooting some deer about two years ago.

Q. Did they not shoot some deer this year?—A. No.

Q. Any antelope?—A. There is no antelope in that country.

Q. Any elk?—A. No; I didn't see any of them.

Q. Did you meet any white men who objected to your shooting game in Wyoming?—A. No one said anything to us.

Q. Were you present when Sheriff Miller met you and wanted you to go Newcastle with him?—A. It was just like this: All the old Indians could not understand English. He did all the talking with one man and we didn't know what he said. We just waited to hear.

Q. Who was the man to whom he did all the talking?—A. William Brown.

Q. Didn't he tell you what he wanted at the time?—A. Yes.

Q. What did he say that Miller wanted?—A. William said he had already given himself up to that man and he wanted us to do that also, and we said, "Yes."

Q. What did this man want of you?—A. He didn't say what he wanted us for and he didn't show any papers of any kind.

Q. What did William give himself up for?—A. William said he didn't know what this man wanted, but he expected he wanted us to get out of the State of Wyoming.

Q. Didn't he tell you he wanted you to go to Newcastle?—A. No; he didn't say.

Q. Did you go with the man?—A. Do you mean start off with him?

Q. Yes.—A. No; he didn't say anything to us about going.

Q. Why didn't you go to Newcastle with Mr. Miller?—A. Of course, all I know about this is just what I heard. If he had asked us to go to Newcastle with him, we would have went, but he just said he would be back the next day.

Q. Did you see the man next day?—A. Yes.

Q. Where did you see him next day?—A. Of course, white men and Indians have different names for different places and things. We met him on the creek, where there is a big wire fence.

Q. When was it?—A. Do you mean by the sun?

Q. Yes.—A. Of course I don't know what time it was by white men's time, but the sun was getting low.

Q. That was the first day after you met him?—A. Yes.

Q. Did you see Mr. Miller and know who he was before the shooting began?—A. Of course we didn't know whether he was an officer or not, but we thought he was some kind of an officer and we were coming along the road expecting to meet him.

Q. Did you see Mr. Miller and know he was the same man as the man who met you before the shooting commenced?—A. Yes.

Q. What did he say to you before the shooting commenced?—A. He didn't say anything.

Q. Where were you in the Indian procession?—A. I was in the rear. I was the fifth man from the rear. They were all strung out for quite a distance from where we were.

Q. Do you know who did the first shooting?—A. Do you mean Indian?

Q. Yes.—A. I didn't know who did the shooting, but I saw a girl go up to a gate and then she came back, and when she came back the shooting took place. She claimed that the gate was already open, but I don't know myself, it is just what the people told me.

Q. Did you do any shooting?—A. No.

Q. Where did the first shot come from, the Indians or the white men?—A. The white men.

Q. Did you see it?—A. I know that the white men were all coming up and were shooting, so I just went back as fast as my horse could take me.

Q. How far were you from the white men?—A. Close to three-quarters of a mile back of the firing line.

Q. Then you could not see who fired the first shot?—A. I could feel the bullets

coming by. I can hold up my hand to the Great Spirit and say that all the bullets came from the white men.

Q. Do you know that it is against the law for an outsider, whether he is an Indian or a white man, to shoot game in Wyoming without a license?—A. I don't know that.

Q. It is against the law for anyone living outside of the State to shoot any game, such as antelope, deer, elk, and animals of that kind, and birds, such as prairie chickens or other birds of that kind, unless he has a license from a justice of the peace. Will you bear that in mind and tell your friends, so they will not get into trouble again when they go through Wyoming?—A. Yes.

Q. That is all.

HE CROW (his x mark).

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 3, 1905.)

Statement of Iron Shield.

IRON SHIELD, being first duly sworn, deposes and says:

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

Q. State your name.—A. Iron Shield.

Q. How old are you?—A. Fifty-one years old.

Q. You are an Oglala Sioux?—A. Yes.

Q. Living on Pine Ridge Agency?—A. Yes.

Q. Did you go to Wyoming last month?—A. Yes.

Q. What for?—A. I am an Indian doctor, and I went up to get some roots and herbs for my patients down here.

Q. Who did you go with?—A. There was quite a few of us.

Q. Who was the head of the party?—A. William Brown.

Q. Did you meet any other party in Wyoming?—A. Yes; we met another party.

Q. Whose party?—A. Charlie Smith's.

Q. Did you do any hunting there?—A. We took some shots at prairie dogs, prairie chickens, and rabbits.

Q. How many elk did you shoot, and antelope?—A. We didn't shoot any.

Q. Did any of the party shoot any antelope?—A. No; I don't know of any.

Q. Did you have any antelope hides or meat?—A. Yes; we bought that from the men up there.

Q. How much did you buy?—A. Take it up there, the country is pretty well settled, and I don't know how many they killed; but the Indians traded their blankets and beadwork for the hides and meat.

Q. How many hides did your party get?—A. I didn't ask them, and I don't know.

Q. Did you go in your own wagon?—A. Yes.

Q. How many hides and how much meat did you have? How much did you have when you started home?—A. We only had one skin and the meat of one cured. That is the only one we bought.

Q. Who did you buy it of?—A. I don't know.

Q. Did you see Mr. Miller, the sheriff of Weston County, and three or four men on the day before the shooting?—A. Yes.

Q. What did they want?—A. I didn't understand what he wanted. I can't understand English.

Q. Didn't William Brown explain it to you?—A. I didn't know what those men told William, because William didn't tell me anything about it.

Q. Didn't they tell you that they wanted you to go to Newcastle?—A. I don't want to tell a lie. They didn't tell him that they wanted him to go to Newcastle.

Q. Didn't they try to turn you onto the Newcastle road?—A. I was one of the men in the rear, so I didn't see what took place in the wagons ahead of me.

Q. Did you know what Miller was there for?—A. I was acting as the horse ranger for the whole party, so I didn't see much of those men and didn't know much about them. I didn't know who he was.

Q. Did the Indians throw any dirt in the air?—A. No; I didn't see anybody do it.

Q. What would it mean if they did?—A. As long as I didn't see anybody do it, I can't tell.

Q. Is it any sign among the Indians?—A. Not as I know of. I didn't see any of the Indians do it.

Q. Did you see Miller or any of his men the next day?—A. Before they commenced firing?

Q. Yes.—A. No; I didn't see anyone.

Q. Where were you when the firing commenced?—A. Do you mean in the Indian train?

Q. Yes.—A. I was about in the middle of the train.

Q. Who fired the first shot?—A. The white men were the ones that did the shooting. The Indians didn't do any shooting at all.

Q. They shot after the white men shot, did they not?—A. The minute the firing started I pulled my team around and started up the road. I didn't see any Indians shoot.

Q. Did you see where Black Kettle was?—A. I was way in front of the train.

Q. How did you know that the white men started the shooting?—A. The white men came down into the creek bottom, and then there was one shot fired; then the firing became general.

Q. Did you know who they were?—A. They was in this hollow, so we couldn't see well.

Q. Do you know if they were the same men you met the day before?—A. I don't know.

Q. Didn't the white men say something before they shot?—A. No.

Q. Didn't a white man hold up his hand and tell you to stop?—A. I didn't see that.

Q. How many hides did you have in the entire party that you got in Wyoming?—A. I expect they had two or three all the way round. About that.

Q. Where were you going when you met Mr. Miller and his party the first day?—A. We were on our way home.

Q. Did you get your horses?—A. Yes.

Q. How far did you travel from the time you saw Mr. Miller and his party until you met the party that shot at you the next day?—A. I am an Indian, and don't know anything about miles.

Q. How long did you travel between those two times? Did you travel all night?—A. We traveled from the time the white men came to our camp the night before. We didn't travel all night. The time we first saw those white men we made a short camp and then traveled the next day. We were just ready to go into camp again when those fellows took a shot at us.

Q. You understand that it is against the law of Wyoming for an outsider, whether he is an Indian or a white man, to go into that State and shoot deer, antelope, or any other large game, without first getting a license? Will you bear that in mind and tell your friends about it so they won't get into trouble when they go to Wyoming again?—A. Yes.

Q. Is there anything more you wish to state about this trip?—A. No.

IRON SHIELD (his x mark).

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. D.

(My term expires November 8, 1905.)

Statement of White Elk.

WHITE ELK, 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. White Elk; 50 years old.

Q. You are a member of the Oglala Sioux tribe, living on Pine Ridge Reservation?—A. Yes.

Q. Are you one of the party who went with William Brown into Wyoming last October?—A. Yes.

Q. What did you go there for?—A. I went up there to dig some roots and get some herbs.

Q. Did you go to get some deer meat and hides?—A. I got some rabbits, prairie dogs, and prairie chickens.

Q. Didn't you get some antelope and deer?—A. No.

Q. Didn't you get any antelope or deer, any antelope hides or deer hides?—A. Yes.

Q. How many did you get?—A. Just myself?

Q. Yes.—A. I bought three in all.

Q. And the meat?—A. Yes; I bought that.

Q. Did you go in your own wagon?—A. Yes.

Q. How many hides did you have in your wagon when you left it?—A. I left them in the wagon where I left it.

Q. How many hides?—A. I bought 3 deerskins and 2 steer hides. All the buckskin and hides I had was marked.

Q. Did you get the meat from the steers as well as the deer?—A. I didn't buy the meat, just the hides, and they have the brands on them yet.

Q. Why did you buy the steer and deer hides?—A. We take them and tan them and then make anything we choose out of them. We take what we want and we also sell it to other parties here.

Q. Did the Indians shoot any antelope?—A. No.

Q. Bought them all?—A. Yes.

Q. How many hides did the other Indians buy and how many antelope?—A. I don't know how many they had. I stayed at my lodge all the time.

Q. Were you there when Sheriff Miller came and 6 other men?—A. I saw them in the distance. I didn't go near them.

Q. Did you know why he was there?—A. I didn't know.

Q. Did you find out afterwards that he was the sheriff?—A. No.

Q. Did you see Miller trying to head the party toward Newcastle?—A. I didn't know anything about that.

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

Q. Where were you when it commenced?—A. There were some wagons ahead of me. I was about in the middle of the train.

Q. Did you see the white men before the shooting took place?—A. Do you mean the first time?

Q. The day the shooting commenced.—A. No; I didn't see them.

Q. Did you know that they were the same men that came to see you the day before?—A. I didn't take any notice of them, so I could not say.

Q. Did they say anything to you?—A. Do you mean at the time the shooting took place?

Q. Yes.—A. I was away back. I could not tell anything or see anything.

Q. Who did the first shooting?—A. The white men did the first shooting.

Q. Did they say anything before they shot?—A. I didn't hear anything.

Q. Where were Smith and Brown?—A. I didn't take any notice of where they were.

Q. What did you do when the shooting commenced?—A. Just the minute the shooting began, the bullets began to come pretty close, so I turned my team around and took back the road.

Q. Did you have your wife and children?—A. Yes.

Q. How many were there of you?—A. There were three of us.

Q. How many were there in the whole party?—A. There were over twenty in the crowd. I am not sure; I can't think of all their names just now.

Q. It is against the law of the State of Wyoming for anyone living outside of the State to shoot game, such as antelope, elk, deer, etc., in that State without license. Will you bear that in mind and tell your friends and acquaintances so they will be careful the next time they go to Wyoming and not get into trouble? Under the game laws of Wyoming it is unlawful to kill more than two deer, even when holding a license. It is unlawful for anyone shooting them to sell them. It is unlawful for any person to obtain by trade or barter any green hides. So you must be careful when you are traveling in Wyoming to follow those game laws and then you will not get into trouble.

WHITE ELK (his x mark).

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.)