

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 PAINT (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.)

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 a while 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 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 sheep men 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 forty or fifty of them in the whole party?—A. I should guess about thirty.

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 warpath 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 BROKEN NOSE (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 8, 1905.)

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?—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 just 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 deer skins?

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 and 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 HEART (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 8, 1905.)

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 holly 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 everyone 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 tender-footed. 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) Dog.

Witnesses:

A. M. LANDMAN.

F. C. GOING.

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.)

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 get your party headed off and turn them up toward Newcastle?—A. I don't know. I belonged to 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 a 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 EAGLE (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 8, 1905.)

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 beadwork.

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 bunch 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 tents 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 WOLF (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 time expires November 8, 1905.)

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? What did they say to you about it?—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 toward Newcastle, instead of the road toward 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 LITTLE WAR BONNET (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 8, 1905.)

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 6.
- 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 root, 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 some time 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 you not 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 promised to come back on the second