



BRUCE P. FERRINI

MEDIEVAL & RENAISSANCE ILLUMINATED MANUSCRIPTS



ms 3018/1

To Whom It May Concern

*Several months ago I acquired a number of items from the family of original owner Mr. Charles H. Loud of Miles City, Montana.*

*Charles Loud arrived in Montana in the early 1880's as a surveyor with the Northern Pacific Railroad. He was engaged in cattle ranching soon after arriving in Montana being affiliated with the SL Ranch (Sanborn & Loud) on Pumpkin Creek. He passed the Montana Bar in 1891, was Judge Advocate General on Governor Rickards staff 1893-97, Custer County Attorney 1892-96, and District Judge 7<sup>th</sup> Judicial District 1896-1904. He was a delegate to the 1889 Constitutional convention and represented Custer County in the first state Legislature 1889. He was active in community affairs and was well known for the breeding of fast horses.*

*Among the items were two "ledger" books filled with drawings by two Cheyenne Indians while they were imprisoned at Miles City. They were among the three that were arrested following the killing of a shepherd near the Tongue River Reservation in 1897.*

*Following the trials and convictions, Judge Loud sentenced Spotted Hawk to hang and his brother, Little Whirlwind, to life in Prison. Following a successful appeal, and a deathbed confession by the third, David Stanley, the brothers were released and went back to the reservation. This incident is the subject of a chapter in the book "The Northern Cheyenne Indian Reservation 1877-1900" by Orlan J. Svigen, published in 1993.*

*While they were in the Miles City jail, Judge Loud apparently gave each of them a tablet to draw in. According to the family, these books of drawings were among the judge's prized possessions.*

*The two books are drawing tablets, approximately 9 x 12 inches, each containing 15 unlined pages separated by onionskin protectors bound in. One book has 31 drawings, the other 29.*

*This tablet, with 29 drawings, is one of those.*



(From unidentified material owned by Mrs. Robert Scanlan, Miles City)

John Baringer East Pa. Married in Wis. To Denver covered wagon Council Bluffs to Denver, outfitting point, freighting. To Montana from Gage co. Neb. in 1883. Settled on ranch on Tongue River south of Ashland, 65 miles from MC. There till 1907 to Calif. died in about 6 or 7 months Dec 22, 1907. Left in May died in Dec. Two girls and Fred.

John Hoover - cousin of John Burleson, on Rosebud. Huntchback abt 5 ft tall Working at ranch herder quit, sent out with herd sheep - herding about month - killed by Indians May 1, 1897. Sitting on ground making smoke tobacco and pipe on ground - gun at stomach, set shirt afire, killed dog and laid it beside him. No beef around. killed on little ridge, watching sheep dip in ground. Hoover from Mo. abt 22 years of age. Father hired Hoover while stopping at Burleson on way to Forsyth. Hoover asked for job and father hired him. Shot Sunday May 1, 1897, during pm . . On Monday Fred went to build cabin on homestead south of father's place, Noticed some sheep away from the main herd, thought sheep strayed away from Hoover and herder had lost them. Went half mile to where father and hired man were planting. Then decided something wrong, another thid herd, split into three bunches, man took two bunches, then Fred went to Hoover's camp. afoot, running, about three miles from home. camp in good shape, bed made, everything there but one blanket. Start hunt, roused neighbors, ll joined in hunt, Fred rode range, outside where sheep ranged, circled - found body three weeks later, May 21, hunted three days, didn't know, father afraid Hoover lost sheep and quit. Capt Stowe charge agent at Lame Deer - father inquired if any had seen him. Something darn fishy - goin' to look into it. Fred wrote piece for paper 63 men turned out to hunt. John McKay and Everett Phillips, found body while going to get mutton, about half miles, to butcher, for fresh meat Stowe got mad agent blamed. See files Y.J. 2 troops colored Ft. Custer, Gibb Sheriff, deputized four at lame deer - Stowe called back, no let arrest Indians Spotted Hawk, Big Whirlwind, Little Whirlwind and Ben Shoulderblade Body when found was decomposed worms~~xxxxxx~~ eaten it up No evidence of beef killed in immediate vicinity of where body found. Fred private opinion Indians made attack because Hoover's physical condition. Little depression on divide where body found. grass high; looked into every coulee

for two miles Right out in open flat hardest place to find a body. Small depression - just enough to hide, perhaps five six feet across - just happened that way. Father made coffin buried in Figure-6 ranch. Hoovers parents lived in Missouri.

## SUSPECTED OF MURDER.

The Cheyenne Indians Held Accountable for the Disappearance of a Man Named Hoover.

The settlers of upper Tongue river are again in a fever of excitement concerning a suspected Indian outrage. Since Friday last a young man named Hoover has been missing from Barringer's sheep range and it is claimed that circumstantial evidence points strongly to the Cheyenne Indians as being responsible for his disappearance. A large searching party has been scouring the hills for some days but without finding any trace of the missing man. Our informant is authority for the statement that on Tuesday last the searching party found on Bowen's creek a cow or steer which had only been killed about five or six days; the carcass showing two bullet holes, one through the ribs and one through the backbone, while in the vicinity the footprints of Indians were plainly visible. On Wednesday the Rosebud and Otter settlers joined in making up a large party and renewing the search for the missing Hoover. Trouble from the young bucks of the Cheyenne tribe has been expected by the settlers in the vicinity of the reservation this spring. The older Indians have been complaining for some time that the young men were getting unruly and bad at heart. It is said that they have been dancing all winter and making threats of what they would do "when the grass was green." If it transpires that young Hoover has been murdered by these Indians, a crisis will be reached. The settlers have suffered long and if not patiently, at least doggedly, hoping that with each new year, some solution of the Cheyenne question would be reached by the government, but the solution seems as far off as ever, and the depredations keep up. But while the depredation of property has been borne in grim silence, murder will not be and if evidence can be found connecting the Cheyenne Indians with the killing of the missing man, it is safe to say that the Cheyenne question will not long lack a solution.

HOOVER'S DISAPPEARANCE.

A Full Statement of the Facts Concerning the Sheep Herder, Made by Mr. Barringer.  
Ed. Yellowstone Journal:

Dear Sir: For the information of the general public and to correct several false rumors that are going around the country in regard to our lost sheep herder, John Hoover. I wish to make the following statement of the facts as far as I know them, and the people can judge for themselves whether the Indians are to blame:

John Hoover started to work for us March 14, working at the ranch until April 7, when he took a bunch of sheep until April 26. Then he took two days off to go over on Lower Rosebud for his bed and clothing, coming back next day, April 27. I took him to the camp that evening and brought in the man who had charge of the sheep during his absence. That was the last seen of him by a white man, that I know of. He was camped about three miles southwest of here and about three miles north of the reservation line. The first we knew that anything was wrong was when a bunch of his sheep came to the ranch. One of the men and myself took them back, thinking they had perhaps broken bed ground and got away during the night. I found the rest of the sheep in two bunches. I thought perhaps he had been hurt or snake bitten, so I had the man with me herd the sheep and I came home, got help, and rode the range all that day, Monday, May 3, until after 9 o'clock that night, without finding a trace of him or his dog, so next day we organized a search party with all the men we could get and rode the range that day and the next, without any better success. Then, as we had been all over the range, and as everybody was needed at home, gave up the search, for in the opinion of all, if he had been hurt and was lying on the ground, we would have found him or his dog; but if killed by the Indians (which is the opinion of everyone here) it was useless to search further. Besides there was a chance that he had left the sheep and pulled out, but in that event we would have heard of him before now, as he was a man that anyone would notice and remember on account of his very short stature. The first we heard of him was when an Indian

went to Mrs. O'Connell and told her that "the herder was at an Indian camp on Tongue river above the SH ranch." Mrs. O'Connell sent her boy down to tell us. At the same time Capt. Stouch<sup>[g]</sup> sent an Indian policeman to find out if we had heard anything of him. Father sent back the word Walter O'Connell brought, and as may be judged, that was conclusive proof for the agent, that the herder was all right, though we did not believe the story. Messrs R. P. Colbert and Ottway Jackson (both were of the Search party) were going up that way, so they went to the Indian camp to see if he was there. He was not, and what is more, "never had been," so they said, but the Indians said he was at a camp on Lame Deer, a statement I do not place any faith in, as he was just from the east last fall, and rather afraid of Indians. Besides he would have no object in leaving, as he had a job as long as he gave satisfaction and besides, he left all of his clothes and all of his wages that were coming to him, together with all of his tobacco and coat and vest, which he had in camp, most of his clothes being here at the ranch. Let those who use tobacco say whether a man will leave a place voluntarily and leave all of his tobacco behind, to say nothing of the rest of his things. Of course no man knows, but the opinion of myself and all those with whom I have talked, is that he came upon a bunch of Indians killing a beef or a sheep and to cover it up they killed him. They have been in the habit of killing cattle on the range where he was herding, as we found several places where they had killed cattle this spring since the snow left, and it is a well known fact that they shoot at every white man who comes onto them while killing a beef, though they may not always shoot to hit. Of course this has no bearing on the present case, except to cause general suspicion. The herder was totally unarmed, having no weapon whatever except a small jack knife. He was a very peaceable man so far as I know, and well liked by all of us at the ranch. I have stated all of the facts as far as I know them, and all of the circumstances. Now let everyone judge whether our suspicions have any ground for being right. At any rate the herder and his dog disappeared two weeks ago, and have not been seen by a white man since, that I know of. Yours

respectfully.

Fred H. Barringer.

Geddes, Mont., May 17.

The Indian Trouble.

News reached the city today via Rosebud that the settlers in the vicinity of the Hoover killing and in fact all along the river, were today to demand through Indian Agent Stouch, the surrender of the Indian or Indians who committed that atrocious crime, and in the event of the refusal of the Indians to acquiesce in this demand, a council would be held at Ashland to determine what course to pursue. That Hoover was killed by Indians is no longer a theory in the minds of those who live in the community with them, and are acquainted with their customs and habits, but a fact, and as will be readily seen by what they intend to do the Indian depredation question has come to a show down at this time. Not only are the civilians stirred up by this defiance of law and order by the red man, but also the military, as two troops of cavalry from Fort Custer were yesterday ordered to the Cheyenne agency. The country people desire protection for themselves and property and at this time the government should firmly assert itself on the side of the right. The feeling in town, though not as pronounced as that of the settlers, is of that character that denotes determination to do for their country brothers all that is in their power. While the situation may have the appearance of being imminently dangerous for the settlers, they feel perfectly able to cope with the enemy and win. That an amicable solution of this problem be brought about and the murderers of Hoover brought to justice, is all they want, and the community to a man should stand with them.

THE INDIAN TROUBLE

The Sheriff's Posse, Driven From the Reservation by the Agent and Troops, Return,  
Clothed With Authority to Arrest the Indians and the Agent, if Necessary.

Stock Inspector W. D. Smith and Deputy Sheriff Matt Winters arrived home at 1:30 Saturday night from Lame Deer agency, the seat of the present Indian troubles on the upper Rosebud, having been ordered off the reservation by Capt. Stough, the Indian agent.

The killing of John Hoover has been owned up to by David Stanley, familiarly known as David Badger, a Cheyenne buck, who is an educated Indian, a Carlisle student. When the officers arrived at the agency Badger was in camp. He rode to a hill a short distance off and defied the authorities, sending in word that he had killed Hoover and telling them to come and try and arrest him; that he would remain where he was until Sunday night, when he would start out, killing every white man he could. Inspector Smith wanted to go out and arrest him, but was prevented by Capt. Stough, who ordered the officers off the reservation. He wrote a letter to Smith, stating that the presence of officers was inciting the Indians; that in the future, when he thought it could be done without unnecessary danger of losing life, he would cause the arrest of these Indians and turn them over to the officers at any place they should designate. He ordered Capt. Reid, who is in charge of the troops, to enforce the orders. The following is a correct copy of what Capt. Stough said to Stock Inspector Smith after much other talk and was put in writing so as not to misquote Capt. Reid, against whom complaint has been made to Washington:

"Under existing circumstances I will resist sheriff's posse, with force if necessary, if they come on reservation to make arrest."

The governor was telegraphed to and he has instructed the officers here that they have perfect authority to make arrests on reservations. Complaint has been made to Senator Carter at Washington for the removal of Capt. George W. H. Stough, also to have the military authorities instructed to aid the sheriff in making the arrests.



As it is now the military is protecting the Indians in stead of settlers.

County Attorney T. J. Porter also telegraphed the governor in regard to calling out the state militia if necessary.

Sheriff Gibb and posse left last night with warrants for the three Indians for murder, also one for Capt. Stough for unlawfully resisting and interfering with an officer while in the discharge of his duties. This will be made a test case for future guidance.

Troup A of cavalry and company E of the 2nd infantry, in command of Capt. Kinzie, left Fort Keogh on Saturday night at 6:15 for the agency, making an all night march.

Hoover's body was buried where found. He was a young man who but recently came to this county. His father's name is Monroe Hoover, residing at Everton, Dade county, Mo.

The settlers in the country contiguous to the reservation and in fact all over that portion of the county are sending their families to the railroad towns, in fear of an outbreak. Thirteen wagon loads arrived in Miles City last night from Powder river. As we go to press the arrival of eight wagon loads of Tongue river settlers is noted.

THE INDIAN TROUBLE.

The Murderer of Hoover in the Guard House at the Agency--He will be Turned Over to the Sheriff Friday and Brought to Miles City,

Sheriff Gibb left here with a posse on Sunday evening and camped at Snyder's ranch 1 a. m., where all the settlers were congregated, leaving there early in the morning and arriving at Lame Deer at 10 a. m., carrying warrants for Phillip Badger, John Doe, Richard Roe, and for Captain Stough, Indian agent, the former charged with the murder of Hoover and Capt. Stough is charged with interfering with officers (sheriff and posse) in the discharge of their duty.

Capt. Stough and officers all being away, the warrants were not served till 5 p. m., at which time Phillip Badger, the murderer, was brought in by Two Moon and White Bull and surrendered to the agent and placed in the guard house. At the time of serving the warrants Capt. Stough agreed to keep Badger in custody and turn him over to the civil authorities on Friday. Sheriff Gibb returned home, leaving posse under charge of W. D. Smith and Matt Murphy.

Interpreter Smiley has given out at the agency that Eugene Standing Elk one of the parties who murdered Hoover has given out the following version of how Hoover met his death: These four Indians rode up to Hoover and asked for tobacco to make cigarettes, when in the act of complying with their request, Badger shot, the bullet striking him in the arm. He cried and called for help, which enraged the Indians, who continued shooting, firing twice more at last killing this unfortunate sheepherder and his dog.

The Indians implicated in the murder are Phillip Badger, Sam Crow, Eugene Standing Elk and a half brother of Chief Red Bird. Standing Elk like Badger is a graduate of Carlisle university.

Capt. Brown is now at Rosebud with sixty men within a few hours awaiting the adjutant's arrival to muster in troops and furnish arms and ammunition.

Sheriff Gibb is now of the opinion that no serious trouble will occur.

SHREWD INDIANS.

With the Aid of Tom Tom Music and Indian Melodies They Throw Off Suspicion and Drill a Hole Through the Jail Wall and Escape.

A jagged hole through the brick wall under the east side window of the jail in the apartment set aside for the use of unruly women, tells of a neat piece of Indian strategy by which Yellow Hair and Sam Crow, two of the Indians charged in the indictment for complicity in the Hoover murder, made their escape some time during last night, and up to the time of this writing are still at large, though being afoot and without arms their recapture is regarded by the officers as only a matter of a short while. Just what motive these Indians had in making their escape is not known, for while their names are on the information, from evidence gathered within the past few days it was decided to hold them only as witnesses and they were so informed, and from that time their jail life has been made exceptionally easy, they being allowed an outing in the yard daily, and only yesterday they were out playing ball with the officials at the court house, but from the neatness of the work that freed them it must have been that while allowed these privileges they were concocting some scheme whereby they could obtain their liberty.

The way the hole was drilled was with the aid of an iron leg taken from the bedstead in the apartment in which they were confined. The work of drilling the hole was not started until late, for at 10 o'clock Jailor Campbell made his customary rounds and found everything in good order. John Dykes, who with Whirlwind occupy cages on the east side, says though kept awake by singing and dancing till a very late hour he did not suspect the Indians were up to any mischief, but it has since transpired that both would sing, and whoop and one would dance while the other was drilling, and in this manner they threw off all suspicion of the work they were at. A possible motive for their escape might probably be attributed to the fact that they were afraid to testify against the other Indians, and that they are mortally afraid of Whirlwind is well known, for on the first day they were put in jail, Yellow Hair begged not to

The Yellowstone Journal, July 20, 1897, p. 3, c. 2; (cont.)

be put where Whirlwind was, saying he would choke him when he slept, and Sam Crow was equally as terrified at Whirlwind, who many times since has expressed a desire to get at both of them.

HE GIVES THEM AWAY.

Whirlwind Tells the True Story of the Hoover Murder and Names the Murderers.

The persistent activity with which the civil authorities of Custer county have followed up the murder of Hoover by the Cheyenne Indians, is bearing fruit. The Indians have begun to realize that the law is not to be thwarted or dodged in this case and the last trip of County Attorney Porter and Sheriff Gibb to the Lama Deer Agency resulted in the gathering of much valuable information. When it became evident that arrest after arrest would be made and the suspects brought to Miles City and lodged in jail, it began to dawn upon the Indians that this unseen power called "the law" was terribly in earnest and they began to talk. Of course there was a good deal told to the officials that didn't amount to anything. An Indian is never so important in his own mind as when he is participating in a "pow wow." and many talked wide of the mark just for the sake of hearing their own voices; but there was wheat among the chaff and when this had been winnowed out by the officials, it was seen that there was ample grounds for the arrest of three more Cheyennes by name Little Whirlwind, Spotted Hawk and Shoulder Blade. Warrants were issued for them, the sheriff despatched and the arrests followed.

Now comes the sensational feature of the affair. Whirlwind, who has been confined in jail for some weeks and held as principal in the murder of Hoover, has made a confession. For some time past he has told the county attorney that when his father came here, he would have something to say. On Monday last he was arraigned and an attorney appointed for him by the court. That same day his father and other members of his family arrived from the agency. They were permitted to visit him and a family council took place, Attorney Myers, who was appointed to defend, being present and consulted and later the county attorney was sent for and a full confession made by Whirlwind, of which the following is the substance:

"On the day of the killing of the sheepherder I was at the teepee of my relative Calf, who has a boy called Shoulder Blade, about 15 years old. Spotted Hawk came to the teepee that day on a pony and with a gun. He asked me to go riding in the hills with him, I took my wife's horse and Calf's gun and went with him. Shoulder Blade went along too. After going a little way we met Little Whirlwind and Spotted Hawk asked him to go with us and he came along. He was riding and had a gun too. We went down the river a little way and then went up in the hills above Barringer's ranch. In a little while we found a two year old beef and killed it. While we were skinning the beef some one called to us and we looked up and saw a white man standing on the hill above us. He talked in English to Spotted Hawk and Spotted Hawk talked to him in English. Spotted Hawk said that the white man told him we would all get into trouble for killing the beef. The white man then went away and then Spotted Hawk said: "Now he has seen us and knows who we are, we have got no show. We had better go after him and kill him." Then we all went after him on our horses. Two had carbines like what Casey's scouts had, and one had a little Winchester. When we got to where we could see the white man he was driving his sheep fast, as if he wanted to get away. We rode after him and one shot was fired and he fell with his arm broken. Then Spotted Hawk rode up to him and shot him again and killed him. His dog was running around and Little Whirlwind shot him and then laid him alongside of the dead man. We all rode off then without going back to the beef. Spotted Hawk told us all not to say anything about it and that no one would ever find out who did it."

It is probable that the story he tells will be confirmed by the others implicated and if so, adequate punishment can be meted out without an expensive trial. At all events it is quite certain that from the way this matter has been handled, the Indians have imbibed a new conception of the powers and purposes of the civil government of this county, which will go far toward discouraging in the future such deplorable affairs as the Hoover murder.

THE CHEYENNES AGAIN.

The Helena Independent in its issue of yesterday publishes the following letter from Secretary Bliss, of the interior department, to Capt. W. H. Stouch agent in charge of the Cheyenne agency at Lame Deer.

Department of the Interior, Washington, July 13, 1897.

Capt. George W. H. Stouch, Third Infantry, J. S. A.

Acting Indian Agent, Tongue River Agency, Mont.

SIR: The commissioner of Indian affairs has forwarded for my consideration your report of the 5th ultimo as to the condition of affairs at the agency under your charge, and giving a detailed history of the recent troubles at the agency growing out of the killing of John Hoover, a white man, by one David Stanley, a Cheyenne Indian. I have read with much interest the facts as detailed regarding the apprehension of the murderer and his safe delivery to the civil authorities of Montana without the shedding of human blood, notwithstanding the great excitement then prevailing among both the whites and the Indians at the time, and am much gratified at the outcome. The tact and good judgment displayed by you in amicably adjusting this delicate matter, and thereby averting what might have been a most serious Indian uprising commends itself to me most highly. Under the circumstances, I deem it but just that you should be advised of the appreciation of the department of the manner in which you have discharged your duties as agent.

Very respectfully,

C. N. Bliss, Secretary.

The letter is published under a head, "Capt. Stouch Justified," and to it is appended this editorial comment by the Independent:

"We are glad Secretary Bliss took that view of the matter and glad he wrote the letter. We suppose, too, that it will be read with some interest by Attorney General Nolan, who declined to find it lawful for the Custer county officials to make arrests on the reservation without the consent of their guardian, acting as the agent of the

national government."

Inasmuch as the editor of this paper was not at home during the exciting times referred to in Sec'ty Bliss' letter he does not propose to discuss the assumed justification of Capt. Stouch by the secretary, but as to the particular point brought into prominence by the Independent's comment, he feels compelled to say that the Hon. Secretary's letter does not by the most liberal construction of its language warrant any such interpretation as put upon it by the Independent. Capt. Stouch is complimented for the tact displayed in apprehending the murderer and delivering him to the civil authorities without causing bloodshed, but the point of authority is not even remotely referred to. This point is an important one to the settlers of this county, and should it be definitely decided that the civil authorities are divested of all power as soon as they cross the reservation lines, it will be bad for the settlers and bad for the Indians. We believe that the officials of Custer county have always courteously recognized the authority of the agent, but if arrests can only be made by consent of the agent, it will be bad, as it not infrequently happens that the agent declines to believe his ward guilty of crime. This is affording the Indian immunity from arrest that is not accorded his white brother, a proposition that must surely be denounced by [the] Independent when it comes to think it over carefully, otherwise it should find a place in the Independent's cabinet of curiosities, "industrial" and otherwise.



### RECAPTURED.

Sam Crow and Yellow Hair, the Two Indians Who Escaped Jail in July last, are Again In the Custody of the Civil Authorities.

Between 12 and 1 o'clock today Lieut. Brown of the 2nd Infantry, at the head of 15 colored troopers of E troop of the 10th Cavalry, filed down Mail street escorting a wagon in which, securely ironed, was Sam Crow, an indian who with Yellow Hair, both state witnesses in the case of the state against Little Whirl Wind, charged with the murder of Jno. Hoover the sheep herder, escaped jail in July last, and until recently have successfully evaded all attempts of the law to recapture them.

Recent negotiations between Sheriff Gibb and Capt. Stouch, the agent, led to the recapture of both of the indians.

Through the strategy of the authorities both civil and military, Sam Crow for some time past has avowed that he would surrender as soon as Yellow Hair could be prevailed upon to do the same. On Monday morning last Yellow Hair took a change of heart and in company with his family and other indians, left his place of seclusion and started for the agency to surrender himself, which he did and was at once placed in charge of Eugene Standing Elk, of the Indian Police force. Sam Crow, notwithstanding his promise to surrender when Yellow Hair did, went back on it and refused to accompany Yellow Hair to the agency. As soon after the arrival of Yellow Hair as possible a detachment of Indian Police were sent to where Sam Crow was and his immediate surrender was demanded at the point of a gun. Seeing no alternative Sam Crow after some hesitancy allowed his gun to be taken down and a knife taken from him. After this, however, he was tame and peaceable and was brought to the agency where he was put in irons and transported to the jail here as above related. As soon as Yellow Hair had given up he was placed in charge of Indian Police Eugene Standing Elk, who arrived by a different route than that taken by the military, just a little while ahead of Sam Crow.

Sam Crow, Yellow Hair and the boy Shoulder Blade, now in jail here, were arrested in the latter part of May, at which time these three Indians, with Little Whirlwind,

The Yellowstone Journal, October 20, 1897, p. 3, c. 3; (cont.)

stood equally charged with the murder of Hoover; but later at the examination of Little Whirlwind it was partially shown that though in company with Whirlwind on the day of the murder, they were not considered by the officers to be as important prisoners as was Whirlwind, and were in consequence given the women's room, where they would be out of communication with Whirlwind. In this room, as contented, and more so, than the usual prisoner, did they reside until the night of July 20th, when with an iron bar procured from the bed in the room they drilled a hole in the exterior wall of the room sufficiently large to pass them out and escape, and until Monday last they have kept themselves out of the way of the officers.

Messrs. Sam Crow and Yellow Hair will now both be tried for jail breaking and as their conviction is a certainty they will each get a term in Deer Lodge.

The Yellowstone Journal, October 21, 1897, p. 3, c. 3;

Last night Janitor Young came rushing up to the district court room, where the sheriff and deputies were, exclaiming, "The Indians are raising \_\_\_\_\_ down there." A rush was at once made for the scene of the trouble, and a dense smoke was seen coming from the east side of the jail. It proved to be nothing but a burning pair of overalls lying on the iron floor, upon which some prisoner had thrown a match, and which were making considerable smoke; the colored soldier arrested for drunkenness was adding his share of noise in a chorus of yells that would put to shame a Cheyenne Indian. The burning overalls were removed and the soldier locked in the cage, both for the safety of himself and the jail furniture and the bastille once more resumed its wonted quiet and the poker game for matches again taken up by the languishing inmates.

MADE IN GOOD FAITH.

With the guileless innocence of a child of Nature unsullied by association with civilization and its devious ways, Yellow Hair, one of the Cheyenne Indians concerned in the Hoover murder, made a direct attempt this morning to bribe the district court in and for Custer county, with all its equipment of honorable officials from his honor the judge down to the bailiff. The way the play came up was this: Yellow Hair had been arraigned for his participation in the playful little episode of breaking jail here last fall and hieing away to a seclusion in the hills surrounding the Cheyenne agency during the interval between then and now, and in due course of court procedure Judge Loud, with a proper manifestation of interest in the welfare of the accused, enquired if he was possessed of the means to employ council to defend him on the charge of jail-breaking. The enquiry was filtered through Tommy Thompson the interpreter, and as it was absorbed by Yellow Hair, an expression of satisfaction spread over his bronze countenance and he made prompt and earnest reply to Tommy, which interpreted into English was to the effect that he (Yellow Hair) had \$200 which he would give to the judge on condition that he would turn loose himself, Sam Crow, Spotted Hawk and Little Whirlwind, and forever hold each and all of them harmless in the matter of the untimely decease of the unfortunate Mr. Hoover. Realizing that the offer was made from the Indian standpoint that all offenses can be adjusted on a commercial basis, Judge Loud did not re-send the imputation that he and his court officials were venal, but pushed his enquiry to the point of locating the money and found that it was in the hands of a relative known as Round Stone, who held it in trust for the purposes of bribery only and that not one nickel of it was available for the purpose suggested by the court to-wit: the hiring of legal talent for the defense of the participators on so trivial an offense as digging a hole through a brick wall and crawling out thereof. It was a noteworthy episode and strongly delineative of the Indian character, showing how little they understand of the workings of our courts and the responsibility of citizenship to the law of the land. This fund of \$200 - a large sum to them no doubt - has been hoarded and

scraped up by relatives and friends of the accused, in the full belief that when offered to the judge, it would be powerful to strike the shackles from the prisoners and swing wide open the prison doors that they might walk forth free and unsullied with any aspersion of crime. The poor sheep herder had been killed, to be sure, but that was his fate. They are willing to take the same chances of life and death any day, and \$200 is a good deal of money to put up for one person's life. Reckoned in the legal tender of the aborigine, it would buy a good many more ponies than would be needed to settle such an affair between themselves, and why should white people make such a fuss over the killing of a man that had no family or relatives, and who no one knew? If \$200 would not settle the matter then they must take their chances with the white man's law and if it goes against them the results will be accepted with the same stoicism as was displayed when the bribe of \$200 was refused by Judge Loud this morning. It is with the Indian as with the Turk. When death or trouble comes, it is "Kismet" and the verdict is accepted.

The Yellowstone Journal, October 22, 1897, p. 3, c. 1;

In the district court this morning Feeding Crow and Yellow Hair, charged with jail breaking, pleaded not guilty and their trial was set for the 30th inst: A special venire of 20 was ordered returnable on Monday at 9 o'clock. The regular panel was excused until Monday at 9 o'clock.

The Yellowstone Journal, November 3, 1897, p. 3, c. 3;

DISTRICT COURT.

The Hoover Murder Trial Gets Fairly Started - Whirlwind the First Witness.

After over two days of vain attempt to procure a jury in the case against Spotted Hawk, one of the co-defendants charged with the murder of John Hoover in May last, the following jury was empaneled and sworn in at 10:30 this morning: R. Diebel, G. A. Pohl, M. Speelman, Sam Young, G. F. McKenzie, D. F. Crouch, A. Fraser, M. Kircher, A. W. McIntosh, A. H. Fessler, M. M. O'Neil and A. Harrington, each of them having successfully run the gauntlet of questions fired at them by the opposing attorneys pertaining to their qualifications as jurymen to act in the case. After the jury had been secured a recess of five minutes was taken after which Co. Att'y Porter outlined the state's case against Spotted Hawk and his co-defendants, stating that the state intended to prove beyond a reasonable doubt the guilt of the Indians charged with the murder of John Hoover. The county attorney having finished his address to the jury the first witness, Whirlwind, alias David Stanley, was called and sworn. Whirlwind being one of the co-defendants the court instructed him that he need not testify unless he so chose, but contrary to the expectations of those on the outside, the Indian said he was willing and wanted to tell all he knew of the transaction. The process of obtaining evidence by interpretation is necessarily slow but Whirlwind's story up to the hour of the noon adjournment is in substance as follows:

[same testimony as given July 23, 1897 in The Yellowstone Journal]

. . .

The Yellowstone Journal, November 3, 1897, p. 3, c. 3; (cont.)

One of the incidents of the morning session came out when the witness Whirlwind was being excluded from the court room while the county attorney made his address. As he was leaving the room Whirlwind said that Spotted Hawk made big eyes at him to show him that his heart was bad, but said he didn't care for Spotted Hawk, as his heart was good.

The Yellowstone Journal, November 4, 1897, p. 3, c. 3;

DISTRICT COURT.

Further Proceedings in the Hoover Murder Trial - Whirlwind's Testimony.

WEDNESDAY AFTERNOON.

When court reconvened after the noon intermission Whirlwind proceeded with his direct testimony and testified as follows:

"When the white man appeared on the hill he yelled at us and we stopped skinning the beef and got on our horses and rode off a piece. The white man went back to his sheep. After we had gone a little way we said, now the white man has been close and saw us skinning this beef and he knows us and will tell and make us lots of trouble, so we concluded to follow him and watch him. After a little while we all rode close to him and charged upon him, firing as we charged. The white man fell, but tried to get up again. Spotted Hawk then rode right up to him and fired, shooting him in the breast. The dog was running around the man crying and making a noise, and Little Whirlwind (Chub) shot the dog and placed it alongside of the dead white man. After this we rode slowly off, Spotted Hawk going to his teepee and Little Whirlwind to his and I went to Calf's. When I got to Calf's teepee Shoulder Blade was there, he having started home just after we had killed the beef."

The witness was then asked what kind of a looking man the white man was.

He said he was a small man and that he had never seen him before.

With the above ended the direct testimony of Whirlwind, which was given freely and with an air of truthfulness that bears out the facts of his story.

He was then placed under cross examination by the defense and in answer to the questions propounded by Attorney Merrill told in addition the following: "I am 25 years old;

live on Otter creek near Tongue river; went to school at the mission one winter; went to church lots of times; have had my hair cut and believe in the white man's religion."

He was asked if he knew where people went when they died and he said he didn't know, but said the priest had told him they "went up;" (he indicated this by pointing upward) and he believed him. He was then asked if he knew what crime meant and he said "Yes." He was asked if it was a crime to kill a white man's cow, and he said it was a terrible deed. When asked in relation to killing a white man he made the same reply but said it was a much worse crime to kill a man than a cow. When asked if he understood the nature of an oath he said yes, that it was to tell the truth and nothing but the truth. He stated that he had been a soldier (one of Casey's scouts) but got into trouble and deserted, but was brought back again and finally discharged on account of sickness. Att'y Merrill in trying to fix the time of the perpetration of the crime, asked him in what month it was committed. He told the time of year by saying the Indians had started plowing and that the trees were budding. When asked if he knew the months in the year he stated that if he could talk English he could tell him. He was then asked how many months there are and to give the Indian name for the month when Hoover was killed, and he replied that there are 12 moons, adding that he thought the attorney was trying to catch him and he could not do it. After about an hour of cross examination on the time question Whirlwind got on his dignity and asked the interpreter who the attorney was, and said he did not think he was a chief and would not answer any more of his questions signifying that he would make answers to only the questions put by the jury, the court or the county attorney, and that he was bothered to death by the questions that he had answered a dozen times; and in this he stood pat until admonished by the court for refusing to answer. He was asked why he had made a confession and if he had been promised anything by the county attorney to do so; to which he replied that he had not, but only knew that it was wrong to lie when he was under oath and in the court room. The council for the defense then asked him if his attorney had promised him anything for telling the story, to which he replied no; that he had "a heart of his own." When asked who

his attorney was, he replied quite distinctly, "Myers," at the same time pointing to Att'y Myers, who was seated in the court room. The cross examination brought out that the killing of Hoover was two days after Sunday (Tuesday) and that the night before (Monday) they had been to a dance near the Mission. But as to the date of the month, nothing could be determined.

THURSDAY FORENOON.

This morning Whirlwind was again placed on the stand for cross examination by the defense. After an hour or more, during which time all manner of questions were propounded with little material effect, the witness was excused and Fred Barringer, the second witness in the case called.

Mr. Barringer told of having known Hoover since March 14, at which time he was engaged to work at the Barringer ranch and to herd sheep. "Last saw Hoover alive on the evening of April 27 at which time I drove him from the home ranch to the sheep camp which was about a mile and a half south west of the home ranch. Hoover was about 24-years-old and about 4 feet 6 inches high and inclined to be hump-backed. When I last saw him he wore a ragged black hat, an Indian shirt and a heavy pair of calf shoes. On May 3 I saw a band of sheep coming over the hill to the home ranch and seeing that only a portion were coming and without the herder, I surmised something was wrong and in company with Jack McGuire started back to the sheep camp with the stray band. On arriving at the camp saw everything in order but no dog or herder and could not see the balance of the band at first, but soon saw one bunch about a mile and a half from the camp and the third about a mile further in the same direction. After we had gathered the sheep and taken them to the home ranch, we started on the search for Hoover."

Here the witness gave in detail the story of the long search for and finding of the body of Hoover, with all of which the readers of the JOURNAL are familiar.

John McKay was then called and testified that on the day of the finding of the body of Hoover, the third Sunday in May, 1897, he was with the searching party when the body was discovered.



DISTRICT COURT

Further Proceedings in the Hoover Murder Trial.

THURSDAY AFTERNOON.

John Barringer was the first witness called yesterday afternoon. He testified that he had known Hoover since the time he had given him employment . . . . That he had last seen him alive on April 27th, the night he left the home ranch to take charge of the band of sheep at that time herded by Clarence B. Weber. The next time the witness saw Hoover was on the 24th of May at a point about two miles southwest of the ranch where his dead body laid.

Clarence Weber was next called and told of being relieved by Hoover on the 29th of April and that was the last time he had seen him alive. He had been with the searching party on the day of the discovery of the body.

W. D. Smith testified that he attended the coroner's inquest; had viewed the body; had been shown three shells found in the vicinity of the body, and had taken charge of them. He then produced the shells, which the state offered in evidence, but it was denied on the grounds that a proper foundation had not been laid for their presentation.

Red Bird was next called and testified that Whirlwind and his wife had accompanied him to the agency from Calf's teepee during plowing time last spring.

Coroner Bateman was called and testified to having held an inquest over the body of John Hoover on the 26th and 27th of last May. One of the bullets supposed to have passed through the body of Hoover was produced by the coroner and offered in evidence for the state. A portion of Hoover's shirt, showing the powder burns, was then produced by the witness and admitted in evidence for the state.

Sheriff Gibb testified that he was present at the inquest, and corroborated the evidence of the other witnesses in relation to the finding of the body and the location of the wounds.

Dr. Andrus was called as an expert to ascertain if the wounds received by Hoover were necessarily fatal, to which he replied "Yes."

Court then adjourned until 9 a. m. today.

FRIDAY FORENOON.

At the time of the noon adjournment today the state had finished its evidence in chief against Spotted Hawk. The effect of the evidence against the defendant, which has been rather more direct than circumstantial, is noticeable on him and he is not nearly as composed as at the outset of the trial, his nervousness being probably due to the corroborative testimony of Shoulder Blade, the Indian boy charged jointly in the indictment with Spotted Hawk, Whirlwind and Little Whirlwind.

Stock Inspector Smith was recalled this morning and the three shells procured by him at the inquest, were after the proper foundation had been laid, introduced as evidence. The witness had a sketch of the ground, showing where the body laid, the pony tracks and the location of the places where the shells were found, but the offer of the state to enter it as evidence was denied.

Red Bird was recalled for the purpose of correcting a statement he made yesterday in regard to the length of time he stayed on Tongue river last spring. Yesterday he stated that he had remained there four weeks, which he corrected to two weeks this morning.

Whirlwind was then called for further cross-examination, but as the defense had not prepared for the witness he was excused, to be called later.

Acting Indian Agent Capt. Stouch was then called and said that by his orders Red Bird had been to Tongue river on April 25th to see how much land the Indians had plowed, with instructions to report to him in order that he might ascertain how much seed to issue them. This date (April 25th) is the only fixed date so far in the case. Two weeks after this date, Red Bird reported at the agency, accompanied by Whirlwind, and according to Whirlwind's testimony as to the time he remained at Calf's teepee after the killing, it would place the date of the murder of Hoover, as near as can be ascertained, on the 2nd or 3d of May.

At this juncture Co. Att'y Porter offered a motion acquitting the boy Shoulder

Blade of any complicity in the crime and the motion was granted by the court.

Shoulder Blade was then placed on the stand and in substance testified as follows:

"Whirlwind and his wife were visiting at my father's (Calf's) teepee, and one morning during the plowing time Spotted Hawk rode up and hold Whirlwind, 'I'M ready.' Whirlwind and myself then got our horses and rode down to Little Whirlwind's. Whirlwind asked Little Whirlwind to go riding and he did. We then rode down to Fire Crow's and took the road that leads to the hills. We saw five head of cows and charged in that direction. Someone shot; I do not know who, as I was behind and could not see on account of the dust. The three men then got down and started to skin the beef, but had only started when a white man spoke to them from the top of the hill. When I saw the white man I got frightened and rode home as fast as I could, I did not hear any shots but the one that killed the cow."

The noon hour having arrived the regular adjournment was taken and the proceedings went over until afternoon.

DISTRICT COURT

Friday Afternoon.

The first witness was Shoulder Blade who was recalled at the instance of the county attorney, who asked him if in all his talks with him he had ever asked him for anything but the truth, to which the witness replied that the county attorney had promised him nothing and at all times had requested him to tell nothing but the truth and that in his talks with his attorney Mr. Middleton he had been requested to do the same.

Whirlwind was then called by the defense for further cross examination.

He remembered when the Crows came over last plowing time for a dance, also of going to Tongue river to the agency about two weeks later and meeting White Shield and Walks Easy on the divide, but flatly denied that White Shield had told him that a sheep herder had been killed and the whites were angry. He further denied having told White Shield that "I am the one who killed the sheep herder, and I did it all alone, and I am responsible for trouble to our tribe." Here the witness told the interpreter that White Shield "made the talk up or must have picked it up on the prairie," that in passing White Shield that day he barely spoke to him. He was then asked what he expected to get for killing Hoover and he replied that he "belonged to the Big Chief and he could do as he liked with him." The counsel for the defense then asked him if it was not a fact that the reason that he brought Spotted Hawk and Little Whirlwind into this affair was because they were related to White Shield and connected them with the killing because White Shield had told the agent that he (Whirlwind) had killed the sheep herder. The witness replied by requesting the attorney to keep still, adding that he had already told him that he did not talk with White Shield. He was asked if on the day before the dance he did not go to Red Bird and borrow a gun, to which he replied "No, sir." "Did you not tell your father Badger that you did?" "No." He might have said so because he was frightened.

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"Do they call you Whistling Stanley?"

"Yes, but don't know why."

"Is it not because you roam among the hills and have no horse?"

"I don't know."

Here Attorney Merrill said "That's all," and Whirlwind broke in and asked the interpreter to tell him to talk on; he wanted to know what he was talking about.

The state put a few questions to the witness and then rested its case.

The first witness for the defense was White Shield, who said he was a member of White Bull's blowing gang. Was at the agency the time of the dance. Two weeks later in company with Walks Easy had met Whirlwind on the divide, at which time Whirlwind told him he had killed the sheep herder, brought trouble on the tribe and was alone when he did it. The witness then said he reported the matter to Agent Stouch.

On cross examination of this witness the material points of his direct examination were somewhat confused.

He was asked if he had not been twice sworn before Agent Stouch and replied "Yes."

He was then asked if his testimony before the agent had been taken down, and he replied that the first time it was.

The county attorney then read from the record of the testimony given Agent Stouch: "If at that time you did not state to Agent Stouch that Yellow Hair had told you that Whirlwind had told him (Yellow Hair) that he (Whirlwind) had killed a white man and that Whirlwind had wanted Yellow Hair to go with him and help bury the body, and that that was all you knew about it?"

In reply to this White Shield said "That's what I told him," evidently not mindful of the story he had told only a few minutes previous on direct examination.

Solomon Bean was called but his testimony was only in relation to the searching party and the finding of the body.

Thur far in the case all attempts to impeach the evidence of Whirlwind or Shoulder Blade have proven unsuccessful. What can be done with the other Indian witnesses

remains to be seen.

SATURDAY FORENOON.

The defense called Yellow Nose as their first witness this morning. He said he was a member of White Bull's plowing gang and that Two Bulls and Spotted Hawk were bosses of the gang. Thought they plowed seven days; saw Spotted Hawk every one of these days; that he did not go away, as it was his duty as boss to be there and make the men work. We had a dance during plowing time. Saw Spotted Hawk at the dance but did not see Whirlwind.

Yellow Eyes gave practically the same testimony, only that he saw Whirlwind at the dance and after the dance they all went to the agency for rations.

Wolf, the next witness, corroborated the testimony of the other Indians called this morning, as Sitting \_an. These Indians were called by the defense to show that at the time of the killing of Hoover, Spotted Hawk was a boss in White Bull's plowing gang and that he never left on the supposed day of the murder.

This constituted the gist of all the testimony that was extracted from the witnesses this forenoon, the process being very tedious and involving the plowing and replowing of the valley of the Tongue river by Indian agriculturists, from Stebbins creek to Hungry Woman and back three or four times.

DISTRICT COURT

Further Proceedings in the Hoover Murder Case.

SATURDAY AFTERNOON.

The first witness called for the defense this afternoon was Walking Horse, who testified that he was a member of White Bull's glowing gang and that Spotted Hawk and Two Bulls were bosses of the gang and that he saw Spotted Hawk every day during the time of plowing and was confident that he never left during the entire time the plowing was being done.

Walks Easy was then called and on direct examination testified to substantially the same story as Walking Horse but on cross examination he became mixed up and informed those present, through the interpreter, that he had "forgotten his story," whereupon he was asked by County Attorney Porter if he had been told to tell a story; he replied "Yes," and on being asked "by whom?" he pointed to the attorneys for the defense.

Little Eagle was then called and corroborated the testimony given by all of the witnesses of the defense in relation to the whereabouts of Spotted Hawk during the plowing season. The last witness of the day was White Bull, who with all the pride due to his rank in the tribe, stated that he was one of the big chiefs and that Whirlwind in a council held at the agency had told him that he alone had killed the sheep herder, and that on that information he had informed Capt. Stouch.

On cross examination Co. Att'y Porter asked the witness if when he informed Capt. Stouch that Whirlwind had killed the sheep herder he did not in substance use these words: "The head men and young man asked Whirlwind to tell who the others were who were with him at the time of the murder but so far as I know he did not tell them. I only heard him say that in the afternoon he was going to fight?"

To this the witness replied that he never said any such thing, but as it was read from the transcript of testimony given by the witness before Capt. Stouch at that time, he had either forgotten or was not disposed to acknowledge it.

At this juncture the court took a recess until 9 a. m. today.

MONDAY FORENOON.

The trial was resumed this morning the first witness called on the part of the defense being Spotted Elk, the nature of whose story from the questions propounded warranted the inference that it would be incompetent, and the court so ruled, so aside from giving his name the witness said little.

Red Man, the Indian of whom Whirlwind said he borrowed the gun, which statement he denied, testified that Whirlwind was painted yellow at the dance.

Clarence Weber was called and stated that he herded sheep two days during Hoover's absence last spring and that on one of these days he had been ordered to move his sheep but did not do so.

Clerk McAusland, Sheriff Gibb and Under Sheriff Daly were then called to identify the papers in the case.

H. C. Thompson was called and stated that Whirlwind's reputation while a scout was very bad and that he would not believe him under oath.

Court then adjourned for the noon recess.

MONDAY AFTERNOON.

Jas. Rowland was called and in reference to Whirlwind's reputation said that it was bad and that he would not believe him under oath.

Wm. Rowland was called in reference to the same matter and in substance swore to the same thing. With this witness the defense rested its case.

In rebuttal the state called Capt. Stouch in relation to the statements made by the witness White Bull at the meeting at the agency on June 3rd. The Captain testified that the evidence taken at that time, of which a transcript was taken, contained the true statement of White Bull.

At the conclusion of Capt. Stouch's testimony the case against Spotted Hawk closed.



DISTRICT COURT

Further Proceedings in the Hoover Murder Case.

TUESDAY FORENOON.

The case of the State against Spotted Hawk is now in the hands of the jury. Judge Loud having finished his instructions to the jury at just ten minutes to eleven this morning. The instructions, which were quite lengthy, necessitated thirty minutes for their reading, and were impartial but strictly to the point on the material facts of the case as presented by both sides. The arguments in the case were opened yesterday afternoon by Co. Att'y Porter, who made a review of the evidence for the state. He was followed by Att'y Farr for the defense, who talked about three-quarters of an hour contesting the state's evidence and showing up the alibi that had been established by witnesses on behalf of their client Spotted Hawk. This morning Mr. Merrill made the closing argument for the defense and Co. Att'y Porter closed the state case with a short address.

At the hour of going to press the jury were still out.

DISTRICT COURT

The Jury in the Hoover Murder Case Find a Verdict of "Guilty" Against Spotted Hawk

After seven long days consumed in the trial of Spotted Hawk, one of the Indians charged with the atrocious murder of John Hoover, the jury in the case, last evening at 6:30 o'clock, after nearly eight hours of deliberation returned the following verdict:

We the jury in the above entitled action, on the separate trial of Spotted Hawk find the defendant Spotted Hawk guilty of murder in the first degree as charged in the information.

D. F. Crouch, Foreman.

By one of the jurymen the JOURNAL was informed that the first ballot stood seven for murder in the first degree and five for murder in the second, the stum-

The Yellowstone Journal, November 10, 1897, p. 3, c. 3; (cont.)

bling block between the minority and the majority being the full meaning of the word "premeditation," which was discussed at length and only when Judge Loud gave the full meaning of the word were the jurymen able to agree on their verdict.

When the news was given out that the jury had agreed the court officials and the defendant and one or two others were the only ones present. During the formality of polling the jury, etc., Spotted Hawk the defendant, appeared more nervous than at any time during the trial, but immediately after hearing the verdict he smiled and was as stolid as ever.

The Yellowstone Journal, November 19, 1897, p. 3, c. 1;

Spotted Hawk was brought before the district court to have the death sentence passed upon him this morning but a stay of sentence was taken until Monday, Nov. 29th. Merrill & Farr, the Indian's attorneys, have until Jan. 15th to move for a new trial and will ask for it on that date.

The Yellowstone Journal, ~~November~~ December 1, 1897, p. 3, c. 3;

DISTRICT COURT.

In the district court this morning Little Whirlwind was brought before Judge Doud for sentence for the murder of Jno. Hoover, and received life imprisonment at hard labor in the state penitentiary. Mr. Milburn, the defendant's attorney, made an earnest plea for his client, urging that 12 years, he thought, would be ample; but the court took a different view, as above stated.

. . .

The Yellowstone Journal, December 6, 1897, p. 3, c. 1;

Sheriff Gibb returned today from Deer Lodge, where he took Sam Crow, sentenced to one year for jail breaking.

. . .