

The Filicide Enigma:

Was Gen. Henry Sibley's Son Hanged in Mankato?

By Walt Bachman

Introduction

For the first 20 years of Henry Milord's life, he and Henry Sibley both lived in the small village of Mendota, Minnesota, where, especially during Milord's childhood, they enjoyed a close relationship. But when the paths of Sibley and Milord crossed in dramatic fashion in the fall of 1862, the two men had lived apart for years.

During that period of separation, in 1858 Sibley ascended to the peak of his power and acclaim as Minnesota's first governor, presiding over the affairs of the booming new state from his historic stone house in Mendota. As recounted in Rhoda Gilman's excellent 2004 biography, *Henry Hastings Sibley: Divided Heart*, Sibley had occupied key positions of leadership since his arrival in Minnesota in 1834, managing the regional fur trade and representing Minnesota Territory in Congress before his term as governor. He was the most important figure in 19th century Minnesota history.

As Sibley was governing the new state, Milord, favoring his Dakota heritage on his mother's side, opted to live on the new Dakota reservation along the upper Minnesota River and was, according to his mother, "roaming with the Sioux." Financially, Sibley was well-established from his years in the fur trade, and especially from his receipt of substantial sums (at the Dakotas' expense) as proceeds from 1851 treaties.¹ Milord probably quickly spent all of the far more modest benefit from an earlier treaty to which he, as a mixed-blood Dakota, was entitled.²

Despite their earlier closeness, Sibley and Milord's formative years differed strikingly. Sibley, who descended from an elite white family that proudly traced its American lineage back to the mid-1600s, had received tutoring in Latin and Greek as a young man. He read and spoke French fluently. His eloquent letters were laced with terms and phrases that evidenced his education and erudition. Teepee-born Milord received religious instruction from the local Catholic priest but never learned to read or write. He affixed his "X" to the few documents he signed.³

When bloody Dakotas-versus-whites hostilities erupted in August of 1862, Milord fought on the Dakota side while Sibley was appointed to lead the white troops sent to quell the uprising. After Sibley's army defeated Dakota warriors in the conflict's final battle in September, Milord was among the hundreds of Dakotas who surrendered.

At first, Milord was regarded by the conquering whites as a captive of the Dakotas. But when shocking allegations emerged in mid-October that implicated him in the murder of a white settler, Milord found himself accused of that crime before a military court that Sibley had created. When Sibley's judges found Milord guilty of murder and sentenced him to hang, the general himself was obliged to review his case and recommend his punishment.⁴

It was in the private moments when Sibley decided to approve the execution of Milord that a tragedy of Shakespearean dimensions reached its climax, for the best historical evidence (much of it revealed for the first time in this article) indicates that Henry Milord was Henry Sibley's son. Some said that Sibley served as a kind of adoptive father to Milord, while others claimed that Sibley was his biological father. Read the conflicting accounts and judge for yourself: Was the hanging of Milord, as one source surmised, a case of filicide?

Accusations in 1862 That Gen. Sibley Was an "Indian-Lover"

From the moment that Gov. Alexander Ramsey appointed him to lead Minnesota's troops during the 1862 uprising, Sibley was subjected to scathing criticism in the state's press and by some of his own soldiers. To the small contingent of defenders and

hundreds of refugees huddled at Fort Ridgely, Sibley's plodding pace to rescue them showed "murderous apathy."⁵ Others blared that Sibley "moved with the pace of a snail"⁶ or expressed concern that "at the present speed, we fear the day of judgment will overtake the Indians before [Sibley does]."⁷ Sibley was "over cautious,"⁸ "afraid of the squaws,"⁹ an "old granny,"¹⁰ and a man "better adapted to a holiday review than to active service in an Indian war."¹¹

To support such heated opinions, newspapers critically analyzed Sibley's motives. Was he proceeding cautiously due to fears that the Dakota would "butcher some white captives...in their possession," or because he had "no disposition to exterminate the savages, because they are too valuable brutes to sell bad whisky to, and to cheat out of their annual bounty"?¹² The virulently anti-Sibley *Faribault Central Republican* blasted Sibley and the retinue of campaign officers with whom he had surrounded himself as "the great mogul and his Indian trading staff."¹³ One soldier wrote to his local newspaper that he was fed up with the constraints imposed by "Half Indian Sibley."¹⁴

Sibley was viewed as a "moccasinite," a man whose career had been launched, financial security assured, and sympathies shaped by years of mostly amicable fur-trade dealings with Dakota people. Even the troops under his command grumbled that he was holding back his forces from meting out "bare-handed justice" and that he preferred to handle the Dakota with "white kid" gloves.¹⁵

Some Minnesotans feared that Sibley would end the war by "quietly" sitting down "to treat with his red children" rather than with the stern punitive measures or vengeful counter-massacres demanded by most white residents.¹⁶ By surrounding himself with a coterie of old Indian hands on his immediate military staff, Sibley lent credence to those who castigated him. Joseph R. Brown, Steven H. Fowler, and William Forbes were among Sibley's trusted circle of aides during the war. These three men had all been involved in the fur-trade business and Brown had served as the Dakotas' Indian agent. They all had fathered children with mixed-blood or full-blood Dakota wives.

The most scandalous accusations against Sibley, however, were normally only whispered among the soldiers and citizenry. It was said that Sibley had "two or three

regular Dakota wives and had several children besides.”¹⁷ Another story made the rounds among the troops in 1862: If one came across a Dakota woman carrying papooses and asked her to identify the father, the response would be “Sibley.”¹⁸ A similar charge appeared in print when a Faribault editor sought to explain Sibley’s slow relief of the besieged soldiers at Birch Coulie: “[A] wag says the reason was because he feared a stray shot might injure the former Mrs. Sibley or some of her offspring.”¹⁹ One former soldier told the historian William Watts Folwell that “the opinion was general [among Sibley’s troops] that he had a squaw wife and a large half-breed family,” adding that some of his soldiers believed Sibley gave orders not to fire artillery shells into a gorge at the battle of Wood Lake for fear that he “might kill some of his children.”²⁰

Even some of Sibley’s friends wondered if he was the right person to command the expedition – and not merely because he lacked military experience. Gideon Pond, one of the early missionaries to the Dakotas, expressed his “anxious thoughts” about “our mutual friend” in a letter to Gov. Ramsey. Referring cryptically and mysteriously to Sibley’s “two weak points,” Pond expressed fears that Sibley might be “ensnared” by the wily Indian leader, Little Crow, concerned that Sibley might be more likely to parley with the Dakotas than to kill them. But, when he used a coded reference to Sibley’s “two weak points,” was he alluding to his kinship ties with two different Dakota families?²¹

Shortly after the 1862 hostilities ended, George A. S. Crooker wrote a frank letter to President Lincoln, expressing his opinion that Sibley would never carry out the draconian post-war orders being issued by Gen. John Pope: “[Sibley] does not wish to shed the blood of his brethren. He knows and feels the truth of the old adage that ‘blood is thicker than water.’ He knows and everybody else here knows that the blood of the Sioux flows in the veins of his children.”²² Thus, some contemporaries of Sibley believed that he was the biological father of mixed-blood Dakota children who were still living in 1862. These rumors and assertions could not have referred to Sibley’s mixed-blood daughter, Helen Hastings, for she had left Minnesota after marrying a white doctor in 1859 and had died of scarlet fever in 1860, two years before the Dakota War.²³

Sibley, who was an inveterate newspaper reader, was undoubtedly aware of these accusations. He knew that every decision he made during and after the war would be scrutinized by editors and by a populace that distrusted his willingness to bring down the hammer of vengeance on Dakota warriors who had killed hundreds of white settlers.

The Trial of Henry Milord

The more closely one examines the transcripts of the 1862 trials conducted by Gen. Sibley's court, the more Milord's case stands out as an anomaly. Individual cases were numbered in sequence by the judges, and Milord was defendant 115 (out of 392). His case was heard on about October 20, during the frenetic second phase of the court's crowded docket, when the judges were rushing through an average of about 25 cases per day.²⁴

The transcripts of most of the cases heard after mid-October were less than a page long; the shortest consisted of just six words. Acting under Gen. John Pope's orders to convict any Dakota found guilty of "any complicity" in the uprising, the court held five-minute trials and imposed the death penalty on a long list of defendants, many of whom had merely fired one or more shots at a military battle.²⁵

The majority of the first 114 trials had ended in hanging verdicts, but only one of those cases involved a mixed-blood man (who was found not guilty).²⁶ In mid-October, Sibley had ordered the mass-arrest and jailing of hundreds of Dakota men, but mixed-bloods (most of whom had white fathers and Dakota mothers) were exempted from that decree. Sibley and his judges then embraced a double standard of justice. The majority of full-blood Dakotas were presumed guilty and jailed, while mixed-bloods were not arrested and were presumed innocent.²⁷

The charges brought against Milord reveal why he was brought before Sibley's court, but not the circumstances. During a phase of the trials when most defendants faced only standard-form general allegations, Milord was specifically accused of "the murder of a white man when in company with Etay-ho-ta." Milord, as a mixed-blood man, would most likely not have been charged or convicted had he merely taken part in a

battle. But the alleged murder of a white settler apparently tipped the scales against him, so he was arrested, jailed, and prosecuted during the third week of October.

The behind-the-scenes circumstances that led to Milord's arrest and trial were later revealed by the court's recorder/prosecutor, Isaac Heard. Heard recounted how Etay-ho-ta (Trial #68), after being implicated in a murder "across the [Minnesota] river," accused Milord of involvement in that killing. Etay-ho-ta blurted out this accusation to the judges "as he was going out the door" of the tent that served as a courtroom.²⁸

During Milord's trial, Etay-ho-ta was the first witness called against him, but he refused to repeat his earlier accusation; indeed, both he and Milord told the judges they had never met.²⁹ The next witness was Joseph Godfrey, a black man who was himself a convicted and condemned defendant, but who had agreed to give state's evidence testimony in the trials. Godfrey said that Milord had taken part in the battle at Fort Ridgely, where he fired his gun "a great many times." Had Milord been a full-blood Dakota, his trial would probably have concluded at that point, with a hanging verdict entered, for many Dakotas had already been slated for execution by Sibley's court based on less damning evidence than Godfrey's against Milord. But the judges, despite the rushed pace of their proceedings, took time to call and hear seven more witnesses in Milord's case. And with each additional witness, Milord's guilt of murder became more evident.

The third witness called against Milord was a mixed-blood man named Baptiste Campbell (Trial #138), and Heard later wrote that the court was "astonished" by his testimony.³⁰ Campbell blithely told the judges that he, Milord, and Etay-ho-ta, acting with another Dakota and mixed-blood man to steal cattle from a settler, all fired shots at the same man, whom they killed. Campbell squarely implicated himself and Milord in that murder, even as he contradicted the false we-don't-know-each-other testimony already given by Milord and Etay-ho-ta. This evidence was far more damning than Godfrey's testimony, and would have sufficed to support a conviction for murder. Yet, even then, the judges persisted in calling six more witnesses in Milord's case. While

hearing such cumulative or supportive evidence would not be uncommon in a modern homicide case, it was virtually never done by Sibley's court.

The final testimony that shattered any doubt about Milord's guilt was added by his own uncle, David Faribault, Sr., in whose Mendota house Milord had lived for many years during his youth.³¹ Faribault recounted a conversation to which he was a party in which Milord and a Dakota man were arguing about who had actually murdered a white man. Milord insisted that he, himself, had killed a settler. Confronted by his uncle with the admonition he "oughtn't to have done it," Milord responded that he "had killed one any way." Those powerfully incriminating words concluded Milord's trial.

There were other defendants in the 1862 trials against whom evidence of far more heinous acts than Milord's was brought before Sibley's tribunal, but all of them were convicted after much shorter legal proceedings. In those cases, it appears that the judges, in their haste to get through a staggering caseload of almost 400 defendants, accepted the testimony of one or two witnesses and then terminated the trial. Only one transcript, Joseph Godfrey's, was longer than Milord's, mainly because of lengthy evidence given by Godfrey himself. No other case brought during the rapid-fire judicial proceedings after mid-October came close to matching Milord's trial for its thoroughness.

If the judges gave unique time and consideration to Milord's case due to his known connections with Gen. Sibley (as is likely), the ironic effect of that favoritism was to create a legal record of Milord's guilt that was far stronger than that found in almost any other case. Even today, any group of lawyers asked to identify the cases heard by Sibley's court in which proof of guilt of the crime of murder was strongest would put Milord's case near the top of the list.³²

This analysis of Milord's trial also reveals Sibley's bind when he reviewed the cases heard by his court. In one less-serious case, Sibley exercised his discretion to override his judges' hanging verdict, and he also recommended a pardon for one man sentenced to hang.³³ But neither of those cases contained any evidence proving the capital crime of murder.

Given his close ties to Milord, Sibley must have read the evidence against him very carefully. But he would have found it very difficult to grant clemency to Milord while he was simultaneously approving the death sentences imposed on 302 other men, most of whom were convicted on far flimsier evidence. Any attempt by Sibley to intervene on Milord's behalf would have raised serious questions of impropriety on the general's part.

As the trials were progressing, Sibley had repeatedly been told by Gen. John Pope, his superior officer, that all executions recommended by the court would be approved. That fact alone helps account for the extraordinarily abbreviated trial records, for neither Pope nor Sibley envisioned any significant review by a higher authority after the conclusion of the trials. But President Lincoln surprised and outraged Pope in November 1862 when he insisted on examining all 303 of the court's death-penalty verdicts. And when Lincoln decided to distinguish between men convicted of murder or rape (whom he was willing to hang) and those who merely took part in battles (whom he was not), the extra time and care taken in Milord's case assumed even starker importance.

Milord's was among the 40 most serious cases culled by President Lincoln's legal advisors, and Lincoln himself had no difficulty in including Milord's name on the final list of 38 men to be executed. With his insider's perspective, Sibley must have known that other Dakotas whose lives were spared by Lincoln were as guilty as Milord, but that the records of the bare-bones trials Sibley had ordered failed to support that fact. The judges, by according Milord a greater measure of justice than had been furnished to full-blood defendants, ultimately helped to ensure his execution.

Background Facts Relating to Sibley and Milord

Henry Milord was born in 1836 or 1837, about two years after Henry Sibley arrived in Mendota to take charge of the local fur trade. All known documentary evidence of young Henry's parentage dated prior to 1862 indicates that his father was Joseph Milord, a lowly employee of Sibley's who had worked in the fur trade for many years. Treaty records, baptism entries, fur-trade accounting files, and half-breed scrip

documents all refer to or lead us to believe that Joseph Milord was young Henry's father, and no one ever referred to him using the surname Sibley. At the time of Henry Milord's birth, Sibley was 25 or 26 of age and Joseph Milord was about 66 years old.³⁴

Thus, if Henry Sibley was actually young Henry's biological father, it appears that Joseph Milord must have agreed to masquerade as his parent in a wide variety of circumstances. Anyone living in Mendota was well aware that Joseph was put forth as Henry Milord's father, so those residents who later claimed or expressed the belief that Sibley was his true father were obviously also saying that they disbelieved those oft-stated paternity assertions.

There is no doubt that Sibley had a very close personal relationship with both Joseph and Henry Milord. All three of them resided in the hamlet of Mendota for many years. Of the scores of employees who worked for Sibley in the fur trade, only Joseph Milord spent his dotage living in Sibley's large stone house, while young Henry was living nearby.³⁵

Joseph Milord's most noteworthy appearance on the stage of history occurred in 1835. Sibley, during his first summer in Minnesota, arranged for Milord to serve as a translator and guide for geologist George W. Featherstonhaugh, who published an account of his exploratory trip up the Minnesota River. The geologist was obviously titillated when he was offered the daughter of a local chief as his wife, in exchange for a stated bride price (an offer he says he declined). Milord told Featherstonhaugh that he had "several" Dakota wives. In response to a question about how many children he had fathered with those women, Joseph replied, "That's difficult to say, Monsieur; women know better than men who are the fathers of children."³⁶

Henry Milord's mother was Wanske (Fourth-born child, a daughter), a full-blood Dakota woman of the Mdewakanton band. She had two known sisters, one of whom married Sibley's neighbor and trusted aide in the fur trade, David Faribault, Sr. Despite the fact that both Sibley and Joseph Milord resided in the same small village, Henry Milord (and presumably Wanske) lived in the home of his uncle, David Faribault, Sr., from the age of five.³⁷ Wanske had no children other than young Henry. She survived

the Dakota War and later lived on the Santee Sioux Reservation in Nebraska. She met a tragic end in 1879, when her teepee caught fire and she was burned to death.³⁸

Though early Minnesota histories, including Folwell's, made no mention of the fact, it is now well-established that Sibley was the father of a mixed-blood daughter whom he referred to as Helen Hastings. Rhoda Gilman's biography was the first book to document and discuss Helen.³⁹ Bruce A. Kohn's 2012 book, *Dakota Child, Governor's Daughter*, offers many more details about Helen's life.

Kohn's well-researched book repeatedly refers to the deceptive techniques used by Sibley to avoid making any documented acknowledgement of his paternity of Helen. For example, Sibley never permitted his surname to be included on any formal documents relating to Helen, and he used his most trusted aides in the fur trade to help conceal the truth about his paternity. Gilman's and Kohn's books offer clear proof that Sibley was Helen's father.

One difference between the upbringing of Henry Milord and Helen Hastings deserves to be noted. As Kohn recites, Helen was educated both in Minnesota and at an out-of-state boarding school. But Milord received no comparable education. While there are some indications that both Dakota and white parents of mixed-blood children were more likely to provide a white-oriented education to daughters than to sons, this educational discrepancy nonetheless may support the argument that Milord was not Sibley's biological child.

From my review of Sibley's papers, it appears that his relationship with young Henry was closest during the first six years of the boy's life in Mendota. During those years, Sibley bought Henry a series of small gifts, a practice that ceased when Sibley married a white woman, Sarah Steele, in 1843. More importantly, Joseph Milord signed an 1838 document that gave Sibley the power to manage \$500 in treaty funds that had been paid for the benefit of young Henry; that arrangement continued for nine years, during which Sibley, rather than Joseph Milord, decided how to spend Henry Milord's funds.⁴⁰

The last pre-1862 documentary evidence of a link between Sibley and Henry Milord is from 1852, shortly after the death of Joseph Milord, when young Henry was about 15 years old. Sibley's files suggest that he arranged for Milord to work as an apprentice in a St. Paul sawmill that year, though there is no indication as to how long that arrangement lasted.⁴¹

These documented connections -- the trust, the personal gifts, the apprenticeship -- would all be consistent with later claims that Sibley had "raised" Milord. They fail to answer, however, the question of why Sibley assumed these roles when Joseph Milord, Henry's putative father, was also living in the same small community.

Henry Milord continued to live in Mendota with his uncle, David Faribault, Sr., until 1856, when he became eligible for another benefit derived from an 1830 treaty: half-breed scrip. Faribault, then describing himself as 20-year-old Milord's legal guardian, made application for scrip certificates on his behalf. By the time Milord received his valuable certificates in 1857, it appears that he had moved from Mendota and was living on the Dakota reservation in southwestern Minnesota. Milord apparently sold his scrip rights almost immediately to speculators for an unknown amount of money.⁴²

During the next year, 1858, Milord was one of a small number of Dakota mixed-bloods who drew annuities on the reservation, a clear indication that he was then living among the Dakotas rather than in Mendota.⁴³ The next sketchy reference to his activities, offered later by his mother, was simply that he was "roaming with the Sioux" in the years leading up to the Dakota War.⁴⁴ After receiving the money from his half-breed scrip, Milord apparently gravitated towards the Dakota side of his heritage and was no longer interested in living in Mendota or pursuing work at Chilson's sawmill. There is no evidence of any contact between Milord and Sibley during the six years before the fateful autumn of 1862.

Conflicting 1862 Versions of the Relationship between Sibley and Milord

Only two of the thousands of observers of the 1862 hangings published accounts that referred to Henry Milord's upbringing or parentage: Rev. Stephen R. Riggs and Jacob Nix. The 175-year-old paternity conundrum that is the subject of this article was initially framed by those two men.

Rev. Riggs, one of Sibley's closest advisors during his 1862 military campaign, knew that the commander had unique personal ties to Henry Milord. As chaplain to the troops of the Minnesota militia, Riggs shared a tent with Sibley during the 1862 war and its aftermath. Throughout the post-war trials, he was also deeply involved in giving out-of-court assistance to the military court.

Riggs twice wrote in late 1862 that Milord had been "raised by Gen. Sibley." He first made the statement in an October 20 letter to his wife, written shortly after Milord's arrest on murder charges. Far more significantly, Riggs, after meeting with Milord on the eve of his execution, repeated the same statement and released it for publication in Minnesota newspapers immediately after the hangings.⁴⁵

Sibley himself was the most likely source of this information, for Riggs would never have jeopardized his relationship with Sibley by making public his commander's close connection to Milord unless Sibley himself had either furnished the information or confirmed its accuracy. Indeed, the known circumstances suggest that Riggs' likely motive for publishing Sibley's special relationship with Milord was his (and perhaps, indirectly, Sibley's) way of rebutting recurring rumors that Sibley had fathered multiple children with Dakota wives.⁴⁶

Jacob Nix served as a leading militia officer in New Ulm during the 1862 war. His book about the war, however, was overlooked by historians because it was originally published in German. Nix furnished a fundamentally different version of the Sibley-Milord relationship. He placed Milord's mother at the scene of the Mankato executions and offered this summary of her statements and behavior:

One old squaw whose son, a half-breed Indian by the name of Henry Milford [sic], who was one of the arch-scoundrels and who was ending his earthly career on the gallows today, acted as if she were insane. She pulled her hair and cried

continuously that the father of her offspring was an esteemed white gentleman⁴⁷ of Minnesota, who could have saved her son – had he but put in a word in his favor.

Whether the old woman spoke the truth I do not know⁴⁸

Nix, in the moralizing manner that characterized his approach to history, went on to decry the fact that Milord was the “offspring of wild free love.”⁴⁹

Nix’s account offers the longest and clearest statement attributed to Milord’s mother about the identity of her son’s father.⁵⁰ According to Nix, she told those assembled at the execution that (1) Milord’s father was an “esteemed white gentleman,” and (2) the father was in a position to save his son’s life by intervening on his behalf. Nix’s reference to “wild free love” clearly indicates that he took Milord’s mother’s statements as referring to a blood relationship.

Milord’s mother’s hanging-scene statement assumes particular significance because Joseph Milord, the man put forth as Henry Milord’s father, had been dead for a decade in 1862. Moreover, as one of Sibley’s low-ranking French-Canadian fur traders, he would never have qualified as an “esteemed gentleman.” Joseph Milord was obviously in no position to procure a hanging reprieve for Henry Milord in 1862.

Most of the men hanged at Mankato went to their executions with stoic bravery, but one white soldier who had met and spoken with Milord said that he was “greatly affected” at the hangings and “trembled violently while the noose was being placed around his neck.” One can only imagine Wanske’s reaction to that emotion-fraught scene.

The mere fact that Milord’s mother was reported at the scene of the Mankato executions is noteworthy, for almost no relatives of the 38 men hanged were permitted by military authorities to attend the executions. From the time of the Dakotas’ surrender on September 26 until most Dakotas were expelled from the state in 1863, rigid restrictions were imposed, on Sibley’s and Pope’s orders, that kept the vast majority of full-blood Dakotas in guarded military encampments. Most of the men who had been tried (whether convicted or not) were held in military prisons, while all other Dakotas, including the families of the men hanged, were sent to a guarded camp near Fort Snelling -- 80 miles

from the site of the executions. A carefully selected small contingent of Dakotas, including women who served as cooks and laundresses, was given permission to help staff the Indian prison in Mankato, but no other Dakotas were authorized to witness the hangings.⁵¹

If Nix is correct that Milord's mother was present at the hangings, Sibley himself, or one of his closest advisors, must have made an exception to these strictly enforced military rules. This fact alone implies the existence of a special relationship between Sibley, Milord, and Milord's mother, for no other mothers or close kin of the men hanged are known to have had permission to come to the Mankato hangings. Placed in context, Nix's account of the anguished cries of Milord's mother supports the conclusion that Sibley was Henry Milord's biological father.⁵²

New Evidence from the Files of William Watts Folwell

More than 40 years after the Dakota War, William Watts Folwell, one of Minnesota's most distinguished and meticulous historians, became intrigued by the possibility of close personal ties between Sibley and Milord.⁵³ A careful review of Folwell's personal notes and correspondence, kept today in more than 100 boxes in the collections of the Minnesota Historical Society, shows that the noted historian interviewed a number of key potential sources on that subject.⁵⁴ Repeatedly, Folwell made inquiries about Milord's paternity (succinctly recorded in penciled notations) in preparation for writing his epic four-volume history of Minnesota.

Folwell elected not to publish his suspicions or findings about Milord's parentage⁵⁵ in any article or book, but that does not necessarily mean that he rejected evidence of the ties between Milord and Sibley. Folwell's files also reveal that he was well aware that Sibley was the father of Helen Hastings, yet he chose to make no mention of her in any of his writings—despite the relevance of that connection to subjects covered in his books.⁵⁶ Reflecting the mores and standards of his time, Folwell decided to publish nothing that documented Sibley's relationships with Dakota women or his close ties to mixed-blood children.⁵⁷

Folwell Sources Who Said or Believed That Sibley was Milord's Biological Father

Folwell's handwritten notes recorded his conversations with three sources that appear to identify Sibley as Milord's father:

Interview of Henry Belland, January 19, 1907: "Milor[d] hung at Mankato 'had Sibley eyes' and did not resemble his Indian father."⁵⁸

Interview of William L. Quinn, March 19, 1905: "Son of Sibley hung at Mankato. Baptiste [sic] Milor[d]."⁵⁹

Interview of Mrs. W[illia]m. L. Quinn, March 19, 1905: "Baptiste [sic] Milor[d] hung at Mankato, a son of Sibley – so believed by some."⁶⁰

Folwell almost certainly knew that both Henry Belland and William Quinn, for differing reasons, were highly qualified to provide information about Milord's paternity. Indeed, he probably questioned them about Milord precisely because he was aware of their potential insiders' knowledge.⁶¹

Henry Belland lived next door to Sibley in Mendota. About two years younger than Milord, he would have spent the first 10 to 15 years of his life interacting on a regular basis with Milord, Sibley, and Milord's putative father, Joseph Milord. At the time Folwell was researching his history, few living people could have provided a more accurate comparison of the physical characteristics of the two men who are the candidates to be Milord's father.⁶² Moreover, Belland surely knew that Joseph Milord had been represented to the world as Henry Milord's father. If nothing else, Belland's comments to Folwell show that he did not believe that claim.

William L. Quinn, who flatly said that Milord was the "son of Sibley," was perhaps the most knowledgeable and credible source Folwell could have consulted for reconstructing the mixed-blood side of Sibley's family tree. Indeed, if the clock could be

turned back to 1905 and one could choose only one person to interview about Sibley's paternity of mixed-blood children, Quinn would be the perfect choice.

William Quinn was born in 1828 in Mendota. His father, Peter Quinn, was an Irish immigrant who married a mixed-blood Christeneaux (Cree) Indian woman, making William one-quarter Cree by blood.⁶³ Quinn received an extraordinarily strong education for the time, including schooling at Fort Snelling and three years' boarding and studying at a school in Fort Garry, British North America (now Canada).⁶⁴

In 1848, when Quinn was 20 years old, he married a half-blood Dakota woman of the Mdewakanton band, Angelique Jeffries. By 1856, the couple had three children, all of whom were one-quarter Dakota.⁶⁵ So Quinn would be a well-qualified source by virtue of his father's position, his wife and children's Dakota blood, his residency near Milord and Sibley, his education and intelligence, and his knowledge of the Dakota language.

But Quinn's stature as a reliable informant is elevated even more by his activities during the 30 years before Folwell spoke with him in 1905. During those years, he immersed himself in learning, documenting, and providing testimony about the genealogy of Dakota mixed-bloods. From at least the 1870s until the early 1900s, he testified in court to assist lawyers who were trying to reconstruct mixed-blood family trees in order to bring claims for valuable half-breed scrip certificates that qualified holders (or their heirs) to receive, at no cost, up to 480 acres of government land. When Folwell spoke with him, no one had better credentials on the subject of Dakota mixed-blood genealogy than William Quinn.⁶⁶

Moreover, the half-breed scrip records show that Quinn was personally acquainted with Dakota and mixed-blood relatives of Henry Milord and that he provided professional services to assist the family. In 1882, after Milord's mother died, Quinn notarized a document signed by Wanske's sister, who was described as the "only heir of Henry Milor[d]."⁶⁷ Quinn was also the principal genealogy expert who assisted the mixed-blood heirs of Helen Hastings when they sought to pursue Helen's long-unused scrip certificates.⁶⁸

In light of Quinn's impressive credentials and personal contacts with Milord's and Helen's surviving Dakota relatives, Folwell's summary of his opinion is frustratingly brief. Had Folwell wished to pursue the topic in detail, Quinn could almost certainly have furnished much more specific information to support his conclusion that Milord was the "son of Sibley hung at Mankato."

The fourth and longest disclosure in Folwell's files that tends to support the view that Sibley was Milord's biological father is in the form of letters written to the historian in 1918 by an articulate retired army brigadier general, Eli L. Huggins, son of an early Minnesota missionary to the Dakota people. Huggins, aware that Folwell was researching his seminal history of the state, sent a series of well-written and thoughtful letters that alerted Folwell to facts and stories he thought might be relevant to his scholarship.

The first Huggins letter, dated May 30, 1918, alluded to but did not provide details about a story that he described as "a rumor":

Have you heard a rumor that among the 38 Indians hung at Mankato, was the halfbreed son of one of the most influential and highly esteemed pioneers? If you have not this is a tale which I will unfold to your gaze. I will call it 'The Filicide, a story of the Sioux Massacre in Minnesota.' Truth is often stranger than fiction, and the story does not seem to me entirely incredible. At all events it will be sufficient foundation for an interesting legend some day, or a fiction 'best seller' by some Dumas or [illegible].⁶⁹

Because Folwell often did not make copies of his outgoing letters, there is no record of whether he invited Huggins to provide details about the tantalizing "filicide" rumor. But Huggins soon supplemented his comments in a second letter to Folwell, sent in June 1918:

I don't remember what I wrote you about the alleged Minnesota filicide. But I well remember the looks and gestures of Alexis Laframbois who I am

sure believed that S[ibley] had a son hung at Mankato. He said the son had the very figure and eyes of S[ibley] and bore no resemblance to his putative father. He said all the Indians knew this and so did S[ibley].⁷⁰

This letter makes it clear that Huggins' earlier reference to a "rumor" was actually his recollection of conversations with a mixed-blood Minnesotan, Alexis Laframboise. In words that mirrored the statements made to the historian by Henry Belland, Huggins reported that Laframboise had informed him that Henry Milord bore no resemblance to his "putative father" but looked very much like Sibley.

In a postscript added to that same June 1918 letter, Huggins also recounted Laframboise's description of a meeting that occurred with Gen. Sibley after Milord had been convicted, but before the hangings:

To recur to the alleged filicide. Alexis said that relatives of his alleged son pleaded with him for leniency, representing that men more guilty than him had been reprieved. Of course no one knows what was said at this interview but I have no doubt there was one. Probably there was no direct claim of relationship. Sibley was said to have been extremely cold and forbidding in his manner and to have said almost nothing. Before the close of the Sioux war or about that time Alexis said that S[ibley] had suffered some affliction, lost a son or daughter did he not? Or some other disaster. You will know what it was if he had any serious affliction. After more than 52 years with nothing to keep the conversation fresh in my memory, I can only be sure that Alexis believed some judgment had been visited on S[ibley] at least so far as the Indians believed.⁷¹

Huggins thus revealed to Folwell that there was "no doubt" in his mind that Laframboise and the relatives of Henry Milord met with Sibley to plead with him to spare Milord's life. Sibley's "extremely cold and forbidding" reaction to that plea was, evidently, described by Laframboise to Huggins.⁷²

There is no question that Alexis Laframboise, the man whose words and reactions Huggins relayed to Folwell, was on the scene during the period Henry Milord was tried and sentenced to hang, for Laframboise served as a prosecution witness in the trials both before and after Milord's conviction.⁷³ Indeed, his use as a witness in 10 of the trials held before Sibley's court is evidence of his credibility.

Folwell Sources Who Said That Sibley Was Not Milord's Biological Father

On the other side of the ledger, Folwell recorded two conversations in which informants told him that Sibley was *not* Milord's father:

Interview with Capt. John Tapper, May 10, 1908: "Says Sibley had a half-breed son, as well as a daughter. [Son not Henry Milor.] Thinks Sibley sent them both to Ky. to school – His knowledge here is imperfect"⁷⁴

Statement by Samuel J. Brown to Folwell, August 1, 1908: "Henry Milord although bro't up by Sibley was not Sibley's son."⁷⁵

In the course of denying any biological connection between Sibley and Milord, Tapper and Brown furnished Folwell with information that is very relevant to our inquiry.

Tapper obviously told the historian that Sibley did indeed have a mixed-blood son, but then Folwell must have asked him if that son's name was Milord (as he had previously been informed by Belland and Quinn). Tapper's response was placed in brackets by Folwell: "Son not Henry Milord." This notation confirms that Folwell was actively seeking further evidence to support or refute the earlier claims made to him that Sibley was Milord's father. Tapper is the only known source who specifically refers to a male mixed-blood child of Sibley other than Milord, though he apparently conceded to Folwell that his information was "imperfect."⁷⁶ If Folwell pressed Tapper to name the mixed-blood son to whom he referred, the captain either did not know or declined to give his identity.

Folwell's 1908 interview of Samuel Brown, the well-educated mixed-blood son of Indian Agent Joseph R. Brown, provides another example of the historian's focus on Henry Milord's paternity. Folwell must have asked Brown whether he was aware of any personal connection between Sibley and Henry Milord, and Brown, mirroring the characterization made by Rev. Riggs, replied that Milord had been "brought up" by Sibley. The historian must then have asked a follow-up query, which led Brown to add that Milord was "not Sibley's son."

Folwell's notes of his interviews with Tapper and Brown show that he continued to be intrigued by the Milord story after his meetings with Belland and Quinn.

Other Potential Evidence Regarding Milord's Paternity

After I became aware of the new evidence in Folwell's files, I pursued many other avenues in an attempt to resolve the riddle of Milord's parentage. I kept hoping that I would stumble on other overlooked sources that would tip the evidentiary scales one way or the other. But, in the end, I found very little. To assist other scholars who wish to carry on the quest, I include an extended endnote that records some of the details of that search.

I spent a considerable amount of time, for example, comparing photographs and portraits of Henry Sibley with a purported "from life" portrait of Henry Milord, dated 1862, painted by Henry H. Cross. Since Cross's is the only known image of Milord, and since several sources commented on the uncanny physical similarity of Sibley and Milord, I was keen to compare likenesses of the two men. But I ultimately concluded that Henry Cross was an artistic con man: he deceived the public (and potential buyers of his paintings) into believing that he had been in Minnesota in 1862 and was thus able to paint images of the 38 men hanged in Mankato. I now believe that Cross simply invented Milord's supposed likeness. His portrait offers no greater insights into Milord's true appearance than do artists' depictions of Jesus.⁷⁷ We are thus left with no image of Milord to compare with Sibley's.

The half-breed scrip records offer a dizzying and complex array of potential evidence relating to the genealogy of any mixed-blood person who was eligible to receive scrip certificates. Milord's scrip records are particularly numerous and complicated, for they were created in three separate phases: the 1850s, 1870s, and extending into the early 1900s. After weeks of tedious searching in the national archives and through probate court records, I realized that I was still missing key pieces of Milord's scrip records that probably repose in mountains of land-office files or other bureaucratic crannies (if, indeed, they still exist).⁷⁸

For current purposes, the most important scrip record was an 1870s statement by Wanske, Milord's mother (the original of which I could not find), to the effect that she was his "sole heir." Since Sibley was still living, that statement can be interpreted as denying his paternity. But half-breed scrip was intended to benefit Dakota descendants, not their white fathers, and Wanske definitely knew that Sibley had steadfastly denied fathering Milord.

Moreover, because she was seeking still-valuable scrip rights, she had a strong financial interest not to acknowledge (if it was true) that Sibley was Milord's father. Who could blame Wanske, living in poverty on a Nebraska reservation, for not wanting to share scrip benefits with the powerful, well-off white man who approved the hanging of her son? Count that evidence as being on the Sibley-was-not-his-father side of the equation if you wish, but I concluded that the scrip records offer far less cogent proof than is found in Folwell's files.

Could DNA Analysis Determine Milord's Paternity?

If the location of Milord's remains were known, it would theoretically be possible to conduct a DNA analysis to determine if he and Sibley were related by blood.⁷⁹ But Milord's body will almost certainly never be found, since the remains of all 38 men hanged were soon disinterred by cadaver-seeking doctors and ghoulish collectors of Dakota war "trophies."⁸⁰ Also, later accounts from half-breed scrip proceedings claim

that Milord had no children.⁸¹ The absence of Milord's remains and the existence of no known descendants seem to rule out any possibility of a DNA analysis.

But one isolated clue suggests the remote possibility of a future DNA test. On December 30, 1862, four days after the executions, Father Augustin Ravoux baptized a one-year-old child in Mankato whose name he recorded in the Catholic Church records as "Henricus Milord," aged one year, five months. (The church routinely Latinized the Christian names of those baptized; Henricus is the Latin spelling of Henry.)⁸² Father Ravoux had gone to Mankato to minister to and baptize many of the condemned Dakota men.⁸³ He remained in that city for a few days, during which he baptized a child who apparently was the son of Henry Milord.

The presence of "Henricus" in Mankato is yet another indication that someone in a high position of authority pulled strings to permit Milord's family to attend the hangings. But, so far, no subsequent mention has been found of the baby who might have been Sibley's grandchild. Did he perish, as did so many Dakota children, following the forced diaspora from Minnesota in 1863? Or did he survive into adulthood, perhaps under a different name, leaving open the chance that his remains or samples furnished by his descendants might still be linked by blood to Sibley?

Conclusion

By a narrow margin, the preponderance of historical evidence favors the conclusion that Henry Milord was the biological son of Henry Sibley. But that evidence is far from solid and does not rise to the level of "beyond-a-reasonable-doubt" proof. Reasonable people, even after weighing all of the facts outlined here, could reach conflicting conclusions on the issue of Milord's paternity.

In order to conclude that Sibley was Milord's biological father, it is necessary to override the fact, evidenced by many public and private documents, that his father was always identified as Joseph Milord. Ordinarily, such documentation would be accepted as conclusive evidence of paternity.

The very well-informed mixed-blood people whose statements appear in Folwell's research notes, however, would all have known that Joseph Milord was put forth as little Henry's father. Yet several of them made it clear that they either did not believe or categorically rejected the asserted blood ties between Joseph Milord and young Henry. Some based their opinions on the striking physical similarities between Sibley and Milord. William Quinn, the most knowledgeable of all of the people interviewed by Folwell, flatly said that Sibley was Milord's father.

The only alternative position to biological fatherhood, as was stated publicly in the press by Rev. Riggs and never contradicted, is that Sibley had a uniquely close relationship with Milord because he "raised" him. In either of those two scenarios, Sibley had parental ties to a man whose hanging he approved. No matter what conclusion one reaches about biological paternity, therefore, the hanging of Henry Milord was a tragic case of filicide.

¹ Sibley received more than \$100,000 as his share of the “trader’s papers” attached to the 1851 treaty, an amount that today would be worth about \$2.5 million. See Gilman, “Last Days of the Upper Mississippi Fur Trade,” *Minnesota History*, Vol. 42, 122-140, 1970.

² Based on benefits for mixed-bloods that flowed from an 1830 treaty, Milord, in 1857, received “half-breed scrip” certificates, good for filing claims on government land; he apparently sold his scrip for cash almost immediately to land speculators, probably for an amount less than \$1,000.

³ Henry Milor [sic] acknowledged his receipt of five scrip certificates on July 13, 1857 by signing with his “X.” See NA, RG 75, Entry 380, Receipts for Land Certificates. Just two days later, on July 15, 1857, Milord signed a power of attorney, again with his “X,” giving the legal power to Nathaniel Wright to use all five of the certificates Milord had received. Lake Pepin Half-breed Scrip records, National Archives, RG 49, Box 304. The latter document indicates that Milord almost certainly sold all of his scrip for a cash payment in an unknown amount, and it tends to disprove later claims that Milord had lost some of his scrip certificates. For further discussion of half-breed scrip, see endnote 78.

⁴ As the officer who created the military tribunal and appointed its judges, Sibley was required to review and approve the court’s findings in each case. Sibley’s hands-on involvement in the trials is shown by his personal notations on many of the trial records. If Sibley disagreed with a decision, he suspended the court’s findings and sent the case back for further consideration. At the conclusion of the trials, Sibley forwarded to Washington his list of the 303 men he recommended for hanging, including Milord. After Lincoln received that list, he insisted on reviewing the transcripts of those 303 condemned men. There is no doubt that Sibley reviewed Milord’s trial record, approved his court’s hanging verdict, and forwarded that recommendation to Pope and Lincoln. For a far more extensive discussion of Sibley’s role in the 1862 trials, see Bachman, *Northern Slave, Black Dakota*, Chapters 5-8.

⁵ *Stillwater Messenger*, September 2, 1862.

⁶ *Hastings Independent*, September 4, 1862.

⁷ *St. Peter Tribune*, September 3, 1862.

⁸ *Minnesota [St. Anthony/Minneapolis] State News*, September 6, 1862.

⁹ *Mankato Independent*, September 11, 1862.

¹⁰ *Hokah Chief*, September 16, 1862. [“Granny Sibley” and “old branny” (sic)]

¹¹ *Faribault Central Republican*, August 27, 1862.

¹² *Hastings Independent*, September 4, 1862.

¹³ *Faribault Central Republican*, September 10, 1862.

¹⁴ *Hokah Chief*, October 21, 1862.

¹⁵ For an example of published claims that Sibley personified the “moccasin influence” in Minnesota, see *Mankato Independent*, October 18, 1862; for “bare-fisted justice” and “white kid,” see *Hastings Independent*, September 4, 1862.

¹⁶ *Stillwater Messenger*, September 3, 1862, publishing a false report that Sibley was said to be “treating” with the Dakotas.

¹⁷ Letter, Rev. Stephen R. Riggs to his wife, Mary Riggs, November 11, 1862, Chippewa County [Minnesota] Historical Society. In context, it appears that Riggs does not credit the “idle talk.”

¹⁸ Personal Account of John D. Hicks, Hennepin County Historical Society. Hicks also said that Sibley had “five or six squaws for wives.”

¹⁹ *Faribault Central Republican*, September 10, 1862.

²⁰ Folwell’s notes of his June 23, 1915 interview of Rev. Horace Wallace. Folwell Papers, Box 114, Vol. 89, MHS. Rev. Wallace, who served in Sibley’s army in 1862, told the historian that he still believed that Sibley had multiple mixed-blood children.

²¹ Gideon Pond to Alexander Ramsey, August 24, 1862, Minnesota Historical Society, Ramsey Papers, State Archives, LR Local Residents and others. Carrie Zeman found this letter and copied it for me.

²² Lincoln Papers, Roll 42, letter dated October 7, 1862 from Crooker to Lincoln.

²³ See Kohn, *Dakota Child, Governor’s Daughter*, pp. 85-95, for the poignant story of Helen’s brief marriage and death.

²⁴ For further discussion of the rapid pace of the trials after mid-October, see Bachman, *Northern Slave, Black Dakota*, pp. 203-204 and Bachman, “Dr. Gary Clayton Anderson’s Speech on the Dakota War Trials: a Critique,” *Minnesota’s Heritage*, no. 6, July 2012, pp. 6-19.

²⁵ Ironically, it now appears that both the shortest and one of the longest cases heard by Sibley's court involved men who had participated in the same murder. Milord and three other men were executed for committing that killing, but both Milord's transcript and Heard's newspaper discussion of the cases [cited below] indicate that a fifth man was involved. Milord and Baptiste Campbell each referred to the fifth man in their trial testimony as John or Henry Coon, but later notations by the missionaries indicate that Coon's Dakota name was Wa-ze, or Wa-ze-akan-na-jin (Trial #75). See lists of prisoner names, Riggs Family Papers, MHS. Since Rev. Riggs would have known that Wa-ze and Coon were the same person, the judges would also have been told of that fact after Coon was named in Milord's trial. Checking the trial records, the judges would have seen that Wa-ze had already been sentenced to death for his six-word admission that he "Fired two shots at the Fort." The court must have reasoned that there was little purpose to be served in bringing new charges against Wa-ze, since he had already been sentenced to hang. Had they brought additional charges against Wa-ze in a second case, he almost certainly would have been added to Lincoln's hanging order. Wa-ze served four years in prison and was pardoned in 1866. Wa-ze's case is an excellent example of an aspect of the 1862 trials that is virtually never acknowledged -- that the abbreviated and slipshod trials sometimes worked to the advantage of Dakota defendants, especially after Lincoln decided that only those men guilty of murder would be hanged. Had the judges focused their efforts only on murder and rape cases, it is a virtual certainty that more than 38 Dakota men would have been executed for those offenses.

²⁶ Charles Crawford (trial #8 and trial #136) and was the only defendant who was tried twice by Sibley's court. He was acquitted in each instance.

²⁷ For a more complete discussion of the favored treatment given to mixed-blood defendants during the trials, see Bachman, *Northern Slave, Black Dakota*, pp. 190-191, 217, 226 n32.

²⁸ Heard letter, *St. Paul Pioneer*, November 15, 1862.

²⁹ Heard sets the scene more dramatically than the trial transcript, saying Etay-ho-ta "after leisurely scanning [Milord] from head to foot, said he never saw him before." *St. Paul Pioneer*, November 15, 1862. Transcriptions of the Dakota trials are now available in printed format. See John Isch, *The Dakota Trials*.

³⁰ See the lengthy letter by Isaac Heard, written following the Mankato lynching of John Campbell, Baptiste's brother, in 1865. Heard said that the judges were "astonished" at the graphic admissions made by Baptiste Campbell during the 1862 trials, statements that had the effect of implicating himself and others in murder. *Mankato Weekly Record*, May 13, 1865, reprinting a letter that first appeared in the *St. Paul Pioneer*.

³¹ Wanske, Henry Milord's mother, was the sister of the first wife of David Faribault, Sr. In his 1856 application on Milord's behalf for half-breed scrip, David Faribault, Sr., stated: "There is a half blood Indian boy named Henry Milor, aged 20 years living with me and who has been a member of my family for 15 years -- his father was a French Canadian long since dead and his mother is full blood Indian of the Medewahkanton band -- has a half blood and I am his guardian." Scrip enrollment, #505. Faribault resided in Mendota during the years Milord lived with him.

³² I am aware of the caustic criticism of Milord's trial offered by Marion Satterlee, a journalist who spent years compiling the most definitive list of white victims during the 1862 war. Satterlee was particularly incensed that the judges did not record the names of victims and the location at which they were killed. But, legally speaking, the elements of evidence found in Milord's trial are far stronger than those found in most of the 1862 trials. Satterlee, who had no legal training, focused on the aspects of the case that frustrated his quest for victim data, but lawyers who compare Milord's case with the others heard in 1862 are likely to agree with my analysis. For a published quotation of Satterlee's comments, see Isch, *The Dakota Trials*, p. 155.

³³ Sibley granted a reprieve for the brother of Other Day, a Dakota man who fought on the white side in 1862, and he endorsed a unique petition that led to the pardoning of David Faribault, Jr. (Henry Milord's cousin) early in 1863. See Bachman, *Northern Slave, Black Dakota*, pp. 221, 289-91, 298-299.

³⁴ In the 1850 census for Minnesota Territory, Joseph Lord [Milord] was listed as being 82 years old.

³⁵ In the 1850 census, Joseph Lord [Milord] was recorded as living in the household of Henry Sibley. Henry Lord [Milord] was listed in the Mendota household of David Faribault, Sr.

³⁶ Featherstonhaugh, *A Canoe Voyage up the Minnaw Sotor*, Reprint Edition, MHS, 1970, Vol. 1, 259-260, 285-287, 368-369. If Featherstonhaugh, as a one-time casual visitor to the Dakotas, was approached with the offer of a wife, it is highly likely that leading fur-traders such as Sibley would have received many such proposals. Note that Featherstonhaugh estimated Milord's age in 1835 as 55, 12 years younger than the age given for him in the 1850 census.

³⁷ Wanske's name is conclusively documented in the half-breed scrip files. See, for example, the January 8, 1900 affidavit of Walter McLeod, who said he had personally known both "Henry Milor" and "Wanske Milor." NA, RG 75, CCF, 1907-1935, File 85587-07-313, Box 108. Milord probably lived in his mother's teepee in or near Mendota

until he was five, when both he and Wanske became members of the Mendota household of David Faribault, Sr. See endnote 31.

³⁸ Affidavits of Henrietta M. Young, Harriet L. Aungie, and William Holmes, November 13, 1899, NA, RG 75, CCF, 1907-1935, File 85587-07-313, Box 108. Young and Aungie both said that Wanske had no children other than Henry Milord.

³⁹ Gilman, *Henry Hastings Sibley*, pp. 75-76.

⁴⁰ Joseph Lord [Milord], signing with his "X" in 1838, gave Sibley a power of attorney to collect and hold treaty funds "in behalf of my children, Jean Baptiste Lord and Henry Lord." Sibley Papers, MHS, Roll 2, frame 236. Sibley, as trustee, managed those funds until 1847. His detailed accountings can be found in Sibley Papers, Roll 17, with recap summaries at frames 152-153.

⁴¹ Listed as a miscellaneous item under "Profit and Loss," apparently in Sibley's own handwriting, is the following entry for March 3, 1852: "duplicate Indenture of Apprenticeship – Henry Lord to W. D. Chilson – \$4." Sibley Papers, MHS, Roll 22, frame 198. Alan Woolworth provided me with materials identifying Chilson as the owner of a steam sawmill in St. Paul. Also see biography of Chilson in Herringshaw's 1902 *Encyclopedia of American Biography of the 19th Century*.

⁴² Sioux Affidavits, Roll of Mixed-blood Claimants, Lake Pepin Half-breed Sioux, RG 75, Entry 378. On the roll of claimants, Milord is listed as an "orphan," despite the fact that his mother was still living. Helen Hastings was also listed as an orphan, despite the fact that her known father, Henry Sibley, was still living.

⁴³ See November 1858 annuity list for the "Medawakanton and Wahpakoota Sioux Tribe," showing that "Henry Millon" drew an \$8.50 annuity. For online access to the MHS microfilm of these annuity rolls, see Wigley.US/archives/33.

⁴⁴ This fact apparently came from an affidavit submitted by Milord's mother, Wanske, in about 1873, which I was unable to find. But the affidavit is quoted in a note written on Milord's relinquishment form copy at the National Archives. See NA, RG 75, Relinquishment by Lake Pepin Half-breed Sioux, Entry 381, certificates 516A-E, Henry Milor.

⁴⁵ Informing his wife by letter that Milord had been charged, Riggs referred to him as a "half breed raised by General Sibley." Riggs to Mary Riggs, October 20, 1862, Chippewa County [Minnesota] Historical Society. Riggs's publication of an almost identical assertion ("Henry Milord was raised by Gen. Sibley") appeared in both Mankato and St. Paul newspapers. See *Mankato Record*, December 26, 1862 and *St. Paul Pioneer*, December 28, 1862. Riggs's high regard for Sibley and his extensive personal contacts with him throughout the trials (they shared the same tent and both devoted much of their time to working on the trials) support the conclusion that Sibley himself probably told Riggs that he had "raised" Milord. For Sibley and Riggs sharing the same tent, see two letters, Riggs to Mary Riggs, September 8 and 17, 1862, Chippewa County Historical Society. Riggs's comment has been quoted or paraphrased in some Dakota War histories. See, for example, Buck, *Indian Outbreaks*, p. 259; and Ronnenberg, *American Mercury*, Vol. 67, at 568.

⁴⁶ There is no doubt that Riggs was aware of such rumors, for he wrote his wife about "idle talk" that was making the rounds in Mankato, claiming that Sibley had "two or three regular Dakota wives and had several children besides." Riggs to Mary Riggs, November 11, 1862, Chippewa County Historical Society. Sibley, who was an avid reader of newspapers, would have read similar allegations published in the Minnesota press.

⁴⁷ It is interesting to speculate as to whether Milord's mother did, in fact, name Sibley as the father at the execution scene. The words "esteemed white gentleman" are not those that one would expect to come from the mouth of a distraught Dakota woman who apparently spoke little English. It seems entirely possible, perhaps likely, that Nix inserted these words as a euphemism for Sibley's name, either out of a Victorian sense of propriety or to avoid a libel claim by Sibley.

⁴⁸ Jacob Nix, *The Sioux Uprising in Minnesota*, 1862, German/English edition, edited and translated by Don Heinrich Tolzmann, 1994, at 136. The author would like to express his appreciation to Mr. Tolzmann for publishing this English version of Nix's book, thereby making it available to a much wider audience.

⁴⁹ *Ibid.*, p. 136.

⁵⁰ As discussed below, an affidavit supposedly signed by Milord's mother in half-breed scrip claims, can be read as excluding Sibley as Milord's father.

⁵¹ When Sibley's army was in the field, the Dakotas who surrendered were placed "under guard" and "no one could leave ... without a special permit from Colonel Sibley." Thomas A. Robinson's account, in Anderson and Woolworth, *Through Dakota Eyes*, p. 230.

⁵² It possible that Wanske, when referring to Sibley as Milord's "father," could have used the term as Dakotas might refer to an adoptive father. Adoption was very common within the Dakota community and could be

accomplished very informally. Sibley's handling of Milord's funds and his fond regard to him as a youth could have been perceived by Dakotas as creating an adoptive bond, which would have sufficed to refer to him thereafter as the boy's father. For an excellent recital of Dakota adoption customs, see: Affidavit of John P. Williamson, January 25, 1911, Iron Elk Heirship Case, NA, RG 75, Entry 121, CCF 1907-39, file 19641-10.

⁵³ Historian Mark Diedrich has published the most extensive previous coverage of this subject. He cites three sources -- Belland, Brown, and Riggs (all quoted in full in this article) -- for what he calls the "ironic possibility" that Milord might either be Sibley's son or raised by him. See Diedrich, *Little Crow and the Dakota War*, fn. 12, p. 306.

⁵⁴ I am exceedingly grateful to Carrie R. Zeman, an accomplished archivist, historian, and author, for finding and passing along most of the references to Milord in the Folwell Papers, including the important Eli Huggins letters. Zeman spent many days reviewing the difficult-to-read portions of the Folwell Papers in connection with her own historical research projects. Aware of the my interest in Sibley and Milord, Zeman forwarded these references when she found them.

⁵⁵ At one point Folwell says: "The vile insinuation was made that he had many friends, not to say relatives, in the Indian camps whom he would not like to injure." See *History of Minnesota*, vol. 2, p. 176. While Folwell does not explicitly deny that Sibley had "relatives" among the Dakotas, that is one implication of his words.

⁵⁶ The fact that Helen Hastings was Sibley's daughter was relevant to one major subject that Folwell covered extensively in his history -- the Dakota treaties of 1851. See Folwell, vol. 1, pp. 266-304. Sibley was deeply involved in negotiating to protect the fur traders' large interests in debts allegedly incurred to the traders by the Dakotas, including large sums owed to him personally. From multiple sources, Folwell was fully aware that Sibley's Dakota father-in-law, via his paternity of Helen, was a Chief named Bad Hail. See Folwell's interview of Return I. Holcombe, December 22, 1906, Folwell Papers, Notebooks, Vol. 83 and also interviews of William L. Quinn [Folwell Notebooks, Vol. 82, August 9, 1904] and Maj. S. A. Buell [Folwell Notebooks, Vol. 82, December 25, 1905.] Bad Hail was one of the prominent signatories to the controversial documents that enabled Sibley to receive large payments from the treaty. Folwell's omission of the fact that Sibley was "negotiating" with his father-in-law supports the conclusion that he would not have published his findings about Milord's paternity even if he felt the evidence sufficed to do so.

⁵⁷ One indication of Folwell's reasoning for omitting any reference to Sibley's mixed-blood children in his history comes from a letter written by Eli Huggins. Responding to a letter from Folwell, Huggins says: "some things...as you say should not [be] published to the discredit of men who have rendered good service or who even occupied its most prominent positions. We must like Shem and Japheth 'take a garment and walk backward.'" Huggins to Folwell, April 15, 1918, Folwell Papers, Box 47, MHS.

⁵⁸ Folwell Papers, MHS, Box 114, Vol. 3, p. 123-129; also see Folwell's rough notes of the same conversation in Box 79, Folwell Papers.

⁵⁹ Folwell Papers, MHS, Box 84. The fact that Folwell's notes refer to Milord with the first name "Baptiste" is of little consequence. This mistake could easily have been made either by Quinn or by Folwell himself. There was only one person living in Minnesota in 1862 with the surname Milord, and that was Henry. The important point is that Quinn told Folwell that the Milord who was hanged at Mankato was Sibley's son.

⁶⁰ Folwell Papers, MHS, Volume 82, Folwell Notebooks.

⁶¹ Another source interviewed by Folwell explained that Sibley, when he went on long winter hunts with the Dakotas, "dressed as an Indian," was "greatly admired" by the Dakotas for his "manly accomplishments." On those hunts, Sibley got a "new" woman "for every trip." In this respect, Sibley behaved like other traders who also took Dakota wives on hunts. "They all did." See Folwell's interview of J. A. Lochren, August 5, 1904, Folwell's Notebooks, MHS, Vol. 83.

⁶² The Belland family immediately follows the Sibley family in the 1850 Minnesota census listings. Belland would not have had far to go to compare Sibley's eyes or physical appearance with those of the other candidate to be Henry Milord's father [listed under one of the many alternate spellings of his name, "Joseph Lord"], for both of them were listed in the 1850 census as living in Sibley's Mendota residence.

⁶³ Alan Woolworth, "A Sketch of the Life and Career of William L. Quinn," generously furnished to me by Mr. Woolworth in December, 2004. See, also, *St. Paul Pioneer Press*, March 7, 1906, p. 3.

⁶⁴ On August 18, 1862 (the first day of the war), Peter Quinn was killed while working as a government interpreter for Captain Marsh's company at the Redwood Ferry ambush. One of the previously unnoticed ironies of the Dakota conflict is that Peter Quinn's mixed-blood Dakota son (a half-brother of William L. Quinn) was among those who ambushed Captain Marsh's company at the Redwood Ferry on August 18, 1862. Wa-kan-hdu-ma-ne, later known as George Quinn, was among the Dakotas tried after the war by Sibley's military commission. He admitted firing

two shots at the battle of Fort Ridgely and was sentenced to hang, but his life was spared by Lincoln (See trials, #200). Much later in life, George Quinn told of his exploits during the conflict, recounting how he was one of the Dakotas at the ferry ambush. See *Through Dakota Eyes*, Anderson and Woolworth, pp. 94-5. If George Quinn's account is true, he was apparently among the group of attackers who killed his father -- a potential case of patricide.

⁶⁵ Lake Pepin Half-breed Sioux enrollment roster, copied from microfilm of Alan Woolworth (originals at National Archives) showing Quinn's wife and three children as eligible to receive half-breed scrip. See roster, #s 335-338 and affidavit 148.

⁶⁶ For a general background discussion of Lake Pepin Sioux half-breed scrip, see Folwell, *History of Minnesota*, vol. 1, appendix 11, pp. 482-486 and the appendix at the conclusion of this article. Quinn's mixed-blood genealogy affidavits or testimony appear in many half-breed scrip claims. For example, in one 1897 court affidavit, Quinn was described as an expert who "has particular knowledge of the genealogy of these [Dakota] Mixed Bloods...." Bouret affidavit, January 14, 1897, in consolidated scrip file of Harriet Provenselle, NARA, RG 75, CCF, File No. 65226-313, Box 12. Quinn himself, in connection with a claim made by mixed-blood relatives of Sibley's daughter Helen, recited his expertise in a 1900 affidavit, attesting that he "has been well acquainted with the Sioux [Dakota] Mixed Bloods for a great many years...." In the Matter of the estate of Helen Hastings, deceased, Sioux Mixed Blood, Renville County Probate Court, Renville County, Minnesota.

⁶⁷ This affidavit is quoted in a November 28, 1923 letter from W. E. Moses, National Archives, RG 75, Central Classified Files, General Services, File 85587-07-313, Box 108 [Henry Milor]. Though Mary Milor was described as the sister of Henry Milor[d], it seems virtually certain that she was, in fact, the sister of Milord's mother, Wanske. See affidavit of Walter S. McLeod, January 8, 1900, same Milor file.

⁶⁸ For Quinn's role in a 1900 Renville County probate proceeding involving the estate of Sibley's mixed-blood daughter, see: In the Matter of the Estate of Helen Hastings, deceased, cited above.

⁶⁹ Eli Huggins to Folwell, May 30, 1918, Folwell Papers, MHS, Box 47.

⁷⁰ Eli Huggins to Folwell, June 26, 1918, Folwell Papers, MHS, Box 47.

⁷¹ The summer after the Dakota War, while Sibley was commanding a punitive expedition into Dakota Territory, he received news that two of his children had died. The deaths of Frank, age 10, and Mary, age five, were crushing blows to Sibley. Alexis Laframboise would have learned of those twin tragedies in the Sibley family, for he served as a scout on that expedition. See Gilman, *Henry Hastings Sibley*, pp. 195-197 [deaths of Frank and Mary] and Anderson and Woolworth, *Through Dakota Eyes* [Alexis Franboise's service as a scout for Sibley in 1863].

⁷² In one last letter referring to Milord, Huggins reiterated that Sibley, after Milord's conviction, received the Dakota relatives of Milord "very unsympathetically." Huggins to Folwell, July 22, 1918, Folwell Papers, MHS, Box 47.

⁷³ The 392 trials were sequentially numbered, and Henry Milord case was assigned the number 115. Alexis Laframboise was either named as a potential witness or testified for the prosecution in cases 51, 52, 59, 121, 122, 126, 139, 264, 265, 288, 311, and 359. These court appearances confirm that Laframboise was present at the military encampment during the time when the reported conversation between Sibley and Milord's relatives occurred.

⁷⁴ Vol. 86, Folwell Notebooks, Folwell Papers, MHS (brackets in original). John Tapper is best known for operating a ferry on Nicollet Island that connected Minneapolis and St. Anthony. For a brief biography of Tapper, see: <http://wc.rootsweb.ancestry.com/cgi-bin/igm.cgi?op=GET&db=mbwheeler&id=I098059>.

⁷⁵ Vol. 86, pp. 79-87, Folwell Notebooks, Folwell Papers, MHS.

⁷⁶ Tapper's reference to out-of-state schooling suggests that he may have confused the story of Henry Milord's putative older half-brother, Jean Baptiste Milord, with Henry Milord. Jean Baptiste Milord could not possibly have been Sibley's son, for he was born years before Sibley arrived in Mendota. Jean Baptiste died in a drowning accident in Missouri in 1850. See F. B. Sibley to P. Chouteau, Jr., June 1, 1850, Chateau-Papin Collection, Missouri Historical Society. Bruce White generously furnished this source to me.

⁷⁷ The available evidence supports the conclusion that artist Henry Cross was a serial dissembler who fabricated details about his supposed life and invented or used other models for the personal "portraits" found in many of his Indian paintings. One of Cross's many deceptions was the claim that none of his Indian portraits were copies of photographs, though some were obviously copies of photos. He sometimes affixed backdated dates to his portraits to create the impression they had been painted years earlier than they were. Art experts from the Glenbow Museum, Calgary, made a scientific examination of the red pigments used on a Cross Indian portrait that was dated 1875; that study concluded that the paint used by Cross was not invented until 1905; thus, Cross backdated that painting by 30 to 40 years. There is no evidence that Cross was in Minnesota in 1862, as he later asserted, or that he was given access to the jail to sketch the 38 condemned men. A comparison of the sketches known to have been made of some of the condemned Dakota men by artist Robert O. Sweeny "bear no relation" to Cross's portraits of the same men.

See Ewa Smithwick, *Henry Cross, 1837-1918*, Glenbow Museum, Calgary, Alberta, 1994. The best evidence supports the conclusion that Cross's supposed "from life" portraits of the 38 men who were hanged in Mankato, including his painting of Henry Milord, were romanticized figments of Cross's fertile imagination. As a means of depicting or identifying Milord or the other men hanged in 1862, the Cross portraits should be taken as fictitious.

⁷⁸ As persons to whom half-breed scrip certificates were issued, Henry Milord and Helen Hastings are mentioned in a great many documents found in half-breed scrip, probate, or land-office files. I found a considerable number of those records, but it is obvious that many more have not yet been located.

Each scrip recipient was issued five separate certificates that entitled them to claim a total of 480 acres of free government land anywhere in the United States. Those certificates were, by law, supposed to be non-transferable and non-salable, but local land offices accepted certificates that had been transferred by a power of attorney -- in effect evading those prohibitions against transfers or sales. This ploy permitted mixed-blood recipients to obtain cash for their certificates, rather than land. Depending on the time and place, scrip was worth between one and four dollars per acre -- a total value for all five certificates ranging from \$480 to \$1,920 -- a considerable sum in the 1800s.

Each recipient's five certificates could be used or sold all at once or individually. The certificates had no expiration date and some were used into the early 1900s. If the original scrip recipient died before one or more certificates were used, his or her heirs could file claims in probate court or Indian heirship proceedings in order to obtain right to use the certificates.

But this simple explanation of half-breed scrip became far more complicated in practice. The first problem arose from the fact that, while the land-claiming procedures for scrip envisioned their use by bona fide holders or settlers, many speculators who bought scrip certificates for cash re-sold them to people engaged in extractive land-use practices, especially for mining and timber operations. Such buyers, unlike settlers, often had no real interest in long-term use of the land they used the scrip to claim. A lumber company or mining concern could buy one or more scrip certificates and file them with a local land office, thereby acquiring the right to use the acres claimed. But, once the timber had been felled or prospecting led to no discovery of valuable minerals, loggers or miners had no interest in perfecting their title to the land.

The Land Office bureaucrats in Washington viewed such unperfected claims as not divesting the federal government of its ownership. The rights to claim the land had been registered in local land offices, but since the final paperwork of a perfected transaction had not been sent to Washington, Land Office records regarded the land as unsold. Moreover, despite the fact that the mixed-blood person (or his or her heirs) had sold the scrip, the speculator who bought it had re-sold it, and the timber/mining buyer had used it for a profitable purpose, the administrators of the half-breed scrip program in Washington took the position that the scrip certificate had not been used because no one had finalized a claim for land with that certificate.

Enterprising attorneys and agents realized, starting in the 1870s, that lists could be compiled in Washington of such "unused" scrip certificates. That information was forwarded to other lawyers or agents on Dakota reservations, who spread the word that the heirs of the original scrip claimants could bring claims for duplicate scrip to replace the supposedly unused originals.

It was under such circumstances that Milord's mother, Wanske, signed an affidavit in 1873 expressing her belief that her son had "lost" some of his original certificates. In fact, he had almost certainly sold all five certificates when he signed a power of attorney document shortly after he received them. After she received duplicate scrip, Wanske, most likely, also sold them for cash, thus repeating the process followed by her son. The third phase occurred after Wanske's death. Years later, her heirs filed probate proceedings to obtain triplicate scrip for the scrip supposedly unused by Wanske. As a consequence, Henry Milord's name pops up on land records spread around the country on land documents extending from the 1850s to the early 1900s.

To assist any scholar who wishes to carry on the quest for more half-breed scrip records relating to Henry Milord or Helen Sibley, here is a list of some of the key sources I consulted:

NA, RG 75, Entry 378: Roll of Mixed-Blood Sioux Claimants, 1856 [lists all persons deemed eligible in 1856 to receive scrip] Both Milord and Helen Hastings were listed as "orphans."

NA, RG 75, Entry 379, Stubs for Certificates, 1856-1915 [Certificates stubs that indicate who signed for each certificate]. Henry Milord's certificates were delivered to him personally; duplicates were issued to a Minneapolis attorney, D. G. Shillock, in 1873. Helen Hastings's certificates were delivered to Alexander Faribault; District of Columbia lawyers signed for Helen's duplicate scrip issued in 1898.

NA, RG 75, Entry 380, Receipts for Land Certificates. On July 13, 1857, "Henry Milor" signed with his "X" to acknowledge receipt of all five scrip certificates. Most white fathers signed for their mixed-blood children who were minors, but Alexander Faribault signed (in lieu of Henry Sibley) for Helen Hasting's scrip.

NA, RG 65, Entry 381, Relinquishment of Scrip. In connection with Wanske's effort to obtain duplicate scrip in 1873, this statement appears: "Mother of scrippee swears that scrip was lost or destroyed about 1860, when scrippee was roaming with the Sioux, as she supposes -- is sole heir...." Pursuant to the above discussion, it is likely that Milord had not "lost" his scrip certificates, but had sold them to speculators who did not finalize a claim on land. I attempted to locate the original affidavit signed by Wanske, but I could not find it.

The probate proceedings I reviewed include the following files obtained from county probate court files in Minnesota, South Dakota, and Wisconsin.:

Renville County [Minnesota] Probate Court, In the Matter of the Estate of Henry Milord, 1899, in which Mary Weston, age 65 [Wanske's sister] and David Faribault, Jr., age 58 [Milord's cousin] sought to get title to Milord's unused scrip certificates.

Moody County, South Dakota Probate Court, 1910. This case was brought in 1910. After the death of Wanske's sister, Mary Weston, in 1900, there were still apparently some Henry Milord scrip certificates that had not been used. The papers indicate that John Weston, Mary's husband, had died in about 1893, leaving three children: Liza, Winona, and Phillip Weston. The petition sought a declaration that Liza Weston and Phillip Weston, the grandchildren of Wanske's sister, were her next of kin. Note that Faribault descendants were not included in this petition.

Racine County Probate Court, Racine, Wisconsin: probate case brought in 1883 by the white children of the second wife of Helen Hasting's deceased husband, indicating that Henry Sibley was still in possession of Helen's scrip certificates, which he turned over to the court. In response to a carefully worded written deposition to Sibley, he recited basic facts about Helen, but omitted any reference to the fact that he was her father.

⁷⁹ Sibley was a member of such an old and prominent family that his family tree can be traced back to early colonial times. Though Sibley himself is not survived by an all-male lineage of descendants (as required for DNA analysis) it would still be possible to compare the DNA of his known ancestors (some of whom have all-male lineages as required for DNA analysis) with Milord's DNA (if it could be found). The family trees of many of Sibley's ancestors are documented in Sibley, *The Sibley Family in America, 1629-1972*, 1982.

⁸⁰ One intriguing reference to the burial site of the bodies of the 38 hanged men described special arrangements made for placement of the bodies of "half-breeds" in the mass grave. The three mixed-blood men "were buried in one corner so that they can be disinterred by their friends." *Lake City Times*, January 3, 1863. There is no evidence that Sibley requested this special placement or that he planned to disinter Milord's body, nor is there any indication that the mixed-blood men's bodies were spared by those who pillaged the grave to obtain cadavers for medical use. All 38 bodies are believed to have been taken in this manner. Nonetheless, someone involved in the Mankato hangings apparently made plans that would have facilitated the removal of the bodies of the mixed-blood men for possible reburial in a more dignified and proper grave. Even in death, favoritism was extended to mixed-bloods in comparison with full-bloods.

⁸¹ See affidavits of Walter, McLeod, Henrietta M. Young, and Harriet L. Aungie, cited above.

⁸² See Corrine Marz, *The Dakota Indian Internment at Fort Snelling, 1862-1864*, p. 148-152; Marz lists five baptisms conducted in Mankato on December 30, 1862. Though the original record does not identify the parents of any of these baptized children, Marz reasonably infers that the Milord child was the "Son of Henry Milord."

⁸³ For a more detailed discussion of the religious tug-of-war to between Catholic and Protestant clerics who sought to baptize the condemned men, see Bachman, *Northern Slave, Black Dakota*, pp. 267-269.