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Capt. William J. Duley.

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CAPT. WILLIAM J. DULEY.

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JULY 30, 1888.—Committed to the Committee of the Whole House and ordered to be printed.

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Mr. HUNTER, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 9310.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9310) granting a pension to Capt. W. J. Duley, have had the same under careful consideration, and find that the proposed beneficiary of the bill was badly wounded himself, and his family grievously outraged and oppressed by the Sioux Indians at the time of their outbreak in Minnesota in 1862. The facts in the case are found to be as follows:

Captain Duley's settlement at Lake Shetek, Murray County, Minn., was attacked by the Sioux Indians August 21, 1862. Captain Duley heroically defended himself and his neighbors, killing the chief, Lean Bear, in the combat, but was overpowered after being badly wounded. Three of his family were massacred, and his wife and two of his children taken prisoners.

Immediately upon recovering from his wounds sufficiently to enable him to do so, Captain Duley volunteered his services as scout in the campaign undertaken by General Sibley, to punish the Sioux for their outrages previously recited. General Sibley accepted Captain Duley's offer, and he proved to be both brave and sagacious, and as a recognition of the distinguished services rendered by Captain Duley, and to afford him the personal gratification of bearing a personal part in the punishment inflicted upon the savages through whom he had suffered so cruelly, both in person and in his family, he was ordered to superintend the details of the execution of the thirty-eight Indians who were hanged at Mankato, December 26, 1862, and the murderers were hanged under his immediate supervision.

Captain Duley enjoyed in an unusual degree the respect and confidence of his commanding officers while in the service, his strictly moral and temperate habits rendering him thoroughly reliable for the most arduous and perilous duty, and was also highly esteemed by his neighbors and acquaintances.

Maj. Gen. Henry H. Sibley, subsequently governor of Minnesota; S. P. Jennison, late lieutenant-colonel of the Tenth Minnesota Volunteers, engaged in the pursuit, capture, and punishment of the Indians in 1862-'63; William Crooks, late colonel Sixth Minnesota Infantry Volunteers in same expedition; William R. Marshall, late colonel Seventh

Minnesota Volunteers in same expedition; ex-Governor L. F. Hubbard, and other citizens of Minnesota who had personal knowledge of Captain Duley's services and sufferings, have united in a petition to Congress, praying Congress to grant Captain Duley some relief, which the committee beg to incorporate in and make part of this report:

SAINT PAUL, MINN., June 18, 1885.

The undersigned respectfully memorialize the Congress of the United States to authorize a pension to Capt. William J. Duley, who suffered greatly in his person and family at the time of the Sioux outbreak in Minnesota in August, 1862, and who rendered most valuable service as a scout and otherwise during the expeditions against the authors of the massacre of 1862 and 1863, under General Sibley.

Captain Duley's settlement at Lake Shetek, Murray County, Minn., was attacked by the Indians August 21, 1862. He heroically defended his neighbors and family, killed the chief, Lean Bear, but was overpowered. Three of his family were among the massacred, his wife and two children were taken prisoners, and he was badly wounded. As soon as recovered from his wounds sufficiently he gave his services as a scout in the campaigns against the Indians, that avenged the horrible outrages upon the settlers. He was remarkably brave and sagacious and rendered such distinguished services that at the execution of the thirty-eight Indians hung at Mankato, December 26, 1862, Captain Duley was appointed to superintend the erection of the gallows, and to cut the rope that suspended the drop from which the murderers swung in the air.

Captain Duley enjoyed in an unusual degree the respect and confidence of his commanders. He was a man of strictly temperate and moral habits, always to be relied on for the most difficult and perilous duty.

He is now, in his old age, poor and in infirm health. He suffers from the effects of his wounds and exposure; his wife is an invalid from months of captivity and untold outrages among the Indians.

Captain Duley, not being an enlisted man or mustered into the United States service, is not entitled to pension under the general laws. Hence this application for relief by special act.

Respectfully,

L. F. HUBBARD,  
Governor.

S. P. JENNISON,

*Late Lieutenant-Colonel Tenth Regiment Minnesota Volunteers on Indian Expedition, 1863.*

WILLIAM CROOKS,

*Late Colonel Sixth Minnesota Infantry Volunteers in Indian Expeditions of 1862 and 1863.*

ALEX. RAMSEY,

*Ex-Governor, late Secretary of War.*

HENRY H. SIBLEY,

*Ex-Governor of Minnesota, late Brevet Major-General United States Volunteers,*

*Commanding Military District of Minnesota.*

WM. R. MARSHALL,

*Late Colonel Seventh Regiment Minnesota Volunteers in Indian Expeditions of*

*1862 and 1863, and ex-Governor of Minnesota.*

HORACE AUSTIN,

*An officer on the expedition and late Governor of Minnesota.*

A number of citizens of Minnesota, who were personally acquainted with Captain Duley and were present at the execution of the thirty-eight Indians hereinbefore referred to, have united in a certificate as to the personal part borne by Captain Duley in said execution, which the committee beg also to incorporate in and make part of this report:

STATE OF MINNESOTA, COUNTY OF BLUE EARTH, CITY OF MANKATO:

We, the undersigned, residents and citizens of the said city of Mankato, state that we were well acquainted with Capt. William J. Duley prior to his removal to Colbert County, in the State of Alabama.

That we were present at the execution of the thirty-eight Sioux Indians who were hung at said city of Mankato on the 26th day of December, A. D. 1862, and personally saw said William J. Duley cut the rope that held up the frame upon which said Indians stood at the time of such execution, whereby said Indians were suspended

until they were dead Also, that said Duley superintended and assisted in the erection of said gallows.

Dated Mankato, Minn., February 14, 1885.

DANIEL BUCK,  
*Attorney at Law.*  
JOHN WILLIAM HOERR,  
*Proprietor of American House.*  
JOHN F. MEAGHER.  
JOHN C. WISE.  
J. T. WILLIAMS.  
CHARLES A. CHAPMAN.  
S. F. BARNEY,  
*Attorney at Law.*  
H. P. CHRISTENSON,  
*Insurance Agent.*  
A. C. BARNEY,  
*Insurance Agent.*

W. J. MARTIN.  
G. C. BURT.  
CLARK KEYSAR,  
*Late First Lieutenant Company E,  
Ninth Minnesota Infantry.*  
CHARLES BENNETT.  
GEORGE H. MARSH.  
DAVID DACKINS.  
JOHN PAGE.  
FRED BOEGEN.  
JOHN W. LEWIS.  
GEORGE PAYOR.

The committee find further that Captain Duley was never enlisted or mustered into the military service of the United States, and therefore, notwithstanding his wounds and services, can not claim a pension under the pension laws; that he is now, in his old age, poor and infirm, and still suffering from the effects of wounds and exposure in his fight with and pursuit of the Indians.

In view of all the facts and circumstances of Captain Duley's case, the committee regard it as one eminently deserving of Congressional interference to grant the relief not otherwise obtainable, and they therefore report the bill back without amendment, and recommend its passage.