

# JUST INDIAN JUDGE.

### White Swan Has Received His Commission as Chief Justice at Cheyenne.

### The Impartial Manner in Which He Recently Tried a Divorce Case.

### Two Kettle Indians Taking Lands in Severalty to the Number of Ninety-seven.

FROM FRIDAY'S DAILY.

A FREE PRESS man dropped into the United States land office this morning and after giving the proper pass word was admitted behind the desk by Judge Carter.

"Anything new here today, judge?" "Well, no, I guess not—yes, you might say Niels Fuglesang proved up on 100 acres today. You might further add that this office has received word from the United States land office at Huron, that the Sully county plats will be ready to be sent to this office either Monday or Tuesday next.

"Here is Captain Norville. He can give you some Indian news."

The captain smiled benignly and at once proceeded to say that he had just engaged Miss Ridenour, the land office type writer, to make a copy of the names of ninety-seven Indians, which comprises the entire list of Indians who had filed declarations to take land in severalty on the late ceded reservation. This did not include any children who were entitled to eighty acres each.

The captain stated further: "Chief White Swan, well known in Pierre, received a commission from the government last Tuesday, appointing him supreme judge of the Indian court of the Cheyenne agency. It was an elaborate document with a red seal as big as a full moon stamped on it and a big ribbon hanging from the seal. The 'judge' was awfully proud of it, too. All petty Indian troubles that occur among themselves are tried before him. I was present at the trial of his last case. It was a divorce case in which the husband wanted divorce from his young wife because she was permitting another young Indian to show her attentions that she was supposed to receive only from her husband.

"Judge Swan, after the court was called to order, filled his pipe and quietly took a smoke. The utmost silence prevailed in the court room while the judge sat wrapped in the profoundest dignity—and smoke—deeply meditating.

"The signification of the smoke was that he was at peace with both plaintiff and defendant; that the trial should be fair and strictly on the merits of the case. He then listened patiently to the story of each witness and the principals in the case. At the conclusion he had the case sized up, and promptly sentenced the woman to thirty days in the guard house, and her illegitimate lover to sixty days in prison—at the same time granting her husband a decree of divorce.

"In pronouncing sentence on the young man the judge used some severe and caustic language, and called him a 'disturber of public tranquility.' How's that? I think it would have worried the chief justice of the United States' to express the point in better diction."

The captain thinks that the effect of the late Indian war is such as to settle beyond doubt in the minds of the Two Kettle band on Bad river that it is wise for them to remain where they are and give up going to the reservation to maintain tribal relations.

RETURNED SAFELY.

### Mr. J. H. Johnson Arrives Home from the Frontier.

Winona Republican, 23: Special telegrams received from Pierre state that Johnson, the Indian Messiah and ghost dancer, had left Dakota for Winona to spend the holidays, and that it was believed that Mr. Johnson was on the frontier when Sitting Bull was slain, and that although he made no statement, it was believed that an emissary of the O. M. A. society was really the instrument of Sitting Bull's demise. Instructions were also received to interview him and telegraph Pierre, St. Paul and Chicago papers. A Republican reporter hunted up Johnson and the telegrams were shown him and he stated: "Yes, Sitting Bull is dead; there is no question of that. He is now a good Indian and probably chasing buffalos in the happy hunting grounds."

"Who killed him?" asked the reporter. "Well, I don't know. The honor will probably remain a secret and I do not wish to detract from the honors given to Bull-head. Some think it was the special police of the government. Perhaps it was Buffalo Bill was sent on this mission first, but he was too well known and failed to make the arrest. It was generally understood that Sitting Bull would resist arrest and that he could not be captured alive, therefore the mission would necessarily end fatally to whoever attempted it."

"Do you think the O. M. A. society had anything to do with it?" "No, I do not. I don't even think those Pierre correspondents or reporters would have dared to go on so perilous a mission, though they are known to be a very enterprising set of newspaper men."

"How about Chief 'Roaring Thunder' and 'Man Afraid of a Five Dollar Bill'?" "Do you know these?" "No. My acquaintance with Sioux chiefs is very limited. I don't think there is anyone living in Dakota who is afraid of even a dollar bill, so that must be some one down in Oklahoma or Texas."

"Is there really that scare and excitement in Dakota that the people in the west believe?" "No, I should say not. Even in the towns on the border they laugh at it. No white man has ever been killed yet, and

# THE CHANCES ARE THERE WON'T BE ONE, UNLESS THE SOLDIERS WILL HAVE TO GO INTO A PITCHED BATTLE WITH THE FEW REDSKINS CAMPING OUT IN THE BAD LANDS.

A Campaign Was Made on the Jack Rabbits Yesterday by Hounds and Hunters.

Chief Incidents of the Sport Including a Picture of the Boss Sir Jack.

Law on the Senatorial Election—New Years Calls the Proper Thing.

FROM SATURDAY'S DAILY.

The above indicates what the jack rabbits of Snake butte vicinity were engaged in doing yesterday. About fifty or sixty persons, on horse or in buggies, went out to Snake butte, according to program, to catch "jacks." Every man on horse was a ranking officer, from the general commanding, E. A. West, down to captains.

When the brigade reached the other side of the ravine crossed by the long bridge, the forces were formed in a line about a mile long, with General Lillibridge in command of the left wing and General Albright in command of the right, while General West had charge of the center.

The army then made advance towards the butte, with the purpose of driving the "jacks" over the prairie and out of the hills, on to the level stretch beyond, where the hounds were to be turned loose on them.

This scheme of rounding up a herd of jack rabbits was a novel one—but it is now believed to be impractical. The only jack seen was on Lillibridge's left, and he put the whole flank to rout, and instead of herding he charged through the lines and escaped to the deep ravines to the rear.

The line was again formed and the ascent of the butte made without seeing another jack.

On the prairie beyond, orders were given by Colonel Albright not to let the hounds loose for any jack that might be started until a certain distance from the hills—and not to holler. At this juncture a jack about eight feet long bounded up in front of Colonel McClure, and disregarding his late orders he gave a yell that could be heard in Sully county, dug his heels into his horse's flanks and in company with the Wells hound accompanied the rabbit back into the hills. Here the jack gave them the grand shake.

The colonel had his kodak with him and made snap shots on the fly, but examination of the proofs since showed that he only caught a section of a barb wire fence—although he endeavors to make his friends believe that the flaw or white streak across the picture is really the jack.

At this juncture Capt. Horn's ambulance corps arrived on the field and the Wells dog was taken in charge and given some water.

Soon another jack was started, but none of the hounds saw it until it had got under fine headway fully five hundred yards distant—when the Fort Pierre hound spied it, and away he went. Lord! How that dog did run, and a pup too. This was a great chase, but the rabbit was a veteran at the trade, and made the hills all right.

After parading around over a few tree claims, word came that some parties had a jack located not far from the hills—right on the road home. This vicinity was soon reached. The hunters were aligned between the rabbit and the hills. Three hounds were led towards the jack—a big fellow—who sat smiling at the operations. Col McClure asked for a snap shot with his kodak as the hounds and rabbit started, and got a good picture of General West's legs!

This rabbit, just to show what kind of stuff Snake butte jacks are made of, liberally took right out on the level prairie.

The effect was the same as though he had gone into the hills—and General Albright tendered his resignation when he saw his Scotch hound turn around and walk back after running a few rods.

The order was then given to break ranks and return home for dinner—although it was too late for most of them.

It was regretted that the Davis hound was laid up and could not be with the party—and the Fort Pierre hound, which is a pup from the Davis dog, was admitted to be the prettiest runner of the gang yesterday.

Some were so disgusted with the result of the chase that they stole a colt from a herd and brought it home with them.

Another jack-rabbit hunt is being planned for New Years, but we know of some who will not attend—they are standing up to eat their meals today.

When the Senator is Elected. Col. Goodner, clerk of the supreme court, has directed our attention to sections 14 and 15, chapter 1, of the revised statutes of the United States, governing the election of senators. Unless another act has intervened, which is not probable, the successor to Senator Moody will not

# BE ELECTED UNTIL JANUARY 30, OR AFTER.

Section 14. The legislature of each state, which is chosen next preceding the expiration of the time for which any senator was elected to represent said state in congress shall, on the second Tuesday after the meeting and organization thereof, proceed to elect a senator in congress.

Section 15. Such election shall be conducted in the following manner: each house shall openly, by a viva voce vote of each member present, name one person for senator in congress from such state, and the name of the person as voted for, who receives a majority of the whole number of votes cast in each house, shall be entered on the journal of that house by the clerk or secretary thereof; or if either house fails to give such majority to any person upon that day, the fact shall be entered upon the journal.

At 12 o'clock meridian of the day following that on which proceedings are required to take place, as aforesaid, the members of the two houses shall convene in joint assembly, and the journal of each house shall then be read, and if the same person has received a majority of all the votes in each house, he shall be declared duly elected senator. But if the same person has not received a majority of the votes in each house, or if either house has failed to take proceedings as required by this section, the joint assembly shall then proceed to choose, by a viva voce vote of each person present, a person for senator, and the person who receives a majority of all the votes of the joint assembly, a majority of all the members elected to both houses being present and voting, shall then be declared duly elected. If no person receives a majority on the first day, the joint assembly shall meet at 12 o'clock meridian of each succeeding day during the session of the legislature, and shall take at least one vote, until a senator is elected.

FROM SATURDAY'S DAILY.



The subject has not been discussed yet, but the FREE PRESS would suggest to the ladies of the city that there are several scores of gentlemen who are actually pining away in fear that they will not have the opportunity of making New Years calls, and the scribe is besieged on all sides by requests to use his eloquence to persuade the ladies to open their houses for calls on the first day of 1891, which will be next Thursday. Seriously, this is a most delightful custom, and if these receptions are rightly conducted add much towards creating a fraternal feeling among the people of a community. For the past few years it is not considered good form to serve wine or other intoxicants to New Years callers, and a simple lunch of rolls, sandwiches, cake and fruit, with tea and coffee on the side is all that custom warrants, and even that may be dispensed with. It is not the lunch that is desired by callers, but the social privilege of calling on their lady friends and enjoying a breezy chat for a few moments. In keeping open houses it is usual for several ladies to club together at the home of one, and the lady boarders at the various hotels can hold receptions in the hotel parlors. By all means let us have a social reunion on the first day of the new year.

The FREE PRESS will be glad to publish a complete list of those who will receive, and would again urge the ladies to make their arrangements.

FROM FORT PIERRE.

### The Regular Grist of News From Over the River.

DEACON RIGGLE, an old and experienced ranchman, has just returned from the Bad river cattle ranges and states that the cattle are in fine condition—as fat and sleek as wolves. Mr. Riggle also states that the prairies are covered with large quantities of rich, matured grass that eat to waste for the lack of cattle to cut it off. It might here be said that millions of dollars are being lost to South Dakota in not having stock to consume this natural product of the prairies.

The Christmas tree exercises held by the Bad river Indians in their church on Christmas night are reported to have been interesting and highly enjoyable.

Rev. James Oakey will preach in the Fort Pierre Congregational church tomorrow at 3 p. m. Subject: "A Sermon for the Close of the Year."

Two or three loads of merchandise, etc., started west today.

The Indian trade was quite large today.

Teams crossed over the main channel this forenoon.

Election of officers and teachers of the Congregational Sunday school for the ensuing term occurred yesterday, the result being as follows: F. R. Ketchum, superintendent; Blanche Jeffries, secretary; C. F. S. Templin, treasurer; Mrs. Frank Roll, librarian, and Charles Jennings, collector of offering. The following are the teachers elected: C. F. S. Templin, bible class; Mrs. Howes, intermediate; Dr. Dickey, juvenile; Ethel Whitney, primary. An order was given for a library of forty volumes and other supplies for the school.

Numerous holders of town lots are making preparations to prove up thereon before Mayor Ervin shortly—or as soon as the books are received.

A number of Pierre people crossed over on the ice this forenoon, notwithstanding the fact that the ice is not the safest.

Indian freight is still being crossed to this point for the Cheyenne Indians.

John Ledwick's blacksmith shop is nearing completion.

Whooping cough, croup, sore throat, sudden colds, and lung troubles peculiar to children, are easily controlled by promptly administering Ayer's cherry pectoral. This remedy is safe to take, certain in its action, and adapted to all constitutions.

The Weekly FREE PRESS one year and a \$2 book all for \$2.

### Children Cry for Pitcher's Castoria.

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The "Barren Waste" beats them all.

# ANOTHER PICTURE.

### An Account of How the Big Foot Band Were Brought Into the Cheyenne Agency.

### Just the Opposite of What Has Been Pictured in Descriptions of the Event.

### Comm'r. Parker Describes Two Black Hills State Institutions of Note.

FROM MONDAY'S DAILY.

The following account of the capture of hostiles on Cheyenne river is furnished us by an eye witness:

Fort Bennett, S. D., Dec. 26.—Mr. Editor: The Sioux City Journal of the 24th inst. contains the following telegraphic dispatch: "Pierre, Dec. 23, special. Reports from Fort Bennett indicate that the hostiles under Big Foot, who capitulated, are on the way to the post. The first company of troops to reach them made terms, offering peace if they would surrender their arms. The Indians refused and threatened to massacre the company. The next day seven more companies arrived, when the hostiles gave up their Winchester and ammunition. One hundred of Sitting Bull's braves will be sent to Standing Rock."

"Such were the tales that won belief. And such the coloring fancy gave."

Now, Mr. Editor, the fact of the matter is that these Indians were discovered by Lieut. Hale, hiding in the bushes on the Cheyenne river about four miles east of Dupree's ranch. They were interviewed by him, but as he was not a big chief, they wanted Capt. Hearst to receive their surrender. So, in reality, Capt. Hearst captured the above band of hostiles single handed. The next thing that happened was that all the available wagons and transportation that could be mustered at the agency had to be sent out to this hostile camp to bring in the savage band; including the agency physician, with a sack of sugar and coffee and medicines and stimulants, to keep them alive. They reached the vicinity of the agency about 5 o'clock, where they were rounded up, formed into line and marched through the agency to their place near the military camp and convenient to grub. Oh, for a Kodak to picture them as they limped through the agency, lame, sick, halt and blind; old men, and old women, and children, and squalling papooses; and this the war party. Where were the one hundred braves that were to be returned to Standing Rock agency? Where were the warriors that were to massacre the devoted one company? On a careful search only three able bodied men were found in this refugee band of non-combatants, scared out of Standing Rock agency by the melee with Sitting Bull and running for their lives. Thus ends the grand surrender and the war on the Cheyenne river. Now all ye white settlers on the banks of the beautiful and unbloody Cheyenne, return to your lovely penates, ye little children seek your little trundle beds and sleep the sleep of peace, for the red superannated beef-eating savage reposes, while he laughs in his sleeve at the idea of being a prisoner of war on the banks of the sleeping Missouri.

HUMP. N. X. MARK.

### Two Black Hills Institutions.

Land Commissioner Parker, who has recently returned from a trip to the Black Hills, was seen by a FREE PRESS man today, and asked for a little account of his visit. His object in going there was in an official capacity to look up some of the school lands and on other educational matters. He said:

"The Spearfish Normal school is a number one school, and ably managed by Fayette L. Cooke, its principal, who is entirely devoted to its interests and spares no pains to make it first-class in every respect. Some idea of its popularity can be had from the attendance, which comprises 126 students. Their interest in the work is good, discipline perfect, and the institution will compare with other normal schools in older states."

"The Hot Springs Soldiers' Home, which I also visited in my rounds, is in my opinion one of the finest, and about the best built building in the state, being capacious, solid and beautiful. This sample of rock here is what its walls are made of, being mined in the Hills, and gives the building a perfect finish."

"It now has some forty inmates, all old veterans, who need just such a home. Each of them receives from the government \$100 for his maintenance each year, which I should say, covers a major share of his living expenses. There is room there now for 300 inmates. The home now lacks furniture, there being only fifty beds there at present, while a library would come in good play, if everybody would give donations of a few old books towards it. The culinary department is well managed, while there are plenty of bath tubs on each floor supplied directly with mineral waters from the famous springs near by. I spent some time there to satisfy myself, and believe the state has done handsomely by the broken down and crippled veterans who deserve more than can ever be returned by the government for their services in the past. There is plenty that might yet be told about this place, that would be of interest. It is a great credit to the state."

"Now is the winter of our discontent made glorious summer" by Ayer's sarsaparilla. This wonderful medicine so invigorates the system and enriches the blood that cold weather becomes positively enjoyable. Arctic explorers would do well to make a note of this.

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# WHO IS MRS. WELDON?

### Said She Is Not the Agent of an Indian Aid Society.

### The People of Pierre Will Remember Last Summer when the Abner O'Neal Arrived in Pierre from Standing Rock It Had as Passengers a Mrs. Weldon and Her Son, a Lad of Perhaps Twelve Years of Age.

### The Free Press Had at the Time a Short Interview with the Lady, as She Had Become Quite Notorious as the One Who Had Been Trifling with the Feelings of Sitting Bull—So the Reports Stated. She Disclaimed, in an Emphatic Way, any Connection in This Manner, and Alleged that the Sensation Was Started by an Imaginative Correspondent at Bismarck, or Something to That Effect.

THE FOLLOWING, FROM A RECENT ISSUE OF THE NEW YORK HERALD, THROWS SOME LIGHT ON THE CASE:

Considerable curiosity has been excited in Brooklyn and elsewhere as to the identity of the Mrs. Weldon, of Brooklyn, N. Y., mentioned in dispatches from Bismarck, N. D., as having lived with Sitting Bull for several months as an agent of an Indian aid society of Brooklyn. There is only one such society in the city across the bridge, the Brooklyn Women's Indian association, and Mrs. Lyman Abbott, wife of the pastor of Plymouth church, is its president. Mrs. Abbott said yesterday she was happy to state that no member of the association knew Mrs. Weldon, that she had no connection with the organization and did not represent it in any way, as the association had no authorized agents. Mrs. Abbott further said that the first heard of Mrs. Weldon about six weeks ago when some one wrote to the newspapers sharply scoring the association for sending out such an agent, stating that the present Indian trouble was, in a great measure, due to Mrs. Weldon's evil influence over Sitting Bull. The members of the association conferred upon the subject at that time, but none of them had ever heard of the woman. A letter was received subsequently from a New Jersey town, where a Mrs. Weldon at one time lived, which stated that the woman had at some previous period lived in Brooklyn, but had sold her effects and gone west. Mrs. Abbott believes that Mrs. Weldon is an adventuress.

A dispatch from Standing Rock says that while Mrs. Weldon was foolishly infatuated with Sitting Bull at first, Major McLaughlin avers that he "was in a position to know" that "the relations were not criminal," as intimated in the press dispatches.

### ATTORNEY GENERAL'S OPINIONS.

### He Gives Two on Matters of Public Interest.

REGISTER OF DEEDS. Attorney General's Office, Pierre, S. D., Dec. 22, 1890. Frank Turner, District Attorney.

Dear Sir: Replying to your request for the opinion of this office as to whether or not a register of deeds, after the first Monday in January next, will be entitled to retain the fees for making abstracts of title, I would say that a literal application of chapter one, of the laws of 1889—and that seems at first view to be correct—would confine the official action of the register to the act of making the certificate to an abstract, and hence limit the official fee to the compensation for that service, and require that fee only to be accounted for, but construing the provisions of the act in the light of the necessity for protection to persons relying on abstracts, and considering the special provisions to that end contained in section six and relating to the office of register of deeds, I am constrained to the view that it was the intention of the legislature to place the entire business of making abstracts by such officers within the range of their official duties, and therefore make them responsible for an account of the fees received as compensation therefor. If this view be correct it follows that under chapter 134 of the laws of 1890—a register of deeds will not be entitled to return the fees collected by him for making abstracts. This question is by no means free from either doubt or difficulty. Respectfully,

ROBERT DOLLARD.

RAILROAD CORPORATIONS. Attorney General's Office, Pierre, S. D., Dec. 11, 1890.

Dear Sir: Your favor of the 8th inst. is received, and in reply I enclose copy of a letter part of which will show the conclusion at which I arrived when considering the question as to laws in force in this state.

Since I wrote this letter an examination of the authorities more fully, viz Cooley and Story on constitution, etc., a leading Ohio case, opinion by Judge Thurman and decisions of the United States supreme court, has convinced me that my position is correct.

The only railroad law that I can now recall as affected by state constitution is that passed last winter providing for gross earning tax, constitution leaving roads to be taxed as in Illinois for example.

I see no reason why you will not be as safe in extending your road under the state as under the territorial government, and certainly our people will bid you a hearty God speed, more particularly should you come to us by the way of the coal mines on our western border. I can see no reason why section 1, article 17, of our constitution should be so construed as to prohibit the organization of corporations under our existing general law, except that it might be said corporations cannot be hereafter created except in pursuance of a law brought into existence by legislative action after the birth of the state, which would seem to me to be an absurdity when the general law now in force meets the substantial requirements of the constitution and averts the mischief which I apprehend its framers had in view.

You may get some light from the Illinois supreme court on this question as that section is but a repetition of section 1, article 11 of the constitution of 1870 of that state. Respectfully,

ROBERT DOLLARD.

The "Barren Waste" beats them all.