

Pierre Weekly Free Press.

VOL. IX.

PIERRE, SOUTH DAKOTA, THURSDAY, MAY 28, 1891.

NO. 2.

CHAS. L. HYDE,
THE REAL ESTATE DEALER,
Is Glad To Answer Any Inquiries Concerning Pierre.

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Glass, Putty, Paints, Oils, Varnishes and Dye-Staffs,

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Medicines and Physicians' Prescriptions accurately
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PRATT & WELLMAN'S ADDITION

is now plat'd and on the market. The plat can be seen at our office in Dakota
Central Bank, opposite Wells House.

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work a specialty. The only upholstered
dray in the city. All orders receive at-
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THE DISABILITY BILL IS A LAW.
Soldiers Disabled Since the War are Entitled
Dependent widows and parents now dependent
whose sons died from effects of army service are
included. If you wish your claim speedily and
successfully prosecuted, address:
JAMES TANNER,
Late Com'r of Pensions. Washington, D.C.

SETTLERS SECURED.

A Decision From Headquarters Re-
specting Rights of Reservation
Settlers.

Where They Have Taken Land and
Improved It No Indians Can
Step in.

Something That Will Prove Valuable
in Preventing Future Com-
plications.

Plats of the Land West Beginning to
Arrive—Ready for Filing
June 20.

Twenty plats of townships west of the
river were received at the land office this
week, and will be ready for filing by June
20 and 25. The plats cover land in
Stanley, Nowlin and Sterling counties,
and are described as follows, north and
east of the Black Hills principal meridian
and base line: Ranges 20, 22, 23, 24,
township 4; ranges 19, 20, 23, 24, 25, 26, 27,
28, 29, 30, 31, township 5; ranges 24, 25, 26,
27, 28, 29, 30, 31, township 6; ranges 22, 23,
24, township 2.

This will be a great convenience to set-
tlers who have located on these lands, as
when these filings are in no further con-
test can be made, though squatter's
rights, being regarded as secure, are not
always so. Other plats are on the way,
and will soon be received at the land office.

The way of the settlers seems to be
coming more sure, from the above fact,
and also from the following important
decision, which protects the white set-
tlers against the encroachments of Indian
claims to the lands that have been held
and improved. The opinion is rendered
by the assistant attorney general of the
United States, and was received at the
land office about the same time as the
plats above referred to:

The Honorable Secretary of the Inter-
ior, Sir: I have the honor to acknowl-
edge the receipt, by reference from the
Honorable Acting Secretary Chandler, of
a report from the Indian office, dated the
5th inst., upon the following question,
submitted by the general land office,
namely:

"Are Indian parents allowed to select
land within the ceded portion of the
Sioux reservation for their children, on
which, after Feb. 28, 1890, (1891) white set-
tlers had established residence and made
valuable improvements, previous to date
of such selection. An early answer will
prevent serious complications."

By said reference my opinion is re-
quested "upon the question herein pre-
sented."

The Indian office quotes the decision of
Acting Secretary Chandler, under date of
April 28, 1891, concurring in the recom-
mendations of the Indian office, dated
April 27, same year, and holding that—
(Press-copy "A," page 117, Ind. Div.)

"As some of the Indians residing on the
ceded lands at the date on which said act
took effect may not have had knowledge
of the notice of Feb. 15, 1890, and as they,
under the law, may have, within one year
after they have been notified of their
right of option, the allotment to which
they would be otherwise entitled on said
separate reservations, I am of the opinion
that said Indian who shall satisfy the al-
lotting agent that he was residing on the
ceded lands at the date the act took ef-
fect, and has continuously lived thereon
since that time, and has had no personal
notice of his right, may have allotted to
him the lands where he has so continued
to reside, provided there be no legal ad-
verse claim thereto; and if there should
be an adverse claim, said Indian may
have allotted to him other lands within
said ceded tract.

"In all such cases you will allow him
to exercise his right."

Under said decision, the Indian office
holds that "An Indian could not select
tracts for allotment to his minor children,
after Feb. 28, 1891, to which legal adverse
claims had attached, but he could make
selections for them upon other land with-
in said ceded tract where no legal adverse
claim existed."

There can be no question, I think, that
no one, whether Indian or white man, can
select or appropriate any part of the pub-
lic domain "to which legal adverse claims
had attached" prior thereto.

In an opinion rendered by me on Feb-
ruary 26, 1890, (Press copy vol. 4, pages 224
-242) decided in by the attorney gen-
eral, (10 Op., 511) it was held that it is
the duty of the government to protect the
Indian allottees in the enjoyment of their
allotments under said act of March 2,
1889, (25 Stats. 998), and in the discharge
of that duty the military forces of the
United States, may, if necessary, be em-
ployed by the president for their protec-
tion.

But it is equally true that it is the duty
of the department to see that the legal
adverse claims of bona fide settlers upon
the ceded tracts shall be protected, and
that the selections for the Indian children
shall be made upon lands subject thereto
which have not already been legally ap-
propriated. It would seem almost a
waste of time to cite authority for so
plain a proposition. Reference, however,
may be made to the following cases:

Wilcox vs Jackson, 13 Peters, 298-313;
Leevenworth, etc., Railroad company vs.
United States; 92 U. S. 733-745; Hastings
etc., Railroad company vs. Whitney, 132
U. S. 357-360; opinion of Attorney General
MacVeigh, 47, Op., 160.

No good reason is shown why the treaty
obligations and agreements with the
Sioux nation of Indians may not be fully
executed without disturbing any "legal
adverse claim."

I am therefore of the opinion, and so
advise you, that said question must be
answered in the negative.

The papers submitted are herewith re-
turned. Very respectfully,
GEO. H. SHIELDS,
Assistant Attorney General.

LAND OFFICE NOTES.

Gen. Pease will start tomorrow for
Faulkton, where he delivers a memorial
address. When he returns next week he
will arrange a time to meet Winnebago
settlers at Canning, Blunt and Highmore
to adjust their claims. In conversation
with the FREE PRESS, the general stated:

"There was some excuse for the set-
tlers who went on those lands in 1885, for
being misled up. They kept no accounts,
being settled in the conviction that they
would never receive pay for being ejected,
and thus are at a loss to give accurate in-
formation. There were a great many
more settlers on the tract than the de-
partment apprehended, in many parts
every quarter section having been occu-
pied, and I can truthfully state that but
for the revocation of Arthur's proclama-
tion it would now be the most thickly
populated portion of the state. There
have been many cases brought to my no-
tice where extreme hardship was suf-
fered, they having sacrificed everything
and leaving without a dollar, and no
means to provide food and shelter for
themselves and families. To show how
they are scattered to every part of the
earth, I received three applications to
adjust claims for parties living in Eng-
land, four from Norway, three from Den-
mark, several from Canada, and they
come from every quarter, from Maine to
Texas. I think it will take about three
months to close up my part of the busi-
ness, when the claims will have to go
through department routine for ap-
proval."

Monday the officials of the land office
received a dispatch announcing that the
boundaries of the Pierre district had been
changed by proclamation so as to give it
about 300,000 acres additional, the Cham-
berlain district losing accordingly. The
change makes the southern boundary of
our district seven miles south of its for-
mer location, caused by the correct estab-
lishment of range lines from the Black
Hills meridian and base line. This prac-
tically gives all of the Bad river valley to
the Pierre jurisdiction, and will prove a
convenience to the settlers thereaway, as
otherwise they would necessarily have to
travel about 100 miles further to do busi-
ness at Chamberlain. All of Nowlin
county should have been included in the
change. The surveys are bringing to
light a great many other matters hitherto
unknown regarding that vast section of
country.

A curious circumstance has been
brought to light in the surveyor general's
office by reason of the surveys made on
the late reservation. According to the
lines run, the geographical location of
the course of the White river is found to
be from ten to twelve miles south of
where it has always been marked on the
maps. As this reduces the area of the
Lower Brule, Rosebud and Pine Ridge
reserves, the query arises whether Poor
Lo will not have a kick coming and ask
the government to put the river back
where the map has always shown it. It
will restrict the country he uses for a no
more noble and glorious purpose than to
exercise his pony on.

George Sargeant, who is landlord of
Onda's only hotel, was present at the
land office Monday, with witnesses, to
prove upon a Sully county quarter.

Side-door Immigration.

Minneapolis Tribune: A little closer
watch along the Canada line is in order.
Of 5,700 immigrants landed at Halifax
during the first three months of this year
1,500 are said to have come at once to the
United States. Whether the persons com-
posing this little army were desirable
immigrants or the opposite is a matter of
less concern than the fact that they were
allowed to slip into the country through a
side door, for this indicates that the law
can be easily evaded. Inspection and
rejection at Castle Garden will amount to
little if steamship companies can dump
their hordes of contract laborers, paupers
and criminals at Halifax and forward
them to the state through Canada with-
out difficulty. Unless the treasury
officials immediately strengthen the corps
of inspectors along the boundary our im-
migration laws will be a dead letter.

A large share of the ingenuity of the
treasury department should be devoted
to devising ways and means to make it
unprofitable for steamship companies to
attempt to smuggle foreigners of the re-
jected classes into this country. If it can-
not be done under the present laws the
next congress should strengthen them.

Bismarck Tribune: Three families of
dissatisfied South Dakotans were ferried
across the river yesterday. They have
been living at Pierre, but became possess-
ed of the western fever and covered their
wagon and started to find a new home.
They expect to travel through Montana,
and if not satisfied with that state, they
will go on to Washington. They stated
that very few were leaving that section
of South Dakota, and prospects are very
bright for those who have not lost faith.

Highest of all in Leavening Power.—U. S. Gov't Report, Aug. 17, 1889.

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O. K.

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and notions to dispose of and will sell
at cost for the next thirty days.

O.K.

E. B. GRILLEY.

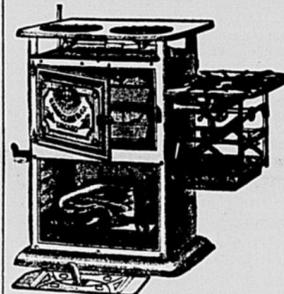
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