[No. 68—Second Series—3000]

INDIAN RIGHTS ASSOCIATION,
1305 ARCH STREET,
PHILADELPHIA, FEBRUARY 29, 1904.

ANOTHER "CENTURY OF DISHONOR"?

We appeal for justice on behalf of the Rosebud Indians, of South Dakota, and insist that the Government, in taking their lands, without their consent, in the capacity of guardian and under the guise of law, shall not confiscate three-fourths of its value, but should provide that the Indian owners receive reasonable compensation therefor.

The clear statement of the case written for "The Outlook" by Mr. George Kennan, and Senate Document No. 158, Fifty-eighth Congress, second session (a memorial of the Indian Rights Association addressed to Congress), which follow, show the gross injustice threatened the Rosebud Indians by the bill (H. R. 10,418), which has passed the House of Representatives and was favorably reported by committee to the Senate, where it is now pending.

Until the recent decision of the Supreme Court (January 5, 1903) in the case of Lone Wolf *vs.* the Secretary of the Interior, which held that Congress may abrogate *at will* an Indian treaty, it was the uniform policy of the Government to respect (in form, at least) the treaties entered into with its Indian wards. Since the court has clothed Congress with the authority of an absolute guardian, it is incumbent upon the law-making power to see that the interests of its wards are protected. The bill in question proposes to sell 416,000 acres of the Rosebud Indian lands,

without their consent, to homestead settlers at about one-fourth its actual value; and, moreover, the payment of this insufficient price is not even guaranteed the Indians by the Government. It should also be noted that the Rosebud Indians, in common with the Great Sioux Nation, hold this land by the most solemn treaty with the Government, having given as a consideration full relinquishment of claims to other lands.

At the Santee Agency (fifteen miles from Rosebud), where the soil is inferior to that on the Rosebud tract, many sales of inherited Indian lands have been made at $3000 a quarter section, or $18.75 an acre. Two years ago an Indian allottee *leased* her lands (lying within the district it is proposed to sell) at a *yearly rental* of $2.50 an acre, almost as much as Congress would *sell* the land for; and this is not an isolated instance. Such facts speak for themselves as to the actual value of the land.

Since this injustice to the Rosebud Indians has been brought to the President's attention, it is probable that the threatened wrong may be averted. There is, however, need to arouse a healthy public sentiment that will demand of the law-making power fair treatment in this as well as similar cases that may arise.

All friends of the Indian are urged to write to their representatives in Congress (Senate and House) calling attention to the Rosebud bill, and inviting careful scrutiny of similar legislation that may hereafter be attempted.

Any help rendered by the press in arousing a demand for justice will be appreciated.

PHILIP C. GARRETT,
President Indian Rights Association.

[From "The Outlook," New York, February 27, 1904.]

INDIAN LANDS AND FAIR PLAY.

By George Kennan.

On the 5th of January, 1903, the United States Supreme Court decided, in the case of Lone Wolf *et al.* against Hitchcock, that Congress has full power to abrogate existing Indian treaties, or to violate such treaties without notice to the other parties in interest, and to dispose of Indian reservation lands at its own discretion, regardless of treaty stipulations. The Court assumed, as a matter of course, that Congress would exercise this power "only from considerations of governmental policy, . . . and with perfect good faith to the Indians"; but as to the existence of the power, and the "controlling authority" of Congress, there could be, in the opinion of the Court, no doubt whatever.

Since the announcement of this decision, parties interested in the acquirement of Indian lands in various parts of the West have been urging Congress to throw open Indian reservations to settlement, not "from considerations of governmental policy," but simply because they—the interested parties—want the lands. Two bills providing for the opening up and settlement of parts of Indian reservations have come before the present Congress; and inasmuch as this is the first time that the legislative branch of the Government has attempted to exercise its power under the Lone Wolf decision, and to take away Indian lands without Indian consent, it seems worth while to review the bills and ascertain whether they are consistent with the "perfect good faith to the Indians" which the Court assumed that Congress would observe.

The first measure (H. R. 10,418) is entitled "An Act to ratify and amend an agreement with the Sioux tribe of Indians of the Rosebud Reservation, in South Dakota." The clear implication of the title is that the main provisions of the bill, at least, have been submitted to the Rose-

bud Sioux and have received their approval and assent; but the accompanying report of the Indian Office shows that such is by no means the case. The attempt that was made by Inspector McLaughlin to get the Indians to agree to surrender their lands completely failed, and Commissioner Jones frankly admits that "the bill . . . proposes to open the surplus lands of the Rosebud Indians, situated in Gregory County, for public settlement, and dispose of the same without the consent of the Indians to the terms thereof." The bill, therefore, should have been entitled "An Act to seize all the lands of the Rosebud Indians in Gregory County, South Dakota, and to sell the same to settlers, under the homestead laws, without the Indians' consent and at the prices herein fixed." That would have been an honest title, while the other is misleading and deceptive.

An examination of the bill, and an investigation of the matters to which it relates, seem to show that it is as unfair in intent as it is deceptive in title. It provides that all the lands of the Rosebud Sioux in Gregory County, South Dakota, amounting in the aggregate to 416,000 acres, shall be taken from them without their consent, and shall be sold to settlers under the homestead laws at the "flat" price of three dollars per acre. The Government does not pay for the lands, nor guarantee payment; but acts merely as trustee, and promises to credit the Indians with the proceeds of the sale. The settlers who take the lands are allowed five years in which to complete the purchase, the annual payments being fixed at fifty cents per acre, without interest.

The question whether the Government, in this bill, is dealing honorably and justly with its Indian wards, or not, depends upon the actual value of the land that it takes from them and sells on their account. If the land is worth $5 an acre in the open market and the Government sells it for $3, it manifestly acts unjustly, because its duty, as guardian or trustee, is to protect the interests of its dependent wards, and get as much for their property as

possible. If a large part of the land is worth $25 or $30 per acre, and the Government sells it for $3, it commits a gross breach of trust, amounting, in effect, to wholesale robbery.

That much of the Gregory County land of the Rosebud Sioux is worth $25 or $30 per acre, and that the whole tract to be thrown open to settlement would bring an average price of $10 per acre, there seems to be no doubt whatever. Mr. Joseph D. Keller, of the real estate firm of Rathman & Keller, of Bonesteel, South Dakota, says: "There are 416,000 acres of land on the reservation to be opened. Most of it is fine land. Not a mile and a half from the reservation boundary, the other day, we sold a quarter section to a Pierson, Iowa, man for $5000" ($31 per acre).

The C. A. Johnson Realty Company, of Bonesteel and Fairfax, South Dakota, replying under date of January 26, 1904, to a customer's inquiry with regard to the value of land in Gregory County, said that grazing land was worth $7 per acre, and farming land $25 to $40.

Edwin M. Starcher, of Fairfax, South Dakota—another dealer in real estate—replied to a similar inquiry by saying that "the average price of grazing land in this country runs from $5 to $10 per acre. Improved farms from $25 to $40."

Rev. A. B. Clark, of Rosebud, South Dakota, writes that the reservation land in Gregory County is worth $10 per acre on an average. "Adjoining tracts," he says, "sell for $30 per acre, and the heirs of a Gregory County allottee have a standing offer of $6000 for one section lying partly in the bluffs of the Missouri. All this tract of (Indian) land lies within the belt of regular rainfall and regular crops, and it is no wonder that some newspapers stated, last summer, that the price was to be $20 per acre. Local editors said that while the land was worth that price, the Indians would get only $2.50 for it."

Indian Commissioner Jones himself says, in his report on this bill, that "a considerable portion of these lands is worth perhaps two or three times the amount proposed

to be charged homestead settlers therefor." Privately, he has admitted that if the whole tract were offered at competitive sale, it would undoubtedly bring an average price of $10 per acre. * * * * * * * * * * * * * *

From the facts above set forth it clearly appears that the first time Congress attempted to avail itself of the power given to it by the Lone Wolf decision—a power which the Court expected it to exercise "with perfect good faith to the Indians"—it tried to take away from the latter at a price of $3 per acre lands that were worth at least $10, and thus to deprive them of about $3,000,000 to which they were equitably entitled. * * * * * * * * *

The case has now been brought to the attention of the President; and inasmuch as he has always shown a disposition to give the Indians "a square deal," there is some reason to hope that when the Rosebud lands are thrown open to settlement, they will be offered at public competitive sale, instead of at a "flat" price, and will thus bring their full market value.

The other Indian land bill that has come before the present Congress (S. 1,490), and that has passed both Houses, is entitled "An Act to authorize the sale of a part of what is known as the Red Lake Indian Reservation in the State of Minnesota." This bill purports to be based on an agreement made with the Red Lake Indians by Inspector McLaughlin in March, 1902; but inasmuch as the terms of the agreement do not correspond with the provisions of the bill, this legislation also must be regarded as a taking of Indian lands without Indian consent. On its face, this bill seems to provide for a competitive sale, with allotment of the lands to the highest bidders; but it contains a proviso that "after the first" (competitive) "sale hereunder shall be closed, the lands remaining unsold shall be subject to sale and entry" (under the homestead laws) "at the price of four dollars per acre." The objectionable feature of this bill is its intentional or accidental ambiguity. Instead of saying that the lands shall be offered at competitive sale for a period of six months, or

one year, and that thereafter all land unsold shall be subject to sale and entry at the "flat" price of $4 per acre, it seems to provide for an allotment of the lands at $4 *after the first sale*. It is perfectly obvious that if lands worth $10 to $20 an acre are put up at auction for a single day, and if those same lands can be obtained on the following day for $4 "flat," few people will bid at the "first sale." The effect of the bill, therefore, may be to give the whole tract of 256,000 acres to settlers at the "flat" rate, when, if it were disposed of by means of competitive sales, adjourned and continued from time to time at the discretion of the Secretary of the Interior, the whole tract would bring its actual market value. This bill also has been brought to the attention of the President, and his action upon it may perhaps depend upon the opinion of the law officers of the Government as to its real meaning and effect. If its object be honestly to continue the competitive sales from time to time, so as to sell to the highest bidders all the land that the market will take in that way, it is unobjectionable; but its extraordinary ambiguity throws a shadow of suspicion upon its intent. If its effect should be to throw the lands—or the bulk of them—open to settlement at $4 per acre, it would deprive the Red Lake Indians of about $1,500,000 to which they are justly entitled. Neither of these two bills should have been approved by the Indian Office and the Secretary of the Interior. One of them was evidently intended to take a large tract of land away from the Indians without giving them adequate compensation, while the other was so loosely drawn as to leave room for a construction that would work great injustice.

Now that the Supreme Court has virtually given Congress full power to take Indian lands without the Indians' consent, attempts will undoubtedly be made in all parts of the West to get possession of desirable Indian reservations; and it is important that the Government—including Congress, the President, and the Interior Department—should decide upon some definite and consistent method

of disposing of such Indian lands as it is thought best to throw open to settlement. The Indians have a right to get, and the Government, as their guardian, is bound to see that they do get, the highest market value of the lands that they are forced to give up; and the only equitable way in which that value can be ascertained is by means of public competitive sale to the highest bidders. The Interior Department has already adopted this method in dealing with inherited Indian lands in the Indian Territory, and the results have been in every way satisfactory. One lot of Creek land, for example, near the town of Eufala, which was appraised at $800, recently brought, at competitive sale, $3500. Another lot, which was appraised at $1500, attracted nine bidders and was bought at $2540. If these lands had been sold at their appraised value, or at a "flat" price fixed by Congress, their Indian owners would not have received anything like the amounts that the lands were really worth.

Since the Supreme Court has deprived the Indians of the right, which they formerly had, to protect themselves by refusing to sell their reservations, and has turned them into helpless and dependent wards of the Nation, the Government is bound, by every consideration of honor and equity, to protect them from exploitation, and to deal with their property precisely as a shrewd and honest guardian would deal with the property of a minor ward. It is to be hoped, therefore, that the President will instruct the Secretary of the Interior not to approve, hereafter, any bill for the opening of an Indian reservation that does not provide for a competitive sale of the lands to the highest bidders.

But the moral obligation which the Government is under to protect the interests of its Indian wards is not the only duty that it has in connection with Indian lands. It is equally bound to relieve and protect all of its citizens from unnecessary taxation for Indian education and support. If the sale of Indian lands at their full market value would go a long way toward meeting the expenses

of the Indian administration, the people of the United States have a right to ask that they be relieved from taxation for that purpose to just that extent. It is not fair to take out of the United States Treasury, by means of an Indian appropriation bill, money that might just as well be got out of the Indian lands that are thrown open to settlement, if such lands were sold to the highest bidders at competitive sale. If the lands of the Rosebud and Red Lake Indians in South Dakota and Minnesota sell for their full market value when they are thrown open to settlement, they will probably bring $4,500,000 more than they would if disposed of at the flat prices of $3 and $4 per acre specified in these two bills, and will consequently relieve the people of the United States from taxation for Indian support and education to just that amount.

[Fifty-eighth Congress, Second Session, Senate Document No. 158.]

ROSEBUD INDIANS OF SOUTH DAKOTA.

Mr. Cockrell presented the following "Memorial of the Indian Rights Association, on behalf of the Rosebud Indians of South Dakota, Relating to the Proposed Sale of 416,000 Acres of the Lands of their Reservation."

February 15, 1904, referred to the Committee on Indian Affairs and ordered to be printed.

AGENCY OF THE INDIAN RIGHTS ASSOCIATION,
Washington, D. C., February 15, 1904.

A memorial of the Indian Rights Association on behalf of the Rosebud Indians, of South Dakota, relating to the proposed sale of 416,000 *acres of the lands of their reservation, showing that in fairness and good conscience the price proposed to be paid them by the bill H. R.* 10418 *is inadequate, and petitioning that justice may prevail.*

To the Congress of the United States:

On behalf of the Rosebud tribe or band of Sioux Indians, of Rosebud Reservation, S. Dak., and at their request, we appeal for a hearing of the claims of these Indians; that they will suffer great injustice if the bill H. R. 10418, now pending before the Senate, be enacted into law.

Briefly, the bill proposes to dispose of 416,000 acres of the Rosebud Indian lands lying in Gregory County, S. Dak., without Indian consent, at prices ranging from $3 per acre downward, according to date of purchase, etc., the Government acting only as trustee for the Indians, especially providing that it does not guarantee any part of the purchase price.

The bill sets up an agreement secured from the Indians in 1901, wherein the latter were guaranteed $1,040,000 for these lands by the Government (being $2.50 per acre).

The Supreme Court of the United States while deciding (Lone Wolf case, October term, 1902) that Congress was

vested with authority to disregard treaties made with our Indian tribes, presupposes that in our dealings with the Indians absolute justice will be done them. The Court says:

> The power exists to abrogate the provisions of an Indian treaty, though presumably such power will be exercised only when circumstances arise which will not only justify the Government in disregarding the stipulations of the treaty, but may demand, in the interest of the Government and the Indians themselves, that it should do so. * * * It was never doubted that the power to abrogate existed in Congress, and that in a contingency such power might be availed of from considerations of governmental policy, particularly if consistent with perfect good faith toward the Indians.
>
> We must presume that Congress acted in perfect good faith in the dealings with the Indians, * * * and that the legislative branch of the Government exercised its best judgment in the premises.

The Congress having assumed absolute control, by guardianship, of the Indians, it must accept the added responsibility of providing for absolute justice to these wards.

If an obligation of the Government entered into with the Indians may be broken at will by reason of incapacity of the ward, we can not in justice nor good conscience hold the ward to an admission in a former agreement as to the value of lands. Furthermore, the agreement set up in the bill is alleged to have been secured through strenuous effort. The Indians claim they were given to understand that the Government would take their lands anyway at the Government price, $1.25 per acre, if they did not agree to accept $2.50 per acre.

As already stated, it is not necessary to dwell upon the history surrounding the agreement of 1901. Congress proposes to disregard it in important particulars by withdrawing its guaranty of payment of the purchase money, and resolving the Indians to the uncertain payment of settlers upon the lands, who, upon becoming delinquent, usually appeal to Congress for extension of the time of payment, and indeed for the remission of the debt. This plan in

the past has been found to result sometimes in frittering away the Indian estate.

In brief, the agreements are held not to be binding upon the Government, and therefore the Indians, as the other contracting party, are fully released.

To set up the agreement of the Indian tribe, therefore, in the bill is useless and can not be otherwise than misleading. The question resolves itself to this: What is the actual value of the land proposed to be sold by the guardian Government?

Reuben Quickbear, president of the Rosebud Indian Council, writes as follows:

ROSEBUD, S. DAK., *January* 18, 1904.

DEAR SIR: I suppose you know that Mr. Burke's bill taking our Gregory County land without our consent and at a merely nominal price is now in the hands of Mr. Sherman, chairman of the House Committee on Indian Affairs.

If ever we needed help we need it now, and badly. Mr. Clark, the Episcopal missionary here, has written to Mr. Sherman protesting against the amount offered—or rather thrust at us—for the land. He has been here for years and knows the value of it. A real estate man recently went over it and told a friend of mine that he would gladly give $10 an acre for the whole tract, and could raise the money in three weeks. Over a year ago a syndicate offered the Commissioner $5 per acre for the whole tract, and land around here has since doubled in value. We only ask $5 per acre.

We call on the Indian Rights Association to help us in this our hour of need, and ask you to protest to Mr. Sherman against the passage of this unjust bill.

Ask that three men be appointed to value the land—one to be appointed by the Commissioner of Indian Affairs, one by the Indians, and these two to select a third, as was done when the Omaha Reservation was valued years ago. If this proposal is entertained the South Dakota delegation will at once consent to $5 per acre, as they well know that any halfway fair valuation would be far more than that. A shyster lawyer named Backus is in Washington stating that our land is not worth more than $2.50 per acre. He lives in Bonesteel, in Gregory County, and has been sent by the people there to help beat us in this land deal.

Yours, truly, REUBEN QUICK BEAR,
President of the Indian Council.

MR. HERBERT WELSH, *Philadelphia, Pa.*

As shown by the report (dated January 9, 1904) of the honorable Commissioner of Indian Affairs, on the bill in question, the Indians were not satisfied with the price offered them. He states:

When the agreement of September 14, 1901, was being concluded, the Indians argued with great persistency that their lands were worth more than $2.50 per acre, and they were almost unanimous in declaring that they were well worth $5 per acre. Since that time several petitions have been received from the Rosebud Indians earnestly protesting against the ratification of said agreement because of the inadequacy of the compensation. Letters from outsiders and apparently disinterested parties were also received indicating that the lands were worth a considerably larger price than that agreed to be paid. In fact one offer was made by parties to take all the lands covered by the cession at the rate of $5 per acre. On this point the Office seems warranted in saying that from the best information it has been able to obtain a considerable portion of these lands is worth perhaps two or three times the amount proposed to be charged to homestead settlers therefor, and that no doubt the entire tract taken as a whole, exclusive of allotments, is worth considerably more than $2.50 per acre.

The Sioux City Journal (Sioux City, Iowa) of July 2, 1903, regards the tract as comprising fine lands, and says:

ROSEBUD OPENING DUE SOON—MAJOR M'LAUGHLIN ABOUT TO MAKE TREATY WITH INDIANS—APPOINTMENT FOR J. D. KELLER—FORMER SUPERINTENDENT OF SCHOOLS OF WOODBURY COUNTY MADE UNITED STATES COMMISSIONER AT BONESTEEL, S. DAK.—TO TAKE ACTION NEXT SESSION.

Persons who have been interested in the opening of the Rosebud Indian Reservation in South Dakota will be encouraged by the news that the reservation will almost without question be thrown open to settlement after the next session of Congress.

Such action will be made possible by a new treaty with the Indians, which is to be made by Maj. James McLaughlin, of the Indian Department, Washington, D.C., who was in Sioux City this week, en route from Washington to North Dakota on business with the Indians.

The news of the new treaty was brought to Sioux City by Joseph D. Keller, of Bonesteel, S. Dak., of the real estate firm of Rathman & Keller, who is here for a brief visit with friends.

Mr. Keller formerly was county superintendent of schools for

Woodbury County. Fourteen months ago he left Sioux City for Bonesteel, and has been doing well there.

"Major McLaughlin is now in North Dakota, attending a powwow of the Indians, with whom he has a strong friendship all over the Northwest. He is to go to the Rosebud Reservation in South Dakota and meet the Indians there. This is the primary object of his trip west," according to a letter which Congressman Burke, of South Dakota, has received from Commissioner Jones, of the Indian Bureau.

"There are 416,000 acres of land on the reservation to be opened. Most of it is fine land. Not a mile and a half from the reservation boundary the other day we sold a quarter section to a Pierson, Iowa, man for $5,000. So you see the land is not bad. There will be 2,600 quarter sections to be allotted to settlers when the reservation is opened. We have received frequent inquiries about the land from all over the country.

"You see, Congress balked on the deal because it would necessitate an appropriation of $1,500,000 to buy the land from the Indians, and the purpose of the new treaty will be to make a deal by which the Indians will wait a certain length of time for their money, which the settlers will pay in in proving up, instead of looking to the Government for it."

Mr. Keller has just been appointed United States commissioner at Bonesteel, his jurisdiction extending over Gregory County and a large stretch of country west of that county. By virtue of his official position he probably will be given charge of the drawing by settlers for the Rosebud lands when the reservation is opened.

Bonesteel, S. D., lies on the border of the Indian lands referred to. A circular issued by a Bonesteel land company shows conclusively their opinion as to the value of lands in that section of the country. It read as follows:

Rosebud Indian Reservation.

Four hundred and sixteen thousand acres of choice lands to be thrown open to settlement under the homestead laws.

While the date has not been determined definitely, it is generally conceded by those in a position to know, that the drawing will be held in Bonesteel in the early summer of 1904.

Those wishing full information should send 50 cents for large sectional map showing entire county, also names of all allottees.

Briefly stated, Gregory County is one of the best in the State of South Dakota, because—

First. The soil is heavier.

Second. The water is better.

Third. There is no surface stone.

Fourth. The rainfall is heavier.

Fifth. There has never been a failure of crops.

Sixth. Timothy and clover grow well here.

Seventh. This section of country is better adapted to the raising of hogs and cattle, as corn yields well each year.

Eighth. Land values are steadily advancing.

Ninth. The prospect for a bounteous harvest was never better in any country.

Tenth. We are in direct communication with both the Sioux City and Omaha markets.

Read descriptions and prices of land:

* * * * * * * * *

18. Ninety acres, choice farm land, 3½ miles from town; frame house and good well. Price, $35 per acre.

19. One hundred and sixty acres, 2½ miles from town; good house, all fenced, 140 acres in crop. Price, $26 per acre.

20. One hundred and sixty acres, 10 miles from town; 100 acres in crop, all fenced. Price, $26 per acre.

21. One hundred and sixty acres, 7 miles from county seat; 135 acres in cultivation. Price, $32 per acre.

22. One hundred and sixty acres, 2½ miles from town; good farm land; 120 acres in crop, all fenced; good well, 18 feet deep. Cheap at $35 per acre.

23. Three hundred and twenty acres, 1½ miles from town; 250 acres in cultivation. Seven-room house, large, two-story barn. Price, $36 per acre.

24. Three hundred and twenty acres, 3½ miles from town; good soil and water; hay meadow cuts 70 tons per year; 210 acres in crop. Price, $33 per acre.

25. One hundred and sixty acres, 2¾ miles from town; slightly rolling, but all good, tillable land; 80 acres cultivated. Price, $19.50 per acre.

26. Three hundred and twenty acres choice creek land, suitable for stock raising, 9 miles from town. Price, $20 per acre.

27. Two hundred and fifty acres, 5 miles from town; 180 in crop, good well and stock pond, frame house, all fenced, one of our best. Price, $26 per acre.

28. Stock ranch consisting of 2,355 acres deeded land and 640 acres of school land in a body, three streams of never-failing water, three windmills and tanks, buildings suitable for handling all kind of stock, 40 miles of fence. For particulars write us.

29. Four hundred and eighty acres, 6 miles from town; well watered and all fenced. Price $20 per acre.

30. Three hundred and twenty acres, 1 mile from town; abun-

dance of good spring water, excellent for pasture. Price, $16.50 per acre.

31. One hundred and sixty acres, almost adjoining town; well improved, undoubtedly the best farm in Gregory County. Price, $52 per acre.

32. Six hundred and forty acres, 3 miles from town; 320 acres choice cultivated land, balance pasture, all fenced, plenty of good springs. Price, $26 per acre.

33. One hundred acres, 3 miles from town; 120 acres in crop, 40 acres pasture, plenty of water. Price, $31 per acre.

34. Three hundred and twenty acres rough land suitable for pasture, on the Whetstone Creek. This is a snap at $7.50 per acre. (Sold.)

35. Three hundred and twenty acres, 4 miles from town; 70 acres can be broken, balance pasture land. School section adjoining leased for four years. Price, $3,200.

36. One thousand six hundred acre stock ranch, improved and well watered; will sell cheap or take in part payment improved farm or stock of goods. For particulars and prices write us.

37. One hundred and sixty acres, 4 miles from town; 140 acres in crop, 20 acres pasture, no waste land. A great bargain at $29 per acre. (Sold.)

38. One hundred and sixty acres, fine farm with good well of water; 110 acres in crop, only 1½ miles from town, only $32.50 per acre. (Sold.)

39. One hundred and sixty acres, 1 mile from town; plenty of water, frame house, 80 acres in crop. Price, $6,000. (Sold April, 1903, $5,900.)

A recent issue of the Sioux Falls Press, Sioux Falls, S. Dak., has this to say of the pending bill:

BURKE'S ROSEBUD BILL.

Representative Burke, of South Dakota, favors the Press with a copy of his bill for the cession of a portion of the Rosebud Indian Reservation in this State, and his report thereon from the House Committee on Indian Affairs.

This is a measure the Press has criticised in one particular—that the price per acre to the Indian owners of the land was not enough. In Mr. Burke's new bill the price is increased from $2.50 to $3 per acre for all the land entered within six months after the opening of the reservation, the price thereafter to be reduced to $2.50 per acre.

It is probable that all the land to be surrendered will be taken by settlers long before the first half year has expired, as there is

nowhere in South Dakota land more desirable than in this tract. So the new bill will give the Indians a couple of hundred thousand dollars more than was contemplated in his original measure.

When the inspector visited the Indians last summer to procure their consent to the sale of the land, they demanded $5 per acre and refused to sign in sufficient numbers an agreement for its sale for anything less than that sum.

In the absence of the agreement it was expected at that time to procure from the Indians Mr. Burke has incorporated in his bill a previous agreement made with the Indians in September, 1901, in which they then consented to the sale of the property at $2.50 per acre. This agreement was before the last Congress, and it failed to secure ratification, the managers of the House declining to consider it.

The Indians are not at all exorbitant in their demand for $5 per acre. The land is worth more than that. A like measure, introduced by Representative Marshall, to provide for the opening of the Devils Lake (N. Dak.) Indian Reservation, is before the House. In the Indian committee it has been so amended as to provide that the price of the land shall be $4.50 per acre during the first six months, $3.50 for the second six months, and $2.50 thereafter. The Rosebud land is even more valuable than the Devils Lake land, being in a section adapted to mixed farming.

The C. A. Johnson Realty Company, of Bonesteel and Fairfax, S. D., have expressed themselves regarding values, claiming grazing lands are worth $7 and farm lands from $25 to $40 per acre in their section, which is adjoining the Indian lands of the Rosebud Reservation. Their statements follow:

JANUARY 23, 1904.

DEAR SIR: As it is probable that the Indian lands in Gregory County will be open to settlement soon, we are thinking of investing some money in the lands in that country.

What will the average price of farm lands be? I have a friend who would like to purchase about 3,000 acres of grazing land.

Could he get that much in a body; and if so, what would be the price?

We will inclose a stamped envelope and will be pleased to hear from you as early as convenient.

Respectfully,

C. W. BEGGS, SONS & Co.

MR. C. A. JOHNSON REALTY COMPANY,
Bonesteel, S. Dak.

FAIRFAX, S. DAK., *January 26, 1904.*

GENTLEMEN: Your esteemed favor of January 23, 1904, has been received, and in reply will say that 3,000 acres of land for grazing purposes can be obtained here in this county for about $7 per acre. The farm land is much more valuable and higher priced. Farm land is worth from $25 to $40 per acre.

The new homestead bill, which has recently been introduced by Congressman Burke, of South Dakota, provides for opening about 416,000 acres of land in that portion of this country which is yet an Indian reservation. This bill has not become a law as yet, but if it does it will provide for paying $3 per acre for the homestead as soon as the land is opened for entry and $2.50 per acre if filed upon after the expiration of six months from the date the land is opened for entry. The bill also provides that after the expiration of four years from the date the land is opened for filing that a party can purchase all the land that is vacant at that time that he wishes subject to the rules and regulations of the Department of the Interior.

Hoping to hear from you further in this matter, I beg to remain,

Yours truly,

C. A. JOHNSON REALTY COMPANY,
Bonesteel and Fairfax, S. Dak.

C. W. BEGGS, SONS & CO., *Chicago, Ill.*

Confirmatory of the above, the following statement of Edwin M. Starcher, of Fairfax, S. Dak., is important:

JANUARY 23, 1904.

DEAR SIR: We have a party in this city who is desirous of securing about 3,000 acres of land for grazing purposes in South Dakota, and as we understand that the land in Gregory County will soon be open for settlement, we would like to know what the average price of farm lands would be in that section and also if a 3,000-acre tract could be purchased by one party.

Thanking you kindly in advance for this information and inclosing stamped envelope for a reply, we are

With respect, C. W. BEGGS SONS & CO.

MR. E. M. STARCHER, *Fairfax, S. Dak.*

JANUARY 27, 1904.

GENTLEMEN: To your favor of 23d instant beg to say that the average price of grazing lands in this country runs from $5 to $10 per acre. Improved farms from $25 to $40 per acre.

There are no very large tracts of land that could be purchased here at this time as nearly all the land has been homesteaded or

preempted by settlers and usually is owned in tracts from 40 to 320 acres. The only way one could get 3,000 acres in a body would be to buy out several of the holders who adjoin each other. If we can be of service to you in any way shall be glad to do so. No doubt we can arrange with some of the larger cattle men who own adjoining ranches to sell. Such a sale would probably range approximately $1,000 per quarter.

Yours truly,

EDWIN M. STARCHER.

C. W. BEGGS SONS & Co., *Chicago, Ill.*

Rev. A. B. Clark, a missionary among these Indians for a score and more years, believes that gross injustice will be done if the Indians are forced to accept the valuation provided for by the pending legislation.

Extract from the Valentine Democrat, Valentine, Neb., issue of February 4, 1904:

The agent held a grand council yesterday (Monday February 1) with the Indians and the result was that the Indians offered to lease their unallotted land for a term of years. On former occasions the Indians positively refused to lease, but they feel so sore at the action of the South Dakota delegation in trying to open their Gregory County land at a nominal price that they consented in order that no more of their land could be opened for several years at least.

By demoralizing the Indians in the matter of leasing we see the immediate evil results that tend in the wake of attempted unfair treatment. It has been shown by those observing the conditions, and is to be inferred by all experienced in Indian life in that portion of the Northwest that it is much better to encourage the Indians to pasture their surplus lands with stock owned by themselves rather than to lease the same to outsiders.

The Indians have united upon $5 per acre as a compromise price, although they realize that the lands are more valuable.

Can the Government afford to commit so apparent and gross an injustice?

Respectfully submitted on behalf of the Indian Rights Association.

S. M. BROSIUS,

Agent Indian Rights Association.

[From the New York "Evening Post."]

TAKING INDIANS' LANDS.

DEALING OF CONGRESS WITH THE ROSEBUD SIOUX.

A Preference for the Methods of Counterfeiters Rather than those of Highway Robbers—Bars Thrown Down by the Lone Wolf Decision—Compelling Indians to Accept $2.50 an Acre for 416,000 Acres of Land Whose Market Value is at Least $5 an Acre—Indians Also Expected to take their Chances of Collecting the Money of White Homesteaders.

[Special Dispatch to "The Evening Post."]

WASHINGTON, *February 17th.*—The latest plan to take away Indians' land and give it to white men has to do with the Rosebud Sioux reservation in South Dakota. The Rosebud Indians have some 416,000 acres in Gregory County that the whites wish to get at. In September, 1901, an inspector, detailed for the duty, obtained from the Indians an agreement to sell this land at the rate of $2.50 an acre, $250,000 of the proceeds to be expended in the purchase of cattle for the benefit of the Indians, and the balance paid in cash, so much per capita, in five annual instalments. A bill ratifying this agreement and opening the land to settlement was presented to the Fifty-seventh Congress by Secretary Hitchcock. Congress was too busy with other things and let the bill die and the agreement expire. But the land brokers and intending homesteaders kept up a constant demand that the land should be opened to settlement, so the same inspector was sent out again last summer to negotiate a new agreement.

Meanwhile the Indians, who had always insisted that their land was worth more than $2.50 an acre, had been looking about and taking note of the value of other lands like theirs in character and location, and therefore refused to sign any agreement for less than $5. Meanwhile also, the Lone Wolf decision had been rendered by the United States Supreme Court, virtually declaring that the Indians had no rights in their reservations which Congress was not at liberty to disregard at will. So what did Congress do,

when the second negotiation failed to repeat the course of the first? Sweep both aside, and enter upon and sell the land at discretion?

No. That would have been the candid course, but Congress did not follow it. Instead, it fell back upon the expired and obsolete agreement of 1901, revived it, made certain changes in it and proceeded to put through the House a bill to ratify it as altered. The agreement of 1901 bound the Indians to accept $2.50. Its revival indicates that Congress thought highway robbery a less gentlemanly crime than counterfeiting.

The Commissioner of Indian Affairs, whom the House consulted before acting, though perfectly conscious that the Lone Wolf decision practically threw down all the bars and left Congress to do what it pleased, could not forbear reminding the lawmakers that outside parties stood ready to pay the Indians $5 an acre for the very same land which they were now proposing to take away from the poor fellows for $2.50. Indeed, he adds:

> The office seems warranted in saying that from the best information it has been able to obtain a considerable portion of these lands is worth perhaps two or three times the amount proposed to be charged to homestead settlers therefor, and that no doubt the entire tract taken as a whole, exclusive of the allotments, is worth considerably more than $2.50 per acre.
>
> The Indians cannot see . . . why they should not procure such price for the lands as settlers are willing to pay for them. The Indians in their talks have shown themselves to be not unreasonable in their demands, but simply persisted in demanding what they believed to be just and proper. In fact, many of the Indians during the councils last summer indicated that if the propositions under consideration would guarantee the procurements by them of as much money as was stipulated for by the agreement of September 14, 1901—*i. e.*, $2.50 an acre—they would not oppose the same. They felt, however, that there was no certainty that they would realize even $2.50 per acre for the lands proposed to be ceded.

And the Indians are quite justified in this suspicion. Even after taking from them, at nominally $2.50 an acre, 416,000 acres of land which, if they were free to do business

like white people, the Indians could sell for $5 an acre at least, Congress has no purpose of giving them $2.50. On the contrary—except for certain lands set apart for educational purposes, for which a direct appropriation will be made—the Indians will have to take their chances of collecting their money of the white homesteaders when and how they can. The homesteaders are expected to pay after sundry periods, but there is no assurance that they will do so. Bad crop years, if any come, will be used in this case, as they have been in others in the past, as an excuse for postponing the demand upon the settlers; and any settler who becomes discouraged, or is of a roving spirit any way, can pull up stakes, abandon his claim, and move away, defaulting on his final payment, and leaving the Indians to whistle for their money.

That Congress is not proud of its own conduct in this matter is shown, first, by its going through the hollow form of pretending to ratify an old and obsolete Indian agreement because it could not procure a new and live one, instead of going ahead frankly on the lines indicated by the Lone Wolf decision and seizing the land desired without any apology whatever; and, second, by its equally hollow pretence at self-justification in arguing that it is really trying to promote the interest of the Indians by letting whites enter upon all the land adjacent to the Indian allotments, since such settling of the country is bound to raise the value of the allotments themselves. What advantage the Indians are to derive from this increase in the value of their lands it is hard to see. It will not increase the fertility of the soil; it will not develop gold diggings, or oil wells, or any other new sources of wealth; it will not enable them to raise bananas and oranges on the forty-third parallel of north latitude. The only increase must be in the market value, and of what account is the market value of anything to a man who cannot sell it, as the allotted Indian is obligated not to sell his land for a term of years.

The manly course would have been for Congress to say:

"Here is the law. Our body is all powerful. The highest tribunal in the land has left us free to do whatever we please with Indian land. We have fixed our eyes on your 416,000 acres, and we purpose to take them and give them to the whites for settlement. If we can collect from the whites $2.50 an acre, we will pay the money to you; if not, not. You are helpless, so the wise thing for you to do is to bow to the inevitable."

Then the Indians would have realized the full meaning of the transaction. So would seven-eighths of the American people, who are not land-grabbers, even when the helpless Indian is the victim marked for plunder.

F. E. L.