

THE ROSEBUD BILL TEXT

AMOUNT TO BE PAID BY GOVERNMENT TO WARDS.

COST OF TAKING UP THE LAND

The Burke Bill, introduced and passed by both houses of Congress at the past session and signed by President Roosevelt.

"Article 1. The said Indians belonging on the Rosebud reservation, South Dakota, for the consideration herein named, do hereby cede, surrender, grant and convey to the United States all their claim, right, title and interest in and to all that part of the Rosebud Indian reservation now remaining unallotted, situated within the boundaries of Gregory county, South Dakota, described more particularly as follows: Commencing in the middle of the main channel of the Missouri river at the intersection of the south line of Brule county; thence down said middle of the main channel of said river to the intersection of the ninety-ninth degree of west longitude from Greenwich; thence west along said parallel of latitude to its intersection with the tenth guide meridian to its intersection with the township line between townships one hundred and one hundred and one north; thence east along said township line to the point of beginning, the unallotted land hereby ceded approximating four hundred and sixteen thousand acres, lying and being within the boundaries of Gregory county, South Dakota, as said county is at present defined and organized.

Article 2. In consideration of the land ceded, relinquished and conveyed by article one of this agreement, the United States stipulates and agrees to dispose of the same to settlers under the provisions of the homestead and town-site laws, except section sixteen and thirty-six, or an equivalent of two sections to each township, and to pay to said Indians the proceeds derived from the sale of said lands; and also the United States stipulates and agrees to pay for sections sixteen and thirty-six, or an equivalent of two sections in each township, two dollars and fifty cents per acre.

Payment to the Indians.

Article 3. It is agreed that of the amount to be derived from the sale of said lands to be paid to said Indians, as stipulated in article two of this agreement, the sum of two hundred and fifty thousand dollars shall be expended in the purchase of stock cattle, of native range or graded Texas two-year-old heifers and graded Durham of Hereford two-year-old bulls, for issue to said Indians, to be distributed as equally as possible among men, women and children, but not more than one-half of the money received in any one year shall be expended as aforesaid, and the other half shall be paid to said Indians per capita in cash, and an accounting, settlement and payment shall be made in the month of October in each year until the lands are fully paid for and the funds distributed in accordance with this agreement: Provided, however, that not more than five hundred thousand dollars shall be expended or paid within two years after the ratification of this agreement, and not to exceed one hundred and fifty thousand dollars in each of the following years until the expiration of five years.

Article 4. It is further agreed that all persons of the Rosebud Indian reservation, South Dakota, who have been allotted lands and who are now recognized as members of the tribe belonging on said reservation, including mixed-bloods, whether their white blood comes from the paternal or maternal side, and the children born to them, shall enjoy the undisturbed and peaceable possession of their allotted lands and shall be entitled to all the rights and privileges of the tribe enjoyed by full-blood Indians upon the reservation; and that white men heretofore lawfully intermarried into the tribe and now living with their families upon said reservation shall have the right of residence thereon, not inconsistent with existing statutes.

Article 5. It is understood that nothing in this agreement shall be construed to deprive the said Indians of the Rosebud reservation, South Dakota, of any benefits to which they are entitled under existing treaties or agreements, not inconsistent with the provisions of this agreement.

Disposition of Land.

Section 2. That the lands ceded to the United States under said agreement, excepting such tracts as may be reserved by the president, not exceeding three hundred and ninety-eight and sixty-seven one-hundredths acres in all, for subsistence station, Indian day school, one Catholic mission, and two Congregational missions, shall be disposed of under the general provisions of the homestead and town-site laws of the United States, and shall be opened to settlement and entry by proclamation of the president, which proclamation shall prescribe the manner in which these lands may be settled upon, occupied and entered by persons entitled to make entry thereon; and no person shall be permitted to settle upon, occupy, or enter any of said lands, except as prescribed in such proclamation, until

after the expiration of sixty days from the time when the same are opened to settlement and entry: Provided, That the rights of honorably discharged union soldiers and sailors of the late civil war and the Spanish American war or Philippine insurrection as defined and described in sections twenty-three hundred and four and twenty-three hundred and five, revised statutes, as amended by the act of March first, nineteen hundred and one, shall not be bridged: And provided further, That the price of said lands entered as homesteads under the provisions of this act shall be as follows: Upon all land entered or filed upon within three months after the same shall be opened for settlement and entry, four dollars per acre, to be paid as follows: One dollar per acre when entry is made; seventy-five cents per acre within two years after entry; seventy-five cents per acre within four years after entry, and seventy-five cents per acre within six months after the expiration of five years after entry. And upon all land entered or filed upon after the expiration of three months and within six months after the same shall be opened for settlement and entry, three dollars per acre, to be paid as follows: One dollar per acre when entry is made; fifty cents per acre within two years after entry; fifty cents per acre within three years after entry; fifty cents per acre within four years after entry, and twenty-five cents per acre within six months after the expiration of five years after entry: Provided, That in case any entryman fails to make such payment or any of them within the time stated all rights in and to the land covered by his or her entry shall at once cease, and any payments theretofore made shall be forfeited and held for cancellation and the same shall be cancelled: And provided, That nothing in this act shall prevent homestead settlers from commuting their entries under section twenty-three hundred and one, revised statutes, by paying for the land entered the price fixed herein, receiving credit for payments previously made. In addition to the price to be paid for the land, the entryman shall pay the same fees and commissions at the time of commutation or final entry, as now provided by law, where the price of the land is one dollar and twenty-five cents per acre: And provided further, That all lands herein ceded and opened to settlement under this act, remaining undisposed of at the expiration of four years from the taking effect of this act, shall be sold and disposed of for cash, under rules and regulations to be prescribed by the secretary of the interior, not more than six hundred and forty acres to any one purchaser.

Section 3. That the proceeds received from the sale of said lands in conformity with this act shall be paid into the treasury of the United States and paid to the Rosebud Indians or expended on their account only as provided in article three of said agreement as herein amended.

Provision for Schools.

Section 4. That sections sixteen and thirty-six of the lands hereby acquired in each township shall not be subject to entry, but shall be reserved for the use of the common schools and paid for by the United States at two dollars and fifty cents per acre, and the same are hereby granted to the state of South Dakota for such purpose.

Section 5. That there is hereby appropriated, out of any money in the treasury not otherwise appropriated, the sum of seventy-five thousand dollars, or so much thereof as may be necessary, to pay for the lands granted to the state of South Dakota, as provided in section four of this act.

Section 6. That nothing in this act contained shall in any manner bind the United States to purchase any portion of this land herein described, except sections sixteen and thirty-six or the equivalent in each township, or to dispose of said land except as provided herein; or to guarantee to find purchasers for said lands, or any portion thereof, it being the intention of this act that the United States shall act as trustee for said Indians to dispose of said lands and to expend and pay over the proceeds received from the sale thereof only as received, as herein provided.

GRANTS LICENSES.

City Council Acts on Applications This Morning.

The city council met this morning and granted all the applications for saloon liquor licenses and druggists permits that had been filed, with the bonds and other requisites approved. Eleven saloon licenses were granted and five druggists' permits.

A Runaway.

The wheel of the buggy catching on the end of a stone culvert at the corner of Madison avenue, caused a team driven by A. A. Adams to break loose from the buggy and drag him over the dashboard, bruising him considerably. Mrs. Adams was in the buggy with him but was not injured.

MAYOR HAZEN'S MESSAGE

ANNUAL ADDRESS TO THE COUNCIL ON MUNICIPAL AFFAIRS.

THE COUNCIL GRANTS LICENSES

Decide that the Druggists Must Hereafter Live up to the Law Regarding the Selling of Liquors—Committees are Appointed.

The new city council met as per adjournment of the old council Tuesday morning with all members present except the mayor and Councilmen Parish and Wilkinson. In the absence of Mayor Hazen the meeting was presided over by Councilman Pasewalk, president.

The first business taken up by the council was action on the applications for liquor licenses and drug store permits. The following were granted licenses to sell liquors: Wm. G. Berner, George Rhode, Fred W. Harder, Harry Loder, P. J. Barrett, Charles Apfel, Charles Rice, C. E. A. Marquardt, Emil Moeller, E. G. Fisher and Henry Hasenpflug.

The following druggists were given permits: A. K. Leonard, J. L. Hershbiser, Geo. B. Christoph, A. J. Koelgenstein, and A. H. Kiesau.

A motion was adopted that the druggists hereafter be required to comply with the law regarding the keeping of a register of the sales of liquor and making of reports of same.

Mayor Hazen submitted a written list of appointments as follows: To the City Council of Norfolk, Nebraska.—Gentlemen: I herewith submit a list of appointments for the municipal year, commencing May 3, 1904, and ask your confirmation of the same, together with a list of the standing committee, viz:

- For chief of police, Martin Kane.
- For night policeman, Charles H. Pilger.
- For policeman Fourth ward, W. H. Livingstone.
- For water commissioner, J. E. Simpson.
- For city attorney, M. D. Tyler.

Standing Committees. Ways and means—O. B. Walker, C. C. Gow, C. P. Parish.

Streets and alleys—A. H. Kiesau, H. A. Pasewalk, G. Halverstein, J. C. Spellman.

Auditing—C. C. Gow, A. H. Kiesau, C. P. Parish.

Public works—H. A. Pasewalk, C. P. Parish, G. W. Wilkinson.

Nuisances—G. Halverstein, O. B. Walker, A. H. Kiesau.

Fire and police—John C. Spellman, G. W. Wilkinson, G. Halverstein.

On motion the above appointments, as made by the mayor were confirmed.

The following message from the mayor was read and ordered published:

To the Council of the City of Norfolk, Nebraska.—Gentlemen: We now stand on the threshold of another municipal year and as we pause and look out, we see on all hands tokens of advancement along lines which will benefit our city and make it more desirable for homes, for business and for capital. I trust that we may each feel the necessity of energetic and painstaking performance of all official acts.

Streets.

The continued rains last season hindered and delayed the work upon the street and what work was accomplished was against great odds on this account, but notwithstanding these difficulties, main street drainage in business portion has been successfully solved and plans have been adopted and partially completed to drain the low portions of the city east of the railroad tracks, by the digging of the Park avenue ditch. This is about completed and it is to be followed up by draining all that portion of the town into it. There is much need of filling on Fifth street where there are a number of bad holes, also on Fourth and Third streets. I trust you can see your way clear to attend to this at once. Also to grade First street from the Washington school house south to the railroad tracks, as the middle of the street in those three blocks is lower than the sides. I would very much like to see Fourth street filled from Norfolk avenue to the postoffice building, if you can spare sufficient money for this purpose.

Sidewalks.

Last year a general sidewalk ordinance was passed, which provides for fines and penalties for failure to build new walks or repair old ones upon proper notice. I think that you should make a special effort to push new permanent walks during the year. South Fourth street stands first in need of your assistance. About twenty families in that part of town are deprived of free delivery of mail because a few owners of vacant lots have failed to build. I urge you to build walks in front of these vacant lots at once. Also the walk running south on 13th street ought to receive your early attention, also some very bad walks in business portions. All new walks hereafter constructed must be of brick, stone or cement, and no doubt several miles of new walks will be constructed this season, so that inside of a few years the sidewalk question will be solved.

Crossings.

Our cement crossings now in seem

to stand the test better than those of stone, and you ought to put in ten or fifteen more this year where most needed, followed by a like number or more next year, and so on, until the crossing question will be out of the way also.

Dike.

I congratulate the council upon the strong splendid dike we now have. This will not give us any more trouble, and this work was done practically without expense as the dirt was hauled from the Park avenue ditch, but I would like to see the dike extended down the river to prevent the water from backing up and a gate built in the ditch.

Parks.

Our city is absolutely without a public park. Ways and means should be devised to this end. Even a block would be a great service. Suppose we could obtain the Pasewalk grove, and a strip along the river in Edge-water park or the grove in the bend of the river near the mill, these could be fitted up with small expense and in a year or two we would have two parks with good shade and conveniently located to all parts of town.

Library.

The Woman's club has a good plan as a starter for a public library. I trust you can see the way clear to assist by a levy for this purpose. We must start sometime and why not now?

Financial Standing.

Up to March 1 warrants have been drawn to cover all claims, and fifteen per cent of the levy not yet drawn upon is ample to cover all claims against the general fund for March and April. All other funds have sufficient money for all demands against them, so that the city starts this municipal year free of debt outside of the bonds outstanding. I think the policy adhered to by this body during the past year not to contract indebtedness beyond the levy made, should be yours during this year and the years to come. Careful management and economy will win in the long run. Guard well the public funds. Know no friends when disbursements are being made.

Civic Improvements.

If you clean up, plant trees, make repairs, mow your lawns, your neighbor generally will. A rivalry in this direction deserves encouragement. Norfolk is getting to be a city of well kept lawns. There is still opportunity for improvement. I urge upon all citizens a forward movement in this direction and would also add, "keep down the weeds."

Re-Districting of Wards.

Section 1866, Statutes of Nebraska, is as follows: 1866 Sec. 2.—Wards—Each city of the second class shall be divided into not less than two nor more than six wards, as may be provided by the ordinance of the city council thereof, and each ward shall contain as nearly as practicable, an equal number of legal voters, and an area as equal to each other as practicable.

At our last election 191 votes were cast in the First ward, 246 in the Second ward, 312 in the Third and 132 in the Fourth.

In order to equalize this inequality I have two plans to submit.

First: Divide the Third ward on Madison avenue and create a Fifth ward. Take the two south blocks from the Second and add them to the Fourth.

Second: If thought best to save the extra expense of two additional councilmen and of another voting district, divide the town into four wards as follows:

First ward—All that portion north of Norfolk avenue.

Second ward—All that portion lying between Norfolk avenue and Park avenue.

Third ward—All that portion lying between Park avenue and Bluff street and west of Seventh street all that portion south of Park avenue.

Fourth ward—All that portion south of Bluff street and east of First street south of where Bluff street intersects First street.

The second plan would give each ward about an equal number of inhabitants and also of area.

Ordinances.

It is absolutely necessary that our ordinance be compiled and republished in book form. I am interested so much in having this accomplished that I will propose to do the work free of charge, providing the council will provide for the balance.

Respectfully submitted,

Miner C. Hazen,

Mayor.

On vote of the council August Grant was retained as fireman at the water-works pumping station for the ensuing year.

The official bonds of Robert Utter as city treasurer, S. W. Hayes as police judge, Martin Kane as chief of police and Charles H. Pilger as policeman, were approved and accepted.

The city clerk reported that all the insurance policies on the city buildings had been re-written and the council adjourned.

Dr. L. C. Bleck, X-Ray and Therapeutic Laboratory, Robertson, block, Norfolk, Neb. Phone Black 256.

For Sale—280 acres dairy farm, 3 miles or Ainsworth, good 6-room house. Cow barn stands 30 head cows. Horse barn the best improved in the county. Address John DeBolt, Ainsworth, Neb.

BILLY KNEW THE ANIMALS

ACQUAINTED WITH ELEPHANTS CREMATED IN CAR.

VENUS WAS THE MAN KILLER

Whenever Billy Came into the Car, the Biggest Brutes that Breathe Would be Glad to See Him—First Accident.

Billy Ferguson feels worse than anybody about the fire which happened to the Campbell Bros. circus train down at Pawnee City the other night, for he had just come back to Norfolk from the show itself, having been connected with them earlier in the season out at Fairbury. Last year Billy was with the show and he says they're all right.

In speaking of the three elephants which were cremated in the cruel blaze, Billy says: "I don't know what to make of it. There was Venus and Topsy and Hamburg. They were the three elephants and I knew the whole bunch. They all knew me, too. They knew me every time I came any where's near them and would tell me in every way they could that they was glad to see me.

"Now there was Venus. She was a man killer. Had a reputation for the number of men she'd killed, but she never killed me. Never even tried to kill me or said she would like to. Hamburg was the big fellow. He was a good old elephant, too. But he wasn't as big as Venus. She was the biggest beast that breathed, the most marvelous monster of the mighty menagerie. A hunky brute was she, and now she's burned to death.

"That's the first accident the show has ever had. Oh, we used to have a few smashups on the line now and then—used to get wrecked occasionally so that a car would be laid out alongside of the track, but we never yet got into anything like that. Never got any animals killed, you know."

The fire caught from a lantern which exploded in the car. Four camels were cremated, also. The skeletons have been promised to the University of Nebraska for the museum. The show will keep its dates just the same, but when they get to Norfolk the three big elephants won't walk out of the car for the performance.

Biggest Egg Day.

Yesterday was the biggest day of the season with the Dexter cold storage people. Six carloads of eggs were received from outside towns in this territory yesterday and the day before, which is speaking pretty well for the great American hen of Nebraska.

POOR BANDMASTER WINS A BRIDE

Ereesta Vessalla, Leader of Italian Band, Takes Miss Edna Egan and a Large Fortune Today.

Cincinnati, O., May 4.—The wedding here today of Miss Edna Egan, daughter of a wealthy manufacturer and heiress in her own right to a large fortune, and Ereesta Vessalla, the leader of an Italian band, is the culmination of a romance begun at Atlantic City last summer. The meeting of the pair at Atlantic City, where the bridegroom of today led the band that played on Young's pier and the fair bride one of the huge multitude of summer visitors, was a case of love at first sight. The Italian bandmaster wooed and won Miss Egan without encountering any insurmountable obstacles, but the young lady's parents were not so easily won over to the match. Mrs. Egan would not consent to the announcement of the engagement until she had looked carefully into Vessalla's past and found the only thing against him was his poverty.

WAS NO FIRE.

But that was not so strange, for after all there was no fire and they couldn't have found it if they had looked in every corner of the town. Somebody had merely turned in an alarm and set the wheels going. The fire boys are considerably worked up over the deal and will take steps to prosecute the guilty parties if they can be found out.

BIG AFRICAN CHURCH CONFERENCE

Twenty-First General Conference of Zion Methodist Episcopal Church Began at St. Louis Today.

St. Louis, May 4.—The twenty-first general conference of the African M. E. church began its sessions in the Metropolitan church today with Bishop J. W. Hood of New York, the oldest negro bishop in America, presiding. The conference is composed of 350 ministerial and 125 lay delegates, 25 of the latter being women.

The Zion A. M. E. church was organized in 1796, and has grown to be one of the largest negro religious bodies in the United States. The conference claims 550,000 members, 6,000 churches, 4,000 ministers and 9 bishops, as well as 17 colleges and schools.

The present conference will be in session three weeks. The most important work will be the readjustment of plans for the extension of the educational work.

Conference of Augustana Synod. Galesburg, Ill., May 4.—The Illinois conference of the Augustana synod of the Lutheran church began its annual session here today and will continue in session for a week. The conference comprises the Lutheran churches of Illinois, Indiana, Michigan and western Wisconsin.

Papers on Financial Topics. El Paso, Texas, May 4.—The pro-

ceedings of this, the second day of the annual meeting of the Texas State Bankers' association, were opened with an invocation by Rev. H. Easter. The speakers and their topics at the forenoon session were as follows: "The Need of Railroads and Immigration in Western Texas, and How Shall They be Secured?" W. A. Norman, Ballinger; "Can the Present Method of transporting Money be Improved?" J. T. Scott, Houston; "Benefits of Bonded Warehouses," Jonathan Lane, Houston; "State Banks, Are they Useful and Desirable Aids to Commerce?" Gen. W. R. Hamby, Austin; "Mercantile Collections," R. D. Gage, Pecos; "Bank Money Orders; How Can Banks Recover the Business Taken by the Express Companies and Post-office Department?" J. W. Blake, Dallas.

This afternoon was given over by the delegates and their families to a drive to points of interest in and about the city. The regular business of the convention will be concluded tomorrow.

THREE FIRES IN ONE WEEK

LAST IS A FALSE ALARM AND THE BOYS ARE ANGRY.

HAD JUST RETURNED THE CARTS

When all of a Sudden the Second Alarm Within Fifteen Minutes Was Turned into the Department and Away They Went, to Find it a Joke.

[From Wednesday's Daily.]

Is the ancient and notorious one-time myth about the three fires in a bunch, coming in one, two, three or four, being returned to Norfolk's department of blazes by natural law, or is some unscrupulous individual ringing out the department just to see the trucks make a strenuous getaway down the streets and to hear the exciting clang of the massive gongs as they click off the rounds of the heavy wheels? That is what Chief William Kern, of the fire department, and the rest of the laddies in the city, are trying just now to discover.

On Monday there was a fire at the barn of C. B. Durland, north Ninth street, to which the trucks were summoned by the alarm of the Third ward. Before they arrived the blaze was extinguished. Yesterday afternoon at 2 o'clock the whistle blew for First ward, and the department made a run to the rear of the Pacific hotel where a little heap of rubbish which needed some attention but was doing no particular damage, was ablaze. And within less than three minutes after the several companies had returned to their quarters, with the horses tired out and the men exhausted by their work, came the third alarm. At first the whistle blew for the First, then the Second and finally the Third ward. Chief Kern learned by telephone that the alarm came from South Norfolk and away went the carts, hook and ladders and chemical wagons, clanging down Fourth street toward the south end of the city.

Met Junction Company. It was understood that the blaze was in the store of W. C. Roland. But before the uptown companies had gone more than three-quarters of a mile they were met by the Fourth ward company, coming pell mell toward Norfolk avenue. Then is when the mystery began to develop.

The Junction boys had taken the alarm for uptown and had started out. The plot thickened. Possibly some store or home or public institution might be disappearing in gaseous flames at a tremendous rate, and here was the whole fire department, with the exception of the Third ward reserve, bunched up in a collision and not one man knew where the conflagration was.

Was No Fire. But that was not so strange, for after all there was no fire and they couldn't have found it if they had looked in every corner of the town. Somebody had merely turned in an alarm and set the wheels going. The fire boys are considerably worked up over the deal and will take steps to prosecute the guilty parties if they can be found out.

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