

PIONEER ON THE ROSEBUD - By D. B. Lyons

Dennis Bernard Lyons (known as D.B.) wrote *A History of Tripp County: (Pioneer on the Rosebud)* in 1933 for a friend who was attending teacher college. He was born December 7, 1887 in Nunda Township, Dakota Territory, oldest son of William and Kate Lyons. With his family, D.B. moved to Charles Mix County, South Dakota in 1901. He homesteaded in Tripp County in the fall of 1909 on the Rosebud Reservation with his new wife, Bessie where they raised seven children and farmed for over 60 years. D.B. was the grandson of Irish immigrants from Co. Waterford [Jeremiah and Ellen Lyons] who, with their sons and daughters, pioneered in Iowa and Dakota Territory. D.B. was a leader in soil conservation efforts and in the mid-30s, as a Board member of the Clearfield Soil Conservation District, met with President Franklin D. Roosevelt to provide the new president with a farmer's view of the drought. He died in 1974. His son Richard still lives on the original homestead. His other sons, Bob lives in Sioux Falls, and James in Lincoln. His daughter Angela, lives in Oakland, California. Uncle Dennis was an older brother of my father, William F. Lyons, Yankton.SD. ---Robert F. Lyons, Kennebunkport, Maine 6/3/2010.

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If I were to make a complete record of the development of the country, namely the Rosebud, I would want considerable time to set correct dates of the events leading up to the real opening of the Rosebud Reservation. So as time presses me I will cover those events according to memory, and I will have to be pardoned to some extent if my Irish imagination gets mixed with memory.

Sometime just previous to 1904, a great agitation was set in motion to make a treaty with the Rosebud Sioux to purchase the eastern portion of the Rosebud Reservation from them and open it for white settlement under the Homestead Laws which were that the homesteader be required to pay to the government the purchase price, that to be in turn paid to the tribe and in addition to that amount the cost of administration was added. The Indians were to receive 160 acres each, which was known as the allotment.

At that time there were no rural delivery routes and consequently few daily papers but many weeklies. The papers all carried black headlines on the news from Washington

regarding the question. The economic theory advanced by western Congressmen was the necessity of increasing the citizen population of Western states and development of agricultural resources. It was argued that the increasing population of the world necessitates the development of all the Agricultural Resources. The argument advanced against it was that the Indian was being robbed of his heritage by the white man and so the battle waged until congress finally passed the bill ratifying the treaty, which gave each Indian of one eighth blood, 160 acres and proceeded to open what is now Gregory County S.Dak. to white settlement.

The Bill was signed with a great deal of ceremony. Each western congressman wearing a Rosebud in the lapel of his coat and President McKinley signing with a pen holder made out of the stalk of a rosebud with a small rosebud carved on its end. There were so many anxious to settle in the new country that it was decided to draw lots for the 160 acre homesteads.

The settlement was finally accomplished and proved successful. All was well until about 1907 when a new urge was felt to open more of the Rosebud. Due to the fact that the settlement of the eastern portion has proved so successful less opposition was met by the new bill and it was passed.

Again all the news in the headlines was of the new opening of the Lost West. At this time the economic cycle was in its upward swing. The country had fully recovered from the depression of the 90's and the country at large was experiencing a wave of prosperity. Land values were rapidly increasing and anyone willing to work was assured of success. So we saw in the papers such slogans as; - "The Lost West", "Go west and grow up with the country"; "What will you do when the land is all gone?"; "Will your children be landless?" The Government weather reports were put out showing sufficient rainfall for crops. Soil analysis was given showing fertility. All looked rosy. But the Government overlooked the fact that it was attempting to ratify marginal areas and encouraging settlers to attempt an unproven enterprise.

When I was a boy it was commonly believed that the one hundredth meridian was the western limit of profitable farming.

The 100th meridian runs through the Rosebud just west of the west boundary of Gregory County and through Tripp County, but the general report was that more rainfall would follow the plow.

Up until this time the area extending from the west boundary of the Pine Ridge Reservation east to the west boundary of Gregory County and from the Nebraska and Dakota boundaries north to White River had been utilized as cattle range under what was known as the Range Permit system. Under this system the cattle owners had a fee of about \$.15 per head per year for permission to let their cattle and horses range free over the range. The income from these fees went into the Indian Tribal fund out of which they received houses, cattle, horses and other equipment as the Indian Dept. at Washington

D.C. saw fit. Under this arrangement the cattle industry prospered and the Indians were content.

But the generation of the period had forgotten that History repeats itself in its economic cycles and that nature never changes. We were ready to risk the prime of our lives, to risk all the heart breaking toil of developing a new country against nature. To win from her homes on the Semi Arid soil of what was once known as the Great American Desert of the Great Basin.

So here enters the tales of some of those who made that sacrifice. In the fall of 1908 I went to Chamberlain S. D. on an excursion train from Chicago, to register for the drawing of lots for choice. In this arrangement of lottery the names of all who had registered were placed in a container and two little girls drew the first names. The first 3000 choices were to cost \$6 per acre, the next \$4.50 and the rest \$2.50. They had to use their choice in rotation beginning at number one. The first choice was filed by a lady named Mae Keiser, at the land office in Gregory S.D. on the morning of April 1st, 1909. The filing continued until Oct. 1st at midnight, when all land not filed on by choice was thrown open to Squatters Rights. During the period of filing a new industry developed, known as Locating. This was done by men who were experienced in traveling over prairie country and locating different quarter sections of land. They generally drove over the country and made a book showing the choice land. Then, when they took a prospective settler out to the land and showed it to him if he filed on it, the one locating him got a fee.

At that time I was just 21 years old and was only one of the many inexperienced on that train who little realized the significance of pioneering a new country.

Finally the lots were drawn and the papers published the list. There were few if any newspapers in the United States that were not read that day as people from every state in the Union had registered. But my name was not among those drawn. In the spring of 1909 the filings began. Many who had drawn numbers had no intention of remaining and developing a homestead so a profitable business of dealing in relinquishments sprang up. The system of handling these relinquishments was as follows: - First the holder of a number selected a quarter section and filed on it. He then had six months to establish his residence on the land. In this time he would have some dealer, known as a Real Estate man bargain with some prospective settler for the sale of his relinquishment. The money usually was left in some bank, subject to the filing of the relinquishment. When the settler's turn came to file after October 1st, the real estate man went to the land office (office of entry). The filing of the relinquishment cleared the land of any former entry. So the settler's office of entry was accepted. Then the bank released the money to the real estate man. The reason for all this formality was the fact that it was unlawful for anyone to directly sell his homestead right.

I was still more restless than ever to acquire a homestead, so I came to Dallas S.D. in September 1909, Dallas being 5 miles west of Gregory and on the boundary of the Reservation. On the 20th of Sept., I bargained for a relinquishment at \$1600, besides the

\$6 to the Government for the Indians. On the 18th of Oct., I entered filing on the land. On this land a house and some fence was already built, and some hay was stacked. The original filing choice was #1196.

So at last I had taken the first important step in my life and the next one was to follow soon. It seemed to have a homestead with a house on it implied that I should also have a wife. Having this matter under consideration for sometime before, the question was finally settled on April 5, 1910, and we got ready to start for the new home. This place was and still is 37 miles from the nearest town. My new wife had never been out of town over night in her life.

The winter of 1909 and 1910 was one of exceptional snowfall, and travel was almost impossible so the land office gave a leave of absence until May 5th, 1910. When the snow did thaw in March it all went in two days and flooded the whole country. The Missouri River gorged with ice for eighteen miles and flooded all the bottom land and destroyed all the roads leading to the ferry landings. The gorge smashed all the ferry boats and we were on the east side and had to get across. About the 1st of April, the Snake Creek Landing ferry got in operation.

This being west of Platte, S.D. On about the twelfth we started with three loads, including household provisions, seed potatoes, and some old farm machinery including a walking breaking plow; one cow, ten one year old heifers, two hogs. I had 3 good horses and three old ones. My father and brother helped me to move. I took seven days to travel the 130 miles. To say we traveled on roads would give the wrong impression, though we called them roads at that time. We were stuck in the mud before we had gone 6 miles, and lost about three hours. But we continued on until we arrived at the Missouri River at noon the third day. There we had to wait our turn to get ferried across and then we had to go up the four mile hill. Our horses began to give out so we had to hire a four horse team to help us up. We finally arrived at the top just at sunset. As we were out of provisions and horse feed, we had to pull on to the little inland town of Lucas, S.D. arriving there at midnight. The new wife had gone by way of Running Water, S.D. by train and waited at Dallas for us.

In recording the events of the development of this country, I would fail in part if I passed over Dallas without a description. Dallas that night was a camp of crooks, gamblers, horse traders, salesmen, emigrants, and regular freighters. The streets were a jam of loaded wagons ready for the trail. Hanging around the corrals were shifty eyed horse traders. The emigrants consisted of a conglomeration of humanity, ranging all the way from the experienced plainsman to inexperienced eastern merchants, old ladies, school teachers, street car conductors and almost any other class to be found in the United States at that time, all in high hopes. I saw one man, his wife and ten year old boy starting out with a horse and buggy and a lunch basket to start homesteading. I asked him where his location was and he showed me his filing papers giving the legal description. It was thirty miles from the nearest town but he expected someone would be there to sell him provisions. I feel safe in saying that every state was represented there that morning.

We finally got ready to start but before we got out of town discovered that all our provisions had been stolen in the night so had to go back and restock ourselves. This cost \$14.00. About 10 o'clock we got out of town. Now from Dallas out one had to know which trail to take as at that time there were no sections lines to follow. But everyone carried a Government plat of the county. Each Indian allotment was shown by number of this plot and a new stake was driven into the ground at the corner of each allotment with its number painted on it by the surveyors.

By checking up on plot and stakes one could tell where he was. But unless he knew the trail he was apt to miss his destination. The system of trails was comparable to the system of a huge railroad switch yard.

The trail we took led us southwest about 20 miles; then we had to break a new trail by the plot for 18 miles. This in itself was not so bad, but we had to ford 4 creeks and one river, and at the first one we met our difficulties. Ponca Creek is 3 miles out of Dallas. At that time it had about 18 inches of water flowing over about 2 feet of blue mud, and right there in the middle of Ponco Creek, knee deep in blue mud, began the difficulties of family life.

As the heavily loaded wagon went down the bank to ford the creek it tipped over into the middle of it with the new wife, provisions, household goods and all. What was said as soon as the mud settled enough so speech was possible is better forgotten. We got her pulled out of the mud all right but she started back for Dallas on foot but was so badly loaded with mud she couldn't travel and finally had to sit down and content herself with telling us what she thought of homesteading. In the course of about two hours by prodding in the mud with sticks we salvaged all the goods and got them loaded. By that time the sunshine had helped considerably more to smooth the difficulties and we started on again to the nearest settler's home where we stayed for the night, having made five miles the first day. The rest of the trip went well and we arrived at the new home in the afternoon of April 20th.

In the late fall before, a prairie fire had burned over most of the country and at that time it looked like a black desert as far as the eye could see with only an occasional white dot which was a claim shanty. It has been said and truly so, that "nature in the raw is seldom mild". None can realize this better than the pioneers, but we came with the courage equal to the occasion.

In the following month the sound of hammers driving claim shanties together sounded like woodpeckers in a grove of trees. Over the trails came loads of lumber and supplies, and along the sides of the trails could be found broken-down wagons with loads on.

The reader of today will no doubt picture two horses hitched to a wagon going along a graded road with fences on either side. But not so the real picture. Picture if you can in this day of highways and high speed motor transportation, the break of day at a feed barn, from 10 to 50 wagons loaded with from 2 to 6 horses hitched to each outfit ready to start. The 6 horse and sometimes the 4 horse outfits consisted of two wagons, one called the

trailer, hitched behind the other in such a manner that it could be easily unhitched and left while the team hauled the first through bad places or up steep hills and then came back for it.

Listen and perhaps you can hear the noise as they start, drivers giving the command to their horses, lead teams tightening their chains, the crack of whips at the slow horses, the jerk as the slack comes out of the trail wagon chain and off with creak and groan of the loaded wagons. Follow them out on the trails if you will, not over bridges, through cuts and over fills, but wandering up around hillsides with drivers urging their horses; down steep hillsides with brakes squeaking-horses holding back and just before the bottom is reached and all the momentum is lost the driver kicks his brake loose, shouts at his horses and they run for the up grade. If all goes over well the top is reached and a stop is made for the horses to get their "wind" and to look back to see if the next man needs help. If not, in about a minute on they go again out over more level land perhaps, with the loads rocking and swaying into the chuck holes, each load making them deeper. Finally when the trail forks they begin to separate into two's or more generally trying to keep together to help in case of hard luck. And so they go, not for 8 or 10 miles but for 40 or 50.

As I pass on I wonder if the youth of today as they ride in modern autos and travel over highways made smooth by the toil earned taxes of the pioneer ever try to visualize the pictures I have tried to paint. Can they feel the stinging cold? Can they ever know the feeling one experiences when upon waking up in the morning one finds a blizzard raging with 40 miles to go with a load of freight? When one must scoop through snow filled gullies, break the frozen snow and icicles from the horses nostrils so they can breath, to have to unload part of the load 20 or 30 miles from home and go back after it, though it were probably badly needed supplies. Can they ever know the weariness of walking in the snow beside the load to keep from freezing?

On May fifteenth the last of the settlers had arrived. Some of the trouble makers rode all night to see if anyone failed to get on his land. In case they had failed to arrive these people could connive to get a fee from someone else to inform them and testify in a contest, but no one failed in our neighborhood. The next day was quite generally spent in calling around amongst the new neighbors. Imagine if you can a whole community set down on the prairie in a day. You might say each one a perfect stranger to all the rest and all coming from different occupations and modes of living. I soon came to know them all and found the adjoining neighbor on the west to be a tobacco farmer from Kentucky; the one on the south a railroad section boss from Nebraska, one southwest a blacksmith from Iowa. The two on the east were Iowa farmers, while the three on the north were, one an artist student from Chicago, one a railroad surveyor from Oklahoma, another a boiler maker from Peoria, ILL. All were strangers but all had the same problems in common. But the nature of man being what it is, it was only natural that a strong spirit of fellowship soon sprang up amongst us and common customs soon became established. Even the language used in discourse took on words and phrases singularly descriptive of our work and lives. Some used to more polite customs might be somewhat shocked at some of the conversation. Everyone learned to tell his troubles, no matter how delicate they might be. This was not done as mere gossip but that neighbors might understand

each other's difficulties. The proper reply in these cases was "Let us know if you need help".

It soon developed, however as might be expected that we had trouble makers as well as peace makers amongst us. "Devils as well as Angels" and many petty quarrels broke out. But when trouble overtook anyone, friend and enemy alike came to his assistance.

It must be remembered that no doctor, priest, or preacher was within forty miles, and nothing but trails for one to come over. So necessarily many emergencies had to be met with what means were available.

An account of the social development of this community would be far from complete unless I include one particularly saintly old lady. Her life had been a more or less hard one but she had educated herself to a remarkable degree. Her husband was old and a ne'er do well. To her we all looked in times of trouble. She knew botany, and identified all the native grasses and weeds. She understood some medicine and doctored the sick. She could preach a sermon and buried the dead. She had been a teacher and helped the teachers get ready for their examinations. She was old and understood the passions of youth and taught the precept that "charity covereth a multitude of sins."

To the young mother she was a guardian Angel. She moved back to Iowa and died in 1917 or 1918. Though her passing was without much demonstration it is seldom when the Old Timers talk of Old Times that her name is not mentioned. Her name was Mrs. John Moffett. God Bless Her.

My train of memory has carried me away from the progress of my history so I must go back to May 15, 1910. In the course of a few days after May 15, black ribbons began to appear on the prairie, this being new breaking and day by day the ribbons grew wider until mid-June when the black turned to green and the first cornfields became a reality. In planting the sod corn many methods were employed. One method and perhaps the most primitive was by using a sharpened stick to punch holes in the turned sod and dropping the seed by hand. Another was dropping the seed by hand in every fourth furrow and covering it with the next furrow slice. But the most common method was with a common two row corn planter with a special attachment known as "sod shoes". These sod shoes were invented by a blacksmith homesteader and consisted of two triangular steel plates welded together on the diagonal edges and sprung apart behind to form a wedge shape. This was attached under the regular shoe and cut a narrow slit in the sod into which the regular planting device dropped the seed corn and the slit automatically closed up covering the seed.

Range Cattle: In describing the range cattle situation I abruptly left it, intending to cover it later and now I come to its finis. While this condition or overlap I might say, it quite generally ceased to be during the summer of 1910.

At the time the Sioux treaty was ratified, large eastern cattle corporations ranged thousands of head of cattle on the Reservation, among the largest was the U Cross Cattle

Co. Their headquarters was at Cut Meat (now called Parmelee) So. Dak. A picturesque character by the name of "Billy Brown" was their range foreman. His ability at handling cattle and cowboys, drunk or sober is still legend amongst old cattle men. In the Spring of 1909 the Indian Department, Washington, D.C. sent orders to the Indian Agent at Rosebud, S.D. to refuse any further range permits and ordered Tripp County cleared of range stock. This was undertaken in good faith by the cattle companies but the task was a huge one and many wild cattle were missed by the riders of the Round Up.

The U Cross had succeeded well under Brown until about Sunday Oct. 15, when they were within about two hours drive of Dallas with a herd of several thousand head of two and three year old steers. That one night a severe electric storm struck. The thunder and lightning stampeded the herd and all but about five hundred scattered over the range again. Brown and his men came on into Dallas as soon as the storm abated. The men had been on a hard round-up and were proud of their accomplishment until the storm defeated them. Then they were sullen, cold and discouraged when they arrived in Dallas that night. Cowboy fashion, they proceeded to get revived by getting a bar tender out of bed. The next morning when I got in town, the town was all excited. I asked why, and they said that the U Cross Roundup was in town to load cattle that day.

About 10 o'clock that morning Brown began getting his riders ready to go out. The men had celebrated long but not wisely and were hard to get started. Brown used methods somewhat crude but effective and soon they were gone. From sometime in the night before and all day, stock trains arrived. About 1 o'clock that afternoon a dark mass mottled with white appeared on the hills west of town. The U Cross cattle were coming. Hundreds of spectators were waiting. Men and women who had never seen range cattle before. As the cattle moved nearer the town they became panicky and a bedlam of noise broke loose. Cattle bawled, horns clashed and riders cursed. The big herd milled round and round. Six-shooters were shooting trying to move them on. Finally they were started with riders riding ahead of them. The horses ahead seemed to quiet their fear. When the gates of the stock yards were reached they refused to go in and again they started to mill. Brown in disgust rode up and drove all the spectators away from the yards and told the train crew to pull the train up the track. When we saw the train signaled to back in again we knew they were ready to start loading so we went back.

The loading was a surprise to me as I thought the cattle would surely refuse to go into the cars. But not so. The yards of course were not large enough to hold all the cattle but after the first went in the rest were not hard to hold. The loading chutes were jammed full of bawling cattle. On the plank walk up the side of the chute a man stood with what is known as an electric prod. This is a common bamboo fish pole with a wooden plug driven into the end of it. In the plug two small nails are driven and attached to these are two wires leading from a battery. When the steer is touched with the business end of this pole he gives one lunge and one bawl and lands in the car. About five o'clock the job was done and the U Cross Herefords were on their way to Chicago. But the cattle that stampeded the night before had drifted back over the range and had to be gathered again. Many were missed that fall and the following summer riders rode the settled parts of the old range looking for what was called "tail-ends".

If all the cattle had been gathered as faithfully as the large companies gathered theirs, the settlers would not have experienced much trouble with range stock. But it seemed that some of the small outfits didn't take the matter seriously and let their cattle go. The country was still free range so far as being able to collect for stock damage was concerned. All unorganized counties in So. Dak. had no fence law until the people therein voted on the question. We of course had not had an election yet.

In the fall of 1909 several after filing on their claims, came out and cut and stacked what hay they could get that fall and fenced it in. In the spring when they came back the hay was gone. Range cattle had eaten it.

In the fall of 1910 an election was held and among others question the fence law was voted on making owners of ranging stock liable for any damage they might do. Then we thought our range trouble was over, but not yet. A good many Indians and mixed breeds had stock ranging on the remaining part of the Reservation west of us which drifted across the land into the settlement at times and we found to our sorrow that we had no recourse against an Indian without suing the United States Court of Claims at Washington, D.C. Nebraska was having the same trouble until an attorney in Valentine by the name of Andrew Morresy now Judge of the Nebraska Supreme Court, tried a case in Federal Court and got a decision contrary to the former ruling.

At about this time our neighborhood received its first shadow of sorrow. One Sunday afternoon an eighteen year old girl with a mental defect, flew into a fit of anger because her parents refused to let her go visiting, grabbed a bottle of liniment used for wire cuts on horses and drank it. It contained Corrosive Sublimate and of course was fatal. We tried to get a doctor but had to go so far that when we got to him, he said there was no use of him coming. She died that night and the following day, Mrs. John Moffett conducted the funeral services. The parents and a neighbor took the body to Valentine, Nebraska and shipped it back to their old home.

During the summer of 1910 the county was organized by petition and a set of officers appointed but no regular election was held until the fall of 1910. The first term of court was held in June of 1910 with Judge Robert Tripp on the bench. Before entering into the procedure of that 1st term of circuit court, it is necessary that I go into a more or less detailed description of conditions at that time. It may be tedious to the reader, but necessary in order that the reader may realize that this judge and jury were facing problems which perhaps no other tribunal had ever faced.

In the first place it will be remembered that the country was going through a sudden change from range conditions to intensive agriculture. Now as I have shown before these industries did overlap and caused considerable friction and many disputes over brands and "slicks" or unbranded cattle, arose. It must be evident to the reader by now that the settlers were a determined lot and generally ready if not willing to fight. Another thing which caused a lot of trouble was the "squatting" and many fights were the result.

Another element which I must introduce here was the natives; these were mostly mixed blood Indians. They were for the most part the descendants of "White Soldiers of Fortune" and Indian wives. They had grown up here and under a hardy environment and had little use for courts to defend their rights in as they usually did that themselves. One such character was one John Arcoren. He was known as Old Jack. No one knew where he came from or when he came. He had the appearance of being a mixture of Negro-white-and Indian. He was about five feet tall and looked as though he was made of sun scorched saddle leather and more long hair. He had been a government scout and interpreter, had been with General Geo. Custer shortly before his fatal battle, had rode with Buffalo Bill, known Sitting Bull and had been at the battle of Wounded Knee. He had married an Indian woman and settled down to Indian life on Dog Ear Creek near the town of Lamro. He had a son whose name was Rudolph.

To continue on with these characters would be another story and perhaps tire the reader with its monotony. So now I will attempt to explain the procedure of exercising "Squatters Rights". The requirement was to establish a residence. This might be done in many ways, but anything that left evidence on the ground at the beginning of a home was sufficient. Thus a well started, a few posts set to start a fence, or a tent to live in. Usually one night spent on the land was enough. These were not so much in question as the fact of who arrived first. It will be remembered that at midnight, Oct. 1, 1909 was the zero hour.

Consequently when daylight came it was found that some quarters had several squatters on them, all claiming to have been there first, and each with witnesses to prove the same. Then came a race to the land office in Gregory to get first filing on the land. The filing then was usually contested by the other claimants and a trial was held before the Receiver of the Land Office to decide the proof. If all these cases had been settled in this way all would have been well, but many of these fiery and determined people were used to fighting their own battles and many fights ensued. The reader will now be able to understand the motives and decisions in the first sitting of Circuit Court.

The first criminal case on record is the State of S. Oak. versus Rudolph Arcoren and William Truedell. Chief complaining witness being one G.O. Van Meter, the defendants were charged with the theft of one dark red heifer branded Circle V on left hip. The next, a companion case, was State of S.D. versus John Arcoren, complaining witness the same G.O. Van Meter. The defendant was charged, this time with assault and battery without justifiable or excusable had made assault with a dangerous weapon, -to-wit- a large rock with the intent then and there to injure the person of G.O. Van Meter, contrary to the form of the statutes in such case made and provided, and against the peace and dignity of the State of S. Dak.

As to the findings of the jury in the first case I do not remember, but the out of court story seems to be of an argument as to the reading of the brand in which "Old Jack" Arcoren, father of Rudolph took a hand in his characteristic way. Now as you will remember "Old Jack" was a man of small stature and Van Meter was a large man and as a matter of equality, "Old Jack" picked up a rock and Van Meter seeing this made the mistake of

daring old Jack to throw it. The finding of the jury was guilty. The sentence imposed was, cost of trial which was \$106 and 15 days in the county jail. In the records of the case I find a petition to the court signed by many petitioners, setting forth the facts: - That the time the county jail was a one room of board structure with a tin roof there-on and two persons already confined therein. That the sanitary condition of the jail with two persons already confined therein would be very poor and would be very detrimental to the health of said John Arcoren and said other persons, that to confine the people in said jail at this time of year was dangerous. That acting States Attorney W.B. Backus was willing that said sentence so imposed be modified on act of said condition to \$30 additional fine and suspension of said 15 days in jail. This closed the first criminal case.

The next was one of more importance and the cause of much interest. On the morning of Oct. 2, 1909 it was found that two squatters had squatted the N. W. 1 of Sec. 15, Twp. 101, Range 74, one being Chris Pringle and the other Margaret Langon. Chris Pringle had for his witness one Alfred A. Woods, who had filed on the quarter section adjoining on the south. Margaret Langon had for witness, her brother Frank and Leo Hannon, Frank and Leo being young men. It appears that Pringle and Woods intimidated the Langons and Hannon that morning and attempted to drive them off. All started for Gregory to offer filing on the land, but there were so many waiting at the land office that it was impossible to file for many days. The Langons with their father John Langon and Hannon went to William McDonald's law office to get legal advice. While they were there Pringle and Woods came and much angry disputing took place. John Langon accused Pringle and Woods of running the girl and boys off. They in turn admitted it and made further threats if they attempted to come back. It appears that they did come back and cut some hay at some time later and on Oct. 14th went back to get the hay. While loading the hay, Woods began shooting at them and shot five times at them from behind a haystack. They had no guns so galloped their teams to get away. On Oct. 16th they came back and brought rifles. Woods living close by saw them and took his rifle and went again to scare them off but this time John Langon was with them and they had rifles also. The result was that Woods was shot through the heart and died where he fell. He did not return for dinner and his wife went to look for him and found him dying. Langons went to another settler's cabin and told him Woods was shot and had him go to him but he was dead.

Today Circuit Court records of Tripp Co. June, 30, 1910 shows: - State of S.D. vs. John Langon, Frank Langon and Leo Hannon, defendants. The records also contain the instructions to the jury by the Honorable Robert Tripp, wherein he in substance said: "If you find that defendants in the performance of a lawful act were so harassed that they in actual fear did shoot Alfred A. Woods then you shall find defendants not guilty. The findings of the jury were not guilty and the prisoners were discharged on July 1st, 1910.

This closed the first murder trial of Tripp Co.

Heretofore I have dealt with only the natural side and the reader will no doubt think that our time was all spent at the tasks at hand. But stop for a moment and consider. Most of us were young, high-spirited people, full of vitality and the love of adventure, and here as well as of old the ways of the man and the maid were beyond understanding. There were

but few maids but many young bachelors, so much competition existed in that unfinished business of the man and the maid. It was not uncommon to see from 1 to 5 saddle horses asleep on one cocked ankle with bridle reins on the ground in the corral at the maids home, waiting, waiting.

Sometimes the parental members were pleased and sometimes otherwise. But not alone did the maid and bachelor enjoy Sundays and Holidays for seldom did a day for recreation go by that nearly everyone did not join a group somewhere. The banter and wit developed at those gatherings would draw a crowd today. Practical jokes were played, tests of physical skill (wrestling, boxing and acrobatic stunts) were indulged in and finally long yarns of doubtful truth were told. It was a sad day for anyone who couldn't take a joke and he soon realized that he wasn't wanted. And last but not least came the "eats"; never, I sincerely believe, were there more hungry gangs assembled. Each one generally brought some "Grub" and all was put together in a common lot. The claim shanty was seldom large enough to hold us all so the men had to stay outside while the ladies prepared the dinner. Then it was brought out and eaten in the shade of the shanty. Not only the day was spent this way but often the men went home to milk the cow and came back for the evening. In the whole community in 1910 there was only one baby and she was surely a prize to anyone who did get a chance to take of her. She was "The Homestead Baby" and was a wonderful one. She seemed to acquire the uncomplaining habits of her people, for she could sleep through any kind of noise. Her name was Marie Storms and if I continue to completion, you will hear of her again.

Finally came the 4th of July, and a great day it was. It was decided to celebrate on the bank of the Keyapaha River on Monto Frinkman's claim as there were some old cottonwood trees growing there. Enough lumber was borrowed from settlers to build a bowery and speaker's platform. A program was arranged by everyone who could, volunteering to do something for entertainment. We had an invocation, vocal solos, recitations, chalk talk, and an oration by an Attorney homesteader, by the name of George McMannus. In his discourse he defied the power of foreign nations to suppress our liberties but warned against the development of a rotten core within our nation.

A load of supplies was brought from Valentine, Nebraska and William Gooby ran a stand. I dare say there were five hundred people there that day. All strangers but friends. There were wagons by the score with horses tied to them eating hay. There were a few buggies and many saddled horses, but no autos at that time. There was nothing to tie the saddle horses to so it was a common sight to see from 3 to 8 horses tied to each other's saddles in a circle and usually a pair of boots tied to the saddles as the boys carried their shoes and changed. This was not alone the case with the boys, but some of the girls as well. A good saddle horse was as acceptable to most girls then as an automobile is today. The happy day finely came to an end and the big dance was on. All who stayed ate supper out of lunch pails. The ladies "fixed" their hair and we were ready for the dance. We knew nothing of the "Turkey Trot," the "Bunny Hug", the "Shuffle", or the "Charleston", but danced to the tune of Anheiser Bush, In the Shade of an Old Apple Tree and the Quadrilles. We needed no expensive orchestra. A "fiddle" and anything else available would do. The dance carried on and all were enjoying themselves when about

midnight someone noticed a black cloud in the west. A storm was coming and no place to go. All was excitement with everyone trying to find their horses. Everybody was confused in the dark and no one able to get started. The storm struck with its fury of wind, rain, thunder and lightening. Horses broke loose and ran away. The next morning every claim shanty nearby was full of people some of which had to walk home. This ended the first July 4th celebration.

As I near the 24th mile post in this year of 1933, I am inclined to weigh in the scale of comparative value those hearty, original pleasures, against the expensive ready-made ones of today and I find the present wanting. I wonder if poetic justice has found us guilty of extravagant frivolities and imposed the sentence of depression upon us.

When the season had advanced and it became too late to break sod and plant corn, the next thing in order was the building of sod houses and barns. To build a "Soddy" in a neat and durable way was an art in itself, and some men became expert at it. These men became known as "Sod Carpenters" and were in much demand. When a house was finished it generally got a "house warming", that is a dance. Not all the houses of course were soddies but it made no difference as to the "house warming" if it had a floor in it. Not only the youths attended these dances but young and alike. Whole families came in wagons, bringing bed quits for children to sleep in when they got tired. Few who read these lines will ever know the real joy of these parties. Everyone came to enjoy themselves and do their part to make everyone else happy. Old men and old ladies danced and cut up like children and formalities were laid aside. Wit and humor flowed back and forth. Due to the size of the house it was impossible for all to get inside at the same time so those outside would dance the Indian Pow Wow dance at the door, sometimes when they tired out, this playful mischief began. Horses were changed from one wagon to another, sleeping children were changed from one wagon to another. Hats were hid and anything else that might be thought of was done. When the party was over all was confusion, some looking for their horses, women looking for children, or lost hats, but all in a happy mood. And so homestead life slipped by.

As time went on duty called out and we proceeded to establish a Civil Government. By petition of the freeholders we established township and school District organizations. The township name was Beaver Creek and the school district was the same. We voted a \$500 bond and let a contract for the erection of a school house in the center of the district. The district just north of us built a sod school house. Our school wasn't finished until late in the fall so the teacher held school in our house until it was completed.

By the fall of 1910 the country was taking on the appearance of a more permanent habitation. Some fences were built. Sod barns with hay stacked around them were to be seen.

During this first summer that terrible malady known as homesickness developed and many of the women wept themselves almost sick at times. Only those who have broken home ties and gone out on the lonely prairie can understand this to its full extent. Imagine if you can, no roads, no fields, no fences, no towns, no railroads, no buildings, no wells,

no schoolhouses, no church. To the man busily employed it was not so bad. But to the lonely woman the monotony of the long days was almost unbearable. "New Comers" of later years who come to the country remarked at the habit of gossip among the people, but they do not know that this habit was a child of necessity. How do you suppose news spread with no newspapers, no telephones, and seldom any mail, unless by the so called gossip. When special events were about to take place or special news arrived, each one made an effort to get the word to his neighbors. So I feel we are unjustly accused of gossip.

Finally came the first Thanksgiving Day. All gathered at the new sod school house to eat, drink, dance, and be merry. People came in pairs, and in crowds. Wagons with four horses brought whole loads. The music was furnished by a "fiddle" and an old organ with anyone who could taking turns at playing. To rehearse the doings here would be but a repetition of the description of other dances except that oysters were cooked in a wash boiler and an oyster supper was served.

The winter was a mild one. The only blizzard being on New Year's Day, and any time a few neighbors got together a party might develop. It was a small matter to send a few riders out to spread the invitation which was not of the formal kind but was: "Tell everybody to come". The winter parties varied from those of the summertime only in that if the night was bad hay, was carried in after the party was over and what was known as a "Shake Down" was made and those from long distances lay down to rest until morning. In the morning the hay was carried out, the floor swept, coffee boiled and what food was left over from the party was eaten.

As a pioneer, I have often been asked about Prairie Fires. These fires were a continuous source of fear to the settlers and every set of buildings and every haystack was protected by a Fire Guard. A fire guard consisted of a series of furrows plowed about 4 rods apart around the object to be protected. This was left until a fire threatened, then the grass between the furrows was set on fire and burned out, thus leaving strip about 4 rods wide around the object with no grass left to burn. This of course in no way protected the buffalo grass on the winter range. Our township joins the east boundary of the remaining part of the reservation so it became advisable to run a fire guard from the Dakota-Nebraska line north. Each township doing the same unless it happened to have a road on the county line. In that case the road answered the purpose. This work was done voluntarily under the supervision of the Township Boards. The first thing to be done was to plow the line. This meant 4 furrows one way and 4 furrows back, or 12 miles around. It was accomplished by working in pairs. Two men and 4 horses on a plow would plow 1 furrow ½ way back and others would do the same until the eight furrows, six miles long were finished. Then a day was set to burn it out and all were expected to be there to help. In doing this crews were picked with a boss, each crew having a given distance to burn. The system usually employed was that first a fire spreader or torch was made by tying some slow burning material on the end of a wire. It was set on fire and a man dragged it through the grass along the guard on the opposite side from which the wind was blowing from. This set a fire which had to burn against the wind; therefore it burned very slowly and didn't get too hot. Two men followed him with wet sacks to prevent any fire from

starting outside of the strip of plowing. When these men had advanced sufficiently so the heat from the main fire would not reach them, the same thing was done on the windward side. Then a roaring flash and the ground was bare.

We have had many fires but the one on March 22, 1916 was the worst. For several days we could see a fire burning at night a long way west of us but the wind was from the southeast and was carrying it away from us. At about 11 o'clock in the morning the wind went down and it became very still. About 12 o'clock while sitting at dinner, I smelled smoke. The wind had changed to the northwest but wasn't blowing hard yet. I got on my saddle horse and started to ride northwest to get on top of a butte about eighty rods away to locate the fire. Before I had gone halfway I was met by a blast of wind, smoke, and ashes and the western horizon was a boiling mass of smoke. Then I remembered, it was the equinoctial period when we get sudden wind storms. The horse refused to face it so I turned back. Rabbits with singed hair ran along beside me. Prairie chickens flew by. Russian thistles and tumble weeds also tumbled along. The smoke got so dense that I could hardly breathe. I rode by the house and called to my wife to get the children into the cave then ran on and got the gates open and turned all the stock into a bare cornfield. Then I pumped 2 pails of water and took it to the cave. I then attempted to set fire to the grass in the yard to backfire it around the buildings, but the wind was blowing so hard it was impossible to get a match to light. In the course of about thirty minutes the fire came. Pictures of the infernal regions have been attempted but none as real as that picture. Fire came over hills and hollows as far as I could see, hissing as it came down hill and roaring going uphill. The wind blew so hard it had jumped all fire guards. It blew so hard that it caused a back draft from the buildings and blew the fire away from them so not many buildings were lost. But the prairie was strewn with dead and dying horses, cattle, rabbits and birds. On the county line there is a fence. Against this fence were about 65 range horses, some dead, some with the flesh burned off their heads, with teeth and part of their skull exposed. Some had holes burned through their sides and intestines dragging on the ground. They were all shot. A sudden March shower followed the wind storm and extinguished the fire.

Another continuous fear was rattlesnakes. They were numerous and worst in the fall when first frosts came. At that time they seemed to be kind of stupid from the cold nights and were not noticed until they were disturbed then they rattled and struck at whatever disturbed them. Due to this many cattle and horses and some people were struck by them. The poison was fatal to human beings. It crippled stock but they generally lived. The first aid treatment consisted of cutting open the area around the little wounds made by the fangs and sucking the blood and venom out, then applying an application of turpentine and salt. If this was done at once there were no ill effects but if neglected for only minutes the venom became absorbed by the blood and the victim died in about four hours. The snakes lived in or near prairie dog towns. One neighbor killed 146 snakes one sun shiney morning after a frosty night. Though a person never had seen or heard a rattlesnake they could surely jump with an apprehension fear the first time they heard one rattle. There is no sound like it. The rattler is not very prolific and one once discovered was never allowed to get away, so they are extinct here now.

The reader by now will wonder how and where we did our trading, and how we made anything to buy with. It will be remembered that the "opening" was advertised in the east. Up until this time the holder of land was sure to increase his wealth by increasing values. So many who drew numbers came, filed and lived on the land the required eighteen months, proved their residence and got patents from the Government expecting either to sell then or hold for future advances.

These people had no intentions of settling permanently so made no effort to establish a working unit. They had some money and hired most of their work done. That is their lumber, coal, and other supplies were freighted in and some breaking done. This made quite a bit of work for anyone with horses. We got \$.35 per Cwt. for hauling from Valentine, Nebraska or Dallas, S.D. and \$3.00 per Acre for breaking. To haul a load from town took 2 to 3 days per trip, and we could haul about 2500 lb. which amounted to about \$8.75. Out of this came about \$2 expenses leaving \$6.75 for three days with four horses. Two trips a week was all a team could stand. The breaking was some better. A four horse team could average about 2 acres per day amounting to \$6.00. To break 2 acres with a walking plow the man and team had to travel 14 miles. We had to buy and haul the horse feed from Nebraska. It cost \$.55 per bushel for corn and \$.40 per bushel for oats. The maintenance on the plows was about \$.25 per day, making a daily cost of about \$1, leaving \$5 for the day's work. Of course everyone was anxious to get his own breaking done and only went out to break when he had to have money. To make a walking breaking plow work smoothly and with a minimum of draft on both team and man was the job of a wizard. The giver of gifts doesn't give me the power to describe a stubborn plow. It used to be said that a stubborn plow and a stubborn calf that refuses to drink were of the same breed. Only those who have followed one for 14 miles can appreciate the task.

Now before the settlers came there were little inland trading posts, usually only a store with a Post Office scattered over the reservation. Two of these were in the line of the proposed railroad. One, Colome, was on the Indian allotment belonging to a quarter breed Indian by the name of Colombe. This was the first one to the west from Dallas and the only one that survived. The next to the west was Lamro, on the allotment of another quarter breed Indian by the name of Oliver Lameraux. This little town seemed to be in the direct line of the new railroad so a great deal of speculation took place there. It was situated on the bank of Dog Ear Creek and had a water supply which was of much importance at that time as water was hard to get in the northern part of the county. It also was the County Seat.

The town was platted and lots sold. A courthouse and school and many business buildings were built up in the summer of 1909. All was booming until about Oct. 1st, 1909, when a crew of surveyors were discovered surveying and plotting a town site one and one-half miles north east of the town. The land which they were working on was the allotment of Harriet De Chaim Biggins, the wife of a white man. On investigation it was found that the land had been bought by the Western Townsite. The people of Lamro claimed that the new town site was a fraud and to sell town lots. The new town site people claimed it was too costly for the railroad to build a road bed across the low land

surrounding the town of Lamro. The Lamro people claimed the new town could not get water and refused to sell them any. So the fight went on until the railroad survey finally swung north and headed towards the new town. The new town was the winner, and was named Winner, S.D.

Still the people of Lamro held out until the election in the fall of 1910 when the county seat was voted to Winner. That night was one to be remembered. The people of Winner took teams and wagons to Lamro to get the records from the old court house there. The Lamro people resisted them and there was much free for all fighting but the Winner people finally succeeded though not in the orderly way they should. The books were fought for piece by piece and those not entirely destroyed were thrown into the wagons as so much hay might have been and men jumped on top to fight the others off. The books were such a mixed up mess that they were never fully separated and finally were burned in a fire which destroyed the temporary court house. When the old town lost the county seat the people gave up and there was a great rush of moving buildings to Winner. As many as four or five Stearn tractors hauling buildings could be seen at a time. In the summer of 1910 the railroad built its road to Winner from Dallas, and on July 4, 1911 the first passenger train came into the new town. On that day was celebrated the first Independence Day in Winner. Homesteaders and Indians were there by the thousands that day. Teams were tied to wagons out of town as far as one quarter of a mile in all directions, there being no room closer in.

Everything imaginable in the way of western entertainment was furnished free. A free movie was given in the street by stretching a canvas between two poles. There were no sidewalks, no cross walks, and no drinking fountains, but wood barrels were set on street corners and filled from a water tank hauled around on a wagon. Tin cups were chained to the barrels but no provision was made for the Indian dogs to drink. In mid-afternoon the dogs became thirst crazed and began jumping into the barrels. In doing this they of course fell in head first and were unable to get turned around in the barrel and drowned unless someone happened to be near to pull them out and sometimes two at a time got in. The first one I saw, I thought was some kind of a side show to draw a crowd, as it looked funny to see the dog's tail waving out of the top of the barrel. The problem was solved by placing a guard at each barrel. On July 5th there were still many people camped around town.

The summer of 1911 proved to be very dry and very little crop matured. Many of the settlers had paid high prices for flaxseed and sowed it on new breaking but it was mostly a failure. But still the faith held and everyone said next year would be the year after the dry year. In the fall of 1911 the first eighteen months of residence began to expire and many made their proof and got Government patents to their land. Nearly all had to get loans on their land to pay the Government fee of \$6, \$4.50 and \$2.50 and in addition got more, some to improve their land, others to buy stock and equipment. The sad thing is that most of these loans have continued to increase until they have taken all of the owner's equity.

The summer passed and winter came, and the spirits of the people were filled with more content. Homes were becoming more comfortable. Livestock was beginning to increase. The people had some poultry, butter and eggs to sell.

The most essential of all, new babies began to arrive, the first being Miss Raymalee Adams, Miss Marie Larsen, Francis Sharkey, James Lyons and Helen Storms. This was encouraging but many new problems presented themselves. Many of the young mothers went back to their old homes to spend the winter months. Those who stayed were subjects of much solicitude. For instance when Helen Storms was born, her folks had no cows giving fresh milk and I got the honor of furnishing a cow to provide the milk.

During this winter many literary societies were formed, including singing, debating, public speaking and etc. It must be remembered at this time there were no libraries or other reference books in the country and everyone had to help the debating teams with what knowledge they had at hand. Here again I recall Mrs. Moffett who taught one of the schools. One widow woman had a very accomplished daughter who taught one of the schools. Her name was Miss Mary Hodges and she coached home talent plays. As a whole it was one of the most pleasant winters I have spent. Homesickness began to disappear. Schools were well established. Church organizations held services. Roads were made passable by bridges and markets established with fair prices.

The spring of 1911 ended the first two years of development. To continue with the events of the following years would be of little interest to anyone except one intimately acquainted with the individuals, therefore I leave the personal incidents of the people and attempt to deal with the State and National events and their bearings on our new development.

Up until March of 1913 the Republican Party had been in power. In the fall of 1912 at the National election, President Wilson of the Democratic Party was elected. Now as is generally the case when the Administration changes to a new party many new or progressive laws were passed. Amongst these were the Federal Income Tax, the Federal Reserve Banking System, Federal Farm Loans, Downward Revision of Protective Tariff, National Good Roads Act, Two Amendments to the National Constitution; Direct Election of U.S. Senators. These laws had no chance to become effective due to the World War. The State of S.D. in following the trend of the times passed many progressive laws also. Amongst these were the Initiative, Referendum and Recall; Rural Credits; Development of State owned Coal and Cement Plants; Bank Guaranty Law; Motor Vehicle Regulations; State Hail Insurance; The building of State Owned Bridges across the Missouri River and a law exempting from Taxes to the extent of \$500.00 value each farmers house and farm equipment. Also Woman Suffrage.

Many of these laws answered their purpose well for a time but in the test of time failed. Others were found Unconstitutional by the Supreme Courts. Others have endured. And so we drift along in the march of time, over the hills of prosperity and down into the valleys of depression always swayed by mass psychology; bound together by patriotism while fighting wars, then broken asunder by the madness of great wealth; with monsters of

business and industry sapping the economic life through manipulations. Sometimes under protection of law and other times by pure fraud, with us of the masses their prey. We are a fertile field for agitators and become victims of our own lack of judgment. We become so blinded by suspicion, so desperate by deprivation of the fruits of toil that we refuse the leadership of real leaders and follow the false Prophets who lead us as sheep to the slaughter, that they may win selfish ends. And I wonder, "Are we truly, Brothers of the Ox?"

Finally in that ever onward march of time, I find myself almost at the quarter century of the development of this county. With the dreams of 25 years vanished, with fancy's pictures faded, with youth gone and age here, with economic disaster spreading despair in its wake, with drought and grasshoppers making our land uninhabitable. But from the human heart springs hope eternal, and in the active hours of daylight with sober logic born of experience I can see again a future, as I know that history has always repeated itself. But in the evening: "Between the Daylight and Darkness, when comes that pause in Life's Occupation"* a still voice whispers to me; "Backward turn Backward, Oh time in your flight!"**

D.B. Lyons

1933 Beaver Creek Township, Tripp County, South Dakota

***The Children's Hour - Henry Wadsworth Longfellow 1807-1882**

**Between the dark and the daylight,
When the night is beginning to lower,
Comes a pause in the day's occupations,
That is known as the Children's Hour.**

**** Rock Me to Sleep - Elizabeth (Akers) Allen 1832-1911**

**BACKWARD, turn backward, O Time, in your flight,
Make me a child again just for to-night!
Mother, come back from the echoless shore,
Take me again to your heart as of yore;
Kiss from my forehead the furrows of care,
Smooth the few silver threads out of my hair;
Over my slumbers your loving watch keep;—
Rock me to sleep, mother,—rock me to sleep!**