

University of Oklahoma College of Law
University of Oklahoma College of Law Digital Commons

American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899

1-11-1893

John Palmier.

Follow this and additional works at: <https://digitalcommons.law.ou.edu/indianserialset>



Part of the [Indian and Aboriginal Law Commons](#)

Recommended Citation

H.R. Rep. No. 2226, 52nd Cong., 2nd Sess. (1893)

This House Report is brought to you for free and open access by University of Oklahoma College of Law Digital Commons. It has been accepted for inclusion in American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899 by an authorized administrator of University of Oklahoma College of Law Digital Commons. For more information, please contact darinfox@ou.edu.

JOHN PALMIER.

JANUARY 11, 1893.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. PICKLER, from the Committee on Indian Affairs, submitted the following

REPORT:

[To accompany H. R. 9742.]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 9742) for the relief of John Palmier, Pine Ridge, Shannon County, S. Dak., have had the same under consideration and report it back with a recommendation that it do pass.

From the papers transmitted from the Indian Office and from facts laid before your committee, it appears that Mr. Palmier, with the intention of perfecting a homestead when the land was surveyed, settled on public unsurveyed lands in the county of Sheridan, in the State of Nebraska, in the month of June, 1879. Subsequent to that date, but after Mr. Palmier had settled and improved the land, to wit, January 24, 1882, the President of the United States, by an Executive order, set apart lands in Sheridan County, Nebr., described as follows:

Beginning at a point on the boundary line between the State of Nebraska and the Territory of Dakota, where the range line between ranges 44 and 45 west of the sixth principal meridian in the Territory of Dakota intersects said boundary line; thence east along said boundary line 5 miles; thence due south 5 miles; thence due west 5 miles; thence north to said boundary line; thence due east along said boundary line to the place of beginning.

By this order the lands within said described boundaries were withdrawn from sale and set aside as an addition to the present Sioux Indian Reservation in Dakota. Mr. Palmier was not molested, and continued, as he had a right to do, to improve his homestead, spending much money and labor thereon. Congress, by an act approved March 2, 1889 (Public act 148), set aside the same lands as an executive reservation. On the 10th of February, 1890, the President issued a proclamation to carry out the provisions of the above-mentioned act. In that proclamation all persons were warned not to settle on said lands, but no notice was given for those who had acquired legal rights there to vacate.

On the 15th of April, 1891, the acting Indian agent at Pine Ridge, under orders from the Indian Office, issued the following notice:

PINE RIDGE AGENCY, S. DAK., *April 15, 1891.*

To whom it may concern:

All persons living or camping upon the extension of this reservation, known to the law as the "Executive addition to the Pine Ridge Reservation," referred to in proviso to the first section of the Sioux act of March 2, 1889 (25 Stats., 888), are notified to leave said addition on or before the 15th day of May, 1891, and to remove therefrom all houses, barns, fences, fixtures, and appurtenances belonging to them

under penalty of having the same destroyed after said date of May 15, 1881. And all persons are prohibited and forbidden to settle upon said executive addition or to erect thereon any dwelling or camping place whatsoever.

CHAS. G. PENNEY,
Captain Sixth Infantry and Acting U. S. Indian Agent.

It will be observed that a failure to remove from this addition carried the penalty of a destruction of all improvements. Palmer removed under this order. Mr. Palmer submits the loss he sustained in the following itemized statement:

The United States to John Palmer, Dr.

May 2, 1892:

Frame dwelling house, 1½ stories high, 18 by 26 feet; with addition 14 by 18 feet.....	\$1, 200
Log dwelling house, 18 by 36 feet.....	100
Log and board stable.....	75
Log corral, 100 by 75 feet.....	50
Forty acres of land under cultivation inclosed with pole and wire fence.....	160
Fruit trees planted and growing.....	40
Breaking 40 acres of land at \$3 per acre.....	120
Digging one well, labor and material.....	50
Personal labor on farm and buildings.....	200
Total.....	1, 995

In obedience to the order of Capt. Penney, Mr. Palmier, who appears from the papers transmitted by Indian Office, to be a law-abiding citizen, gave up his home, the result and accumulation of twelve years' labor, and left the place. That Mr. Palmier had a right to settle where he did, no one will deny, and having been compelled to leave his land, he should be paid the value of his property lost.

On May 4, 1892, Mr. Palmier submitted to the acting Indian agent his claim for the property so taken, accompanied by the affidavits of himself, Louis B. Lessert, and George Calhoff, which were transmitted to the Indian Office. May 19, 1892, the Indian Office transmits the claim to the agent, stating that if the facts were as Mr. Palmier stated them, then he had equities that should receive attention. On May 24, 1892, Capt. George LeRoy Brown, acting United States Indian agent, replies, and we quote from his letter: 1. As to the proposition that Mr. Palmier be allowed to return to his home, Capt. Brown says:

For the best interests of the service I recommend that some action be taken which will not permit any person to settle upon the Executive addition in Nebraska attached to the Pine Ridge Reservation, for the reason that I deem it a very wise policy to keep the liquor traffic as far from the agency as possible, and other wrongs which are likely to be *perpetuated* by border ruffians and others if the reservation is exposed to the State of Nebraska, as it would be if this Executive addition had not been set apart. From all the information I can obtain Mr. Palmier is a law-abiding citizen and would, under reasonable circumstances, use his best efforts to prevent the introduction of liquors upon the reservation, but it is a bad policy to have houses along this addition in which people can stop and discuss the rights or wrongs of this and that one, and I, therefore, most earnestly recommend that your office give positive orders that no person will be allowed upon this Executive addition to settle and maintain a residence under any conditions whatever.

Continuing, Capt. Brown says:

Returning to Mr. Palmier's claim for \$1,995, I have to say that I consider it a reasonable claim. He has a very good house, barn, corrals, and other improvements which, of course, cost him some money and much labor to erect at this point.

In conclusion your committee submit the affidavits of Mr. Palmier, Louis B. Lessert, and George Colhoff as to facts concerning this claim.

STATE OF SOUTH DAKOTA, *County of Shannon, ss:*

JOHN PALMIER, first being duly sworn, deposes and says.

My name is John Palmier I am 55 years of age. I am a legal resident of Pine Ridge Agency, S. Dak. I am the same person who filed a claim against the Government for the sum of \$1,995, for losses sustained on account of being ordered from my home on the Executive addition by Capt. Charles G. Penny, acting United States Indian agent, order dated April 15, 1891.

I settled on what is known as, the "Executive addition in Nebraska to the Pine Ridge Agency, S. Dak." (made by Executive order of January 24, 1892, and referred to in the first section of the Sioux act of March 2, 1889, 25 Stats., 888), in the month of June, 1879, and improved said land for a term of twelve years by building houses, fences, barns, corrals, and plowing, and other improvements, to the amount of \$1,995. I settled on said land for the purpose of making it my home, and so improved it. I am a law-abiding citizen and have been the entire time covered during my residence on said land. I file my claim with affidavit which is made a part hereof, and pray for justice at the hands of the Government and further affiant saith not.

JOHN PALMIER.

Sworn and subscribed to before me this the 4th day of May, 1892.

GEO. P. COMER,

Notary Public in for Shannon County, S. Dak.

My commission expires on the 16th day of April, 1896.

STATE OF SOUTH DAKOTA, *County of Shannon, ss:*

LOUIS B. LESSERT, being first sworn according to law, affirms and states the following:

My name is Louis B. Lessert, and I am 54 years of age. I am a legal inhabitant of the Pine Ridge Reservation, S. Dak. I have been personally acquainted with John Palmier for many years past. He is a citizen of the United States and a close observer of all its laws. Until recently he has lived in the Executive addition, where he had selected for a home a piece of land some twelve years ago. He intended to live thereon permanently, but the late order of Capt. Charles G. Penney, acting United States Indian agent, issued on the 15th day of April, 1891, caused him and his family to look for new quarters. I know from my own knowledge that in consequence of the order above referred to he sustained considerable loss, and gave him much trouble and inconvenienced him in many ways. I know that he resided on the land twelve years in succession and tilled and cultivated same each year. He also made valuable improvements in the line of buildings, which he used for purposes suited to them; that the sum asked for by the claimant is just.

In support of the above statement made by me I herewith attach my name before a duly commissioned notary public.

LOUIS B. LESSERT.

Sworn and subscribed to before me this 4th day of May, 1892.

[SEAL.]

GEO. P. COMER.

Notary Public in and for Shannon County.

My commission expires on the 16th day of April, 1896.

STATE OF SOUTH DAKOTA, *County of Shannon, ss:*

GEORGE COLHOFF, first being duly sworn, deposes and says:

My name is George Colhoff; I am 48 years of age; I am a legal resident of Pine Ridge Agency, S. Dak. I am actually acquainted with John Palmier, claimant for \$1,995 for losses sustained in consequence of and in obedience to the order received by him from Capt. Charles G. Penney, acting United States Indian agent, which compelled himself and family to leave their home, located within the boundaries of the "Executive addition" in Nebraska and adjoining the southern line of the Pine Ridge Reservation. I know from my own personal knowledge and observation that John Palmier, the claimant against the Government for the above-specified sum for damages incurred by virtue of the preceding requirement, did reside on and cultivated at the proper season the said land for the past twelve successive years, and

that he has otherwise made improvements thereon by the erection of buildings for various purposes, fences, corrals, etc. That the above sum is commensurate to the loss suffered by him in sequence of the above order dated April 15, 1891. I also know him to be a law-abiding citizen.

In testimony of the truth of the above statement I herewith subscribe my name before a duly qualified notary public in and for Shannon County of this State.

GEORGE COLHOFF.

Sworn and subscribed to before me this 4th day of May, 1892.

[SEAL.]

GEO. P. COMER,

Notary Public in and for Shannon County.

My commission expires on the 16th day of April, 1896.

○