

Crow Dog, the murderer or Spotted Tail, was given trial in Judge Moody's court at Deadwood and was convicted and sentenced to be hung. There was a question about the jurisdiction of the court, and as a test case the question was carried to the supreme court of the United States, which held that under the statute the courts of the United States had no jurisdiction as to crimes committed by one Indian, nor to any Indian committing any offense in the Indian country who had been punished by the local laws of his tribe. The murderer was there<sup>453</sup>/fore set free and returned to the reservation. As a consequence of this decision a very bad state of affairs grew up on the reservation. White Thunder, the best friend the government had at Rosebud agency, was murdered in 1884 by young Spotted Tail and Thunder Hawk, and as they immediately, in accordance with the local laws of the tribe, expiated the crime by paying ponies to the family of the murdered Indian, nothing could be done to punish them for the offense.

About this time a system of Indian courts was created at all of the agencies for the punishment of minor offenses and for the adjustment of difficulties arising among the Indians, which proved to be of great benefit in preserving order and very popular with the Indians themselves. Three of the best and most reliable Indians were selected by the agent to constitute this court in the first instance, but later the Indians in council were permitted to elect their own judges. It is highly creditable to them that they have invariably elected the best men in the tribe to hold these responsible positions for them, and their decisions have given almost universal satisfaction. Though every Indian aggrieved by their decisions has a right of appeal to the agent, appeals are very rare indeed.

On the 1st day of January, 1885, Eggs on Head, a Lower Brule Indian, was killed by two white men on Dry Island in the Missouri River. The men were engaged in stealing timber from the reservation, and the Indian tried to stop them. Angry words followed, which resulted in the killing of the Indian. The murderers were arrested and tried before the United States court at Yankton, but acquitted. At that time it was very difficult to secure a jury in Dakota that would do justice