

WILL TEST HOMESTEAD LAW

Omaha Attorneys Prepare Brief on Appeal of Mrs. Anna Bowers, Sailor's Widow.

CASE WILL BE ARGUED IN WASHINGTON

Decision Will Apply to Numerous Other Cases and Determine Question as to Title of These Lands.

Attorneys Walter V. R. Berry and James C. Kinsler have filed with the secretary of the interior a brief in the matter of the appeal of Anna Bowers—a sailor's widow—

The appellant is the widow of Stephen Bowers, a seaman of the United States during the civil war, and who subsequently served in the regular army, dying while in the latter service.

Subsequently, in the month of July, 1901, the general land office, through its special agent, W. H. Lester, began an investigation of this and a number of other similar homestead entries made under practically the same conditions.

The appellant filed her showing within the prescribed time, but, and on final appeal, she was compelled to sign at the time of making her entry was wholly inapplicable to the provisions and requirement of section 2307 of the revised statutes, and wholly inconsistent with the rulings of the interior department in regard thereto.

It was her contention that on applying to make entry, she need only to show herself to be the person entitled to the benefits of the law, and on final appeal that she had complied with all the requirements and provisions.

The land office held that the petition to substitute the affidavit could not be allowed, no provision having been made under the laws for such an affidavit, and that the essential features required in all affidavits of homestead entries, which states that the applicant is not acting as the agent for any one, corporation, or syndicate, for the purpose of giving them the benefit of the land, but that the entry is made in good faith to obtain a home for the applicant, and that she has not directly made any agreement or contract to alienate the land, is entirely omitted from the substitute affidavit.

The case will be orally argued before the secretary of the interior September 2 by the attorneys and counsel in the case.

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