

Opening of Indian Lands.

Injunction Proceedings.

A special to the Kansas City Times from Oklahoma City, Okla., says:

An injunction will be brought before Judge Irwin at El Reno in a few days for an order restraining the register of the land office here, the receivers, the surveyors and all other persons from proceeding with the opening of the lands of the Kiowa, Comanche and Apache Indians, according to the proclamation of the president and the act of congress under which he proceeded.

The suit will be brought by C. Porter Johnson of this city, who has been engaged by Judge William M. Springer to act as the attorney for the Indians, who are affected by the opening of the lands. The bill of particulars is being prepared and action will be asked upon it so that the order can be effective and the injunction, if granted, will prevent the registration of the homeseekers in the Kiowa country.

If there is a court with jurisdiction at Lawton, in the Kiowa country, a case will be commenced there in a similar manner.

BASIS OF THE PLEA.

The bill of particulars for the injunction will contend that the lands of the Indians are being illegally and unconstitutionally wrested from them against their wishes. It will try to show that the organic act creating the territory of Oklahoma made the laws and the constitution of the United States applicable to the territory. Provisions were made in the act whereby the Indians could invoke the aid of the courts for their protection. Under the constitution of the United States "no person shall be deprived of life, liberty or property without due process of law."

It will be contended that Lone Wolf is a "person," and that the opening of the reservation will deprive him of his landed rights and will do the same injustice to the other Indians affected.

A Washington special to the Republic says:

The long expected proclamation by the president declaring the Kiowa-Comanche-Apache and Wichita reservations in Oklahoma open to homestead settlers was signed by Mr. McKinley on Friday and given to the press today.

By this proclamation all unreserved lands in these tracts will be open on

HARD TO BREAK

But the Coffee Habit Can be Put Off.

I was a coffee user from early childhood, but it finally made me so nervous that I spent a great many sleepless nights, starting at every sound I heard and suffering with a continued dull headache. My hands trembled and I was also troubled with shortness of breath and palpitation of the heart. The whole system showed a poisoned condition and I was told to leave off coffee, for that was the cause of it. I was unable to break myself of the habit until some one induced me to try Postum Food Coffee.

The first trial, the Food Coffee was flat and tasteless and I thought it was horrid stuff, but my friend urged me to try again and let it boil longer. This time I had a very delightful beverage and have been enjoying it ever since, and am now in a very greatly improved condition of health.

My brother is also using Postum instead of coffee and a friend of ours, Mr. W., who was a great coffee user, found himself growing more and more nervous and was troubled at times with dizzy spells. His wife suffered with nausea and indigestion, also from coffee. They left it off and have been using Postum Food Coffee for some time and are now in a perfect condition of health." Grace C. M., Cuyahoga Falls, Ohio.

Put a piece of butter in the pot, the size of two peas, to prevent boiling over.

August 6. There will be no rush. The opening will be by lottery drawing.

The preliminary registration begins at El Reno, and at Lawton, near Fort Sill, on the morning of Wednesday, July 10, and continues until the evening of Friday, July 26.

The order in which, during the first sixty days following the opening, the registered applicants will be permitted to make homestead entry of the lands opened hereunder, will be determined by drawings for both at El Reno and Lawton districts, publicly held at the United States land office at El Reno, Okla., commencing at 9 o'clock a. m., Monday, July 29, and continuing for such period as may be necessary to complete the same.

President's Proclamation.

All the details of the settlement are contained in the president's proclamation, which is as follows:

Whereas, by an agreement between the Wichita and affiliated bands of Indians on the one part and certain commissioners of the United States on the other part, ratified by act of congress, approved March 2, 1895 (28 Stat., 876, 894) the said Indians ceded, conveyed, transferred and relinquished, forever and absolutely, without any reservation whatever, unto the United States of America, all their claim, title and interest of every kind and character in and to the lands embraced in the following described tract of country now in the territory of Oklahoma, to-wit:

BOUNDARIES OF WICHITA LANDS.

Commencing at a point in the middle of the main channel of the Washita river, where the ninety-eighth meridian of west longitude crosses the same, thence up the middle of the main channel of said river to the line of 98 deg. 40 min. west longitude, thence on said line of 98 deg. 40 min. due north to the middle of the channel of the main Canadian river, thence down the middle of said main Canadian river to where it crosses the ninety-eighth meridian, thence due south to the place of beginning.

And whereas, in pursuance of said act of congress ratifying said agreement, allotments of land in severalty have been regularly made to each and every member of said Wichita and affiliated bands of Indians, native and adopted, and the lands occupied by religious societies or other organizations for religious or educational work among the Indians have been regularly allotted and confirmed to such societies and organizations, respectively.

THREE OTHER RESERVATIONS.

And, whereas, by an agreement between the Comanche, Kiowa and Apache tribes of Indians on the one part, and certain commissioners of the United States on the other part, amended and ratified by act of congress, approved June 6, 1900 (31 Stat., 672, 676), the said Indian tribes, subject to certain conditions which have been duly performed, ceded, conveyed, transferred, relinquished and surrendered, forever and absolutely, without any reservation whatsoever, expressed or implied, title and interest of every kind and character in and to the lands embraced in the following described tract or country now in the territory of Oklahoma, to-wit:

Commencing at a point where the Washita river crosses the ninety-eighth meridian west from Greenwich; thence up the Washita river, in the middle of the main channel thereof, to a point thirty miles by river, west of Fort Cobb, as now established; thence due west to the north fork of Red river, provided said line strikes said river east of the one hundredth meridian of west longitude; if not, then only to said meridian line, and thence due south on said meridian line to the said north fork of Red river; thence down said north fork, in the middle of the main channel thereof, from the point where it may be first intersected by the

lines above described to the main Red river; thence down said Red river, in the middle of the main channel thereof to its intersection with the ninety-eighth meridian of longitude west from Greenwich; thence north on said meridian line to the place of beginning.

LANDS HELD IN RESERVE.

And whereas, in pursuance of said act of congress ratifying the agreement last named, allotments of land in severalty have been regularly made to each member of said Comanche, Kiowa and Apache tribes of Indians; the lands occupied by religious societies or other organizations for religious or educational work among the Indians have been regularly allotted and confirmed to such societies and organizations, respectively; and the secretary of the interior, out of the lands ceded by the agreement last named, has regularly selected and set aside for the use in common for said Comanche, Kiowa and Apache tribes of Indians 480,000 acres of grazing lands.

HOMESTEAD LAWS APPLY.

And, whereas, in the act of congress ratifying the said Wichita agreement, it is provided:

That whenever any of the lands acquired by this agreement shall, by operation of law or proclamation of the president of the United States, be open to settlement, they shall be disposed of under the general provisions of the homestead and townsite laws of the United States; provided that, in addition to the land office fees prescribed by statute for such entries, the entryman shall pay \$1.25 per acre for the land entered at the time of submitting his final proof; and provided further, that in all homestead entries where the entryman has resided upon and improved the land entered in good faith for the period of fourteen months he may commute his entry to cash upon the payment of \$1.25 per acre; and provided further, that the rights of honorably discharged union soldiers and sailors of the late civil war, as defined and described in sections 2304 and 2305 of the revised statutes, shall not be abridged; and provided further, that any qualified entryman having lands adjoining the lands herein ceded, whose original entry embraced less than 160 acres, may take sufficient land from said reservation to make his homestead entry not to exceed 160 acres in all, said land to be taken upon the same conditions as are required of other entrymen; provided that said lands shall be opened to settlement within one year after said allotments are made to the Indians.

MINERAL PROVISIONS EXTENDED

That the laws relating to the mineral lands of the United States are hereby extended over the lands ceded by the foregoing agreement.

And whereas, in the act of congress ratifying the said Comanche, Kiowa and Apache agreement it is provided:

That the lands acquired by this agreement be opened to settlement by proclamation of the president within six months after allotments are made and be disposed of under the general provisions of the homestead and townsite laws of the United States; provided, that in addition to the land office fees prescribed by statute for such entries the entryman shall pay \$1.25 per acre for the land entered at the time of submitting his final proof; and provided, further, that in all homestead entries where the entryman has resided upon and improved the land entered in good faith for the period of fourteen months he may commute his entry to cash upon the payment of \$1.25 per acre; and provided further, that the rights of honorably discharged union soldiers and sailors of the late civil war as defined and described in sections 2304 and 2305 of the revised statutes, shall not be abridged; and provided further, that any person who, having attempted to but for any cause failed to secure a title in fee to a

homestead under existing laws or who made entry under what is known as the commuted provision of the homestead law, shall be qualified to make a homestead entry upon said lands; and provided further that any qualified entryman having lands adjoining the lands herein ceded, whose original entry embraced less than 160 acres in all, shall have the right to enter so much of the lands by this agreement ceded lying contiguous to his said entry as shall, with the land already entered, make in the aggregate 160 acres; said land to be taken upon the same conditions as are required of other entrymen; and provided further, that the settlers who located on that part of said lands called and known as the "neutral strip," shall have preference right for thirty days on the lands upon which they have located and improved.

That should any of said lands allotted to said Indians, or opened to settlement under this act, contain valuable mineral deposits, such mineral deposits shall be open to location and entry, under the existing mining laws of the United States, upon the passage of this act, and the mineral laws of the United States are hereby extended over said lands.

And whereas, by the act of congress approved January 4, 1901 (31 Stat., 727), the secretary of the interior was authorized to extend, for a period not exceeding eight months from December 6, 1900, the time for making allotments to the Comanche, Kiowa and Apache Indians and opening to settlement the lands so ceded to them.

COUNTIES AND COUNTY SEATS.

And, whereas, in pursuance of the act of congress approved March 3, 1901, (31 Stat., 1093), the secretary of the interior has regularly subdivided the lands, so as aforesaid, respectively ceded to the United States by the Wichita and affiliated bands of Indians and the Comanche, Kiowa and Apache tribes of Indians into counties, attaching portions thereof to adjoining counties in the territory of Oklahoma, has regularly designated the place for the county seat of each new county, has regularly set aside and reserved at such county seat land for a townsite to be disposed of in the manner provided by the act of congress last named and has regularly caused to be surveyed, subdivided and platted the lands so set aside and reserved for disposition as such town sites.

TO AVOID CONTESTS.

And, whereas, by the act of congress last named, it is provided:

The lands to be opened to settlement and entry under the acts of congress ratifying said agreements, respectively shall be so opened by proclamation of the president and to avoid the contests and conflicting claims which have heretofore resulted from opening similar public lands to settlement and entry, the president's proclamation shall prescribe the manner in which these lands may be settled upon, occupied and entered by persons entitled thereto under the acts ratifying said agreements, respectively; 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.

And, whereas, by the act of congress last named, the president was authorized to establish two additional United States land districts and land offices in the territory of Oklahoma, to include the lands so ceded, as aforesaid, which land districts and land offices

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