

## THE KIOWA CONTEST

### No Decision Till Next Week

#### ACCORDING TO A WASHINGTON AUTHORITY

#### Result Thought to Hinge Largely on Question of Jurisdiction

A Washington dispatch declares that the contest over the opening of the Kiowa, Comanche and Apache reservation probably will not be settled before next week. The arguments of counsel were finished yesterday, but Justice Bradley announced that he would not render his decision immediately as the case involved many important questions and he wished to take it under advisement. Officials of the interior department, including Judge Thomas Ryan, assistant secretary, and Judge Vandeventer, who conducted the case for the government, expect the court to hold that it has no jurisdiction and that therefore the injunction will not be granted. The case of the government rests entirely upon the question of jurisdiction and while Justice Bradley did not give expression to anything that could be taken as an indication of what his decision would be, lawyers in the court room interpreted some of the questions he asked Judge Springer, Lone Wolf's counsel, as showing a decided leaning towards the contention of the government. At adjournment, however, Judge Springer, seemed confident the injunction would be granted.

Lone Wolf and White Buffalo were in court again yesterday. They hardly glanced from Judge Springer while he was speaking and seemed especially edified when he spoke in his loudest tones, which at times reached the intensity of a roar. When Judge Vandeventer, who has a quiet, dignified manner of speaking, addressed the court, White Buffalo lost interest and Lone Wolf fell asleep.

Judge Vandeventer completed his argument at the morning session with the citation of two additional decisions of the United States supreme court supporting his argument that in dealing with Indian tribes the dominant influence was the legislative branch of the government. Judge Springer then addressed the court for an hour. He insisted that the court had jurisdiction and declared that a decision that congress alone had power to act for the Indians would establish a dangerous precedent. If the courts were powerless to prevent the government from disposing of Indian lands to the injury of the Indians, then, he asserted, the Indians had no rights the government was bound to respect.

"Refuse this injunction," he cried, "and Lone Wolf, who is a Baptist preacher, must return to his people and tell them that their lands are to be taken from them, that the Lord giveth and the Lord taketh away."

"I thought you said you could not speak English," interposed Judge Vandeventer.

"Oh, he knows a text or two all right enough," said the judge.

Judge Springer was asked by the court to explain the status of Lone Wolf in his tribe and explain why the application for injunction had been made in his name. The judge replied that Lone Wolf had been elected chief and that his position as property owner should give him standing. To avoid any technical objections to the application he amended it so as to include in addition to Lone Wolf all of the 458 Indians who signed the memorial which will be presented to the President asking that he withhold his proclamation opening the reservation. Justice Bradley is expected to announce his decision early next week.

## FIVE NEGROES TO BE HANGED

### Will Swing Off Together For Killing Two Whites

Scripps-McRae Press Ass'n.  
Sylvania, Ga., June 14.—Five negroes are to be hanged simultaneously here today. They belonged to the Knights of the Archer whose motto was: "Death to the whites." The quintette killed two whites in October, 1899.

## THE CUBAN SITUATION.

Scripps-McRae Press Ass'n.  
Washington, D. C., June 14.—October 1st has been set by the cabinet as the date on which Cuba may be left to work out its own destiny unaided. Many believe this is too early before the American troops can be withdrawn. The constitutional convention must adopt an election law, officers must be chosen, and actual government must be in smooth operation.

## TODAY'S MARKETS.

### Wheat Opens Lower on Disappointing Cables.

Special to Daily Leader.

Kansas City, Mo., June 14.—Wheat opened a trifle lower on the disappointing cables and favorable weather but the weakness at the start was soon replaced with better buying and a show of strength. The buying was induced chiefly by numerous crop damage news which continue to come from different sections but the trade generally is skeptical of these reports especially as none of them were possible of confirmation and the sentiment quickly turned "bearish" resulting in nearly a cent decline at the close. The weather in the Southwest is ideal and harvesting is now progressing satisfactorily. July sold between 71 and 70½ and closed at 70½ @ 70¼. September closed at 68½ @ 68.

Corn—Corn opened steady at about yesterday's close with outsiders buying and pit traders selling at the start with only indifferent success on the part of the local crowd. Shrots began covering and a recovery of ¼ cent took place. Receipts are small and an improvement is noted in the demand. July sold between 41½ and 42½ and closed at 42½ @ 42¼. September sold between 43½ and 43 and closed at 43½.

Provisions started strong from the start in the face of several days' lower hog market. Packing interests gave the market fairly good support, commission houses sold to cover holdings. July pork was nominally, \$14.75 and closed at \$14.72. September sold between \$14.92 and \$14.87, and closed at the latter.

## Kansas City Cash Grain.

Wheat—No. 2 red, 68@70c; No. 3 red, 67@68c; No. 2 hard, 67½@68c; No. 3 hard, 66½@67c.

Corn—No. 2 white, 41¼@42c; No. 3 white, 41@41¼c; No. 2 mixed, 40½@40¾c; No. 3 mixed, 40c.

Oats—No. 2 white, 29½@30c; No. 3 white, 29@29½c; No. 2 mixed, 28½@29c; No. 3 mixed, 28@28½c.

## Receipts.

Wheat, 86; corn, 9; oats, 3.

## Secretary's Office.

A charter was issued today to the First M. E. church of Arlington, Okla. The incorporators are Henry Earlbough, Ella Wilson, George Boling, W. P. Anthony, Geo. F. Graham.

## District Court Tomorrow.

Judge Burford will hold a one day session of the Logan county district court tomorrow. No special business is before the court and it is opened merely as an emergency matter.

## A NIHILIST FOILED.

Scripps-McRae Press Ass'n.  
St. Petersburg, June 14.—A nihilist today attempted to assassinate with a dagger Dr. Malinowski, who is connected with the department of the interior. The official escaped serious injury. The assailant was arrested.

## ARGUMENTS ARE FINISHED

### Lulu Kennedy's Case Probably Goes to the Jury Tonight

Scripps-McRae Press Ass'n.  
Kansas City, Mo., June 14.—Arguments in the Lulu Kennedy murder trial are being heard today. The case will probably go to the jury tonight. Defense asked acquittal on account of insanity. State asks instructions first, second degree, murder, manslaughter, fourth degree. Defendant looked tired and pale today.

## WORK HAS COMMENCED.

Fort Smith and Western Building Eastern Terminal.

Construction work has commenced on the Fort Smith and Western. For over a year the announcement has been looked forward to by the people of Fort Smith, some with doubt, some with confidence, some with uncertainty. But the time has at last come and dirt has been turned at Panama, where the eastern end of the work is to be started under the latest contract. Jack O'Leary's equipment has gotten into the field there and the road will be pushed to the coal lands of the company as rapidly as possible.

Chief Engineer Tiernan's crew is in the city platting the grounds of the switch from the Kansas City Southern tracks and for the round house, depot on Towson avenue and yards. This work will be completed probably tomorrow. The switch track will then be built in order that the cars of the new company can be stored thereon after their arrival, in about two weeks. The work of the city's committee is practically completed and the terminals will be turned over to the company as soon as it is ready to start construction work in this city.—Fort Smith News-Record.

## Narrow Escape.

Freeman, the janitor at the depot, had a narrow escape from being run over by the Eastern Oklahoma train this morning. He was out gathering up the switch lights, using a track velocipede for carrying them. While in the north end of the yards on the main line he met the train. The engine struck the vehicle breaking it in pieces. He had just time to jump and save his life.

The Rev. Theodore Bracken, of Phillipsburg, Kas., spent yesterday in our city. He has charge of Sunday school work for the Presbyterian church, in Indian territory, Oklahoma, and Kansas. Dr. Bracken has just returned from the new country where he has been to look over the ground with a view to organizing the work when the country is opened. He says there are thousands of people around the border of the new country, merely existing in tents and wagons; many large families living in tents without any conveniences whatever. Dr. Bracken was the guest of the Rev. W. C. Miles while in the city.

## ASplendid Recital.

The colored band is making splendid progress. Last night it gave a recital at the Legislative hall which was attended by a large crowd. Wat Votaw, one of the best musicians in Oklahoma, has charge of it and is making it a success.

## SQUARING HIS CONSCIENCE.

Scripps-McRae Press Ass'n.  
New York, June 14.—The wife of Henry Flagler, whom he has sued for divorce is confined in the insane asylum at White Plains, where her every wish is gratified and she probably lives more luxuriously than any other maniac in the world. Her personal expenses are a thousand dollars a month. Flagler owns half the railroads and hotels in Florida.

## PINGREE ILL.

Scripps-McRae Press Ass'n.  
London, June 14.—Ex-Governor Pingree is seriously ill in London with peritonitis.

## JOHN GOLOBIE'S LIBRARY BRIEF

### An Unanswerable Showing in the Opinion of Attorneys

It is the opinion of well informed attorneys who have examined the brief filed by Mr. John Golobie bearing upon the illegality of a United States officer to hold two offices at the same time, is an unanswerable showing, and that the appointment of the clerk of the supreme court as territorial librarian also, if such a step has been contemplated, would be in direct violation of the organic act and the laws of the United States. Mr. Golobie's brief in full is here submitted:

"The supreme court of said territory shall appoint its own clerk, who shall hold his office at the pleasure of the court for which he is appointed." (Organic act, section 8.)

"The position is both an 'appointment' and an 'office' by the express terms of the act.

"The statutes of the United States touching the appointment of clerks of the United States supreme, circuit and district courts are practically the same as the above provision of the organic act. (R. S., U. S., sections 617, 619 and 558.)

It is expressly determined by the supreme court of the United States that the clerkship of the United States district court is an office, and the clerk an officer. (Ex parte Hannen, 15 Pet. 230.)

That the clerk of the supreme court of Oklahoma holds an "appointment" under the United States," can not be disputed, even if such position is not an "office" within the most restricted meaning of the term.

The office of territorial librarian is expressly created, the term of office fixed and manner of qualification prescribed by the laws of Oklahoma Territory. It is an "office" under the government of said territory." (Chapter 79, Stat. Ok. 1893.)

Upon the theory that the territorial librarian is an "officer" under the government of the territory, the governor exercises the power of his appointment, under sections 7 and 2 of the organic act, to the exclusion of the board of directors created by section 599, statutes of 1893.

One person may not hold the positions of clerk of the supreme court of the territory and territorial librarian at the same time.

"(Chap. xxx.) And no person holding a commission or appointment under the United States, except postmasters, shall be a member of the legislative assembly, or shall hold any office under the government of said territory." (Organic act, Sec. 8.)

Under a constitutional provision similar to the above, in Indiana, it was held:

"The general rule is that where a man accepts an office held under the state, he vacates another held under the same sovereignty; but where a federal office is held at the time of the acceptance of an office created by state laws, the former is not vacated by such acceptance. The federal office may be surrendered and the state office retained, but if the incumbent elects to hold the former, he must surrender the latter." (Foltz v. Kerlin, 105 Ind., 221.)

To like effect see the following: Searey v. Grow, 15 Cal., 117; Crawford v. Dunbar, 52 Cal., 36; People v. Leonard, 73 Cal., 250; McGregor v. Balch, 14 Vr. 428; S. C. 39, Am. Dec. 231; Private v. Blockford, 26 Kan., 52.

The California cases decide that one holding a federal office can not even be elected to a state office during his incumbency of the former.

In Kentucky it is held that one elected justice of the peace could not qualify as such as long as he continued in the office of postmaster. (Justices v. Harcourt, 4 B. Mon. (Ky.), 499.)

Following the reasoning of the courts in the above cited cases, and applying it to the provision first above cited, of our organic act, it would appear that so long as the clerk of the supreme court continues in that capacity he is not eligible even to appointment as territorial librarian. If he would be librarian, he must first resign his clerkship; he can not qualify as librarian so long as he continues as clerk, otherwise he would hold two offices at once and the same time in contravention of the express terms of the organic act.

"Right to hold office, not a natural right." (Meacham Pub. Officers, Sec. 64.)

## Garden Party.

The chorus of the First Christian church will give a garden party next Tuesday night at "Arbor Dell," the pretty home of Mr. and Mrs. Joe Severns, 724 West Mansur.

Elaborate preparations are being made and the usual good time enjoyed at this home is anticipated. A good programme will be a feature of the evening's entertainment.

## COUNTY SEATS ARE LOCATED

### Official Announcement Is Made; Indemnity School Land Selected

School Land Commissioner Chas. H. Filson, with Commissioner-elect J. J. Houston and Chief Clerk John Holt, returned last night from the Kiowa, Comanche, Wichita and Apache reservations, where they selected 120,000 acres of indemnity school land for the territory.

The official announcement was made last night of the location of the county seats in the three new counties to be formed from the reservation. This is the first official notice of the townsite locations.

The county seat in the Kiowa, or western county, is located on the east half, section 4, township 18 west, 6 north.

The county seat in the Fort Hill, or southern county, is located on the north half, section 13, township 2 north, 11 west; five miles south of the present site of Fort Hill.

The county seat in the Anadarko, or northern county, is located on the south half, section 15, township 7 north, 10 west; it adjoins the present town of Anadarko on the south and west, the Rock Island railroad running through its center.

## EVILS OF DRINK HABIT.

### Told Normal Graduates at Edmond by Mrs. Jenkins.

A feature of the graduating exercises at the Edmond Normal school was an informal talk by Mrs. Jenkins, wife of the governor. After a few remarks about not being able to make an address and about her earning a reputation as a woman preacher, she began a serious talk about her visit to Chandler Tuesday night. Mrs. Jenkins said she went to Chandler at the urgent appeal of an Illinois woman whose son was in Chandler and traveling toward a drunkard's grave. The young man was urged to attend the meeting at Chandler, but as he had been drinking would not go into the church, but stood out side near an open window. Mrs. Jenkins said she saw him and, seemingly inspired, talked to the young man. The next day he came to see her and knelt in prayer. The governor's wife related the story at length and then dwelt upon the evil of the drink habit. This part of her address was made in the language of a revivalist. After the exercises Mrs. Jenkins was introduced to many people by President Murdaugh.

## SPECIMENS OF ORE.

### Wichita Mountains Product is Exciting Much Interest.

Bert Ray of this city has just returned from a trip through the Wichita mountains. He says that many people are prospecting, as far as possible at this time and that by the time the country opens up, the miners will well know where the most valuable appearing mining claims are.

Mr. Ray brought back a number of specimens of ore with him, which have excited much curiosity here. People who have not thought before of going to the mountains to prospect are thinking of doing so as soon as the country opens up.

## City Council Meeting.

The city solons held their regular meeting last night and talked for three hours on city improvement ordinances. It was ordered that the chairman of the streets and alleys and the city improvement committees should constitute a committee to select a city engineer.

The ordinance providing for permanent sidewalk throughout the city was called up read the third time and referred for one week.

The street and alley and the public improvement committees, were instructed to look into Mr. Cooper's offer relating to the construction of abutments for certain bridges.

## FIERCE FLAMES

### Destroy Hotel at West Baden

Scripps-McRae Press Ass'n.  
West Baden, Ind., June 14.—The magnificent Mineral Springs hotel burned this morning. The hotel contained five hundred rooms. It was entirely destroyed and the loss will reach half a million dollars. The guests had narrow escapes and lost their personal belongings. Many saved themselves by jumping to the balconies in their night clothes. There were many invalids who were rescued. The fire was caused by an over-heated range and there was no fire protection. The owners recently refused a million dollars for the hotel, springs and grounds.

## GUESTS EXPERIENCE NARROW ESCAPES

### Many Invalids Rescued—Loss Will Reach Half Million

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## TRAIN CARRIED DEATH.

### Carriage Struck by Train and Four Occupants Killed.

Scripps-McRae Press Ass'n.  
First, Mich., June 14.—The Pere Marquette passenger train this morning struck the carriage containing Major Geo. Buckingham, his daughter, Anna, Mrs. Thos. Applegate and her sister, Mrs. General Humphrey and all four were instantly killed.

## GOVERNOR JENKINS SILENT.

### Refuses to Speak of Prospective Appointments.

Governor Jenkins returned unexpectedly today from Alva, as he was not looked for until tomorrow. He refused to state at what time he would make his appointments, and referred the Leader reporter to Private Secretary Wenner who said that no appointments for any of the important offices had as yet been declared. However, the following from the Oklahoma City Times-Journal of yesterday may be regarded as conclusive:

"E. E. Brown was notified last evening by Governor Jenkins that he had been appointed territorial oil inspector.

"The four years' term of the present incumbent will expire on June 26, at which time he asks to be relieved. The offices will change hands on July 1."

## INSURGENTS SURRENDER RIFLES.

Scripps-McRae Press Ass'n.  
Manila, June 14.—General Canles has advised General Sumner that he will surrender one hundred rifles tomorrow at Santa Cruz and the balance in a few days. The killing of three American officers in the recent battle of Lips is ascribed to a number of American deserters in the insurgent ranks.

## Stoutville, Mo., May 5, 1900.

Gentlemen:—I have been troubled with indigestion and Constipation for the last two years, and have tried every remedy known, but had never received any relief until I was handed a trial bottle of Dr. Caldwell's Syrup Pepsin through our druggist, J. W. Watson, which gave me immediate relief, and I afterward bought a fifty cent bottle, which I can truthfully say has given me more relief than anything I have ever tried.—R. B. Burd, Sold by F. B. Little & Co.