

* Can. graph. III. does not appear in instrument
 mately for four consecutive weeks in the Gusta
 bawian a newspaper printed and published
 in the western District Indian Territory the
 first publication of said notice being on the
 13 day of March 1907 and the last publication
 thereof on March 28th 1907.

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 IV That on December 19th 1906 the de-
 fendant, Frank L. Haymes filed his demur-
 rer to the complaint as not stating a cause of
 action against him. The plaintiff thereupon
 confessed said demurver and dismissed his
 action as to said Frank L. Haymes.

V That ~~from~~ F. Schuermeyer of the
 Muscogee Bar was appointed attorney for the
 nonresident defendant who has filed his report
 herein.

VI That the plaintiff did on September
 15th 1906 purchase from one Monday Lincoln
 the lands described in his complaint to wit:
 the south half of the south-east quarter of
 section 13, Township 19, North Range 14 east and
 that on the same day the said Monday Lincoln
 did by Warranty Deed convey the same to the
 plaintiff.

VII That the said Monday Lincoln is a
 duly enrolled Creek Freedman and that the
 land above described embraces a portion of his
 allotment in the Creek Nation.

VIII That on January 23rd 1905 and
 on May 18th 1905 the said Monday Lincoln executed
 to Frank L. Haymes his warranty deed to the
 lands herein described which said deeds were
 filed for record on January 25th 1905 and on
 May 31st 1905; that on June 26th 1906 the
 said Frank L. Haymes and Alice Haymes his
 wife conveyed by Warranty Deed the said lands
 to the Defendant C. C. Valentini which instrument
 of conveyance was duly filed for record on July
 16th 1906.

IX That the plaintiff in his complaint