

coming on to be heard upon the pleadings and the report of the Master in Chancery A. L. Davidson Esq., to whom the same was referred to take proofs of the matters alleged in the pleadings and the Court being fully advised in the premises in consideration thereof does hereby approve and confirm the report of the master in Chancery and finds:-

I That this suit was instituted by the filing of a complaint by the plaintiff in the office of the Clerk of this Court on November 12, 1906,

II That a summons in equity was issued on the same day; that said summons as to defendant Frank L. Haynes was duly and personally served upon him in the Western District of the Indian Territory on November 28, 1906; that as to the defendant E. E. Valentine said summons was returned to the Court by the United States Marshall for the Western District on December 8, 1906 endorsed as follows: The defendant E. E. Valentine was not found in this district he being a resident of the State of Illinois that a warning order was issued to the defendant E. E. Valentine on March 1, 1907 which said warning order was published weekly for four consecutive weeks in the Comita Courier a newspaper printed and published in the Western District Indian Territory the first publication of said notice being on the 7th day of March 1907 and the last publication thereof on March 28th 1907.

III That on December 19th 1906 the defendant Frank L. Haynes filed his demurrer to the complaint as not stating a cause of action against him. The plaintiff thereupon confessed said demurrer and dismissed his action as to Frank L. Haynes.

IV That W. F. Schuermeyer of the Muskogee Bar was appointed attorney for the non-scient defendant who has filed his report herein.