

heirs at law surviving her,

COMPARED

That she, the said Esther Rabey, was one of the said three surviving heirs at law of said allottee, and thereby took by inheritance an undivided one third interest in and to said land, and prayed that said Court approve the said deed, as provided by law, for the approval of full blood deeds to inherited lands.

That said deed and petition were prepared by counsel selected and procured by said Ross Rayburn, and said petition was duly filed in said court by said counsel, and at the request of said counsel the said petition was assigned for hearing on the 2nd day of Feb. 1924, and the U.S. Probate Attorney duly notified by said counsel of the filing of said petition and the date and time assigned for hearing on the same.

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That on the 9th day of Feb. 1924, the said petitioner came on for hearing in said court, and the said Probate Attorney objected to the approval of said deed on the ground that the price offered was inadequate, and upon proper and sufficient showing the hearing on said petition was by said Court continued to ten o'clock A.M. of the 16th day of February, 1924, and at the time of continuing the said hearing the Court announced from the bench that if no better bid was offered for said interest in said land, at the time to which said hearing was continued, the said deed would be approved by the Court and the said Ross Rayburn and Esther Rabey and the said counsel were at the time in Court, and heard said announcement of the Court, but offered no objection and made no protest against the same but remained silent and acquiesced in the said proposed sale of said land to the highest bidder at public sale.

That on the said date, to-wit: February 16, 1924, at eleven o'clock, A.M. the undersigned Peter Adamsen, Jr., appeared at said court to attend said sale with intention of bidding for the purchase of said interest in said land;

That at the said time the said Esther Rabey and Rose Rayburn, with their said counsel, and many other prospective bidders for said interest in said land, were present in said Court, and the Court announced that unless there was some one present ready and willing to raise said bid of three thousand (\$3000.00) dollars for said interest in said land, the Court would approve said deed in favor of the said Ross Rayburn, but if there was anyone present willing to raise said bid of three thousand (\$3000.00) dollars for said interest in said land, the Court was ready to receive such bid and to approve a deed to the highest bidder and the Court then and there asked the said Esther Rabey if she was willing to sign and deliver a deed to the highest cash bidder for said interest in said land, and the said Esther Rabey in reply to said question, said "Yes";

That the said Ross Rayburn and his said counsel were both present and heard the said announcement of the Court, and heard the said question propounded to the said Esther Rabey by the Court, and heard the said answer of the said Esther Rabey to the said question of the Court, but offered no objection and made no protest to said proposed sale of said interest in said land to the highest cash bidder, and thereupon the said court called for bids for said interest in said land, and the undersigned then and there through her said agent and representative, Peter Adamsen Jr., raised the said bid for said interest in said land to four thousand six hundred (\$4,600.00) dollars, and after said court had repeatedly announced said bid and given fair warning that if said bid was not raised the Court would declare the bidding closed and sell said interest in said land to the undersigned and there being no one present who was willing to raise said bid of four thousand six hundred (\$4,600.00) dollars the Court declared the bidding closed and directed the production of the money and preparation of the necessary deed for execution, and the undersigned then and there produced the money in Court to make such bid good, but when the deed was prepared and submitted, the said Esther Rabey, through threats, persuasion and undue influence, exercised on her by the agents, representatives