

of said Ben Franklin he was living with his wife, Jane Franklin, on his allotment as aforesaid; that said Ben Franklin married said Jane Franklin about 15 years ago and they lived together as husband and wife until the date of his death as aforesaid; that said Ben Franklin left no child surviving him or children, nor descendants of a deceased child or children, but he left as his sole and only heirs at law his two sisters, Lizzie Millet and Eliza Franklin Pettit; that both the father and mother of said Ben Franklin died many years prior to the decease of said Ben Franklin; that no children were ever born unto said Ben Franklin and Jane Franklin; that said Jane Franklin since the death of her said husband, Ben Franklin, has married one H. C. Duncan with whom she is now living and residing upon the allotment of her deceased husband, Ben Franklin; that Willie Franklin was an illgitimate child of the said Ben Franklin by Maggie Davis; that Lucy Morgan was a daughter by a former marriage of Jane Franklin and was not a child of Ben Franklin.

Affiant further states that said Jane Franklin with her said husband, Ben Franklin, occupied the lands allotted to said Ben Franklin, now a part of Tulsa County, Oklahoma, from the date of the allotment of the same up to the date of the death of said Ben Franklin, and since the date of the death of said Ben Franklin the said Jane Franklin, now Jane Duncan, has occupied the same, and has been in the sole and exclusive possession of the same up until this date.

Further affiant saith not.

his
Babe X McIntosh
mark

COMPARED

Subscribed and sworn to before me on this 6 day of May, 1909.

My commission expires Feb. 23, 1912 (SEAL) Orville S. Booth, Notary Public
STATE OF OKLAHOMA)
TULSA COUNTY) ss.

A F F I D A V I T

Jane Duncan being duly sworn upon her oath deposes and says:

That she is about fifty years of age; that she resides about eight miles southeast of Tulsa, Oklahoma, in said County and State; that she is now the wife of H. C. Duncan, and was formerly the wife of Ben Franklin, a Creek Freedman; that said Ben Franklin died intestate on or about the ----- day of February, 1905, being at the date of his death the owner of 160 acres of land in the Creek Nation, described as follows, to-wit:

And South One-half of the South-east quarter, of Section Nine (9)
South One-Half of the South-west Quarter of Section
Ten (10), Township Eighteen (18) North, Range Thirteen (13) East.

That at the date of his death said Ben Franklin and this affiant were living upon said allotment; that affiant has continued to reside thereon ever since the date of the death of her said husband, and that she together with her said husband, H. C. Duncan, are now residing thereon and are in possession of the whole of said tract above described; that at the date of the death of the said Ben Franklin he left him surviving as his sole and only heirs at law, his two sisters, namely: Lizzie Millet and Eliza Franklin Pettit.

That said deceased left him surviving no child or children or descendants of a deceased child or children; that both the father and mother of said Ben Franklin died many years prior to the decease of said Ben Franklin; that no children were ever born of the marriage of this affiant and said Ben Franklin; that Willie Franklin who appears as grantor in a deed dated March 20, 1905, to C. C. Sigler, purporting to convey an undivided interest in the 160 acres hereinbefore described, was an illegitimate child of the said Ben Franklin by Maggie Davis; that Lucy Morgan, one of the Grantors in deed dated May 27, 1907, to E. M. Yates for the land above described, was a daughter by former marriage of this affiant and was not the child of Ben Franklin and had no interest in said land.