

mother on her allotment three or four miles West of the City of Tulsa in what is now Tulsa County, Oklahoma; that affiant attended the funeral of said Reuben Kelly, deceased, and thereat viewed his remains, and that said decedent was buried at the Tackabatchee Cemetery on the Jenks Road about three miles South of the City of Tulsa.

Affiant further states that said decedent, Reuben Kelly, during his life time, by virtue of his Creek citizenship, received an allotment as a part of his distributive share of the lands of the Creek Nation, said allotment being described as follows: to-wit:

The southwest Quarter (SW/4) of Section Seventeen (17), in Township Nineteen (19) North, Range Twelve (12) East of the Indian Base and Meridian in Tulsa County, State of Oklahoma.

Affiant further states that said Reuben Kelly, deceased, departed this life unmarried, intestate and without issue except one, Nancy Kelly, claimed to be his wife, and one, Perry Kelly, claimed to be his son, as hereinafter set forth.

Affiant further states that said Reuben Kelly, deceased, was the son of Mary Kelly and James Kelly; that said Mary Kelly being enrolled opposite roll No. 2604 on the final approved rolls of the Creek Nation, and who was afterwards the wife of one, Warlecy Mitchell, and who was known as Mary Mitchell, and who now resides at or near Stone Bluff in Wagoner County, Oklahoma; that said James Kelly was a citizen of the Creek Nation and died prior to April 1st, 1899 and prior to allotment; that said Reuben Kelly at the time of his death left surviving him as his sole and only heirs-at-law his mother, said Mary Kelly, and the following persons being his full brothers and sisters and children of said Mary Kelly and of said James Kelly, his father, deceased, to-wit:

Louina Kelly, enrolled opposite roll No. 2605 and Thomas Kelly, enrolled opposite roll No. 2608 and Joanna Brown, enrolled opposite roll No. 2767 on the final approved rolls of the Creek Nation.

Affiant further states that said decedent left surviving him a half brother one James Buslar, enrolled opposite roll No. 715 on the final approved rolls of the Creek Nation, said person being also sometimes known as James Buslar Chockley, also Chocley, who was also sometimes known as James Chockley or Jimson Chockley; that said Mary Kelly, formerly known as Mary Chockley, was also the mother of said James Buslar but that Pusler Chockley, enrolled opposite roll No. 699 on the final approved rolls of the Creek Nation was the father of said James Buslar, and that said James Buslar was not an heir of decedent because said James Buslar was the child of Pusler Chockley and not of James Kelly, deceased.

Affiant further states that decedent left surviving him a half brother, one Daniel Barnett, who was enrolled opposite roll No. 2128 on the final approved rolls of the Creek Nation; that said Daniel Barnett was a son of said Mary Kelly, formerly known as Mary Barnett; that said Daniel Barnett was not an heir of said Reuben Kelly, deceased, for the reason that the father of said Daniel Barnett was Dave Barnett and Not James Kelly; that said Daniel Barnett was formerly the husband of one, Nancy Kelly, Creek Roll No. 3080 and died about the year 1910 or 1911.

Affiant further states that the said Reuben Kelly, deceased, also had a sister, Mary Kelly, enrolled opposite roll No. 2607 on the final approved rolls of the Creek Nation, but that said Mary Kelly died on the 9th day of May, 1903 while an infant, intestate and without issue.

Affiant further states that one, Nancy Kelly, enrolled opposite roll No. 3080 on the final approved rolls of the Creek Nation claimed to be the wife of said Reuben Kelly, deceased, and that one, Perry Kelly, Creek Roll N. B. 714 was claimed to be a son of said Nancy Kelly and said Reuben Kelly, deceased; that the claim of said Perry Kelly was litigated