

and warranted the title to said lot, free and clear of all claims and encumbrances, the said Archibald R. Querry, remaining liable to pay the final payment to the United States Indian Agent, on said lot.

That the plaintiff recorded the said deed in the office of the Recorder of Deeds in the Eighth Recording District, of Indian Territory, at Sapulpa, on the 3d, day of July 1905 in Record F, Page 128; that afterwards, to-wit; On the ---- day of January, 1906 and before said final payment on the said appraisement had been made, and before the two said lots had been scheduled, the said Archibald R. Querry, died, leaving his widow, Maude S. Querry, and two minor children, William and Pauline Querry, the defendants herein; that he left no other children or descendants of children and that the said William and Pauline Querry are minors, and are the sole heirs at law of the said Archibald R. Querry, that afterwards, the administrators of the estate of said Archibald R. Querry paid the final twenty five per cent of said appraisement, and that afterwards, to-wit: On the ----- day of December, 1908, the Principal Chief of the Muskogee Tribe of Indians with the approval of the Secretary of the Interior, and without the knowledge or consent of the plaintiff and through a mistake and belief that the said Archibald R. Querry had not sold said lots, issued a patent or deed to said lot, but instead of issuing the same in the name of Archibald R. Querry, or to the plaintiff S. Frank Jones, said <sup>patent</sup> ~~patent~~ was issued in the name of the heirs of Archibald R. Querry, deceased.

The Court further finds that on the execution and delivery of the said deed by Archibald R. Querry, and his wife, to the plaintiff, and on the payment of the purchase price thereof, by the said plaintiff to the said Archibald R. Querry, the said plaintiff S. Frank Jones, became the equitable owner of an indefeasible estate in Fee Simple, in and to said Lot 5, block 150, and that the legal title thereof was in the Creek Nation, and that on the execution of said patent to the heirs of said Archibald R. Querry, that the defendants herein became the owners of the legal title to said lot, while the plaintiff was the owner of the equitable right, and that the defendants hold same as trustees, for the use and benefit of the plaintiff.

It is therefore ordered, adjudged and decreed, that the plaintiff is the owner of the equitable estate in Fee Simple, in said Lot 5, Block 150 in the Town of Tulsa, Tulsa County, Oklahoma, and that the legal title, now held by the defendants, be decreed to pass to the plaintiff and that he be decreed to be the owner of both the equitable and legal titles, in and to the said land.

IT IS FURTHER ORDERED, Adjudged and Decreed that H. F. Newblock, Sheriff of Tulsa County, State of Oklahoma, execute and deliver to the plaintiff S. Frank Jones, a deed, conveying to him the legal title to said Lot 5, Block 150, now held by the defendants William Querry and Pauline Querry, and also convey to plaintiff all the right, title, claim and interest and demand of the defendants, in and to said real estate.

IT is further ordered, adjudged and decreed that the plaintiff pay the costs of this suit.

L. M. Poe, Judge.

CERTIFICATE OF TRUE COPY.

STATE OF OKLAHOMA, TULSA COUNTY, SS:

I, W. W. Stuckey, Clerk of the District Court, in and for the County and State aforesaid, do hereby certify that the instrument hereto attached is a full, true and correct copy of The Journal Entry in Case 1263 S. Frank Jones vs. William Querry, et.al. as the same now appears of record in this office.