

PRAECIPE FOR SUMMONS

STATE OF OKLAHOMA,
SEMINOLE COUNTY, ss.

IN THE DISTRICT COURT

Tal Jones

vs.

No. _____

Town of Wewoka, et al.,

To the Clerk of the said Court of _____ County:

Please issue summons in the above entitled cause to W. L. Thurston, J. F. Remy, J. E.

Patterson, as members of the Board of trustees of the

Town of Wewoka, and Mrs. Gerthel Northern and Mrs. Mabel

For as members of the cemetery Board of Trustees of said town
of Seminole county, making same returnable on the 7th day of October

192 4, and designate therein the 27th day of October, 192 4, as answer day, and

deliver the same to the Sheriff of Seminole County, and endorse thereon, that if defendant

fails to answer, judgment will be taken for _____

with interest thereon from the _____ day of _____

192 _____, at the rate of

_____ per cent per annum.

William H. Roberts

Attorney for Plaintiff.

No. 7541

IN DISTRICT COURT

Praecipe for Summons

Tal Jones

Plaintiff

vs.

Town of Wewoka,

Defendant

Filed _____, 192

Court Clerk

By _____ Deputy

FILED
JAN 11 1924

001 2174

[Handwritten signature]

[Handwritten signature]

PRAECIPE FOR SUBPOENA—CIVIL.

STATE OF OKLAHOMA,

Seminole County, ss.

IN THE DISTRICT COURT

No. _____

vs.

TO THE CLERK OF SAID COURT:—

Please issue a subpoena in the above entitled cause, to _____

to appear in said court, on the _____ day of _____, 192____, at _____ o'clock _____ M.

to testify on the part of the _____ and deliver the same to _____

Dated this _____ day of _____, 192____

Attorney for _____

No. 7541
1242

IN THE DISTRICT COURT

PRAECIPE FOR SUBPOENA—CIVIL

Plaintiff

vs.

Defendant

Filed Nov 7, 1924

Paul Cummings
Court Clerk.

By _____ Deputy

Issued

District Court Subpoena--Civil

STATE OF OKLAHOMA,
Seminole County,—ss.

To Josh Mainard, W. C. Donnelly, B. D. Lack, J. E. Patterson,
M. C. Dowell, L. L. Sturgeon, Jim Lillard, B. F. Davis, W. C. Bunyard
R. W. Parmenter, John Remy, John Sartin, Arthur Seran, Anderson Taylor
Abe Douglas, Judge J. E. Simpson, Mert Perkins, C. M. Shepard, L.
W. Cozart, Tom Horsley,

GREETING: You are hereby commanded to appear before the District Court of Seminole County, at
the court house therein, on the ~~31st~~ 6th day of ~~October~~ November, 1924, 192—
at 9 A. M., to testify as a witness in a certain action pending in said court wherein

Tal Jones is Plaintiff and

The Town of Newoka, et al. are Defendant
and the defendant, Mary Perryman,
on the part of the plaintiff and do not depart without leave of court. Hereof fail not under penalty of law.

In WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the District Court of
said county this 29th day of October, 1924

Irma Cummings Court Clerk.

Seal (COPY)

By Irene Simpson Deputy

Case No.

7541

CIVIL SUBPOENA

DISTRICT COURT

VS.

SHERIFF'S FEES

Serving Subpoena, first person \$ 50

16 additional copies \$375

cop 14 of subpoena \$100

Milage 15 Miles \$ 50

Total \$875

STATE OF OKLAHOMA,
Seminole County,—ss.

Received this writ this 30th day
of Oct. 2 1924, o'clock
M., 192

served the same, delivering a copy
hereof, with the endorsements there-
in, duly certified to the within named
Josh Manard, W. C. Donnelly,

J. E. Paterson, M. C. Dowell, L. L.

Stergon, Jim Lillard, M. F. Davis,

W. C. Bunard, John Remy, John Sarde

Other Serah, Abe Dugless, Judge
J. E. Simpson, Mert Perkins, C. M.
Shepard, L. W. Cozark, and
Tom Horsley,

the same by leaving a copy thereof
with endorsements thereon, certified at
the usual place of residence of the
within named witness.

by

192

I cannot find the within named
Anderson Taylor, B. D. Lack,
and B. W. Parmeter.

Sheriff.

By J. A. Wayne Undersheriff

No. 7541

PRAECIPE FOR SUBPOENA—CIVIL.

STATE OF OKLAHOMA,

Seminole County,—ss.

Tal Jones

IN THE DISTRICT COURT

No. 7541

VS.

The Town of Wewoka, et al.,

TO THE CLERK OF SAID COURT:—

Please issue a subpoena in the above entitled cause, to Josh Mainard, W. C. Donnelly, B. D. Lack, J. E. Patterson, M. C. Dowell, L. L. Sturgeon, Jim Lillard, B. F. Davis, W. C. Bunyard, R. W. Parmenter, John Remy, John Sartin, Arthur Seran, Anderson Taylor, Abe Douglas, Judge Simpson, Mert Perkins, C. M. Shepard, L. W. Cozart, Tom Horsley,

to appear in said court, on the 31st day of October, 1924, at 9 o'clock A.M., to testify on the part of the Plaintiff and deft. Mary Perryman, and deliver the same to Sheriff of Seminole county,

Dated this 29th day of October, 1924.

William O. Robert
Attorney for Plaintiff

No. 7541

IN THE DISTRICT COURT

PRAECIPE FOR SUBPOENA—CIVIL

Tal Jones,

Plaintiff

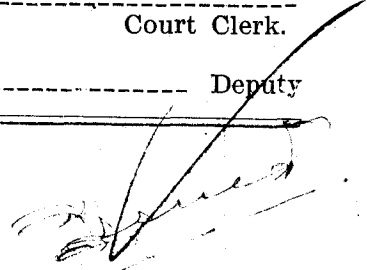
vs.
The Town of Wewoka,
Oklahoma,

Defendant

Filed _____, 192__

Court Clerk.

By _____ Deputy



5281



DISTRICT COURT SUBPOENA—Civil

STATE OF OKLAHOMA

Seminole County, ss.

To Tal Jones

GREETING:—You are hereby commanded to appear before the District Court of Seminole County at the court house therein on the 7th day of November 19 24, at instanter M., to testify as a witness in a certain action pending in said court, wherein Tal Jones Plaintiff and Town of Wewoka, Okla et al., Defendant on the part of the defendants. and do not depart without leave of court. Hereof fail not, under penalty of law.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the District Court of said county this 7th day of November 19 24.

Anna Cummings Court Clerk.

By _____ Deputy

1541
1242
Case No. ~~1242~~

CIVIL SUBPOENA
District Court

vs.

SHERIFF'S FEES

Serving subpoena, first person \$ 50

----- Additional persons \$ -----

----- cop 1 of subpoena \$ 25

Mileage 2 miles \$ 20

Total \$ 95

J. J. Doyle
Sheriff

By *J. J. Doyle*
Undersheriff.

STATE OF OKLAHOMA
Seminole County ss.

Received this writ this 7 day of
Nov., 1924, o'clock

M., 192-----
served the same, delivering a copy thereof,
with the endorsements therein, duly certified,
to the within named

Tal Jones
in person on
the 7 day of Nov 1924

----- 192-----, served
the same by leaving a copy thereof with the
endorsement thereon, certified at the usual
place of residence of the within named wit-
ness -----

by -----
----- 192-----, I cannot
find the within named -----

J. J. Doyle Sheriff

By *J. J. Doyle* Undersheriff

STATE OF OKLAHOMA, :
: SS. IN THE DISTRICT COURT.
SEMINOLE COUNTY, :

TAL JONES,

Plaintiff,

vs.

THE TOWN OF WEWOKA, a Municipal Corporation, W. L. THURSTON, J. E. PATTERSON and J. F. REMY, constituting the Board of Trustees of said Town; MRS. GERTHEL NORTHERN, MRS. MABEL GARNER and MRS. constituting the Board of Cemetery Trustees of said Town; SHAFFER OIL & REFINING COMPANY, a Corporation, THOS. J. HORSLEY, A. B. DOUGLAS and FRANK GILSTRAP,

Defendants.

NO. _____

ANSWER AND CROSS COMPLAINT
OF MARY PERRYMAN.

Comes now Mary Perryman, one of the defendants herein, so made by order of Court, and for her answer to the petition herein, alleges and states as follows, to-wit:

That she denies each, every and all of the allegations laid in the petition of Tal Jones, except such as shall hereinafter be admitted.

She admits that Tal Jones, the plaintiff in this action, is a citizen and resident of Seminole County, Oklahoma, and that the Shaffer Oil Company is a corporation, with its principal offices in the City of Tulsa, and that Thos. J. Horsley, A. B. Douglas and Frank Gilstrap are residents of the Town of Wewoka.

This answering defendant admits that the defendants named and alleged in said petition as being in possession of said premises are, at least a portion of them, attempting to exercise some authority and control over said premises, and that the said Mary Perryman further admits that said defendants have no right, title or interest in or to the said twenty (20) acre tract of land described in said petition. She admits that said defendants are claiming some right, title and interest in said land, as is alleged in the second paragraph of said petition, and that the said Town of Wewoka and the said members of the Cemetery Board of Trustees of said Town of Wewoka, are claiming some right, title and interest in and to said 20-acre tract of land, under and by virtue of a pretended condemnation of said land by this honorable Court, under the color of which the said specified defendants have been using a portion of said land for cemetery purposes, and, this answering defendant admits the allegation in said petition by said plaintiff that said alleged condemnation proceedings were fatally defective, and that said pretended condemnation of said land, or any portion thereof, is wholly null and void; and she further admits that said defendants acquired no right, title or interest in or to said land by virtue of said condemnation proceedings.

This defendant admits further the allegation of said second paragraph, that the claims of said alleged defendants were wholly without merit and void, but that said claims constitute a cloud upon the actual title to said lands, but she does not admit that said plaintiff owned or was entitled to have, or hold any title or right in said land.

For further answer to the third paragraph of said petition, she admits that there is a portion of said tract of 3.53 acres of said 20-acre tract that had never been actually occupied by the defendants, as a part of the land attempted to be condemned for Cemetery purposes, unless the same was only recently so occupied, and that said 3.53 acres was not included by the Cemetery fences, and that in truth and in fact, none of the defendants have ever had any right, title or interest in said 3.53 acres of land.

This answering defendant further admits that about 16.47 acres of said 20-acre tract, as she is informed, is under fence, the exact amount of said acreage she does not now allege, nor does she bind herself thereto, and that a portion of said premises enclosed within said cemetery fence, has been, in years passed, used as a burying ground, and that there are about _____ of bodies buried in said ground, and she admits that the east portion of said tract referred to as a cemetery tract is unoccupied and not used as a buryial ground, and is separated by a natural ravine, or draw, from that portion that has been used for burial purposes, and that there are in the neighborhood of from seven to ten acres wholly unused or unoccupied.

She further admits that within the past three or four months, oil has been discovered in the immediate vicinity to said tract, and wells offsetting the same on three sides have been drilled, and that many thousands of dollars worth of oil have been taken from said wells, and that the presence and productiveness of said wells proves that said 20-acre tract is valuable oil land and that the operation of such adjacent wells is draining and taking from under such 20-acre tract, the oil which, in right and justice, belongs to the owner of the fee of said land, and which is lost to her.

This answering defendant further admits that under no condition could the Cemetery Board of Trustees of said Town of Wewoka, or the Trustees of said Town, have any right, title or ownership in or to the oil under said tract of land, nor have they any right to take the same and appropriate it to their own use, but this answering defendant denies that the plaintiff has any right thereto and denies that the plaintiff is the owner of the fee, and denies that the plaintiff has any right, title or ownership in said oil, or right to remove and appropriate same to his own use.

Further answering, the defendant says, that there is abundant room and ground upon the east portion of said tract for the drilling of at least two or three wells without in any way molesting or desecrating the used portion of said Cemetery, or in any way trespassing upon or injuring the same.

This answering defendant is not in a position to either admit or deny the allegation that the plaintiff is unable to agree with the defendants above named upon any basis for the development of said unused tract for oil and gas, and is unable to allege what sums have been offered by said Oil company for the right to drill upon said unused portion of said tract, but this answering defendant admits that said land is being drained and that large sums of money are being lost, through said drainage of such property by operators upon ~~adjoining~~ land, all to the loss and damage of the true owner of said land, but defendant answering herein, denies that Tal Jones is the true owner thereof.

This answering defendant is unable to state whether or not the defendants above named have refused to permit the plaintiff, Tal Jones, or anyone acting under his authority, to enter upon said land and operate the same, but she has been informed and believes that these defendants, above named, that is to say,-- the Town of Wewoka, and its Board of Trustees, and the Board of Cemetery Trustees, have disputed the right of the said Tal Jones to go upon said land and drill the same, and that by reason of said objection by said defendants, the said lands have not been drilled, and that the true owner is losing large sums of money thereby.

This answering defendant further admits that only by the appointment of a Receiver can the rights of the parties hereto be preserved, unless all of the parties claiming an interest in said property shall agree and join in a lease thereof, and that the appointment of such Receiver to execute an oil and gas mining lease upon said premises for the preservation of the rights of the true owners therein, is imminent and necessary.

WHEREFORE, etc.

CROSS COMPLAINT.

Now comes the said defendant, Mary Perryman, having answered the petition of said Tal Jones, and by way of cross complaint against the said Tal Jones, the Town of Wewoka, and its Trustees, aforesaid, and the said Board of Cemetery Trustees, aforesaid, the Chaffier Oil & Refining Company, a Corporation, aforesaid, and Thos. J. Horsley, A. B. Douglas, and Frank Gilstrap, aforesaid, alleges, as follows, to-wit:

That the said land described in the petition of the plaintiff herein, and in that part of portion of

Lot Three (3) of Section 32, Township 8 North, Range 8 East, containing 20 acres, known and described as the Cemetery Tract, or Oakwood Cemetery, and more particularly bound and described in said petition, and situate in Seminole County, State of Oklahoma,

is a part of the allotment of James Perryman, deceased, Seminole Allottee No. _____; that the said James Perryman was a Full-blood Indian, although duly enrolled upon the Seminole Roll as a Half Blood, and that the said James Perryman and the said Mary Perryman were man and wife at the time of his death, which occurred the early part of 1908; that at the time of his death, the said James Perryman left surviving him, as his sole and only heirs at law, the said Cross Complainant, Mary Perryman, and a son named Benjamin Perryman, born to the said James Perryman and your Cross Complainant; that the said Benjamin Perryman died in infancy about the _____ day of March, 1909, and that at the time of his death he was, by virtue of being an heir of the said James Perryman, the owner of an undivided half of all of said lands, and that the remaining half thereof belonged to your Cross Complainant herein, and that upon the death of the said Benjamin Perryman, all of said interests so held by him passed by inheritance to your complainant herein, and that after his death, she was the owner of the entire title to said lands.

That after the death of the said James Perryman, and of the said Benjamin Perryman, and to-wit: on the 18th day of June, 1909, plaintiff herein and Cross Defendant, Tal Jones, filed with the Probate Court of Wagoner County, Oklahoma, what purported to be the Will of said James Perryman, and filed therewith a petition praying for the probate of said will, as the last will and testament of the said James Perryman. That on the 14th day of August, 1909, the County Court of Wagoner County, aforesaid, made and entered an order admitting said will to probate in said Court; that at the time said order was made, the said Court had no jurisdiction, authority or legal right to admit said will to probate.

That on the same day, the said Court made a further order, appointing Tal Jones as administrator of the estate of the said James Perryman, deceased. That at the time of the appointment of the said Tal Jones as administrator with the will annexed, your petitioner herein, being the lawful wife surviving the said James Perryman, was entitled to nominate and recommend the appointment of an administrator over said estate; that the said complainant herein at no time waived her right to nominate, nor did she have any knowledge or notice of the appointment of the said Tal Jones as administrator to said estate until long after said appointment was made.

That on the 26th day of ^{August} ~~October~~, 1909, following the appointment of the said Tal Jones as administrator of the said estate, the said Tal Jones came to the home of the said Mary Perryman, your cross complainant herein, and, while occupying said position of trust and confidence, did falsely represent to her that the said James Perryman had conveyed away all of his interests in the said allotment in the Seminole Nation, and that she had no interest or right or claim therein, and represented that he, the said Tal Jones, would give her a gratuity, or gift of \$25.00 to sign some papers which he then presented to her for her signature, and being, as he then represented, a statement that she had no interest in the said land, and that at said time, said plaintiff herein was ignorant of the facts, and believed the statement of said Tal Jones, and accepted said \$25.00, and signed what she now believes to be a deed dated August 26, 1909, conveying and quit claiming her interest in said land. That said deed described, as she now is informed, other lands, and that at the time of the signature thereof, she did not know the full contents and effect of said instrument, but was induced to sign the same by false and fraudulent representations, aforesaid, made by the said Tal Jones.

That the said cross complainant herein is a full-blood Creek Indian, can neither read nor write, with the qualification only that she can scrawl her name in English, and that she had no knowledge of the extent or value or location of her husband's allotment in the Seminole Nation; that she then, and had for many years, lived in the Creek Nation, near Wagoner, and never did live in the Seminole Nation, and never knew the location or description or value of the allotment of the said James Perryman until recently.

That the said Tal Jones later, and to-wit: in the year 1915, came to the cross complainant herein and represented to her that she was the owner of an undivided one-half interest in certain lands which had been allotted to her husband, and represented that same were worth not to exceed \$400.00 in value, and agreed to purchase from the plaintiff a half interest in said lands, at said price of \$400.00, and did induce your cross petitioner herein, on the 24th of July, 1915, to sign a deed which was understood to be and intended to be, and was, in fact, a grant of an undivided one-half interest in all of the allotment.

of said James Perryman, save and except the 20 acres described in the petition in this case; that at that time the said Tal Jones represented to your cross complainant that she was the owner of an undivided half interest in said lands, and that he did actually pay her the sum of \$400.00 for said deed; that the said deed, however, did not convey or grant any interest whatsoever in the lands described in the petition in this action; that your cross complainant continued to live in Wagoner County, Oklahoma, ignorant of the condition of the title to the lands of the said James Perryman, and ignorant of the fact as to her ownership or interest in the 20 acres described in the petition herein, and ignorant of its value or location, and remained ignorant thereof until within the past three or four months; that on the 9th day of July, 1924, the said Tal Jones, acting in conjunction with the Board of Trustees of the Town of Wewoka, and the Board of Cemetery Trustees, aforesaid, went before the County Judge of Wagoner County, and caused to be submitted to him for approval the deed hereinbefore referred to as dated August 26, 1909, a copy of which instrument is attached hereto, and made a part of your cross complainant's cross petition, and marked "Cross Complainant's Exhibit 'A'".

That the said deed was submitted to said County Court, along with a petition for the approval thereof, and certain testimony given before said County Court by one Thos. J. Horsley, representing the said Tal Jones, and the said Board of Trustees of the Town of Wewoka, and the Cemetery Trustees, aforesaid. That in the said petition and in the testimony given before the County Judge, it was alleged that said deed, aforesaid, was made in good faith by the said Marry Perryman for a consideration not disproportionate to the value of th said premises; and that due notice had been served upon the said Mary Perryman of the presentation to said County Judge on the said date at the hour of 9:00 o'clock A. M. of said date, of said petition for the approval of said deed, and it was further represented to said County Judge in said petition and in the testimony of said Thos. J. Horsley, that the title of said lands had been condemned in a proceeding instituted in the District Court of Seminole County, in 1910, and that the approval of said deed was for the benefit and use of the said Town of Wewoka, and the Cemetery Board of Trustees, and that said ground was occupied by many dead bodies, and that said deed should be approved, and that upon said representation, said County Court did approve said deed, and that the said representations were false and misleading in that at the time of the taking of said deed by the said Tal Jones, the same was taken in bad faith and for a fraudulent purpose, and that the consideration thereof was wholly and totally disproportionate to the value of said lands and that the value of said lands, at the said time, was not less than \$1200.00, as shown by the report of said Tal Jones, as administrator to said estate, when in fact and in truth, such lands were worth much more than \$1200.00, and that such representation, so made to the said County Court, was misleading and false, in that no notice had been served upon the said Mary Perryman, and she had no knowledge of the pendency of said proceedings to have said deed approved, until after the same was approved, and that the said representation so made to said County Court was false and misleading in that the said Mary Perryman had never, at any time, been a party to any proceeding to condemn said property for cemetery purposes; and that said representations were false and misleading in that the said District Court of Seminole County could have no jurisdiction outside of the corporate limits of the Town of Wewoka to condemn said lands for any purpose, and that such Municipal Corporation had no legal authority, and the District Court had no jurisdiction to condemn said lands for cemetery purposes upon the application or suit of the Town of Wewoka. That the said representations so made to said County Judge at the hearing for the approval of said deed, were further misleading and false in that it was not disclosed to said County Court that said deed,

so sought to be approved, had been abandoned, ignored and repudiated by the said Tal Jones in 1915, when he went into the Court of Wagoner County, Oklahoma, and asked for the approval of a deed by her in which it was represented that she owned a half interest in said land, and at which time a deed was taken of all of the lands allotted to the said James Perryman, except the 20 acres described in this suit, and that the approval of said deed was unfair and unjust, and that the County Judge of Wagoner County would not have approved said deed, nor would he have considered its approval, if he had known the matters and things herein set forth, and would not have approved the said deed had he known if the said Mary Perryman had appeared before the said County Judge and protested against its approval, and set up the matters and things herein set forth. That the condemnation suit referred to in the petition of the plaintiff herein did not and could not affect the right, title, ownership and interest of your cross complainant herein to said lands, for the reasons, as follows:

First. That the District Court of Seminole County had no jurisdiction to condemn the property outside of the corporate limits of the Town of Wewoka for municipal purposes, at the time when such condemnation judgment was rendered; and,

Second. That the Municipal corporation of Wewoka had no right or authority to condemn property for Cemetery purposes; and,

Third. That your cross complainant was not a party to said suit; had no notice or knowledge thereof at any time, until within the past few months, and was not, therefore, bound by the judgment.

That the said Tal Jones is a full blood negro,-- of a different race from that of said James Perryman, and between whom there was no tie or relationship of blood or obligation upon which could be founded a reason for the execution of such a will.

That your cross complainant never, at any time, understood or realized, until within the past few months, that her said husband, prior to his death, had executed or delivered to Tal Jones a will, vesting him with any interest or title to the said lands, aforesaid. That the will produced in the County Court of Wagoner County was fraudulent, and was not the will and testament of James Perryman.

The said James Perryman was an ignorant and illiterate full blood Indian,--half Creek, and half Seminole; could not speak or read or write English; could not understand English; could not conduct or negotiate any business, or transact any of his affairs, either in writing or verbally, in the English language; that the witnesses to said will could neither understand nor speak the Creek language; nor the Seminole, and that the said James Perryman could understand and speak only the language of his native Tribe, and then only to a limited extent.

That the cross complainant is the owner of the entire title and interest in said property; that she has no intent nor desire to desecrate the graves of a single person buried in said cemetery; that said burials were all made without her knowledge or consent; that she wishes to respect the feeling and the sensibilities of the relatives of these dead, but that she claims the full right to protection against the encroachment of offset wells which will drain the said land, and she claims the right to drill upon said lands where and in such places as shall not desecrate the graves, aforesaid. That she will suffer irreparable loss and injury unless

said lands are immediately drilled and the oil properly coming to her is preserved and protected.

That there is now available space upon the undrilled portion of said 20 acres for three, and possibly four, wells, without encroaching closer to said graves than wells already existing have encroached; that she has no adequate remedy against said persons taking said oil through offset wells, and that she must seek the power and authority of this Court, thro' a Receiver, to make a contract with some suitable person or persons to drill wells, or to drill the same under proper instructions or order of this Court.

W H E R E F O R E, cross complainant, Mary Perryman, prays that the plaintiff herein, Tal Jones, as such plaintiff, take no relief, nor judgment in this Court, awarding him any rights in the said land, but that your said cross complainant be declared to be the owner of the fee, and entitled to the use and benefits of said lands and the right to the oil thereunder, and that the defendants, the Town of Wewoka, and its Board of Trustees, and the Cemetery Board of Trustees, be decreed and adjudged to have no right, title or interest, either in the fee or in the oil and gas thereunder, and that they be enjoined from in any way interfering with the right of your cross complainant to immediately drill upon or develop oil and gas upon the unoccupied portions of the said 20-acre tract, aforesaid; and that, pending the final determination of the rights of the parties herein, this Court immediately and forthwith appoint some responsible person as a Receiver, with authority to immediately negotiate an oil and gas mining lease upon the said land, conditioned that the bonus and the royalty therein shall be fair and reasonable under all the conditions existing therein at this time, and that each and all of the defendants above named be enjoined and restrained from in any way interfering with the rights of your cross complainant in the said land, and for a judgment and decree of this Court in this cause, cancelling, setting aside and holding for naught the deed executed August 26, 1909, and referred to herein as "Cross Complainant's Exhibit 'A'", and for all of the cross complainant's costs herein laid out and expended, and for all other relief proper.

Charles Rogers
Bryon Stokes & Carver
Attorney for Cross Complainant.

CROSS
(COMPLAINANT'S EXHIBIT "A")

Q U I T C L A I M D E E D.

No. 13654.

THIS INDENTURE, Made this 26th day of August, A.D. 1909, between Mary Perryman, a single woman, widow of James Perryman, deceased, and mother of Benjamin Perryman, deceased, of Wagoner County, in the State of Oklahoma, of the first part, and Tal Jones, of the second part.

WITNESSETH, The said party of the first part, in consideration of the sum of \$25.00 Dollars, the receipt whereof is hereby acknowledged, does by these presents Quit Claim, Grant, Bargain, sell and convey unto the said party of the second part, his heirs and assigns, all of the following real estate, situated in the County of Seminole and State of Oklahoma, to-wit:

The allotment of James Perryman described as follows;
to-wit:

Lots Two and Three, of Section 32, T. 8 N, R. 8 E.

TO HAVE AND TO HOLD the same, together with all and singular the tenements, hereditaments and appertinances thereunto belonging or in any wise appertaining forever.

And the said Mary Perryman, for her heirs, executors or administrators do hereby covenant, promise and agree to and with said party of the second part, that at the delivery of these presents she is lawfully seized in her own right of an absolute and indefeasible estate of inheritance, in fee simple, of, in and to all and singular the above granted and described premises, with the appurtenances; that the same are free, clear, discharged and unincumbered of and from all former grants, titles, charges, judgments, taxes, assessments and incumbrances, of what nature and kind soever; and that she will warrant and forever defend the same unto said party of the second part, his heirs and assigns, against said party of the first part, their heirs and all and every person whomsoever, lawfully claiming or so claim the same.

IN WITNESS WHEREOF, The said party of the first part has hereunto set her hand & the day and year first above written.

MARY PERRYMAN.

Examined and Approved in
open Court this 9th day of
July, 1924.

W. B. MOSS, County Judge.
(SEAL)

STATE OF OKLAHOMA,
WAGONER COUNTY, SS.

Before me, O. S. Hopping, a Notary Public in and for said County and State, on this 27th day of August, 1909, personally appeared Mary Perryman and --- to me known to be the identical person who executed the within and foregoing instrument, and acknowledged to me that she executed the same as her free and voluntary act and deed for the uses and purposes therein set forth.

(SEAL)
My Commission expires
April 29, 1911.

O. S. HOPPING, Notary Public.

FILED for record July 10th, 1924, at
9 A. M. BY R. E. CRISWELL,
Deputy.

ELLIS COOPER, County Clerk.

(CROSS COMPLAINANT'S EXHIBIT "A").

NO. 7541

STATE OF OKLAHOMA,
SEMINOLE COUNTY, SS.
IN THE DISTRICT COURT.

TAL JONES,

Plaintiff,

vs.

THE TOWN OF VEWOKA, a
Municipal Corp.,
et al,

Defendants.

ANSWER AND CROSS COMPLAINT
OF MARY PERRYMAN.

CEAS. B. ROGERS.

Atty. for Cross Compl't.
426-7 Iowa Bldg.,
Tulsa, Okla.

*Ryan Stoltz Barne
dewerka*

State of Oklahoma,
Seminole County, ss.

In the District Court.

No. ____

Tal Jones,

Plaintiff.

--vs--

The Town of Wewoka, et al.,
Defendants.

AMENDMENT TO PETITION.

Comes the plaintiff, and for amendment to his original petition herein, states that he here reiterates each and every allegation of fact contained and set forth in the said petition, as fully and with the same legal effect as if set forth in full herein.

And he says that one, Mary Perryman, is claiming some, right, title or interest in or to the lands described in the original petition, adversely and hostile to the right and title of this plaintiff thereto; but that said Mary Perryman has no right, title or interest in or to said land, but that her claim thereto is a cloud upon the title of this plaintiff in and to the same, and operates to his injury and damage; and that the said Mary Perryman because of such adverse claim, is a necessary and proper party to this action.

Wherefore, plaintiff prays that the said Mary Perryman be made, and he hereby makes her a party defendant to this action, and prays that she be required to come in and answer the original petition herein as amended hereby; and against her this plaintiff prays judgment adjudging that she has no title in or to said land, and that title to said land be quieted in plaintiff as against her and all persons claiming through her.

W. A. Mott & Robert
Attorneys for Plaintiff.

No. 7541

In the District Court

Tal Jones, Plaintiff.

--VS--

The Town of Wewoka, et al.,
Defendants.

AMENDMENT TO PETITION MAKING
MARY PERRYMAN PARTY DEFENDANT.

Willmott & Roberts,
For Plff.

IN THE DISTRICT COURT WITHIN AND FOR SEMINOLE COUNTY
STATE OF OKLAHOMA.

Tal Jones,

Plaintiff,

vs.

No.7541.

Town of Wewoka, et al,

Defendants.

D I S M I S S A L.

Comes now the above named plaintiff by his attorneys, the undersigned, and dismisses the above entitled cause without prejudice to the bringing of another action.

W. Ernest Roberts
Attorneys for Plaintiff.

No.7541

In the District Court within
and for Seminole County, Okla.

Tal Jones,

Plaintiff,

vs

Town of Wewoka, et al,

Defendants.

DISMISSAL.

Filed Nov 17 - 1925
Jama Cummings
Court Clerk, Seminole
County Okla

J 10-350

STATE OF OKLAHOMA)
SEMINOLE COUNTY)

IN THE DISTRICT COURT THEREOF.

Tal Jones,
Plaintiff,

vs.

No. 7541.

Town of Wewoka, et al,
Defendants.

MOTION TO MAKE MORE DEFINITE AND CERTAIN
OF THE DEFENDANTS, TOWN OF WEWOKA, OKLAHOMA, AND
MRS. FORE, MRS. GARNER AND MRS. HOWARD, CONSTITUTING
THE BOARD OF CEMETERY TRUSTEES.

Comes now the defendants, the Town of Wewoka, Oklahoma, and
the board of Cemetery Trustees, and respectfully move this Honorable
Court to require the plaintiff to make his petition more definite and
certain in the following particular, to-wit:

1.

To set forth why the said condemnation proceeding mention
in plaintiffs petition is fatally defective and why the same is wholly
null and void.

Thas Hardy
B. B. Davis
B. B. Davis
Attorneys for Defendants.

No. 7541.

State of Oklahoma,
Seminole County. ss.

IN THE DISTRICT COURT.

Tad Jones Plaintiff,

vs.

Town of Wewoka, et al.
Defendants.

State of Oklahoma,
Seminole County, ss.

In the District Court.

No. 7541

Tal Jones, Plaintiff.

--vs--

The Town of Wewoka, et al.,
Defendants.

APPEARANCE AND MOTION OF D. G. HART AND
IRA J. BANTA.

Come the defendants, D. G. Hart and Ira J. Banta, and waive the service of summons upon them in the above styled action, and enter their appearance herein, reserving to themselves twenty days from this date in which to plead further to said petition.

And these defendants now join in the petition of the plaintiff for the appointment of a receiver over the property involved in this action, and especially the unused portion of the Cemetery tract, being the East seven or eight acres thereof; and pray this Honorable Court to appoint such receiver, with the power and charged with the duty of leasing said land for oil and gas mining purposes, for such bonus, and royalty, and under such reasonable rules, restrictions and regulations as may be prescribed by this Honorable Court, to the end that drainage and waste may be prevented, and the rights of all parties interested in said land may be protected.

And these defendants say that the emergency is great and the necessity for such receivership is pressing, and that day by day the parties to this action are suffering irreparable loss and injury by the drainage of oil and gas from the lands involved herein, by the adjacent operators.

1931-24

D. G. Hart
Ira J. Banta

No. 7541
In the District Court.

Tal Jones, Plff.

--VS--

The Town of Wewoka,
et al., Defts.

APPEARANCE AND MOTION OF
D. G. HART AND IRA J. BANTA.

State of Oklahoma,
Seminole County, ss.

In the District Court.

No. —

Tal Jones,

Plaintiff.

--vs--

The Town of Wewoka, Oklahoma,
et al., Defendants.

APPLICATION FOR APPOINTMENT OF RE-
CEIVER.

Comes now the plaintiff, and moves this Honorable Court to appoint a Receiver over the property described in the petition herein, with the power and charged with the duty of leasing the unused portion of the Oakwood Cemetery tract for oil and gas mining purposes, for the highest obtainable bonus and royalty, and under such reasonable and proper rules, regulations and restrictions governing the operation of said tract for oil and gas, as this Honorable Court may define and prescribe.

And in support of this application, the plaintiff refers to the allegations of fact contained and set forth in his original petition, and offers to introduce proof to show the necessity for the appointment of a receiver over the said property at this time.

And plaintiff avers that the emergency is very great, and the necessity imperative if the parties to this action who are interested in said land are to escape great and irreparable injury and damage by the drainage of said tract by adjacent wells of large production upon almost all sides of said land and offsetting the same.

WHEREFORE, plaintiff asks for a hearing hereon, and upon a hearing had, asks that such receiver be appointed, and such other relief as he may show himself entitled to.

W. E. Smith & Roberts
Attorneys for Plaintiff.

No. 7541

In the District Court.

Tal Jones, Plaintiff.

--VS--

The Town of Newoka,
et al., Defts.

XXXXXXXXXXXXXXXXXXXX

APPLICATION FOR THE
APPOINTMENT OF A RECEIVER.

XXXXXXXXXXXXXXXXXXXX

Willmott & Roberts,
For Plff.

State of Oklahoma,
Seminole County, ss.,

In the District Court.

No. ____

Tal Jones,

Plaintiff.

--vs--

The Town of Wewoka, et al?,

Defendants.

Appearance.

~~Come the defendants, Thos. J. Horsley.~~

A. B. Douglas and Frank Gilstrap, and waiving the issuing and service of summons upon them in this action, hereby enter their appearance in said action, and reserve to themselves twenty days from this date in which to plead to said petition.

dated this the 8th day of October, 1924.

Thos. J. Horsley

Defendants.

No. 7541

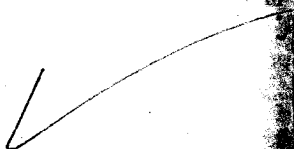
Tal Jones, Plff.

--vs--

The Town of Wewoka,
et al., Defts.

=====

Appearance.



=====

Filed Oct 9 1924
Ima Cummings
Court Clerk, Seminole
County Okla

State of Oklahoma,
Seminole County, ss.

In the District Court.

No. _____

Tal Jones,

Plaintiff.

--vs--

The Town of Wewoka, Oklahoma,
et al., Defendants.

APPEARANCE AND MOTION OF
MARY PERRYMAN.

Comes the defendant in the above styled
action, Mary Perryman, and enters her appearance herein,
and reserves to herself twenty days from this date in
which to plead further to the petition of plaintiff, and
the amendment thereto.

And said defendant moves this Honorable
Court to appoint a receiver as to the property described in
plaintiff's petition, with power and authority to lease
the unused portion of said Cemetery tract, being the East
portion thereof, for oil and gas mining purposes, under
such reasonable rules and restrictions as may be by the
Court imposed.

And this defendant joins in the prayer of the
plaintiff for the appointment of such Receiver.

This the 29th October, A.D., 1934.

Char E. Rogers
Ray E. Leander
Attorneys for the defendant,
Mary Perryman.

No. 7541

In the District Court
Tal Jones, Plff.

--VS--

The Town of Wewoka,
et al., Defts.

APPEARANCE OF MARY PERRYMAN
AND MOTION FOR APPOINTMENT
OF RECEIVER.

Attys for Deft
Mary Perryman.

State of Oklahoma,
Seminole County, ss.,

In the District Court.

No. ____

Tal Jones,

Plaintiff.

--vs--

The Town of Wewoka, et al.,

Defendants.

Appearance.

~~Come the defendants, Thos. J. Hensley,~~

A. B. Douglas and Frank Gilstrap, and waiving the issuing and service of summons upon them in this action, hereby enter their appearance in said action, and reserve to themselves twenty days from this date in which to plead to said petition.

Dated this the 8 day of October, 1934.

Thos J Hensley
Frank Gilstrap

Defendants.

7541

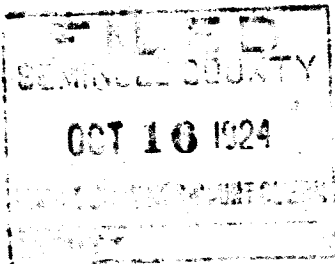
Tal Jones, Plaintiff.

--VS--

The Town of Wewoka,
et al., Defts.

Appearances of Thos.
and Frank Gilstrap,

State of Oklahoma,
County of Nowata,



State of Oklahoma,
Seminole County, ss.

In the District Court.

No. 7541

Tal Jones, Plaintiff.

--vs--

The Town of Wewoka, et al.,
Defendants.

Second Amendment to Petition.

Comes now the plaintiff, Tal Jones, and respectfully shows to this Honorable Court that D. G. Hart and Ira J. Banta, Esqs., partners as Hart and Banta in the general practice of the law, are claiming some right, title or interest in and to the lands involved in this action, under and by virtue of a certain employment contract with Mary Gerryman, of the defendants herein; and that said Hart and Banta are necessary and proper parties to this action.

And this plaintiff makes as to said Hart & Banta partners as aforesaid, all the allegations of fact contained and set forth in the original petition herein, with the same legal effect as if all of said allegations were set out at length herein.

Wherefore, plaintiff prays that said D. G. Hart and Ira J. Banta, as such partners, be made parties defendant herein, and that they be required to set up their claims to said land, if any; and that plaintiff have judgment against them, quieting title to said lands in the plaintiff, and adjudging said Hart and Banta, without right, title or interest therein; and plaintiff prays for all general and special relief.

W. H. M. Roberts
Attorneys for Plff.

No. 7541

In the District Court.

Tal Jones, Plaintiff.

--vs--

The Town of Wewoka,
et al., Defts.

Second Amendment to
Petition.

✓

Willmott & Roberts
For Plff.

STATE OF OKLAHOMA)
SS IN THE DISTRICT COURT THEREOF.
SEMINOLE COUNTY)

Tal Jones,
Plaintiff,

vs.

No. 7541

Town of Wewoka, et al,
Defendants,

MOTION OF DEFENDANTS, TOWN OF WEWOKA, OKLAHOMA AND
MRS. FORE MRS. GARNER AND MRS. HOWARD, CONSTITUTING THE
BOARD OF CEMETERY DIRECTORS, TO REQUIRE THE DEFENDANT,
MARY PERRYMAN TO MAKE HER CROSS COMPLAINT MORE DEFINITE
AND CERTAIN.

Comes now the defendants, Town of Wewoka, and the Cemetery Board and respectfully moves the Honorable Court to require the Defendant Mary Perryman to make her cross complaint more definite and certain in the following particulars to-wit:

1.

To set forth the reason why the Court Court of Wagoner County, Oklahoma, had no jurisdiction or legal authority or legal right to admit the will of James Perryman to probate.

2.

That the cross complaint set forth why the said will of the said James Perryman deceased did not pass title to the plaintiff Tal Jones.

Mary Perryman

B F Davis

J C Loomis

Attorneys for Defendants.

No. 7541.

State of Oklahoma,
Seminole County. ss.

IN THE DISTRICT COURT.

Tal Jones, Plaintiff,

Vs.

Town of Wewoka, et al,
Defendants.

***** > +

MOTION.

+ + +

SUMMONS

STATE OF OKLAHOMA,
Seminole County,—ss.

IN THE DISTRICT COURT

THE STATE OF OKLAHOMA, TO THE SHERIFF OF Seminole COUNTY, GREETING:

You are hereby commanded to notify J. E. Patterson, W. L. Thurston and
J. F. Remy, as members of the Board of Trustees of the Town of Wewoka
that they have been sued by Tal Jones

in the District Court of Seminole County, State of Oklahoma, and that they must answer the
petition of said Tal Jones

filed against them in the office of said Court on or before the 27th day of
October, 1924 or petition will be taken as true and judgment will be rendered accordingly

You will make due return of this Summons on or before the 7th day of October, 1924

Given under my hand and Seal of said Court this 2nd day of October, 1924

If the Defendant fail to answer, judgment will be taken

Court Clerk.

and costs of suit.

By _____ Deputy. _____ Court Clerk

Officer's Return

I received this Summons on the 3 day of Oct, 1924, at
o'clock _____ M., and executed the same in my County By Delivering,
a true copy of the above Summons with all the endorsements thereon to J.E. Paterson, W.L. Thurston, and,
J.F. Remy, as members of the Board of Trustees of the Town of Wewoka,
In person on the 3 Day of Oct 1924.

By C. H. Aldridge Deputy J. G. Doyle Sheriff

No. 7541

SUMMONS

IN DISTRICT COURT

Tal Jones

Plaintiff

VS.

Town of Tewoka, et al.,

Defendant

I hereby certify the within to be a true copy
of the original Summons now in my possession
with all the endorsements thereon.

J. A. Doyle
Sheriff.

By A. H. Aldridge
Deputy.

SHERIFF'S FEES

Serving Writ, first person \$ 50

Additional persons 2 \$ 50

Miles 2 Mileage \$ 20

Cop. 3 of Summons \$ 75

TOTAL \$ 195

J. A. Doyle
Sheriff.

Attorney.

Deposit \$ _____

SUMMONS

STATE OF OKLAHOMA,
Seminole County,—ss.

IN THE DISTRICT COURT

THE STATE OF OKLAHOMA, TO THE SHERIFF OF Seminole COUNTY, GREETING:

You are hereby commanded to notify Mrs. Gerthel Norther and Mrs. Mabel Garner,
as members of the Cemetery Board of Trustees of the Town of Nowata,
that they have been sued by Tal Jones

in the District Court of Seminole County, State of Oklahoma, and that they must answer the
petition of said Tal Jones

filed against them in the office of said Court on or before the 27th day of
October, 1924 or petition will be taken as true and judgment will be rendered accordingly

You will make due return of this Summons on or before the 7th day of October, 1924

Given under my hand and Seal of said Court this 2nd day of October, 1924

If the Defendant fail to answer, judgment will be taken
[Signature]
Court Clerk.
[Signature]
Deputy.

and costs of suit.

By _____ Deputy. _____ Court Clerk

Officer's Return

I received this Summons on the 6 day of Oct, 1924, at _____
o'clock _____ M., and executed the same in my County By Delivering,
a true copy of the above Summons with all the endorsements thereon to Mrs. Gerthel Norther, In person
on the 6 Day of Oct. 1924,
Mabel Garner, not found in my County

By A. Aldridge Deputy J. A. Doyle Sheriff

No. 7541

SUMMONS

IN DISTRICT COURT

VS.

Plaintiff

Defendant

I hereby certify the within to be a true copy of the original Summons now in my possession with all the endorsements thereon.

J. A. Wyle
Sheriff.
By *C. H. Aldridge*
Deputy.

SHERIFF'S FEES

Serving Writ, first person \$ 5.00

Additional persons \$

Miles 2 Mileage \$ 2.00

Cop. 1 of Summons \$ 25.00

TOTAL

95.00

J. A. Wyle
Sheriff.

OCT 7 1924

Attorney.

Deposit \$

IN THE DISTRICT COURT WITHIN AND FOR SEMINOLE COUNTY
STATE OF OKLAHOMA.

Tal Jones,

Plaintiff,

vs.

No. 7541.

Town of Wewoka, et al,

Defendants.

D I S M I S S A L .

Comes now the above named plaintiff by his attorneys, the undersigned, and dismisses the above entitled cause without prejudice to the bringing of another action.

Willenott & Roberts
Attorneys for Plaintiff.

STATE OF OKLAHOMA }
SEMINOLE COUNTY } SS. IN THE Dish Court
I, GEORGE HARGRAVE, Court Clerk, within and for the State and
County aforesaid, do hereby certify that the above and foregoing is a full,
true, correct and complete copy of Dismissed
in the above entitled cause, as fully as the same appears of record and on
file in my office.
Witness my hand as Clerk and Official Seal this 16
July 19 30
GEORGE HARGRAVE, Court Clerk
By E. S. Harris Deputy

No. 7541.

In the District Court within
and for Seminole County, Okla.

Tal Jones,

Plaintiff,

vs.

Town of Wewoka, et al.,

Defendants.

D I S M I S S A L .

Filed Nov. 17, 1925

Irma Cummings,

Court Clerk, Seminole County,
Okla.

J. 10 - 350.

STATE OF OKLAHOMA)
)SS IN THE DISTRICT COURT THEREOF.
SEMINOLE COUNTY)

TAL JONES,

PLAINTIFF,

VS.

NO _____

THE TOWN OF WEWOKA, ET AL,

DEFENDANTS.

MOTION OF DEFENDANTS A. B. DOUGLAS, Frank GILSTRAP
AND THOMAS J. HORSLEY TO REQUIRE THE
PLAINTIFF TO MAKE HIS PETITION MORE DEFINITE
AND CERTAIN.

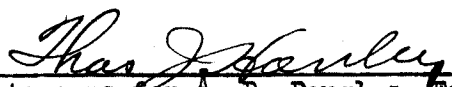
Comes now the defendants A. B. Douglas, Frank Gilstrap,
and Thos. J. Horsley, and file this motion to make more definite
and certain, out of time, by permission of the Court, and most
respectfully moves this honorable court to require the said plaintiff
to make his petition more definite and certain in the following res-
pects, to-wit:

1.

To set out in particular the reasons why the condemnation
proceedings are of no legal force or effect, and why the same is fatally
defentive.

2.

To state why the oil and gas grant set out in paragraph one
of plaintiff's second cause of action does not cover the North 3.53
acres of said twenty acre tract.


Attorneys for A. B. Douglas, Frank
Gilstrap, and Thos. J. Horsley.

No. 7541

State of Oklahoma
Seminole County. ss.

IN THE DISTRICT COURT.

Tal Jones, Plaintiff,
 VS.
Town of Wewoka, et al,
 Defendants.

Filed Nov -15-192
James Cummings
Court Clerk Seminole
County Okla

MOTION TO MAKE
MORE DEFINITE AND
CERTAIN.

Cutlip & Hrsley
Attys for Defendants.

IN THE UNITED STATES DISTRICT COURT IN
AND FOR THE EASTERN DISTRICT OF
OKLAHOMA.

Tal Jones,

Plaintiff

Vs.

Shaffer Oil and Refining

Company, a Corporation

Magnolia Petroleum Company
a Corporation, and B.B.

Blakeney,

Defendants

No. 4194 Equity.

REDRAFT AMENDED PETITION.

Comes now the plaintiff in compliance with the order of this court heretofore entered on the 5th day of August 1930, and Redraft his Amended Petition and for cause of action against the defendants and each of them, alleges and states.

1. That the plaintiff is a resident of Seminole County, Oklahoma, that the defendant Shaffer Oil and Refining Company is a foreign corporation, authorized to do business under the law of the State of Oklahoma, that the defendant Magnolia Petroleum Company is a foreign corporation authorized to do business under the law of the State of Oklahoma, that the defendant B.B. Blakeney, is a citizen of Oklahoma, residing at Oklahoma City, Oklahoma.

2. That heretofore on the 20th day of March, 1923, this plaintiff was the owner of the following described land to-wit;

Lots Two(2) and Three(3), (less 20 acres for Cemetery)
in Section 32, Township Eight(8), Range Eight(8);

3. That on the 20th day of March, 1923 this plaintiff entered into an agreement with the defendant Shaffer Oil and Refining Company, whereby he leased the above described land to the said Shaffer Oil and Refining Company for oil and gas and other mineral, that said lease was made for a period of five years, a copy of said lease is hereto attached and marked Plaintiff's Exhibit "A" and made a part hereof, said lease provided among other things, that one eighth royal interest be paid to the various royalty holders as their interest appeared.

4. This plaintiff alleges that he was the owner of one-half of the royalty interest in and to the above described land at the time oil was discovered, and was entitled to receive one-half of the royalty interest from the time oil was discovered until the 5th day of March, 1925.

5. This plaintiff alleges that oil was found in paying quantities on the above described land under the said lease, in September, 1924, and there were large sums of rents, royalty and profits taken from said land from the 27th day of September, 1924, till the 5th day of March, 1925 at which time this plaintiff executed a quit claim deed to the land in question, that this plaintiff has no means of ascertaining the exact amount of accumulated oil runs, rents and profits during said period; but alleges that one-half of said amount is the property of this plaintiff.

6. This plaintiff avers, that he has not sold, transferred or conveyed said interest at anytime, that he has never authorized anyone to convey said interest for him that he has never received any compensation for the oil runs from said land that accumulated from September 27th, 1924 till

March 5th, 1925.

7. This plaintiff alleges that the oil runs accumulated from September 27th 1924, to 5th day of March 1925 are due to this plaintiff, that various demands for payment have been made upon the defendants but the defendants have refused and yet refused to pay said amount, that the defendants have held said sums adverse to this plaintiff, and have converted the same to their own use.

8. This plaintiff does not know by what means the defendants are holding said oil runs, but is informed and verily believes that they are holding same by a purported transfer order dated March 5th 1925 to the defendant B.B. Blakeney, purporting to convey the oil runs from September the 27th 1924 to January 22nd 1925 and another purported transfer order dated March the 2nd 1925, to B.B. Blakeney, purporting to convey the oil runs from the 22nd day of January 1925 to the 2nd day of March 1925, but this plaintiff alleges that said purported transfer order are forgeries that this plaintiff never signed either of said orders, that no one acting as his agent was authorized to sign said orders for him, and that he never received any consideration for said purported transfer orders.

9. This plaintiff alleges that the signing of the said purported orders, was a scheme of the designing persons to trick and defraud this plaintiff out of his property that the defendants connived and colluded to cheat this plaintiff by means of defrauding and conspiring to defraud this plaintiff out of his property.

10. This plaintiff alleges that very soon after oil was found on the above described land, someone representing himself to be the agent of the defendant Magnolia Petroleum Company, presented an instrument which he was told to be a division order, that this plaintiff signs the instrument he thought to be a division order, authorizing the Magnolia Petroleum Company, to accept, save and run the oil produced from said land, and pay the various royalties to the royalty holders as their interest appeared. That this plaintiff is unable to read and can scarcely write his name, that he is very old and feeble being and ex-slave of about 77 years of age, that for many years prior has been afflicted with the palsy, that he relied upon the representations made to him concerning the division order, that he has never received any money or anything of value from the defendant Magnolia Petroleum Company for said runs although this plaintiff was the owner of one-half of the royalty interest in and to the above described land at the time said division order was signed.

Wherefore, this plaintiff prays judgment against the defendants for one-half of the oil runs and the rents and profits derived therefrom of the royalty interest from the 27th day of September 1924 till the 5th day of March 1925 with interest at the rate of 6 percent till paid, that this plaintiff recover his cost laid out and expended in bringing this suit, and for such other and further relief as to this court shall seem proper and just.

SECOND CAUSE OF ACTION.

Comes now the plaintiff, and for his second cause of action reiterates and reaffirms all the material facts stated in his first cause of action in as full and complete a manner as if set out verbatim, and further alleges:

1. That the exact amount of oil runs due to this plaintiff from the above described land is unknown that it is known to the defendants, that they have collected, received and converted the same to their own use, that the defendants should be required to account for said amount, that this court decree the said amount so accounted for, be the property of this plaintiff.

2. That a receiver should be appointed to collect, impound and receive the oil runs from the said land from September 27th 1924 to March 5th 1925

and the rents interest and profits derived therefrom, that said amount when so collected, impounded and received be held during the pendency of this suit, that on the hearing of said cause, the said amount be adjudged to be the property of this plaintiff and that the receiver be ordered to pay said amount to this plaintiff.

Wherefore, plaintiff prays, that the defendants be required to make an equitable accounting for the oil runs from said property above described, and the rents, and profits derived therefrom, that this plaintiff be decreed to be the owner of one-half of the one eighth royalty interest, that a receiver be appointed to impound, collect and receive said amount and to hold the same during the pendency of this action, that upon the final hearing this plaintiff be adjudged to be the lawful owner of said amount so impounded and received that the defendants be adjudged to have wrongfully held the same from this plaintiff, and this plaintiff have and recover his cost and whatever relief to this court shall seem mete and proper.

THIRD CAUSE OF ACTION.

Comes now the plaintiff and for his third cause of action against the defendant and each of them, adopts and makes of this his third cause of action, all of the material allegations contained in his first and second causes of action in as complete a manner as if set out herein, and further alleges:

1. This plaintiff alleges and that defendants have been in the wrongful possession of the oil runs and the rents and profits derived therefrom for the time mentioned, that they have converted the same to their own use greatly to the damage of this plaintiff in the sum of \$5000.00

Wherefore, plaintiff prays judgment against the defendants and each of them for the damages in the sum of \$5000.00, and for the wrongful conversion of said amount and for the cost herein set out expended in bringing this suit, and for any other and further relief this plaintiff may be entitled to in equity and in law.

FOURTH CAUSE OF ACTION.

Comes now the plaintiff, and for his fourth cause of action, adopts and realleges all of the material allegations contained in his first, second and third causes of action, in as full and complete a manner as if set out in full and further alleges:

1. That the defendants have colluded and conspired to defraud this plaintiff out of his property by means of the forged instruments above mentioned and set out in the first cause of action, namely the purported transfer order from this plaintiff to the defendant B.B. Blakeney, purporting to convey the interest of this plaintiff, held by the defendant Magnolia Petroleum Company, from September 27th 1924 to the 22nd day of January 1925, during the time the said defendant Magnolia Petroleum Company took the oil into its pipe lines produced on the lands above described in this petition, and the purported transfer order from this plaintiff from January 1925 to March 2nd 1925, during the time the defendant Shaffer Oil and Refining Company, took the oil produced from said land above described into its pipe lines.

2. That this plaintiff never signed the purported transfer order, and said orders or forgeries, that this plaintiff never received any consideration for either of the purported transfer orders, that he had no intention of signing them, that the only consideration received by this plaintiff was the \$20,000.00 received from the quit claim deed dated March 5th 1925 that the said purported transfer order should be cancelled and set aside, that this plaintiff should recover the money paid out to the defendant B.B. Blakeney, by virtue of said purported order, that said orders be adjudged to have conveyed no interest

of this plaintiff in and to the accumulated oil runs.

Wherefore, plaintiff pray judgment cancelling all of the purported transfer orders mentioned and all other forged instruments pertaining to this plaintiff's interest in the oil runs produced from the above described property, that this plaintiff recover ~~for~~ the oil runs from the defendants, that he be adjudged to be the lawful owner of said oil runs, that he recover his cost in bringing this suit, and for such other and further relief as he may be entitled to in law and in equity, and he will ever pray.

STATE OF OKLAHOMA

County.

Tal Jones, being duly sworn deposes and says, that he is the plaintiff herein named, that he has read the petition herein, and knows the contents thereof, that the matter and facts therein set forth are true.

Subscribed and sworn to this the day of 19

My commission expires: _____

IN THE UNITED STATES DISTRICT COURT IN AND FOR THE EASTERN DISTRICT
OF OKLAHOMA.

Tal Jones,
Plaintiff.

vs

Shaffer Oil and Refining Company,
a corporation,
Magnolia Petroleum Company, a
corporation, and B. B. Blakeney,
Defendants.

No. ~~151~~ 5458

AMENDED PETITION.

Come now the plaintiff, leave of court first being obtained, and files this his amended petition, and for cause of action against the defendants and each of them alleges and states;

1. That the plaintiff is a resident of Seminole County, Oklahoma, that the defendant Shaffer Oil and Refining Company is a foreign corporation, authorized to do business under the law of the State of Oklahoma, that the defendant Magnolia Petroleum Company is a foreign corporation authorized to do business under the law of the State of Oklahoma, that the defendant B. B. Blakeney, is a citizen of Oklahoma, residing at Oklahoma City, Oklahoma.

2. That heretofore on the 20th day of March, 1923, this plaintiff was the owner of the following described land to-wit:

Lots Two (2) and Three (3), (less 20 acres for Cemetery)
in Section 32, Township Eight (8), Range Eight (8);

3. That on the 20th day of March 1923, this plaintiff entered into an agreement with the defendant Shaffer Oil and Refining Company, whereby he leased the above described land to the said Shaffer Oil and refining Company for oil and gas and other minerals, that said lease was made for a period of five years, a copy of said lease is hereto ~~presented~~ attached and marked plaintiff's Exhibit "A" and made a part hereof, said lease provided among other things, that one eighth royalty interest be paid to the various royalty holders as their interest appeared.

4. This plaintiff alleges that he was the owner of one half of the royalty interest in and to the above described land at the time oil was discovered, and was entitled to receive one half of the royalty interest from the time oil was discovered until the 5th day of March, 1925.

5.

5. This plaintiff alleges, that oil was found in paying quantities on the above described land under the said lease, in September 1924, and that there were large sums of rents, royalties and profits taken from said land from the 27th day of September, 1924, till the 5th day of March, 1925, at which time this plaintiff executed a quit claim deed to the land in question, that this plaintiff has no means of ascertaining the exact amount of accumulated oil runs, rents and profits during said period; but alleges that one half of said amount is the property of this plaintiff.

6. This plaintiff avers, that he has not sold, transferred or conveyed said interest at any time, that he has never authorized any one to convey said interest for him that he has never received any compensation for the oil runs from said land that accumulated from September 27th, 1924, till March 5th, 1925.

7. This plaintiff alleges that the oil runs accumulated from September 27th, 1924, til the 5th day of March, 1925, are due to this plaintiff, that various demands for payment have been made upon the defendants but the defendants have refused, and yet refuse to pay said amount, that the defendants have held said sums adverse to this plaintiff, and have converted the same to their own use.

8. This plaintiff does not know by what means the defendants are holding said oil runs, but is informed and verily believes that they are holding same by a purported transfer order dated March, 5th, 1925, to the defendant B. B. Blakeney, purporting to convey the oil runs from September 27, 1924, to January 22nd, 1925, and another purported transfer order dated March the 2nd, 1925, to B. B. Blakeney, purporting to convey the oil runs from the 22nd day of January, 1925, to the 2nd day of March, 1925 but this plaintiff alleges that said purported transfer orders are forgeries that this plaintiff never signed either of said orders, that no one acting as his agent was authorized to sign said order for him, and that he never received any consideration for said purported transfer orders.

9. This plaintiff alleges that the signing of said purported orders, was a scheme of the designing persons to trick and defraud this plaintiff out of his property that the defendants connived and colluded to cheat this plaintiff by means of defrauding and conspiring to defraud this plaintiff out of his property.

10. This plaintiff alleges that very soon after oil was found on the above described land, some one representing himself to be the agent of the defendant Magnolia Petroleum Company, presented an instrument which he was told to be a division order, that this plaintiff signed the instrument he thought to be a division order, authorizing the Magnolia Petroleum Company, to accept, save and run the oil produced from said land, and pay the various royalties to the royalty holders as their interest appeared. This this plaintiff is unable to read and can scarcely write his name, that he is very old and feeble being an ex-slave of about 77 years of age, that for many years prior has been afflicted with the palsy, that he relief upon the representations made to him concerning the division order, that he has never received any money or any thing of value from the defendant Magnolia Petroleum Company for said runs, although his plaintiff was the owner of one half of the royalty interest in and to the above described land at the time said division order was signed.

Wherefore, this plaintiff prays judgment against the defendants for one half of the oil runs and the rents and profits derived therefrom of the royalty interest from the 27th day of September, 1924, till the 5th day of March, 1925, with interest at the rate of 6% per cent till paid, that this plaintiff recover his cost laid out and expended in bringing this suit, and for such other and further relief as to this court shall seem proper and just.

SECOND CAUSE OF ACTION.

Comes now the plaintiff, and for his second cause of action reiterates and realleges all of the material facts stated in his first cause of action in as full and complete a manner as if set out verbatim, and further alleges:

1. That the exact amount of oil runs due to this plaintiff, from the above ~~defendant~~ described land, is unknown, that it is known to the defendants, that they have collected received and converted the same to their own use, that the defendants should be required to account for said amount, that this court decree the said amount so accounted for, be the property of this plaintiff.

2. That a receiver should be appointed to collect, impound and receive the oil runs from the said land from September, 27th, 1924, to March 5th, 1925, and the rents interest and profits derived therefrom, that said amount when so collected, impounded and received be held during the pendency of this suit, that on the hearing of said cause, the said amount be adjudged to be the property of this plaintiff and that the receiver be ordered to pay said amount to this plaintiff.

Wherefore, plaintiff prays, that the defendants be required to make an equitable accounting for the oil runs from said property above described, and the rents, and profits derived therefrom, that this plaintiff be decreed to be the owner of one half of the one eighth royalty interest, that a receiver be appointed to impound, collect and receive said amount and to hold same during the pendency of this action, that upon the final hearing this plaintiff be adjudged to be the lawful owner of said amount so impounded and received, that the defendants be adjudged to have wrongfully held the same from this plaintiff, and this plaintiff have and recover his cost and whatever relief to this court shall seem mete and proper.

THIRD CAUSE OF ACTION.

Comes now the plaintiff and for his third cause of action against the defendants and each of them, adopts and make of this his third cause of action, all of the material allegations contained in his first and second causes of action in as complete a manner as if set out herein, and further alleges:

1. This plaintiff alleges that the defendants have been in the wrongful possession of the oil runs and the rents and profits derived therefrom for the time mentioned, that they have converted the same to thier own use grately to the damages of this plaintiff in the sum of \$5000.00.

Wherefore, plaintiff prays, judgment, against the defendants and each of the for damages in the sum of \$5000.00, and for the wrongful conversion of said amount and for the cost herein set out and expended in bringing this suit, and for any other and further relief this plaintiff may be entitled to in equity and in law.

FOURTH CAUSE OF ACTION.

Comes now the plaintiff, and for his fourth cause of action, adopts and realleges all of the material allegations contained in his first, second and third causes of action, in as full and complete a manner as if set out in full, and further alleges:

1. That the defendants have colluded and conspired to defraud this plaintiff out of his property by means of the forged instruments above mentioned and set out in the first cause of action, namely the purported transfer order from this plaintiff, to the defendant B. B. Blakeney, purporting to convey the interest of this plaintiff, held by the defendant Magnolia Petroleum Company, from September, 27th, 1924, till the 22nd day of January, 1925, during the time the said defendant Magnolia Petroleum Company took the oil into its pipeline produced on the land above described in this petition and the purported transfer order from this plaintiff to the defendant B. B. Blakeney, purporting to convey the interest of th s plaintiff from January, 1925, to March 2nd, 1925, during the time the defendant Shaffer Oil and Refining Compa y, took the oil produced from said land above described into its pipe lines.

2. That this plaintiff never signed the purported transfer orders, and said orders ~~are~~ forgeries, that this plaintiff never received any consideration for either of the purported transfer ~~orders~~, that he had no intention of signing them, that the only consideration received by this plaintiff was the \$20,000.00, received for the quit claim deed dated March 5th, 1925, that the said purported transfer orders should be cancelled and set aside, that this plaintiff should recover the money paid out to the defendant B. B. Blakeney by virtue of said purported orders, that said orders be adjudged to have conveyed no interest of this plaintiff in and to the accumulated oil runs.

Wherefore, plaintiff prays judgment cancelling all of the purported transfer orders mentioned and all other forged instruments pertaining to this plaintiff's interest in the oil runs produced from the above described property, that this plaintiff recover for the oil runs from the defendants, that he be adjudged to be the lawful owner of said oil runs, that he recover his cost in bringing this suit, and for such other and further relief as he may be entitled to in law and in equity, and he will ever pray.

State of Oklahoma
Seminole County,

ss@

Tal Jones, being duly sworn deposes and says, that he is the plaintiff herein named, that he has had read the petition herein, and knows the contents thereof, that the matters and facts therein set forth are true,

Tal Jones,

(Seal)

Subscribed and sworn to this the 1st day of April, 1930.

R. P Boulding,

My commission expires Oct. 28, 1930.

Filed April, 11, 1930,
W. V. McClure, Clerk,
U. S. District Court.

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
EASTERN DISTRICT OF OKLAHOMA.

Tal Jones,

Plaintiff,

vs

No. 5458.

Shaffer Oil & Refining Company,
et al,

Defendants.

MOTION TO DISMISS FOR WANT OF JURISDICTION.

Comes now the defendant B. B. Blakeney and enters his special appearance in this cause for the purpose of this motion and for no other purpose, and moves the court to dismiss this action as to him on the grounds and for the following reasons to-wit:

That Tal Jones in his said petition alleges that he is a resident of Seminole County, and has amended his bill or petition in the said cause making the movant B. B. Blakeney, who is a citizen of Oklahoma residing in Oklahoma City, Oklahoma, a co-defendant, and that the said allegations in said amended petition or bill with reference to the residence of the plaintiff and the said B. B. Blakeney are true, and the Federal Court has no jurisdiction to herein determine the cause of action between citizens of the said state, and has no jurisdiction to give any of the relief sought or prayed for in the plaintiff's amended bill or petition.

WHEREFORE said B. B. Blakeney appearing specially as aforesaid, moves that said cause be dismissed as to him for want of jurisdiction.

Attorneys for the defendant
B. B. Blakeney.

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT
OF OKLAHOMA.

Tal Jones,

Plaintiff,

vs

No. 4194. Equity.

Shaffer Oil & Refining Company,
a corporation, Magnolia Petro-
leum Company, a corporation, and
B. B. Blakeney,

Defendants.

MOTION TO DISMISS.

Comes now B. B. Blakeney, respondent, and moves to dis-
miss plaintiff's redraft of amended bill upon the grounds and
for the following reasons, to-wit:

(1) That said bill as amended discloses upon its face
that it seeks to procure an accounting for oil taken by the
Magnolia Petroleum Company on and prior to the 5th day of
March, 1925. This action was commenced by filing amended bill
or petition in action #5458 Law, pending on the docket of this
court, making this respondent a party defendant. That more
than five years has transpired from the last oil and gas sought
to be recovered prior to the commencement of this action against
B. B. Blakeney, and that the said cause of action declared on is
barred by the Statutes of Oklahoma and laches.

(2) That the said bill does not state facts to entitle
complainant to recover any sum from the said respondents in
equity, and that the said bill is without equity and should be
dismissed.

That for the reasons above stated the first cause of
action fails to state any right of recovery in equity, and
should be dismissed.

For the reasons stated the second cause of action fails
to state any relief on the ground of equity.

That the third cause of action does not state any equitable ground for relief in equity, and is without equity and should be dismissed.

That said fourth cause of action fails to state any ground in equity for relief against this respondent, and on its face shows that the purported claim is barred by the Statute of Limitations and by laches.

WHEREFORE respondent prays the said bill be dismissed.

Attorneys for Respondent.

CERTIFIED COPIES

of

PROCEEDINGS IN CASE NO. 1243, ENTITLED, "THE TOWN OF WEWOKA

V. TAL JONES, AND O. L. PARSONS."

State of Oklahoma,
ss.
Seminole County.

IN THE DISTRICT COURT WITHIN AND FOR SAID COUNTY AND STATE.

The Town of Wewoka, Oklahoma,)	
Plaintiff)	
)	
-vs-)	A P P L I C A T I O N.
)	
Tal Jones, and O. L. Parsons,)	
Defendant.)	

Comes now the plaintiff and shows to the court that it is a duly incorporated municipal corporation and that the trustees of said municipal corporation passed a resolution at a regular meeting on the _____ day of _____, 1909, authorizing the filing of this application as appears from a certified copy of said resolution, which is hereto attached, Marked "Exhibit A" and made a part hereof.

That the plaintiff has no site for a Cemetery and no place where its dead can be buried; that the defendant is the owner of a tract of land suitable for such purpose and which has been selected by the Board of Trustees for that purpose and that the plaintiff has been unable to buy the land hereinafter described from the defendant for such purpose; that the land aforesaid which the plaintiff seeks to condemn for Cemetery purposes is located in Seminole County, Oklahoma, and described as follows, to-wit: Beginning at the southwest corner of Lot three of Section 32, Township 8 North, Range 8 East, thence running due north along the section line for a distance of 311 yards, thence running due East for a distance of 311 yards, thence running due south for a distance of 311 yards, thence running due West to the point of beginning for a distance of 311 yards constituting a square and containing 20 acres more or less.

That the plaintiff served notice of its intention to present this application on the defendant on the _____ day of July, 1909, which appears from the return of the Sheriff hereto attached, Marked "Exhibit B" and made a part hereof.

Wherefore plaintiff prays the Court to direct the Sheriff of said county and state to summon three disinterested freeholders, which may be selected by the Judge of the District Court within and for said County and State from the regular jury list of names a commissioners for the purpose of inspecting the land aforesaid and proceeding as in such cases provided by law.

V. V. Harris
Attorney for Plaintiff.

Endorsement made as follows:

#1243

Town of Wewoka

vs.

Tal Jones and O. L. Parsons.

Filed this 26 day of July, 1909,
J. E. Lawhead
Clerk of Dist Court.

State of Oklahoma,

Seminole County.

In the District Court within and
for said County and State.

The Town of Wewoka, Oklahoma,
Plaintiff.

vs.

A M E N D E D

A P P L I C A T I O N

Tal Jones, O. L. Parsons and
Wallace Estill, Jr., Defendants.

Comes now the plaintiff and states that it is a municipal corporation legally organized and that defendants Jones and Parsons are residents of Seminole County, Oklahoma and defendant Estill is a resident of Pottawatomie County, Oklahoma and that the land, which is the subject of this action, is in Seminole County, Oklahoma.

That the plaintiff has no cemetery and that the defendants all claim a tract of land which plaintiff wants to condemn for a cemetery site and that plaintiff has been unable to buy the land hereinafter described from Defendants for such purposes. That the plaintiff seeks to condemn the following described land in Seminole County, Oklahoma, to-wit:

Beginning at the southwest corner of Lot three of Section 32, T. 8 N., R. 8 E., thence running due north along the section line for a distance of 311 yards, thence running due east for a distance of 311 yards, thence running due south for a distance of 311 yards, thence running due west for a distance of 311 yards to the point of beginning, containing 20 acres more or less.

That all of defendants waive the ten day service of notice required by law before the appointment of appraisers.

Wherefore plaintiff prays the Court to select three disinterested householders from the regular jury list of said County and State as commissioners for the purpose of inspecting the land aforesaid and to direct the Sheriff to summon such persons selected to proceed to inspect, examine and appraise said land as by law provided.

V. V. Harris
Attorney for Plaintiff.

State of Oklahoma.

Seminole County.

In the District Court within and for
said County and State.

The Town of Wewoka, Oklahoma,
Plaintiff.

vs.

Tal Jones, O. L. Parsons,
and Wallace Estill, Jr.,
Defendants.

Comes now defendants Tal Jones, O. L. Parsons and Wallace Estill, Jr. and waive the ten day notice which the law requires the plaintiff to give upon filing and application to condemn land and before appraisers are appointed and the defendants agree that the Court may appoint such appraisers or commissioners on the 22nd day of September, 1909 as if such notice had been regularly given.

Tal Jones
Wallace Estill, Jr
O. L. Parsons
By Willmott

Endorsement made on back:

The town of Wewoka, Plaintiff

vs.

Tal Jones, O. L. Parsons,
and Wallace Estill, Jr., Defendants.

AMENDED APPLICATION

Filed Sep 22 1909

J. E. Lawhead,
Clerk District Court
Seminole County, Okla.

S U M M O N S

State of Oklahoma Seminole County, ss.

The State of Oklahoma, to the Sheriff of Seminole County, Greeting:

You are hereby commanded to notify John Cordell, Jr,
Walter Ferguson and Charles E. Morgan that they have been appointed
commissioners in the District Court of Seminole County, State of
Oklahoma in case of Town of Wewoka vs. Tal Jones, et al, and they
must appear at District Clerk's office the 28th day of July, 1909
at 1:30 o'clock P. M.

You will make due return of this Summons on or before the
28th day of July, 1909.

Given under my hand and the seal of said Court this 27th
day of July 1909.

J. E. Lawhead
Clerk

By Laura Ogan
Deputy.

Filed this 28 day of July, 1909, J. E. Lawhead, Clerk of the
Dist Court.

State of Oklahoma,

Seminole County.

In the District Court within and
for said County and State.

The Town of Wewoka,

Plaintiff,

#1243.

vs.

Tal Jones and O. L. Parsons, and Wallace Estell, Jr.,

Defendants.

The plaintiff having filed herein an application in which it is made to appear to the Court that the plaintiff seeks to obtain a site for cemetery purposes on land belonging to the defendants and that the defendants refuse to grant to plaintiff sufficient land therefor and both Tal Jones and O. L. Parsons, defendants herein, appearing in Court in person and waive notice required in Sec. 1 of Article 1 of an act providing for condemnation of land by Towns for cemetery purposes Approved May 20, 1908.

It is therefore ordered by the Court that Walter E. Ferguson, Charles E. Morgan and John Cordell, Jr., be and they are hereby selected as commissioners, each of them being on the regular jury list, to inspect the property which plaintiff seeks to condemn and consider the injury which said owners may sustain by reason of said cemetery, and they shall assess the damages which said owners may sustain by reason of said cemetery, and by the appropriation of their land for such purposes, irrespective of any benefits from any improvement imposed, and forwith make report in writing to the Clerk of this Court.

The Sheriff of said County and State is ordered to forwith summon said commissioners to proceed to appraise said land in accordance with this order and as by law provided.

This the 27th day of July, 1909.

Robt M. Rainey
District Judge.

Endorsement on reverse side of
Instrument:

#1243.

The Town of Wewoka, Oklahoma,
Plaintiff.

vs.

Tal Jones and O. L. Parsons,
Defendants.

ORDER APPOINTING COMMISSIONERS.

Filed in open Court Jul 26, 1909, J. E. Lawhead, Clerk of
The District Court.

State of Oklahoma.

Seminole County.

In the District Court within and for said
County and State.

The Town of Wewoka, Oklahoma,

Plaintiff.

vs.

Tal Jones and O. L. Parsons, and Wallace Estell, Jr.,

Defendants.

We the undersigned, commissioners appointed by the District Judge of said Court to appraise the land which the plaintiff seeks in this action to condemn, do solemnly swear that we will perform our duties as such commissioners truly, honestly, impartially and justly, according to the best of our knowledge and belief.

C. E. Morgan
John Cordell
Walter Ferguson

Subscribed and sworn to before me this the 28th day of
July, 1909.

J. E. Lawhead
Clerk of the District Court.

Endorsement made on back, as
follows:

#1243

The Town of Wewoka,

Plf.

Vs.

Tal Jones and O. L. Parsons,

Defendant*.

OATH OF COMMISSIONERS.

Filed this 28 day of July 1909.

J. E. Lawhead
Clerk of Dist Court.

State of Oklahoma,

Seminole County.

In the District Court within and for said County and State.

The Town of Wewoka, Oklahoma,

Plaintiff.

vs.

Report of Commissioners.

Tal Jones and O. L. Parsons, and Wallace Estell, Jr.,

Defendants.

We the undersigned, commissioners appointed to inspect and appraise the land which the plaintiff seeks in this action to condemn, report that on the 28th day of July, 1909 we took an oath as required by law; we then proceed to inspect said land and our report is as follows:

The plaintiff seeks to condemn a tract of land beginning at the southwest corner of Lot No. 3 of Section 32, T. 8 N., R. 8 E. thence running due north for 311 yards; thence running due east for 311 yards; thence running due south for a distance of 311 yards; thence running due west for a distance of 311 yards to the point of beginning, containing 20 acres, more or less.

We find the value of the said 20 acre tract to be \$15.00 per acre and that the defendants will be damaged \$100.00 by the appropriation of said land for cemetery purposes.

We therefore assess total damages at \$400.00.

Walter Ferguson
John Cordell
C. E. Morgan

Subscribed and sworn to before me this the 28th day of July, 1909.

Vernon V. Harris.
Notary Public.

My commission expires April 18, 1910.

Bill of Commissioners.

3 days at 2 dollars per day each.	\$6.00
Livery Bill.	1.50
	<hr/> 7.50

Endorsement made on back:

1243

The State of Oklahoma,

Plaintiff.

vs.

Tal Jones and O. L. Parsons,

Defendants.

Filed this 29 day of July, 1909, J. E. Lawhead, Clerk of Dist Court.

No. 1243.

State of Oklahoma,

Seminole County.

In the District Court within and for said County and State.

The Town of Wewoka, Plaintiff.

-vs-

Tal Jones, O. L. Parsons and Wallace
Estell, Jr., Defendants.

The plaintiff having filed herein an application in which it is made to appear to the court that the plaintiff seeks to obtain a site for cemetery purposes on land belonging to the defendants and that the defendants refuse to grant to plaintiff sufficient land therefor and Tal Jones, O. L. Parsons and Wallace Estell, Jr. Defendants herein, appearing in Court in person and waive notice required in Sec. 1 of Article I of an act providing for condemnation of land by Towns for cemetery purposes Approved May 20, 1908.

IT IS THEREFORE Ordered by the Court that Walter E. Ferguson, Charles E. Morgan and John Cordell, Jr., be and they are hereby selected as commissioners, each of them being on the regular jury list, to inspect the property which plaintiff seeks to condemn and consider the injury which said owners may sustain by reason of said cemetery, and they shall assess the damages which said owners may sustain by reason of said cemetery, and by the appropriation of their land for such purposes, irrespective of any benefits from any improvement imposed, and forthwith make report in writing to the Clerk of this Court.

The Sheriff of said County and State is ordered to forth with summon said commissioners to proceed to appraise said land in accordance with this order and as by law required.

This the 22 day of September, 1909.

Robt M. Rainey

Endorsement made on back of
Instrument:

No. 1243.

The Town of Wewoka, Plaintiff.

-vs-

Tal Jones, O. L. Parsons and Wallace
Estell, Jr., Defendants.

ORDER APPOINTING COMMISSIONERS.

Filed Sep 22, 1909, J. E. Lawhead,
Clerk District Court, Seminole Co., Okla.

State of Oklahoma,
Seminole County,

In the District Court within and for said County and State.

The Town of Wewoka, Plaintiff.

-vs-

OATH OF COMMISSIONERS.

Tal Jones, O. L. Parsons and
Wallace Estell, Defendants.

We the undersigned, commissioners appointed by the District Judge of said Court to appraise the land which the Plaintiff seeks in this action to condemn, do solemnly swear that we will perform our duties as such commissioners truly, honestly, impartially and justly, according to the best of our knowledge and belief.

Walter Ferguson
C. E. Morgan
John Cordell, Jr

Subscribed and sworn to before me this 22 day of Sept, 1909.

J. E. Lawhead
Clerk of the District Court.

By Laura Ogan
Deputy.

Endorsement made on the back as follows:

No. 1243.

The Town of Wewoka, Plaintiff.

-vs-

Tal Jones, O. L. Parsons and Wallace
Estell, Jr., Defendants.

OATH OF APPRAISERS.

Filed Sept 22, 1909,

J. E. Lawhead
Dist Clerk.

State of Oklahoma,

Seminole County.

In the District Court within and for said County and State.

The Town of Wewoka, Oklahoma,
Plaintiff.

-vs-

REPORT OF COMMISSIONERS.

Tal Jones, O. L. Parsons and
Wallace Estell, Jr., Defendants.

We the undersigned, commissioners, appointed to inspect and appraise the land which the plaintiff seeks in this action to condemn, report that on the 22nd day of September, 1909, we took an oath as required by law; we then proceed to inspect said land and out report is as follows:

The Plaintiff seeks to condemn a tract of land beginning at the southwest corner of Lot No. 3 of Section 32, T. 8 N., R. 8 E. thence running due north for 311 yards; thence running due east for 311 yards; thence running due south for a distance of 311 yards; thence running due west for a distance of 311 yards to the point of beginning, containing 20 acres, more or less.

We find the value of the said 20 acre tract to be \$15.00 per acre and that the defendants will be damaged \$100.00 by the appropriation of said land for cemetery purposes.

WE THEREFORE Assess total damages at \$400.00.

Walter Ferguson
C. E. Morgan
John Cordell, Jr.

Subscribed and sworn to before me this the 22 day of Sept, 1909.

J. E. Lawhead
District Clerk.
By, Laura Ogan.
Deputy

My Commission expires April 18, 1910.

Bill of Commissioners.

3 days at \$2.00 per day each \$6.00

No. 1243.

The town of Wewoka, Oklahoma,
Plaintiff.

-vs-

Tal Jones, O. L. Parsons and
Wallace Estell, Jr., Defendants

REPORT OF COMMISSIONERS.

Filed Sept. 22, 1909

J. E. Lawhead
Dist Clerk.

No. 1243.

State of Oklahoma,

Seminole County.

IN THE DISTRICT COURT WITHIN AND
FOR SAID COUNTY AND STATE.

The Town of Wewoka, Plaintiff.

-vs-

Tal Jones, O. L. Parsons and
Wallace Estill, Jr., Defendants.

Now on this the 10th day of January, 1910 comes the Plaintiff, by its attorney, Vernon V. Harris, and moves the court to confirm and approve the report and appraisment of the commissioners filed herein on the 22nd day of September, 1909 and the court having examined said report and the same appearing correct and regular and there being no objections or exceptions filed by any parties as provided by law and neither of the said Defendants having filed any demand for a trial by a jury and the court being fully advised in the premises finds: That the proceedings had herein are regular and that the report of commissioners should be approved and confirmed.

IT IS THEREFORE Ordered, adjudged and decreed that the report of the Commissioners filed herein on the 22nd day of September, 1909 be and the same is hereby approved and confirmed.

Robt. M. Rainey
District Judge.

Attest:

J. E. Lawhead
Dist Clerk.

The following endorsement made
on the back of instrument:

No. 1243.

The Town of Wewoka, Plaintiff.

-vs-

Tal Jones, O. L. Parsons and
Wallace Estill, Jr., Defendants.

DECREE.

Filed in Open Court Jan 19, 1910, J. E. Lawhead, Clerk of Dist Court.

STATE OF OKLAHOMA, |

Seminole County. |

No. 1243.

TOWN OF WEWOKA,
Plaintiff,

vs.

IN THE DISTRICT COURT.

TAL JONES, O. L. PARSONS,
and WALLACE ESTILL, Jr.
Defendants.

Now comes all the defendants and respectfully show to the Court that there is now on deposit with the Clerk of the District Court \$392.00, which was the amount paid for a certain tract of land condemned by plaintiff for cemetery purposes, and which has been held by said Clerk pending the settlement of the controversy of the defendants as to the ownership of said land.

Defendants further show that they have now reached an agreement by the terms of which \$281.25 of the money on deposit with said Clerk, is to be paid to Wallace Estill, Jr., and the balance is to be paid to defendant, Tal Jones.

Wherefore, defendants prayer the Court to make an order directing said Clerk to pay said money accordingly.

Crump, Fowler & Skinner
Attorney for Tal Jones

Willmott & Dean,
Attorney for O. L. Parsons

Davis & Davis,
Attorney for Wallace Estill, Jr.

ENDORSEMENT MADE ON BACK:

1243

Town of Wewoka

vs.

Tal Jones, et al

STIPULATION OF SETTLEMENT

FILED in open court Seminole County State of Oklahoma,
Mar 27 1911 R. H. Chase, District Clerk.

STATE OF OKLAHOMA, |
| ss. NO. 1243.
Seminole County, |

TOWN OF WEWOKA,
Plaintiff

vs.

IN THE DISTRICT COURT.

TAL JONES, O. L. PARSONS,
and WALLACE ESTILL, Jr.,
Defendants.

Now on this 27th day of March, 1911, comes the defendants, Tal Jones, O. L. Parsons and Wallace Estill, Jr., and shows to the Court that they have reached an agreement as to the distribution and payment of certain money now being held by the Clerk of the District Court as the proceeds of the condemnation price of a certain tract of land, condemned by plaintiff for cemetery purposes, and the Court having examined said petition and there being no other persons interested, and there being no reason why said money should not be paid according to agreement, and the Court being fully advised in the premises,

IT IS THEREFORE ORDERED, That R. H. Chase, Clerk of the District Court of said County and State, pay out of the money now held by him in the above entitled cause, the sum of \$281.25 to Wallace Estill, Jr., and the balance of said money to Tal Jones.

Tom D. McKeown
District Judge.

Endorsement made on back as follows:

1243.

Town of Wewoka

vs.

Tal Jones, O. L. Parsons, and
Wallace Estell, Jr., Defendants.

COURT ORDER

Filed in Open Court, Seminole County, State of Oklahoma,
Mar 27, 1911, R. H. Chase, District Clerk.

State Of Oklahoma,

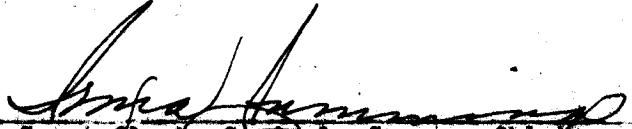
Seminole County, SS.

I, Irma Cummings, Court Clerk within and for said County and State do hereby certify that the within and foregoing is full, true and correct copies of the following named instruments, to-wit:

Application,
Amended Application,
Summons,
Order Appointing Commissioners,
Oath of Commissioners,
Report of Commissioners,
Order Appointing Commissioners,
Oath of Appraisers,
Report of Commissioners,
Decree,
Stipulation of Settlement,
Court Order,

in Case No. 1243, entitled, "The Town of Wewoka v. Tal Jones, O. L. Parsons, and Wallace Estill, Jr," as the same appear from the records now in my office.

Witness my hand and official seal at Wewoka, said County and State, this 7th day of August, 1926.


Court Clerk, Seminole County, Oklahoma.

By


Deputy.

E. R. BROWN.
PRESIDENT

B. H. STEPHENS.
VICE PRES. & GEN. MGR.

W. C. PROCTOR.
VICE PRES. & TREASURER

COURTENAY MARSHALL.
SECRETARY

MAGNOLIA PETROLEUM COMPANY

PETROLEUM, PETROLEUM PRODUCTS

LEGAL DEPARTMENT

REFINERIES
BEAUMONT CORSICANA,
FORT WORTH

B. B. BLAKENEY
HUBERT AMBRISTER
W. R. WALLACE

OKLAHOMA CITY, OKLA.

June 23, 1930.

Mr. Thos. J. Horsley,
Attorney at Law,
Wewoka, Oklahoma.

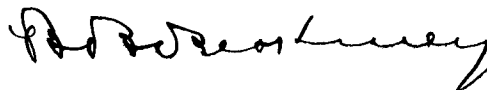
Dear Sir:

Tal Jones brought a suit some time last year against the Shaffer Oil & Refining Company to recover for the oil which he claimed had been run from the property prior to March 5, 1925, when he sold me the property. Shaffer answered setting up that it had not run the oil, and he then amended his petition in the Federal Court making the Magnolia Petroleum Company and B. B. Blakeney both parties to the suit. I am sending you a copy of the petition, but as it is the only copy I have, please return the same at once as I have to answer. *(you can skip the copy I am sending)*

We have changed stenographers in our office and I am unable to find all of the old files. I wish you would get a copy of the judgment which I got in the action against Tal Jones and the unknown heirs of allottee, and send it to me.

Yours truly,

BBB:GW
Enc.



IN THE UNITED STATES DISTRICT COURT IN AND FOR THE EASTERN
DISTRICT OF OKLAHOMA

Tal Jones,

Plaintiff,

vs.

Shaffer Oil and Refining Company,
a corporation,
Magnolia Petroleum Company, a
corporation, and B.B.Blakeney,

Defendants.

No. 5458

AMENDED PETITION

Come now the plaintiff, leave of court first being obtained, and files this his amended petition, and for cause of action against the defendants and each of them alleges and states:

1. That the plaintiff is a resident of Seminole County, Oklahoma, that the defendant Shaffer Oil and Refining Company is a foreign corporation, authorized to do business under the laws of the State of Oklahoma, that the defendant Magnolia Petroleum Company is a foreign corporation authorized to do business under the law of the State of Oklahoma, that the defendant B.B.Blakeney, is a citizen of Oklahoma, residing at Oklahoma City, Oklahoma.
2. That heretofore on the 20th day of March, 1923, this plaintiff was the owner of the following described land to-wit:

Lots Two (2) and Three (3), (less 20 acres for Cemetery)
in Section 32, Township Eight (8), Range Eight (8);
3. That on the 20th day of March 1923, this plaintiff entered into an agreement with the defendant Shaffer Oil and Refining Company, whereby he leased the above described land to the said Shaffer Oil and Refining Company for oil and gas and other minerals, that said lease was made for a period of five years, a copy of said lease is hereto attached and marked plaintiff's Exhibit "A" and made a part hereof, said lease provided among other things, that one eighth royalty interest be paid to the various royalty holders as their interest appeared.
4. This plaintiff alleges that he was the owner of one half of the royalty interest in and to the above described land at the time oil was discovered, and was entitled to receive one half of the royalty interest ~~taxed to the plaintiff from the time~~ from the time oil was discovered until the 5th day of March, 1925.
5. This plaintiff alleges, that oil was found in paying quantities on the above described land under the said lease, in September 1924, and that there were large sums of rents, royalties and profits taken from said land from the 27th day of September, 1924, till the 5th day of March, 1925, at which time this plaintiff executed a quit claim deed to the land in question, that this plaintiff has no means of ascertaining the exact amount of accumulated oil runs, rents and profits during said period; but alleges that one half of said amount is the property of this plaintiff.
6. This plaintiff avers, that he has not ~~paid~~ sold, transferred or conveyed said interest at any time, that he has never authorized any one to convey said interest for him that he has never received any compensation for the oil runs from said land that accumulated from September 27th, 1924, till March 5th, 1925.

7. This plaintiff alleges that the oil runs accumulated from September 27th, 1924, till the 5th day of March, 1925, are due to this plaintiff, that various demands for payment have been made upon the defendants but the defendants have refused, and yet refuse to pay said amount, that the defendants have held said sums adverse to this plaintiff, and have converted the same to their own use.

8. This plaintiff does not know by what means the defendants are holding said oil runs, but is informed and verily believes that they are holding same by a purported transfer order dated March, 5th, 1925, to the defendant B.B.Blakeney, purporting to convey the oil runs from September 27, 1924, to January 22nd, 1925, and another purported transfer order dated March the 2nd, 1925, to B.B.Blakeney, purporting to convey the oil runs from the 22nd day of January, 1925, to the 2nd day of March, 1925 but this plaintiff alleges that said purported transfer orders are forgeries that this plaintiff never signed either of said orders, that no one acting as his agent was authorized to sign said order for him, and that he never received any consideration for said purported transfer orders.

9. This plaintiff alleges that the signing of said purported orders, was a scheme of the designing persons to trick and defraud this plaintiff out of his property that the defendants connived and colluded to cheat this plaintiff by means of defrauding and conspiring to defraud this plaintiff out of his property.

10. This plaintiff alleges that very soon after oil was found on the above described land, some one representing himself to be the agent of the defendant Magnolia Petroleum Company, presented an instrument which he was told to be a division order, that this plaintiff signed the instrument he thought to be a division order, authorizing the Magnolia Petroleum Company, to accept, save and run the oil produced from said land, and pay the various royalties to the royalty holders as their interest appeared. This this plaintiff is unable to read and can scarcely write his name, that he is very old and feeble being an ex-slave of about 77 years of age, that for many years prior has been afflicted with the palsy, that he relied upon the representations made to him concerning the division order, that he has never received any money or any thing of value from the defendant Magnolia Petroleum Company for said runs, although the plaintiff was the owner of one half of the royalty interest in and to the above described land at the time said division order was signed.

Wherefore, this plaintiff prays judgment against the defendants for one half of the oil runs ~~fr~~ and the rents and profits derived therefrom of the royalty interest from the 27th day of September, 1924, till the 5th day of March, 1925, with interest at the rate of 6% per cent till paid, that this plaintiff recover his cost land out and expended in bringing this suit, and for such other and further relief as to this court shall seem proper and just.

SECOND CAUSE OF ACTION .

Come now the plaintiff, and for his second cause of action reiterates and realleges all of the material facts stated in his first cause of action in as full and complete a manner as if set out verbatim, and further alleges:

1. That the ~~exact~~ exact amount of oil runs due to this plaintiff, from the above described land, is unknown, that it is known to the defendants, that they have collected received and converted the same to their own use, that the defendants should be required to account for said amount, that this court decree the said amount so accounted for, be the property of this plaintiff.

2. That a receiver should be appointed to collect, impound and receive the oil runs from the said land from September, 27th, 1924, to March 5th, 1925, and the rents interest and profits derived there-

from, that said amount when so collected, impounded and received be held during the pendency of this suit, that on the hearing of said cause, the said amount be adjudged to be the property of this plaintiff and that the receiver be ordered to pay said amount to this plaintiff.

wherefore, plaintiff prays, that the defendants be required to make an equitable accounting for the oil runs from said property above described, and the rents, and profits derived therefrom, that this plaintiff be decreed to be the owner of one half of the one eighth royalty interest, that a receiver be appointed to impound, collect and receive said amount and to hold same during the pendency of this action, that upon the final hearing this plaintiff be adjudged to be the lawful owner of said amount so impounded and received, ~~xxx~~ that the defendants be adjudged to have wrongfully held the same from this plaintiff, and this plaintiff have and recover his cost and whatever relief to this court shall seem mete and proper.

THIRD CAUSE OF ACTION.

Comes now the plaintiff and for his third cause of action against the defendants and each of them, adopts and make of this his third cause of action, all of the material allegations contained in his first and second causes of action in as complete a manner as if set out herein, and further alleges;

1. This plaintiff alleges that the defendants have been in the wrongful possession of the oil runs and the rents and profits derived therefrom for the time mentioned, that they have converted the same to their own use grately to the damages of this plaintiff in the sum of \$5000.00.

Wherefore, plaintiff prays, judgment, against the defendants and each of the for damages in the sum of \$5000.00, and for the wrongful conversion of said amount and for the cost herein set out and expended in bringing this suit, and for any other and further relief this plaintiff may be entitled to in equity and in law.

FOURTH CAUSE OF ACTION.

Comes now the plaintiff, and for his fourth cause of action, adopts and realleges all of the material allegations contained in his first, second and third causes of action, in as full and complete a manner as if set out in full, and further alleges;

1. That the defendants have colluded and conspired to defraud this plaintiff out of his property by means of the forged instruments above mentioned and set out in the first cause of action, namely the purported transfer order from this plaintiff, to the defendant B.B. Blakeney, purporting to convey the interest of this plaintiff, held by the defendant Magnolia Petroleum Company, from September, 27th, 1924, till the 22nd day of January, 1925, during the time the said defendant Magnolia Petroleum Company took the oil into its pipeline produced on the land above described in this petition and the purported transfer order from this plaintiff to the defendant B.B. Blakeney, purporting to convey the interest of this plaintiff from January, 1925, to March 2nd, 1925, during the time the defendant Shaffer Oil and Refining Company, took the oil produced from said land above described into its pipe lines.

2. That this plaintiff never signed the purported transfer orders, and said orders are forgeries, that this plaintiff ~~xxx~~ never received any consideration for either of the purported transfer orders, that he had no intention of signing them, that the only consideration received by this plaintiff was the \$20,000.00, received for the quit claim deed dated March 5th, 1925, that the said purported transfer orders should be cancelled and set aside, that this plaintiff should recover the money paid out to the defendant B. B. Blakeney

by virtue of said purported orders, that said orders be adjudged to have conveyed no interest of this plaintiff in and to the accumulated oil runs.

wherefore, plaintiff prays judgment cancelling all of the purported transfer orders mentioned and all other forged instruments pertaining to this plaintiff's interest in the oil runs produced from the above described property, that this plaintiff recover for the oil runs from the defendants, that he be adjudged to be the lawful owner of said oil runs, that he recover his cost in bringing ~~xxx~~ this suit, and for such other and further relief as he may be entitled to in law and in equity, and he will ever pray.

State of Oklahoma

Seminole County. ss.

Tal Jones, being duly sworn deposes and says, that he is the plaintiff herein named, that he has had read the petition herein, and knows the contents thereof, that the matters and facts therein set forth are true,

Tal Jones.

Seal)

Subscribed and sworn to this the 1st day of April, 1930.

R. P. Bounding,

My commission expires Oct. 28, 1930.

Filed April, 11, 1930.

W. V. McClure, Clerk,
U. S. District Court.

IN THE DISTRICT COURT OF SEMINOLE COUNTY, OKLAHOMA.

Tal Jones,

vs

No. 15,065

Shaffer Oil and
Refining Company,
a corporation.

P E T I T I O N .

Comes now, the plaintiff and for cause of action against the defendant alleges and states.

1st. That the plaintiff is a resident of Seminole County, Oklahoma and that the defendant is a corporation doing business in this state, with office in Tulsa, Oklahoma.

2nd. That heretofore on the 20th day of March, 1923, the plaintiff and owner of the following described property towit:

Lots 2 (two) and 3, (three), (less 20 acres
for cemetery), in Section 32, (Thirty-two),
Township 8 (Eight), Range 8, (Eight).

3rd. That on the 20th day of March, 1923, this plaintiff entered into an agreement with the defendant, whereby he leased to the defendant the above described land for oil and gas purposes for a period of 5 (Five), years, a copy of said lease is hereto attached, and marked "Plaintiff's Exhibit A", and made a part hereof, said lease provided among other things, that 1/8 (one-eighth) royalty interest be paid to the various royalty holders as their interest appeared.

4. This plaintiff alleges that he was the owner of 1/2 (one-half) of the royalty interest in and to said land, and entitled to 1/2 (one-half) of the royalty profits derived from said land from the time of the signing of the said lease, up until March the 5th, 1925, this plaintiff alleges that oil was found in paying quantities on the above described land in September, 1924, and that there were large sums of rents, royalties and profits taken from said land during the period between

September 1924, and March 5th, 1925, the exact amount is unknown to this plaintiff; but this plaintiff is enmmulated during said period.

5th. This plaintiff avers that the defendant has held said amount adverse to this plaintiff; that this plaintiff has made demand on the defendant for payment of said sum or sums so accumulated, but the defendant refused and yet refuses to pay said amount to this plaintiff although this plaintiff is justly entitled to same; this plaintiff further states; that he has no means of ascertaining the exact of amount so accumulated that a receiver should be appointed to ascertain andimpound said amount so due, and to hold same for the benefit of this plaintiff during the pendency of this suit, that said amount so ascertained, collected and impounded, be adjudged and decreed to be the property of this plaintiff, and that the defendant be adjudged to be wrongfully in possession of same.

WHEREFORE: This Plaintiff prays judgment against the defendant for 1/2 of the royalty interest of the oil runs, rents and profits accumulated during the period from the execution of said lease above mentioned through to March the 5th, 1925, and interest at the rate of 6% per annum, and a receiver be appointed to ascertain, determine and impound the amount so due to this plaintiff, and hold same pending the outcome of this suit, and this plaintiff be adjudged to be the rightfully owner of the said amount, and that the defendant be adjudged to have held the same adverse to this plaintiff; and that the plaintiff recover his costs in bringing this suit, and for such other and further relief as to this court seem meet and proper, and he will ever pray.

SECOND CAUSE OF ACTION.

Comes now, the plaintiff and for his second cause of action against the defendant re-alleges and re-states all the material allegations contained in his first cause of action, in as full and complete a manner as if set out verbatim.

1st. Plaintiff states, that during the period above mentioned there have been large sums of rents and profits collected by the defendant, the said rents, profits and royalty so collected by the defendant was the property of this plaintiff, as this plaintiff's interest appears for the term of said lease, that this plaintiff has made demand for one-half of the royalty interest so collected by the defendant that the defendant refused and yet refuses to pay said amount to this plaintiff, that said defendant has converted said amount to their own use, and that said amount is due to this plaintiff over and above any claims or set-offs, that may be allowed to the defendant, that the defendant should account to this plaintiff for said amount so converted; and for the amount so converted be adjudged to be the property of this plaintiff.

WHEREFORE: This plaintiff prays that the defendant account for one-half of the royalty interest, and for one-half of the oil runs so accumulated under said lease above mentioned, and for the wrongful conversion of said amount, and for such other and further relief as to this seem meet and proper, and he will ever pray.

THIRD CAUSE OF ACTION.

Comes now, the plaintiff and for his cause of action, and reiterates and makes a part of this his third cause of action all the material facts and allegations averred in his first and second causes of actions, in as full and complete a manner as if set out verbatim.

1st. Plaintiff avers that he was the owner of the surface right of the above described property, and one-half of the royalty interest during all the above time mentioned.

2nd. That by terms of the above mentioned lease, this plaintiff was entitled to the immediate possession of one-half of the royalty interest, and although various demands have been made for the payment of said amount, the defendant willfully neglected and refused, and yet willfully neglects and refuses to pay said amount, greatly to the damage of this plaintiff, in the sum of \$5,000.00 (Five Thousand Dollars).

WHEREFORE: This plaintiff prays judgment against the defendant for damages in the sum of \$5,000.00 (Five Thousand Dollars) and for the costs of bringing this suit, and for such other and further relief as to this court seem meet and proper, and he will ever pray.

M. L. Thompson,
Attorney's Lien Claimed, M. L. Thompson,
State of Oklahoma.

ss

Seminole County,

Tal Jones, being first duly sworn, upon oath deposes and says; that he is the plaintiff in the above entitled cause, that he has read the foregoing petition, and knows the contents thereof, and that the matters and facts therein contained are true.

Tal Jones,

Subscribed and sworn to before me the 23 day of October, 1929.

Annie J. Austin

My commission expires
May 17, 1931 (Seal)

EXHIBITS OMITTED.

ENDORSED 5458 Law,
In the District Court of the United States for the Eastern District of Oklahoma. Tal Jones, Plaintiff vs. Shaffer Oil And Refining Company, Defendant. TRANSCRIPT. Filed Dec. 19, 1929, W. V McClure, Clerk, U. S District Court, G. Earl Shaffer, and Fred D. Leonard, Tulsa, Oklahoma, Attorneys for Defendant.