

In the District Court of the United States in and for the

NORTHERN  
DISTRICT OF OKLAHOMA

District of

OKLAHOMA

TOLESA, OKLAHOMA,

SATURDAY, SEPTEMBER 15, 1928

Court convened pursuant to adjournment, Saturday, September 15, 1928.

Present: Hon. F. E. Kennamer, Judge U. S. District Court  
H. P. Warfield, Esq., Clerk of U. S. District Court.

Thereupon the following proceedings were had and entered, to-wit:

|                    |            |   |                 |
|--------------------|------------|---|-----------------|
| BERNICE C. WALKER, | Plaintiff, | } | No. 411-Equity. |
| vs.                |            |   |                 |
| PAUL SNYDER,       | Defendant. |   |                 |

On this 15th day of September, 1928, comes on for hearing the above entitled cause of action and after being fully advised in the premises it is ordered by the Court that leave be granted plaintiff to file amended bill herein, and that defendant be granted five (5) days to plead or fifteen (15) days to answer amended bill; and it is further ordered that application for preliminary injunction heretofore filed by defendant be and same is hereby denied and defendants bond fixed in the sum of \$1,000.00 and five (5) days be allowed defendant to execute bond.

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

|  |             |   |                 |
|--|-------------|---|-----------------|
| LOUISA BROWN, NEE<br>LOUISA BERRYHILL,       | Plaintiff,  | } | No. 404-Equity. |
| vs.  |             |   |                 |
| SAND SPRINGS HOME, A<br>CORPORATION, ET AL., | Defendants. |   |                 |

The motion of the above named plaintiff, to dismiss her complaint without prejudice to a future action, coming on to be heard in open court, and the court being fully advised in the premises, is of the opinion that her motion should be granted;

WHEREFORE, it is hereby ordered adjudged and decreed that the plaintiff, herein, Louisa Brown, nee Louisa Berryhill, is granted the authority of this court to dismiss without prejudice to a future action, her complaint or petition now on file with the clerk of this court.

Done in open court this 15th day of September, 1928.

F. E. KENNAMER,  
Judge of the United States District  
in and for the Northern District of  
Oklahoma.

ENDORSED: Filed Sept. 15, 1928.

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Court adjourned until September 17, 1928.

In the District Court of the United States in and for the

NORTHERN District of OKLAHOMA  
EQUITY SESSION, TULSA, OKLAHOMA, MONDAY, SEPTEMBER 17, 1928

Court convened pursuant to adjournment, Monday, September 17, 1928.

Present: Hon. F. E. Kennamer, Judge of U. S. District Court  
H. P. Warfield, Esq., Clerk of U. S. District Court

Thereupon the following proceedings were had and entered, to-wit:

IN THE UNITED STATES DISTRICT COURT FOR  
THE NORTHERN DISTRICT OF OKLAHOMA

JAMES J. MARS, EXECUTOR OF THE ESTATE OF LUSANNA BRINK, DECEASED, ET AL.,  
vs.  
D. A. McDOUGAL, ET AL.,  
Plaintiffs,  
Defendants. } No. 403-Equity.

JOURNAL ENTRY

Now on this 17th day of September, 1928, same being a regular juridical day of this court this cause came on for hearing upon the application of plaintiffs to make additional parties herein and to file an amended petition instanter herein.

The Court being fully advised in the premises doth find that H. U. Bartlett, J. Garfield Buell, and Ethel E. Buell should be made parties defendant herein and that plaintiffs should be permitted to file an amended petition herein.

WHEREFORE it is by the Court ordered, considered, adjudged and decreed that H. U. Bartlett, J. Garfield Buell and Ethel E. Buell be and they are hereby made parties defendants herein, and that plaintiff be and they are hereby given permission to file an amended petition instanter herein.

F. E. KENNAMER, Judge.

ENDORSED: Filed Sept. 17, 1928.

Court adjourned until September 20, 1928.

## In the District Court of the United States in and for the

NORTHERN

District of

OKLAHOMA

... REGULAR SESSION,

TULSA, OKLAHOMA.

THURSDAY, SEPTEMBER 20, 1928

Court convened pursuant to adjournment, Thursday, September 20th, 1928.

Present: Hon. F. E. Kennamer, Judge of U. S. District Court  
H. P. Warfield, Esq., Clerk of U. S. District Court.

Thereupon, the following proceedings were had and entered, to-wit:

IN THE DISTRICT COURT OF THE UNITED STATES OF  
AMERICA, IN AND FOR THE NORTHERN DISTRICT  
OF THE STATE OF OKLAHOMA.

NATIONAL AID LIFE ASSOCIATION,  
A CORPORATION,

Plaintiff,

vs,

ELIZABETH H. HENRY AND  
BERTHA LOUISE HENRY,

Defendants.

No. 416-Equity.

O R D E R

On application of the defendants herein for additional time within which to answer the bill of interpleader herein,

IT IS ORDERED that the time for filing such answers is extended to September 26, 1928.

DATED this 20th day of September, 1928.

F. E. KENNAMER, Judge.

ENDORSED: Filed Sept. 20, 1928.

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Court adjourned until September 21, 1928.

In the District Court of the United States in and for the 532

NORTHERN District of OKLAHOMA  
EQUITY SESSION, TULSA, OKLAHOMA, FRIDAY, SEPTEMBER 21, 1928

Court convened pursuant to adjournment, Friday, September 21st, 1928.

Present: Hon. F. E. Kernamer, Judge of U. S. District Court  
H. P. Warfield, Esq., Clerk of U. S. District Court

Thereupon, the following proceedings were had and entered, to-wit:

PRAECIPE FOR ORDER PRO CONFESSO

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FIRST NATIONAL BANK OF TULSA,  
OKLAHOMA, Plaintiff, }

vs. }

NATIONAL HARDWOOD COMPANY,  
GEORGE J. THOMSON, INTERVENOR,  
Defendant. }

No. 39-Equity.

Now comes the Intervenor, George J. Thomson, by his solicitor,, and clets to take order pro confesso against National Hardwood Company, for failure to plead or answer.

Dated this 21st day of September, 1928.

(SEAL)

H. P. WARFIELD, Clerk

By

H. W. James, Deputy Clerk.

PRAECIPE

To the Clerk of said Court:

Enter the above in the Order Book in Equity of said Court.

A. B. Monnold,

Solicitor for Intervenor,  
George J. Thomson.

ENDORSED: Filed Sept. 21, 1928.

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Court adjourned until September 28, 1928.

In the District Court of the United States in and for the

NORTHERN

District of

OKLAHOMA

EQUITY SESSION

TULSA, OKLAHOMA,

SATURDAY, SEPTEMBER 22, 1928

Court convened pursuant to adjournment, Saturday, September 22nd, 1928.

Present: Hon. F. M. Hauserman, Judge of U. S. District Court.  
H. P. Warfield, Esq., Clerk of U. S. District Court.

Thereupon, the following proceedings were had and entered,  
to-wit:

SUPREME FOREST WOODMEN CIRCLE, )  
Plaintiff, )  
vs. ) No. 385-Equity.  
MRS. G. (GENTLE) A. LYFORD, )  
AND CLYDE SANDERS, )  
Defendants. )

On this 22nd day of September, 1928, comes on for hearing the above entitled cause of action on motion for judgment on pleadings and at this time same is taken under advisement by the Court.

H. F. HAUSERMAN, )  
Plaintiff, )  
vs. ) No. 241-Equity.  
MARY OIL & GAS COMPANY, )  
ET AL., )  
Defendants. )

On this 22nd day of September, 1928, comes on for hearing the above entitled cause of action on motion of defendant to dismiss and same is taken under advisement by the Court until date of trial. And at this time also comes on for hearing motion to intervene on behalf of Louisa Brown and it is ordered by the Court that said motion to intervene be and same is hereby denied and exceptions allowed.

UNITED STATES OF AMERICA,

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

IN EQUITY

OLD COLONY LIFE INSURANCE CO., )  
AND ILLINOIS CORPORATION, )  
Plaintiff, )  
vs. ) ORDER TO INTERPLEAD.  
KATE GOINS, ADMINISTRATRIX OF )  
THE ESTATE OF J. W. (JAMES W.) )  
GOINS, DECEASED, AND J. H. GASTON, )  
ADMINISTRATOR OF THE ESTATE OF )  
JAMES W. GOINS, DECEASED, )  
Defendants. )  
No. 417.

Now on this the 22nd day of September, 1928, the above entitled cause came on, on the bill of interpleader of the Old Colony Life Insurance Company, an Illinois corporation, complainant against Kate Goins, Administratrix of the Estate of J. W. (James W.) Goins, Deceased, and J. H. Gaston, Administrator of the Estate of James W. Goins, Deceased, duly verified, and the same having been duly considered by the Court, and the Court, being fully advised in the premises, does herewith order:

That Kate Goins, Administratrix of the Estate of J. W. (James W.) Goins, Deceased and Joseph H. Gaston, Administrator of the Estate of James W. Goins, Deceased, defendants herein, and each of them, be, and they are each hereby ordered and commanded to interplead and settle and adjust their claims between themselves to the sum of \$2,095.11, the proceeds of policy No. 41174 issued by the plaintiff on the life of James W. Goins, Deceased, paid into this Court by the plaintiff herein.

In the District Court of the United States in and for the 34

NORTHERN District of OKLAHOMA  
EQUITY SESSION, TULSA, OKLAHOMA, SATURDAY, SEPTEMBER 22, 1928.

It is further ordered, adjudged and decreed that the said Joseph H. Gaston, Administrator of the Estate of James W. Goins, Deceased, be and he is hereby enjoined and restrained from the further prosecution of the said suit now pending against the plaintiff herein in the District Court of Sedgwick County, Kansas, said suit bearing number 66786 and being known and styled as Joseph H. Gaston, Administrator of the Estate of James W. Goins, Deceased, plaintiff, vs. Old Colony Life Insurance Company, Defendant, and the said Joseph H. Gaston, Administrator of the Estate of James W. Goins, Deceased, and the said Kate Goins, Administratrix of the Estate of J. W. (James W.) Goins, Deceased, and each of them, are hereby restrained and enjoined from instituting and prosecuting any suit or proceeding in any State Court, or any other Federal Court, on said policy of life insurance until the further order of this Court. This is to command you and every of you, that you appear before the Judge of the District Court of the United States of America, for the Northern District of Oklahoma, at the City of Tulsa in said District, on or before twenty (20) days after the service of this Order to answer the Bill of Interpleader of the Old Colony Life Insurance Co., filed in the Clerk's office of said Court in said City of Tulsa, on Sept. 1, 1928, then and there to receive and abide by such judgment and decree as shall then and thereafter be made, upon pain of judgment being pronounced against you by default.

TO THE MARSHALL OF THE DISTRICT OF KANSAS TO EXECUTE:

WITNESS, the Honorable Franklin E. Kenamer, Judge of the District Court of the Northern District of Oklahoma.

F. E. KENAMER, Judge.

O.K.: McComb & McComb  
By S.C.T. Atty for Plaintiff

O.K.: Roy T. Wildman  
Attorney for Defendant,  
Kate Goins Administrator  
of estate of J. W. (James W.)  
Goins.

I hereby accept service of a true and correct copy of the above and foregoing order on this the 22nd day of September, 1928

O.K.: Roy T. Wildman Atty. for Kate Goins. KATE GOINS, Administratrix of the Estate of J. W. (James W.) Goins.

ENDORSED: Filed Sept. 22, 1928.

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

HARRIETT A. HOSEY, ET AL., )  
vs ) No. 233-Equity.  
JAMES A. CHAPMAN, ET AL., )

ORDER APPOINTING GUARDIAN AD LITEM

It appearing to the Court that Pauline Brown, Henryetta Brown, and Mary Brown, parties intervenors in this cause, are minors, and that it is necessary for the protection of whatever rights and interest they may have in the subject matter of this action, that a guardian ad litem be appointed to appear for, plead for and represent said minors herein;

It is therefore hereby ordered that E. D. Dawes, an attorney at law, of Muskogee, Oklahoma, be and he is hereby appointed guardian ad litem for said Pauline Brown, Henryetta Brown and Mary Brown, and he is hereby directed to file his said pleadings for and on behalf of said minors, and to appear for and fully represent them and their interests in this cause.

F. E. KENAMER, Judge.

ENDORSED: Filed Sept. 22, 1928.

In the District Court of the United States in and for the

District of

OKLAHOMA

NORTHERN  
EQUITY SESSION,  
1928

TULSA, OKLAHOMA,

MONDAY, SEPTEMBER 24, 1928.

Court adjourned until next adjournment, Monday, September 24, 1928.

Present: Hon. Edgar S. Vaught, Judge of U. S. District Court  
H. P. Warfield, Esq., Clerk of U. S. District Court.

Whereupon, the following proceedings were had and entered,  
15-215:

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

JAMES W. GULLETT, RECEIVER FOR  
SUBSCRIBERS AT ASSOCIATED EMPLOYERS  
RECIPROCAL.  
vs.  
Complainant,

G. D. MORROW AND W. O. MORROW,  
PARTNERS, DOING BUSINESS AS  
G. D. MORROW & SON,  
Defendants.

Equity No. 367, Auxiliary  
to Missouri Valley Bridge  
& Iron Company vs. J. H.  
Middleton, et al., Equity  
No. 234.

O R D E R

NOW on this 24th day of September, 1928, on application of the  
defendants and for good cause shown they are hereby granted leave to  
file in the above entitled and numbered cause their amended answer to  
plaintiff's petition.

EDGAR S. VAUGHT, Judge.

ENDORSED: Filed Sept. 24, 1928.

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Court adjourned until Sept. 28, 1928.

In the District Court of the United States in and for the

NORTHERN

District of

OKLAHOMA

EQUITY SESSION.

TULSA, OKLAHOMA.

FRIDAY, SEPTEMBER 28, 1928.

Court convened pursuant to adjournment, Friday, September 28th, 1928.

Present: Hon. F. E. Kennamer, Judge of U. S. District Court  
H. P. Warfield, Esq., Clerk of U. S. District Court.

Thereupon, the following proceedings were had and entered, to-wit:

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

|   |            |   |                 |
|---|------------|---|-----------------|
| UNITED STATES,                                | Plaintiff, | ) |                 |
|   |            | ) |                 |
| vs.   |            | ) | No. 303-Equity- |
|   |            | ) |                 |
| OSAGE COUNTY MOTOR COMPANY,<br>A CORPORATION, | Defendant. | ) |                 |

JOURNAL ENTRY OF JUDGMENT.

Now on this 28th day of September, 1928, this matter coming on to be heard upon the motion of the defendant to dismiss the Government's Bill of Complaint, filed for and on behalf of said defendant, the Osage County Motor Company, a corporation; and said plaintiff now appearing by and through its solicitor, Louis N. Stivers, Assistant United States Attorney in and for the Northern District of Oklahoma, and said defendant, the Osage County Motor Company, a corporation, now appearing by and through its solicitors, Wilson & Duncan, of Pawhuska, Oklahoma, and the Court, after hearing the argument of counsel, and being fully advised in the premises, finds that said motion to dismiss should be overruled, and to the overruling of said motion to dismiss the defendant, the Osage County Motor Company, a corporation, objects and excepts, said exceptions being by the Court duly allowed, and said defendant, the Osage County Motor Company, a corporation, having been offered additional time in which to answer, declines to plead further, and elects to stand upon its motion to dismiss.

The Court further finds the allegations contained in plaintiff's Bill of Complaint to be true and correct, and finds all issues in favor of plaintiff and against said defendant.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that said motion to dismiss be, and hereby is overruled.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED THAT said plaintiff, the United States, do have and recover judgment against said defendant, the Osage County Motor Company, a corporation, for the cancellation of its certain mortgage in Book 45, at Page 192 of the records of the County Clerk of Osage County, State of Oklahoma, covering the following described land, to-wit:

And undivided one-half interest in Lots Three (3) and Four (4), Block Twenty-seven (27), Palmer addition to the city of Pawhuska, Oklahoma; Lots Fifteen (15) and Sixteen (16), Block Seventy-nine (79), original town of Pawhuska, Oklahoma;

and for the cancellation of its certain mortgage recorded in Book 45, at Page 189, of the records of the County Clerk of Osage County, State of Oklahoma; and for the cancellation of its certain mortgage recorded in Book 45, at Page 190 of the records of the County Clerk of Osage County, Oklahoma, said two mortgages last aforesaid covering the following described land, to-wit:

Southeast Quarter (SE<sub>1</sub>) of Section Twenty-nine (29), Township Twenty-eight, Range Eight; and East Half (E<sub>1</sub>) of East Half (E<sub>2</sub>); and West Half (W<sub>1</sub>) of Northwest Quarter (NW<sub>4</sub>); and Southwest Quarter (SW<sub>4</sub>) of Southeast Quarter (SE<sub>4</sub>) of Section Thirty-four (34), Township Twenty-eight (28), Range Eight (8); South Half (S<sub>1</sub>) of Northwest Quarter (NW<sub>4</sub>)

In the District Court of the United States in and for the

NORTHERN

District of

OKLAHOMA

FRIDAY, SEPTEMBER 26, 1928

of Northeast Quarter (NE4) of Northwest Quarter (NW4); and Southwest Quarter (SW4) of Northeast Quarter (NE4) of Northwest Quarter (NW4) of Section Thirty-five (35), Township Twenty-seven (27), Range Ten (10); and Northwest Quarter (NW4) of Northwest Quarter (NW4) of Section Thirty-six (36), Township Twenty-seven (27), Range Ten (10)

And it is the further judgment of this Court that said defendant, the Osage County Motor Company, a Corporation, has no right, title or interest of whatsoever nature in or to any of the said described land and that the title thereto is hereby duly quieted in and to, and for and on behalf of Roosevelt Pappin, Osage Allottee No. 1626; and that all of the contracts for debt, mentioned in plaintiff's Bill of Complaint, are hereby held to be null and void, and of no force and effect, and said defendant, the Osage County Motor Company, a Corporation, is hereby enjoined from claiming or asserting any right, title or interest, by virtue thereof, in or to any of said described land.

That to the within judgment said defendant objects and excepts, said exceptions being by the Court allowed, and that in the presence of opposing counsel, and in open court, said defendant served notice of its intention to appeal from the within judgment.

F. E. KERNAMER, Judge.

C.K.: Louis L. Shivers, Assistant United States Attorney, Attorney for Plaintiff.

C.K.: Wilson S. Duncan, Attorneys for defendant.

ENDORSED: Filed September 26, 1928.

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

SUPREME FOREST WOODMEN CIRCLE, Complainant,

vs.

MRS. G. A. LYFORD AND CLYDE SANDERS, Defendants.

No. 705-Equity.

ORDER DISCHARGING PLAINTIFF

Now, on this 22nd day of September, A. D. 1928, comes on for consideration before the court, the motion and application of plaintiff for discharge and allowance of costs expended on the part of plaintiff and an allowance of attorneys' fees for the benefit of plaintiff's attorneys; and it appearing to the court that the amount due upon the policy described in plaintiff's bill of interpleader, has been paid into the treasury of said court and is now held by the clerk of said court and, it further appearing that issue has been joined between the said defendants, the court finds that plaintiff is entitled to be acquitted and discharged from liability by virtue of said policy and entitled to recover all costs in its behalf laid out and expended and also entitled to recover a reasonable attorneys' fee for the benefit of its attorneys.

Whereupon, It is accordingly ORDERED, ADJUDGED AND DECREED by the court that the plaintiff be, and it is hereby in all things discharged and acquitted from any and all liability whatsoever to said defendants or either of them on account of said beneficiary certificate described in plaintiff's bill of interpleader, and all persons claiming by or through said defendants or either of them.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the court that out of the funds derived from said policy and now in the hands of the clerk of said court, said clerk shall forthwith pay to the attorneys of

In the District Court of the United States in and for the

NORTHERN District of OKLAHOMA  
EQUITY SESSION, TULSA, OKLAHOMA, FRIDAY, SEPTEMBER 28, 1928.

record for said plaintiff, the sum of Fifty Dollars (\$50.00), a reasonable fee in said cause. And

IT IS FURTHER ORDERED that out of said funds said plaintiff be forthwith reimbursed for all costs in its behalf laid out and expended.

F. E. KENNAMER, Judge.

ENDORSED: Filed Sept. 28, 1928.

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

J. F. AMERS, ADMINISTRATOR OF  
THE ESTATE OF J. WHITE JOHNSON,  
DECEASED AND P. S. JOHNSON,  
Plaintiffs,  
vs.  
ROXANA PETROLEUM COMPANY, OF  
OKLAHOMA, A CORPORATION, ET AL.,  
Defendants.

No. 384-Equity..

ORDER

NOW on this 28th day of September, 1928, for good cause shown, it is ordered that the defendant J. H. Markham, Jr., have ten days from the date hereof in which to file his answer in this cause.

F. E. KENNAMER,  
District Judge.

ENDORSED: Filed Sept. 28, 1928.

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

W. S. McCRAY, Complainant,  
VS.  
SAPULPA PETROLEUM COMPANY,  
ET AL., Defendants,

No. 26-Equity.  
CITATION ON APPEAL

THE President of the United States to the above named defendants, Sapulpa Petroleum Company, a corporation, and J. A. Fulp, receiver for the Sapulpa Petroleum Company, and to their attorneys of record, Rosenstein and Silverman, Greetings:

You are hereby cited and admonished to be and appear in the United States Circuit Court of Appeals for the Eighth Circuit to be held in the City of St. Louis, State of Missouri, within thirty days from the date of this return, pursuant to an appeal filed in the clerk's office of the United States Court, of the United States, for the Northern District of Oklahoma, wherein W. S. McCray is complainant and the Sapulpa Petroleum Company, a corporation, and J. A. Fulp its receiver, and others, are defendants, to show cause if any there be why the judgment in such appeal mentioned should not be corrected and speedy justice should not be done in this behalf.

Witness, the Honorable Franklin E. Kennamer, Judge of the United States District Court for the Northern District of Oklahoma, this the 26th day of September, 1928.

F. E. KENNAMER, District Judge.

ENDORSED: Filed Sept. 28, 1928.

Court adjourned until September 29, 1928.



In the District Court of the United States in and for the

NORTHERN District of OKLAHOMA,  
EQUITY SESSION, TULSA, OKLAHOMA, SATURDAY, SEPTEMBER 29, 1928.

thereto; and after hearing the argument of counsel for plaintiffs and defendants the court finds that the defendants' plea of res adjudicata should be sustained; and

IT IS THEREFORE ORDERED, ADJUDGED, CONSIDERED AND DECREED that plaintiffs take nothing and that this suit be and is hereby dismissed with prejudice and all the costs is taxed to plaintiffs, for which execution may issue for any unpaid part thereof; to all of which judgment and decree plaintiffs except,

Made and ordered entered on this 29th day of September, 1928, same being a regular day of a term of this court at Tulsa, Oklahoma.

F. E. KEMMELER, Judge.

C.K: Geo. S. Ramsey  
I. C. Lawson

EMBOSED: Filed Sept. 29, 1928.

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

UNITED STATES OF AMERICA, Plaintiff, )  
vs. ) No. 413-Equity.  
F. J. BICKENHEUSER, Defendant. )

PERMANENT INJUNCTION

On this 29th day of September, 1928, this matter coming on to be heard, upon the Bill of Complaint filed herein by the plaintiff, and the oral stipulation and agreement of the parties hereto, the plaintiff appearing by and through the Honorable United States District Attorney, by Louis N. Stivers, Esquire, Assistant United States Attorney in and for the Northern judicial district of Oklahoma, and the defendant, F. J. Bickenheuser, Jr., appearing in person and by and through his solicitor, F. A. Bodovitz, and all parties announcing ready for the consideration of the said matter and the stipulation and agreement of the parties hereto, and it appearing to the court that it has been heretofore agreed that said plaintiff is entitled to a permanent injunction against the defendant and that in consideration of the release of all of the furniture, fixtures and personal property contained on the premises described in the Bill of Particulars and in said building it is agreed that a permanent injunction may be forthwith issued without further hearing and upon consideration of the matters set forth and contained in the Bill of Complaint, and the agreements and stipulations of counsel and parties litigant, the court finds that the allegations contained in plaintiff's Bill of Complaint regarding the maintaining of a nuisance upon the premises described in the said Bill of Complaint are true, and that by reason thereof the said permanent writ of injunction hereinbefore issued should be made permanent, subject, however, to the agreement and stipulation of the parties hereto.

The court finds that a common nuisance exists and is being maintained upon the following described property:

A six room story and half house, painted yellow and decorated with brown, located approximately six and one-half miles South on the Peoria Road, situated on all of Lot Five (5) East, 64 and 75, 145 feet; Lot Four (4) in Block Two (2), N.W. Subdivision; Lot Six (6) in Section Six (6), Township Eleven (11) North, Range Thirteen (13) East, and known as Greenwich Village Inn, a night club.

That said property, together with its appurtenances, fixtures and equipment, at the time of the filing of the Bill of Complaint and for several weeks last past, is and was a place of public resort where people congregated, having in the large rooms and being and drinking

In the District Court of the United States in and for the

TO WISCONSIN

District of

OKLAHOMA

FILED IN CASE NO. 10000

OKLAHOMA, OKLAHOMA,

SATURDAY, SEPTEMBER 7, 1933

intoxicating liquor, and by reason thereof becoming intoxicated.

The Court further finds that the defendant was the occupant and lessee of the said premises and is the owner of the personal property and fixtures therein located; that the defendant is not the owner of the real estate above described, but was merely the occupant and lessee in possession; that defendant made all improvements upon said premises, including the decorations, and paid to the owner of said premises a rental therefor; that the owner received no profit whatever from the operation of the said Greenwich Village Inn, and is without knowledge or information concerning the operation of said Inn as common nuisance as defined in the National Prohibition Act.

The Court further finds that said premises were being used and maintained at the time of the filing of the bill of Complaint herein as a place where intoxicating liquor, as defined in Section 1, Title II of the National Prohibition Act, is possessed, bartered and kept, in violation of said Title, and that said premises and property kept and used in maintaining the same are a public and common nuisance, as defined by Section 21, Title II of the National Prohibition Act, and that said nuisance is a continuing nuisance.

The Court further finds that the defendant maintained the said common nuisance as above described, but that since the filing of the Bill of Complaint herein and the service of the Chancery subpoena, the said defendant has closed and ceased to operate and maintain the said Greenwich Village Inn, and that the same has been closed and not operated as a public resort, or as a private resort, since the 22nd day of August, 1933.

The Court further finds that the said defendant should be restrained and enjoined by this Court from continuing in the future the maintenance of the said premises as a common nuisance.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the defendant, F.J. Bickenheuser, Jr., his servants, agents, subcontractors and employees, and any person or persons acting by, through or under the said defendant, be and they are hereby restrained and enjoined from possessing, selling, manufacturing, keeping, storing or in any manner dealing in any intoxicating liquors as defined by the National Prohibition Act, upon the following land and premises, to-wit:

A six room story and half house, painted yellow and decorated with brown, located approximately six and one-half miles South on the Feoria Road, situated on all of Lot Five (5) East, 64 and 78/100 feet; Lot Four (4) in Block Two (2), Keim subdivision; Lot Six (6) in Section Six (6), Township Eighteen (18), north, Range Thirteen (13) East, and known as Greenwich Village Inn, a night club.

IT IS FURTHER ORDERED that the defendant, his agents, servants and employees, be and they are hereby enjoined and restrained from operating, maintaining or occupying said premises above described for a resort, and that the said premises above described be forthwith closed as a public resort.

IT IS FURTHER ORDERED that the defendant be and he is hereby granted permission to remove from the said premises all furniture, fixtures and appliances installed, maintained and used in the said premises, which said furniture, fixtures, supplies and equipment were used by the said defendant in the operation of a legitimate restaurant and cafe business in, upon and about the said premises.

IT IS FURTHER ORDERED that the defendant remove from said premises aforesaid all fixtures, furniture, furnishings, equipment and supplies used therein for legitimate restaurant and cafe purposes under the supervision and direction of the United States Marshal.

Approved:

F. E. KENNAMER,  
United States District Judge.

United States District Attorney

By LOUIS K. STEVENS  
Assistant United States District Attorney

F. A. POLOVITZ

Attorneys for Defendant.

ENDORSED: FILED SEPTEMBER 29, 1933.

COURT ADJOURNED UNTIL OCTOBER 3, 1933.

In the District Court of the United States in and for the

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NORTHERN District of OKLAHOMA  
EQUITY SESSION, TULSA, OKLAHOMA, WEDNESDAY, OCTOBER 3, 1928.

Court convened pursuant to adjournment, Wednesday, October 3rd, 1928.

Present: Hon. F. E. Kennamer, Judge of U. S. District Court  
H. P. Warfield, Esq., Clerk of U. S. District Court

Thereupon, the following proceedings were had and entered, to-wit:

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

J. F. AYERS, ADMINISTRATOR )  
OF THE ESTATE OF )  
J. WHITE JOHNSON, DECEASED, )  
AND P. S. JOHNSON, )  
Plaintiffs, )  
vs. ) No. 384-Equity.  
ROXANA PETROLEUM COMPANY, )  
OF OKLAHOMA, ET AL., )  
Defendants. )

ORDER GRANTING ADDITIONAL TIME  
TO ANSWER

On application of defendant Tidal Oil Company, and for good cause shown, said company is hereby granted an extension of time of five days from this date within which to file its answer to the amended bill of complaint.

Dated at Tulsa, Oklahoma, this 2nd day of October, A. D. 1928.

F. E. KENNAMER, Judge.

ENDORSED: Filed October 3, 1928.

-----  
MARY SPICK HOUSTON, ET AL., Plaintiffs, )  
vs. ) No. 401-Equity.  
LOUIS G. BERELOS, ET AL., Defendants. )

Now on this 3rd day of October, A. D. 1928, the above entitled matter came on for hearing on motion allowing Frank A. Haver and John A. Haver to intervene and the motion to dismiss the petition of said Frank A. Haver and John A. Haver; same is heard by the Court and overruled and exceptions allowed, and it is further ordered by the Court that the motion to strike the intervening petition of John A. Haver and Frank A. Haver, having been heard by the Court, is overruled and exceptions allowed. It is the further order of the Court that the motion and answer heretofore filed is to apply also to motion to intervene,

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Court adjourned until October 4, 1928.

In the District Court of the United States in and for the

NORTHERN DISTRICT of OKLAHOMA  
EQUITY SESSION, TULSA, OKLAHOMA, THURSDAY, OCTOBER 4, 1928.

Court convened pursuant to adjournment, Thursday, October 4th, 1928.

Present: Hon. F. E. Kennamer, Judge of U. S. District Court  
H. P. Warfield, Esq., Clerk of U. S. District Court

Thereupon, the following proceedings were had and entered, to-wit:

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

FANNIE FULSOM, MOLLIE TIGER, AND BABIE CUMSEY, Plaintiffs, vs. QUAKER OIL & GAS COMPANY, ET AL., Defendants. No. 319-Equity.

ORDER

This cause came on to be heard on this day upon a petition entered by the plaintiffs in the above styled cause for a rehearing upon the decree of the court therein rendered on the 29th day of September, 1928, whereupon said plaintiffs are granted the right and privilege of filing the petition for a rehearing thereon with the Clerk of this court at Tulsa, Oklahoma. Thereupon the court proceeded to the hearing of said petition, and after the argument of counsel for the plaintiffs and the defendants the same is taken under advisement by the court for consideration.

Done this 4th day of October, 1928, at the same term of the court at which judgment was rendered.

F. E. KENNAMER, Judge of the United States District Court for the Northern District of Oklahoma.

ENDORSED: Filed October 4, 1928.

ORDER TO SPREAD MANDATE OF RECORD

THE SULLIVAN COMPANY, A CORPORATION, Plaintiff, vs. JAMES H. THOMAS, ET AL., Defendants. No. 5-Equity.

On this 4th day of October, A. D. 1928, it is by the Court ordered that the Clerk of this Court file and spread Mandate of record in the above entitled cause, same being in words and figures as follows:

MANDATE

UNITED STATES OF AMERICA, ss:

THE PRESIDENT OF THE UNITED STATES OF AMERICA

(SEAL)

TO THE HONORABLE THE JUDGES OF THE DISTRICT COURT OF THE UNITED STATES FOR THE NORTHERN DISTRICT OF OKLAHOMA.

GREETING:

WHEREAS, lately in the District Court of the United States for the Northern District of Oklahoma, before you, or some of you in a cause between F. D. Sullivan, Sole Trader doing business under the

In the District Court of the United States in and for the

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NORTHERN

District of

OKLAHOMA

EQUITY SESSION,

TULSA, OKLAHOMA,

THURSDAY, OCTOBER 4, 1928.

name of the Sullivan Company, Plaintiff, and James H. Thomas and Eugenia Thomas, Defendants, No. 5, In Equity, wherein the decree of the said District Court in said cause, entered on the 10th day of January, A. D. 1927, was in the following words, viz:

"This cause came on to be heard and tried by the court on May 27, 1926, the plaintiff appearing in person and by his attorneys, Herbert D. Mason, Arthur B. Honnold, Fred M. Carter and Roscoe E. Harper, and the defendants appearing in person and by their attorney, Clarence M. McRae and Paul P. Pinson. After both the plaintiff and the defendants had announced ready the court proceeded to hear and try the cause upon the amended bill of complaint, amended and supplemental answer, exhibits, agreements of parties, evidence and proof in the case, and the arguments of counsel. At the conclusion thereof the parties having rested, the court took the cause under advisement. Thereafter, the court upon consideration, finds that this court has jurisdiction over the parties and subject-matter of this action; that the issues in this action should be and are hereby determined in favor of the plaintiff and against the defendants; and that the relief prayed for in plaintiff's amended bill of complaint should be granted; that the plaintiff is the assignee of a judgment recovered on the 27th day of March, 1924, by the Guaranty Bank and Trust Company of Memphis, Tennessee, in the sum of Fifty-two Hundred (\$5200) Dollars, together with interest thereon at the rate of six per cent per annum from said date until paid, and for the costs of said action amounting to Eleven and 80/100ths (\$11.80) Dollars, against James H. Thomas and Thomas Guinn, as partners, in an action then pending in the District Court of Tulsa County, State of Oklahoma, wherein the National City Bank of Memphis, Tennessee, was the original plaintiff and the Guaranty Bank and Trust Company of Memphis, Tennessee, was later substituted as plaintiff in place of said National City Bank, and James H. Thomas and Thomas Guinn, partners doing business as Thomas & Guinn, were defendants, said cause being No. 24344 in said court; that said judgment so obtained was founded upon a trade acceptance dated April 26, 1923, and due ninety days after date, drawn by the plaintiff, upon said partnership of Thomas & Guinn and accepted by them on May 2, 1923; that there is now due, owing and unpaid on said judgment, including interest to this date, the sum of Forty-two Hundred Eighty-three and 13/100ths (\$4283.13) Dollars; that defendant, James H. Thomas, conveyed the land, together with the improvements thereon, hereinafter described, to his wife, Eugenia Thomas, a defendant, by quit claim deed, without consideration, or on about July 19, 1923, at a time when he was insolvent, and said partnership and each of said partners were insolvent, with intent to defraud his creditors, including the plaintiff herein, and the National City Bank of Memphis, Tennessee; the then endorser and holder respectively of said trade acceptance, the said National City Bank through its successor the said Guaranty Bank and Trust Company being plaintiff's predecessors in interest.

It is therefore ordered, adjudged and decreed that there is still unpaid on said judgment rendered in favor of the Guaranty Bank and Trust Company of Memphis, Tennessee, and against James H. Thomas and Thomas Guinn the sum of Forty-two Hundred Eighty-three and 13/100ths (\$4283.13) Dollars, and that said sum is due, owing and payable by said judgment debtors to the plaintiff herein as assignee of said judgment; that the deed of conveyance by James H. Thomas to Eugenia Thomas under date of July 19, 1923, conveying the following described land, to-wit:

Lot 4, Block 181, Old Town, in the City of Tulsa, Oklahoma, together with all and singular, and hereditaments and appurtenances, thereunto belonging;

be, and it is hereby set aside as fraudulent; and that plaintiff have a lien as of and from the date of March 27, 1924, the date of said judgment upon said land by virtue of said judgment in the sum of Forty-two Hundred Eighty-three and 13/100ths (\$4283.13) Dollars, being the amount unpaid and still due on said judgment, including interest thereon to this date, together with interest thereon from this date at the rate of six per cent per annum until paid, to secure the payment of said sum, and of the costs of this action.

In the District Court of the United States in and for the

NORTHERN  
EQUITY SESSION,

District of  
TULSA, OKLAHOMA,

OKLAHOMA  
THURSDAY, OCTOBER 4, 1928.

It is further ordered, adjudged and decreed that said land, together with the improvements thereon, shall be sold to satisfy said unpaid balance; that the United States Marshal of this district be, and he is hereby directed to make and conduct said sale in the manner provided by law; that said land, together with improvements thereon, shall be duly appraised; that the said sale shall be made at public auction to the highest bidder therefor at 12:00 o'clock noon at the west front door of the Court House of Tulsa County, Oklahoma, situated in the City of Tulsa, in said county and state, on a date to be named by the marshal in his notice of sale; and that before making said sale the marshal shall publish a notice thereof once a week for at least four consecutive weeks prior to such sale in one newspaper printed regularly, issued and having a general circulation in the County of Tulsa and State of Oklahoma.

The Court will reserve the jurisdiction of this proceeding to make such other and further orders in the premises as shall be necessary to make the lien herein decreed effectual, and in this connection the court also reserves the jurisdiction to appoint a receiver of said land and the rents and profits therefrom pending the consummation of said sale whenever to the court it shall seem proper.

It is further ordered, adjudged and decreed that the funds to arise from said sale shall be applied as follows:

First: To the payment of all proper expenses attendant upon said sale, including the expenses, outlays and compensation of the marshal to make said sale as such expenses, outlays and compensation may be hereafter fixed and allowed.

Second: To the payment of the costs of this suit.

Third: To the payment of the unpaid balance due plaintiff on said judgment.

Fourth: If after making all the above payments there shall be any surplus the same shall be paid according to the further order of this court in that regard.

It is further ordered, adjudged and decreed that from and after the sale of said lands and tenements under and by virtue of this judgment and decree that the said defendants, James H. Thomas and Eugenia Thomas, and each of them, and all persons claiming under them, or either of them, since the commencement of this action, be, and are hereby forever barred and foreclosed of and from all lien upon the right, title, interest, estate or equity of, in or to said land and improvements thereon, and the appurtenances thereunto appertaining, or any part thereof.

To the foregoing findings and decrees, and each and every part thereof, the defendants, James H. Thomas and Eugenia Thomas, and each of them, except and give notice of their intention to appeal, and request the court to fix the amount of the supersedeas bond and to allow their appeal.

Whereupon, it is ordered, adjudged and decreed by the court that the amount of the supersedeas bond be, and it is hereby fixed at \$8,000.00, which bond is to be good and sufficient and with sufficient sureties; and the defendants, and each of them, be given 30 days within which to file said bond; and that in the meantime enforcement of this decree shall be stayed.

Enter this 10 day of January, 1927.

F. E. KENNAMER, Judge."

as by the inspection of the transcript of the record of the said District Court, which was brought into the United States Circuit Court of Appeals, Eighth Circuit, by virtue of an appeal, agreeably to the act of Congress, in such case made and provided, fully and at large appears;

AND WHEREAS, at the December term, in the year of our Lord one thousand nine hundred and twenty-seven, the said cause came on to be heard before the said United States Circuit Court, and was argued by counsel.

In the District Court of the United States in and for the <sup>510</sup>

NORTHERN District of OKLAHOMA  
EQUITY SESSION, TULSA, OKLAHOMA, THURSDAY, OCTOBER 4, 1928

On Consideration Whereof, it is now here ordered, adjudged and decreed by this Court, that the decree of the said District Court, in this cause be, and the same is hereby, reversed with costs; and that James H. Thomas and Eugenia Thomas have and recover against F. D. Sullivan, Sole Trader doing business under the name of the Sullivan Company, the sum of Fifty-Five and 65/100 Dollars for their costs in this behalf expended and have execution therefor.

And it is further ordered that this cause, be, and the same is hereby, remanded to the said District Court with direction to dismiss plaintiff's bill. ---

--- April 20, 1928. ---

You, therefore, are hereby commanded that such execution and further proceedings be had in said cause, in conformity with the opinion and decree of this Court, as according to right and justice, and the laws of the United States, ought to be had, the said appeal notwithstanding.

WITNESS, the Honorable William H. Taft, Chief Justice of the United States, the Second day of October, in the year of our Lord one thousand nine hundred and twenty-eight.

Costs of Appellants:

Clerk, \$35.65  
Printing Record Printed below  
Attorney \$20.00  
\$55.65

E. E. KOCH

Clerk of the United States Circuit Court of Appeals, Eighth Circuit.

ENDORSED: Filed October 4, 1928.

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE NORTHERN DISTRICT OF OKLAHOMA

SUPREME FOREST WOODMEN CIRCLE, Plaintiff, )  
v ) No. 385-Equity.  
MRS. G. (GERTIE) A. LYFORD, )  
AND CLYDE SANDERS, Defendants. )

JOURNAL ENTRY OF JUDGMENT

Now on this 4th day of October, 1928, the above entitled cause coming on for decision on the motion of Mrs. G. (Gertie) A. Lyford for judgment on the pleadings, and the court having heretofore had this matter under consideration and for determination, and having heretofore heard and considered the arguments of counsel and briefs submitted by counsel, and being fully advised in the premises, finds that the motion of Mrs. G. (Gertie) A. Lyford for judgment on the pleadings should be sustained.

IT IS, THEREFORE, CONSIDERED AND ADJUDGED by the court that the motion of Mrs. G. (Gertie) A. Lyford for judgment on the pleadings should be, and it is hereby sustained, and it is hereby adjudged that the said Mrs. G. (Gertie) A. Lyford should be, and she is hereby, adjudged to be entitled to the sum of Five Hundred Dollars (\$500.00) heretofore deposited with the clerk of this court by the plaintiff in this action, and the said Mrs. G. (Gertie) A. Lyford is hereby adjudged to be entitled to said sum so deposited less costs and attorney's fees herein in the sum of \$95.28 which should be deducted therefrom, and the clerk of this court is hereby authorized and directed to pay Mrs. G. (Gertie) A. Lyford from the funds so deposited by the plaintiff in this court the sum of \$404.72 to all of which defendant, Clyde Sanders, excepts and his exceptions are allowed.

T. W. ICHMANN,  
Judge of the United States District Court for the Northern District of Oklahoma.

ENDORSED: Filed Oct. 4, 1928.

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Court adjourned until October 5, 1928.

In the District Court of the United States in and for the

NORTHERN

District of

OKLAHOMA

EQUITY SESSION

TULSA, OKLAHOMA,

FRIDAY, OCTOBER 5, 1928.

Court convened pursuant to adjournment, Friday, October 5th, 1928.

Present: Hon. F. E. Kennamer, Judge of U. S. District Court  
H. P. Warfield, Esq., Clerk of U. S. District Court

Thereupon, the following proceedings were had and entered, to-wit:

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

ANGLO-TEXAS OIL COMPANY, A CORPORATION, AND INDEPENDENT OIL AND GAS COMPANY, A CORPORATION,

Complainants,

vs.

JOSEPH CATES, GLENN O. YOUNG, AND SAMUEL L. LUBELL, AS TRUSTEES,

Respondents.

No. 231-Equity.

ORDER PERMITTING FILING OF AMENDED ANSWER AND COUNTER-CLAIM

Now, on this 5th day of October, 1928, this cause coming on for hearing on application of respondents Joseph Cates and Glenn O. Young for leave to file herein an amended answer and counter-claim, and the court, being fully advised in the premises, finds that said application should be allowed without prejudice to trial of this cause;

IT IS, THEREFORE, the order of the court that respondents be, and they are hereby allowed to file herein instantler, an amended answer and counter-claim.

F. E. KENNAMER, Judge.

ENDORSED: Filed October 5, 1928.

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

PALISSA KEYS, ALICE KANEY, THOMAS TIGER, HOLEE JIMS, AMANDA MICCO, LUCH BUCKNER OR LESSIE BULL, A MINOR, BY WILEY BUCKNER, HER GRANDFATHER AND NEXT FRIEND, MARY HARDIN (NEE DEERE),

Complainants,

vs.

D. REPLOGLE, H. L. GRAVES, OKLA OIL COMPANY, A CORPORATION, SINCLAIR OIL & GAS COMPANY, A CORPORATION, TIDAL OIL COMPANY, A CORPORATION, C. L. ELLIS, DISTRICT SUPERINTENDENT IN CHARGE OF THE OFFICE OF SUPERINTENDENT OF THE FIVE CIVILIZED TRIBES,

Defendants.

No. 346-Equity.

JOURNAL ENTRY

This cause came on to be heard on the application of defendants, D. Replogle and Sinclair Oil and Gas Company, for additional time to plead, and thereupon, upon consideration thereof it was ORDERED and ADJUDGED that said defendants, Sinclair Oil and Gas Company and D. Replogle be given to and including November 11th, 1928, within which to plead to the amended bill of complaint filed herein.

DATED this 5th day of October, 1928.

O.K. Chas. West

Attorney for Complainants.

F. E. KENNAMER, Judge.



In the District Court of the United States in and for the

NORTHERN DISTRICT OF OKLAHOMA  
EQUITY SESSION, TULSA, OKLAHOMA, TUESDAY, OCTOBER 9, 1928

Court convened pursuant to adjournment, Tuesday, October 9th, 1928.

Present: Hon. F. E. Kennamer, Judge of U. S. District Court  
H. P. Warfield, Esq., Clerk of U. S. District Court.

Thereupon, the following proceedings were had and entered,  
to-wit:

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

|                                      |             |   |                 |
|--------------------------------------|-------------|---|-----------------|
| UNITED STATES,                       | Plaintiff,  | ) |                 |
| vs.                                  |             | ) | No. 301-Equity. |
| B. T. RILEY, J. L. BRUNT,            |             | ) |                 |
| UNION NATIONAL BANK OF CHANDLER,     |             | ) |                 |
| CHANDLER OKLAHOMA, A CORPORATION,    |             | ) |                 |
| ARTHUR H. LAMB, AS ASSIGNEE FOR      |             | ) |                 |
| ARTHUR H. LAMB, RECEIVER FOR THE     |             | ) |                 |
| INDIAN TRADING COMPANY, C. E. RILEY, |             | ) |                 |
| AND THE COMMERCIAL NATIONAL BANK OF  |             | ) |                 |
| KANSAS CITY, KANSAS, A CORPORATION,  |             | ) |                 |
|                                      | Defendants. | ) |                 |

ORDER OVERRULING MOTIONS TO DISMISS

Now on this 9th day of October, 1928, there coming on to be heard certain motions to dismiss the plaintiff's Bill of Complaint herein, said motions being interposed by the respective and various defendants herein, B. T. Riley and Arthur H. Lamb, as Assignee for Arthur H. Lamb, Receiver for the Indian Trading Company, and the Court, after hearing argument of Counsel, and being fully advised in the premises, finds: That said motions should be overruled.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that said motions be, and hereby are overruled, to which said defendants and each of them, aforesaid, object and except, and upon the allowance of such exceptions, they and each of them, upon request, is given 20 days in which to answer.

F. E. KENNAMER, Judge.

ENDORSED: Filed October 9, 1928.

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Court adjourned until October 10, 1928.

In the District Court of the United States in and for the

NORTHERN District of OKLAHOMA

EQUITY SESSION, TULSA, OKLAHOMA, WEDNESDAY, OCTOBER 10, 1928.

Court convened pursuant to adjournment, Wednesday, October 10, 1928.

Present: Hon. F. E. Kennamer, Judge of U. S. District Court
H. P. Warfield, Esq., Clerk of U. S. District Court

Thereupon, the following proceedings were had and entered, to-wit:

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

SAPESA POLECAT, ET AL., Plaintiffs,
vs. No. 349-Equity.
NORBE, ET AL., Defendants.

ORDER GRANTING EXTENSION OF TIME IN WHICH TO APPEAL

It appearing to the Court that there is pending in this cause a motion of plaintiffs in which it is suggested that the defendant, Norbe, died prior to the rendition of the decree herein and seeking for that reason to vacate said decree, and it further appearing to the Court that plaintiffs desire said motion disposed of before proceeding to perfect their appeal if an appeal shall be necessary after the disposition of said motion and it further appearing to the court that the time is now limited in which plaintiffs may take their appeal from said decree and it will probably not be disposed of within said time.

It is therefore, on request of plaintiffs, hereby ordered that the time within which to take said appeal herein from said decree rendered July 12, 1928, be, and the same is hereby extended to the 20th day of November, 1928.

F. E. KENNAMER, Judge.

ENDORSED: Filed October 10, 1928.

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE NORTHERN DISTRICT OF OKLAHOMA

F. D. SULLIVAN, DOING BUSINESS UNDER THE NAME OF THE SULLIVAN COMPANY, Plaintiffs,
vs. No. 5-Equity.
JAMES H. THOMAS, EUGENIA THOMAS, S. E. VANCE, AND THE STANDARD TIRE COMPANY, A CORPORATION, Defendants.

ORDER PERMITTING STANDARD TIRE COMPANY TO WITHDRAW

NOW upon this 10 day of October, 1928, there came on regularly to be heard the motion of The Standard Tire Company for leave to dismiss its cross-petition heretofore filed herein, without prejudice, and for leave to withdraw its appearance from this cause, plaintiff appearing by Roscoe E. Harper and the defendants James H. Thomas and Eugenia Thomas appearing by C. A. Steele, and the court finds that said motion should be granted.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that The Standard Tire Company be permitted to dismiss its cross suit against James H. Thomas and Eugenia Thomas and others herein, without prejudice to any other action, whether pending or yet to be brought; except that this dismissal is with prejudice as to Eugenia Thomas; and that the Standard Tire Company is hereby permitted to withdraw its appearance heretofore entered herein.

F. E. KENNAMER, Judge.

C.M: Mason & Honnold
By Roscoe E. Harper
Harper & Lee, Attys. for Plaintiff
C. A. Steele, Atty for James H. Thomas and Eugenia Thomas.

## In the District Court of the United States in and for the

NORTHERN

District of

OKLAHOMA

EQUITY SESSION,

TULSA, OKLAHOMA,

THURSDAY, OCTOBER 11, 1928

Court convened pursuant to adjournment, Thursday, October 11th, 1928.

Present: Hon. F. E. Kennamer, Judge of U. S. District Court  
H. P. Warfield, Esq., Clerk of U. S. District Court

Thereupon, the following proceedings were had and entered,  
to-wit:

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

|                      |            |   |                      |
|----------------------|------------|---|----------------------|
| VICTOR CLIFFORD,     | Plaintiff, | ) |                      |
|                      |            | ) |                      |
| vs.                  |            | ) | In Equity - No. 201: |
|                      |            | ) |                      |
| JOHNS-MANVILLE INC., | Defendant. | ) |                      |

## O R D E R

This matter having come on for hearing on October 11, 1928, on the suggestion of defendant to abate the cause and also on the motion of defendant to strike from the record of this cause the complainant's objections to interrogatories, the motion for particulars and the complainant's interrogatories to defendant all filed herein by Victor Clifford and the defendants' answer (in part) to plaintiff's interrogatories and objections (in part) to the same filed by the defendant, also on the motion of defendant for an order of this Court vacating the order heretofore entered in this Court on February 29, 1928, substituting Claude M. Vaughn as the plaintiff herein and also on the motion of the defendant for an order of the Court dismissing the bill of complaint herein with costs to the defendant unless the proper party in interest entitled to revive this cause file with the Court an original bill in the nature of a supplemental bill, and the defendant being present in Court by its attorneys, Mason & Williams and by Stewart Lynch, no one appearing for the plaintiff or Claude M. Vaughn, and it appearing to the Court that notice of the foregoing suggestion of abatement and of the motions enumerated above having been served upon counsel of record for plaintiff Victor Clifford and Claude M. Vaughn and the Court having heard argument and it appearing to the Court that on November, 14, 1927, the plaintiff Victor Clifford having assigned to Claude M. Vaughn all of his right, title and interest in and to the subject matter of this suit and the Court being advised in the premises;

IT IS ORDERED AND ADJUDGED that Victor Clifford having parted with his entire interest in the subject matter of this suit, therefore the suit be and the same is hereby abated.

IT IS FURTHER ORDERED THAT THE COMPLAINANT'S objections to interrogatories, the motion for particulars and complainant's interrogatories to defendant, all filed herein by Victor Clifford since the date of assignment by Victor Clifford of his entire interest in the subject matter of this suit and the defendants' answers (in part) to plaintiff's interrogatories and defendants' objections (in part) thereto be and the same are hereby ordered stricken from the record.

IT IS FURTHER ORDERED that the order of this Court heretofore entered on February 29, 1928, substituting Claude M. Vaughn as plaintiff herein be and the same is hereby vacated, set aside and held for naught.

IT IS FURTHER ORDERED that the bill of complaint herein shall be dismissed with costs to the defendants unless the proper party in interest entitled to revive this cause file with the Court on or before the 10th day of November, 1928, an original bill in the nature of a supplemental bill.

Dated at Tulsa, Oklahoma, this 11th day of October, 1928.

F. E. KENNAMER, Judge.

ENDORSED: Filed October 11, 1928. -----

Court adjourned until October 13, 1928.

In the District Court of the United States in and for the

NORTHERN District of OKLAHOMA  
EQUITY SESSION, TULSA, OKLAHOMA, SATURDAY, OCTOBER 13, 1928.

Court convened pursuant to adjournment, Saturday, October 13th, 1928.

Present: Hon. F. E. Kennamer, Judge of U. S. District Court  
H. P. Warfield, Esq., Clerk of U. S. District Court.

Thereupon, the following proceedings were had and entered, to-wit:

A. B. C. DAGUE, Plaintiff, )  
vs. ) No. 70-Equity.  
AZTEC OIL COMPANY, A )  
CORPORATION, ET AL., Defendants. )

On this 13th day of October, 1928, came on for hearing the matter of the claim of W. H. Gray against the Aztec Oil Company, and the Court being fully advised in the premises, it is ordered that same be and is hereby continued to October 20, 1928.

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

FANNIE FULSOM, ET AL., Plaintiffs, )  
vs. ) No. 319-Equity.  
QUAKER OIL & GAS COMPANY, )  
ET AL., Defendants. )

O R D E R

Now on this 13th day of October, 1928, the petition for a rehearing heretofore filed herein by the plaintiffs came on for hearing, and the court being fully advised in the premises finds that said petition for a rehearing should be denied.

It is, therefore, ordered that said petition for a rehearing be, and the same, is hereby denied. To which ruling of the court the plaintiffs except, and exceptions allowed, and the plaintiffs in open court give notice of appeal to the Circuit Court of Appeals for the Eighth Circuit, which appeal is allowed.

F. E. KENNAMER, Judge

ENDORSED: Filed October 13, 1928.  
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Court adjourned until October 15, 1928.

In the District Court of the United States in and for the

NORTHERN

District of

OKLAHOMA

~~ROBERT W. GIBSON~~

TULSA, OKLAHOMA,

MONDAY, OCTOBER 15, 1928.

Court convened pursuant to adjournment, Monday, October 15th, 1928.

Present: Hon. F. E. Kennamer, Judge of U. S. District Court  
H. P. Warfield, Esq., Clerk of U. S. District Court.

Thereupon, the following proceedings were had and entered,  
to-wit:

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

JANE JEFFERSON, AN INCOMPETENT,  
BY HER GUARDIANS, R. C. VINCENT  
AND A. L. WALLACE,

Plaintiff,

vs.

THE GYPSY OIL COMPANY, ET AL.,

Defendants. )

No. 29-Equity-

O R D E R

For good cause shown, the defendants John H. King, Ida H. King, H. H. Bell, Erminie M. Bell and H. G. Barnard are allowed an additional ten days from October 17, 1928, within which to file their answer in this cause.

F. E. KENNAMER,  
United States District Judge.

ENDORSED: Filed October 15, 1928.

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Court adjourned until October 18, 1928.

# In the District Court of the United States in and for the

NORTHERN District of OKLAHOMA  
EQUITY SESSION, TULSA, OKLAHOMA, THURSDAY, OCTOBER 18, 1928

Court convened pursuant to adjournment, Thursday, October 18th, 1928.

Present: Hon. F. E. Kennamer, Judge of U. S. District Court  
H. P. Warfield, Esq., Clerk of U. S. District Court

Thereupon, the following proceedings were had and entered, to-wit:

ORDER TO SPREAD MANDATE OF RECORD

|                                    |             |   |                 |
|------------------------------------|-------------|---|-----------------|
| ALEX MUDD,                         | Plaintiff,  | } |                 |
|                                    |             | } |                 |
| vs.                                |             | } | No. 108-Equity. |
|                                    |             | } |                 |
| SAMUEL A. PERRY, CHARLES B. ROGERS |             | } |                 |
| AND JASPER S. MARTIN, ADMINISTRA-  |             | } |                 |
| TOR OF THE ESTATE OF LUCY LOTSON   |             | } |                 |
| PERRY, DECEASED,                   | Defendants. | } |                 |

On this 18th day of October, A. D. 1928, it is by the Court ordered that the Clerk of this Court file and spread Mandate of Record in the above entitled cause, same being in words and figures as follows:

MANDATE:

UNITED STATES OF AMERICA, ss:

THE PRESIDENT OF THE UNITED STATES OF AMERICA

(SEAL)

TO THE HONORABLE THE JUDGES OF THE DISTRICT COURT OF THE UNITED STATES FOR THE NORTHERN DISTRICT OF OKLAHOMA.

GREETING:

WHEREAS, lately in the District Court of the United States for the Northern District of Oklahoma, before you, or some of you in a cause between Alex Mudd, Plaintiff, and Samuel A. Perry, Charles B. Rogers and Jasper S. Martin, Administrator of the Estate of Lucy Lotson Perry, Deceased, Defendants, No. 108, In Equity, wherein the decree of the said District Court in said cause, entered on the 26th day of July, A. D. 1926, was in the following words, viz:

"This cause came on for hearing before the court on the 5th day of May, 1926, upon the separate motions to dismiss and for judgment on the pleadings, filed by the defendants, Samuel A. Perry and Chas. B. Rogers, at which hearing the plaintiff was represented by his attorneys, O. L. Rider, W. R. Bleakmore and John Barry, and an oral argument being had upon said motions, and the Court, after being fully and sufficiently advised touching the same and the law applicable thereto, took the matter under advisement; and,

Now, on this 26th day of July, 1926, the Court having been fully and sufficiently advised touching the law and the issues raised by said motions hereby finds and determines said motions as follows:

1. That the motion to dismiss, filed in said cause by said defendants is overruled; to which motion of the court the said defendants claimed and were allowed an exception.
2. That the separate motion of said defendants, Samuel A. Perry and Chas. B. Rogers, for judgment on the pleadings in said cause, should be and is hereby sustained; to which action the plaintiff claimed and is allowed an exception.

And thereupon the plaintiff gave notice in open court of his intention to appeal from the order, judgment and decision of the court to the Circuit Court of Appeals for the Eighth Circuit.

It is therefore, ordered, adjudged and decreed that upon the issues set forth in the pleadings the defendants have, and they are hereby given, judgment against the plaintiff; that the

In the District Court of the United States in and for the

NORTHERN

District of

OKLAHOMA

REGULAR SESSION,

TULSA, OKLAHOMA,

THURSDAY, OCTOBER 19, 1928.

plaintiff take nothing by his action herein; and that the costs thereof be assessed against the plaintiff herein; to which judgment the plaintiff then and there claimed and is allowed an exception.

The plaintiff is hereby given thirty (30) days within which to file his assignment of errors and petition for appeal to the United States Circuit Court of Appeals for the Eighth Circuit.

C.K.: J. E. KENNAMER, Judge.  
J. L. Rider; W. R. Bleatmore; John Barry;  
Attys. for Plaintiff.  
H. E. McNeill, Attys for Defendants.

Filed Jul. 26, 1928, H. P. Warfield, Clerk, H.W.J."

as by the inspection of the transcript of the record of the said District Court, which was brought into the United States Circuit Court of Appeals, Eighth Circuit, by virtue of an appeal, agreeably to the act of Congress, in such case made and provided, fully and at large appears;

AND WHEREAS, at the December term, in the year of our Lord one thousand nine hundred and twenty-seven, the said cause came on to be heard before the said United States Circuit Court of Appeals, on the transcript of record from the said District Court, and on the motion of appellees to dismiss the appeal, and was argued by counsel.

On Consideration whereof, it is now here ordered, adjudged and decreed by this Court, that the said motion to dismiss, be, and the same is hereby, denied, and the decrees of the said District Court in this cause be, and the same is hereby, affirmed with costs; and that Samuel A. Perry, Charles B. Rogers, and Jasper S. Martin, Administrator of the estate of Lucy Lotson Perry, deceased, have and recover against Alex Mudd the sum of Twenty Dollars for their costs herein and have execution therefor. ---

--- February 21, 1928 ---

You, therefore, are hereby commended that such execution and proceedings be had in said cause, as according to right and justice, and the laws of the United States, ought to be had, the said appeal notwithstanding.

WITNESS, the Honorable William H. Taft, Chief Justice of the United States, the Sixteenth day of October, in the year of our Lord one thousand nine hundred and twenty-eight.

Costs of Appellees:

Clerk Paid by Appellant  
Printing Record, Printed below  
Attorney \$20.00  
\$20.00

E. E. KOCH

Clerk of the United States  
Circuit Court of Appeals,  
Eighth Circuit.

ENDORSED: Filed October 18, 1928.

ORDER TO SPREAD MANDATE OF RECORD

MISSOURI, KANSAS & TEXAS RAILROAD  
COMPANY,

Plaintiff, )

vs. )

NORTHERN OKLAHOMA RAILWAYS,  
GUY PATTEN AND M. E. GASKILL,

Defendant. )

No. 234-Equity.

On this 18th day of October, A. D. 1928, it is by the Court ordered that the Clerk of this court file and spread Mandate of Record in the above entitled cause, same being in words and figures as follows;

In the District Court of the United States in and for the

NORTHERN  
EQUITY SESSION,  
TULSA, OKLAHOMA,  
District of  
OKLAHOMA  
THURSDAY, OCTOBER 19, 1928

MANDATE

UNITED STATES OF AMERICA, vs:

THE PRESIDENT OF THE UNITED STATES OF AMERICA

(SEAL)

TO THE HONORABLE THE JUDGES OF THE DISTRICT  
COURT OF THE UNITED STATES FOR THE NOR-  
THERN DISTRICT OF OKLAHOMA.---

GREETING:

WHEREAS, lately in the District Court of the United States for the Northern District of Oklahoma, before you, or some of you in a cause between the Missouri-Kansas-Texas Railroad Company was Plaintiff, and the Northern Oklahoma Railways, Guy Patten and H. E. Caskill were Defendants, No. 274, in Equity, wherein the decree of the said District Court in said cause, entered on the 24th day of May, A. D. 1927, was in the following words, viz:

"Now on this 24th day of May, 1927, the same being one of the regular judicial days of the Special Term, 1927, term of court for the Northern District of Oklahoma, sitting at Tulsa, Oklahoma, the above entitled and numbered cause comes on for trial in its regular order and pursuant to order of the court and agreement of the parties; both parties appearing by counsel and announced ready for trial. The plaintiff proceeds with the introduction of its evidence, and having concluded the same plaintiff rests. Thereupon defendants moved for judgment on the plaintiff's evidence, and after argument of counsel, and the court being fully advised in the premises finds that the plaintiff's evidence is insufficient to prove that the defendant railroad when constructed will engage in Interstate Commerce, or that the railroad proposed to be constructed by the defendants was such a road as to bring it within the provisions of the Transportation Act of February 28, 1920. The court is of the opinion under the evidence introduced that the contemplated railroad is one to be used only in intrastate commerce.

It is, therefore, considered, ordered and adjudged by the court that the injunction as prayed for by the plaintiff be denied, and that the bill be dismissed without prejudice. To all of which the plaintiff excepts, and exceptions allowed.

F. E. KEMMERER, Judge."

as by the inspection of the transcript of the record of the said District Court, which was brought into the United States Circuit Court of Appeals, Eighth Circuit, by virtue of an appeal, agreed to by the act of Congress, in such case made and provided, fully and at large appears;

AND WHEREAS, at the December term, in the year of our Lord one thousand nine hundred and twenty-seven, the said cause came on to be heard before the said United States Circuit Court of Appeals, on the transcript of record from the said District Court, and was argued by counsel.

On Consideration Whereof, it is now here ordered, adjudged and decreed by this Court, that the decree of the said District Court, in this cause be, and the same is hereby, reversed with costs; and that the Missouri-Kansas-Texas Railroad Company have and recover against the Northern Oklahoma Railways, Guy Patten and H. E. Caskill the sum of Fifty-One and 90/100 Dollars for its costs in this behalf expended and have execution therefor.

And it is further ordered by this Court that this cause, be, and the same is hereby, remanded to the said District Court with instructions to proceed in accordance with the opinion of this Court. ---

----- May 17, 1928. -----

You, therefore, are hereby commanded that such execution and further proceedings be had in said cause, in conformity with the opinion and decree of this Court, as according to right and justice, and the laws of the United States, ought to be had, the said appeal notwithstanding.

WITNESS, the honorable William H. Taft, Chief Justice of the United States, the Seventeenth day of October, 1928, at the City of Washington.

In the District Court of the United States in and for the

NORTHERN

District of

OKLAHOMA

REGULAR SESSION,

FOURTH, OKLAHOMA,

THURSDAY, OCTOBER 18, 1928.

Amount due bondred and twenty-eight.

Costs of Appellant:

|                 |                |
|-----------------|----------------|
| Costs           | \$21.70        |
| Printing Record | Printed Value  |
| Attorney        | <u>\$20.00</u> |
|                 | \$41.70        |

E. E. KOCH

Clerk of the United States  
Circuit Court of Appeals,  
Eighth Circuit.

ENDORSED: Filed October 18, 1928.

-----  
IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

JANE JEFFERSON, AN INCORPORATED,  
BY HER GUARDIANS, R. C. VINCENT  
AND A. L. WALLACE,

Plaintiff,

vs.

No. 29-Equity.

THE GYPSY OIL COMPANY, ET AL.,

Defendants. }

ORDER

For good cause shown, the defendant Noble Oil & Gas Company is  
allowed an additional ten days from October 17, 1928, within which to file  
its answer in this cause.

F. E. KENNAMER,

United States District Judge,

ENDORSED: Filed November 10, 1928.  
-----

Court adjourned until November 20, 1928.



In the District Court of the United States in and for the

NORTHERN  
DISTRICT OF OKLAHOMA

District of

OKLAHOMA

TULSA, OKLAHOMA,

TUESDAY, OCTOBER 23, 1928.

Court convened pursuant to adjournment, Tuesday, October 23rd, 1928.

Present: Hon. F. E. Kinnamer, Judge of U. S. District Court  
H. P. Warfield, Esq., Clerk of U. S. District Court

Whereupon, the following proceedings were had and entered,  
to-wit:

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

JAMES W. GULLETT, RECEIVER  
FOR SUBSCRIBERS AT ASSOCIATED  
EMPLOYERS RECIPROCAL,  
Complainant,

vs.

H. S. HISSON AND W. D. MONTGOMERY,  
PARTNERS, OPERATING AS  
H. S. HISSON & COMPANY,  
Defendants.

No. 419-Equity.

ORDER

For good cause shown, the defendant W. D. Montgomery is allowed an additional ten days from October 23rd, 1928, within which to plead in this cause.

F. E. KINNAMER,

United States District Judge.

ENDORSED: Filed October 23, 1928.

-L---

Court adjourned until October 25, 1928.

In the District Court of the United States in and for the

NORTHERN

District of

OKLAHOMA

EQUITY SESSION,

TULSA, OKLAHOMA,

THURSDAY, OCTOBER 25, 1928.

Court convened pursuant to adjournment, Thursday, October 25th, 1928.

Present: Hon. F. E. Kenamer, Judge of U. S. District Court  
H. P. Warfield, Esq., Clerk of U. S. District Court

Thereupon, the following proceedings were had and entered, to-wit:

PRECISE FOR ORDER PRO CONFESSO

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

|                    |             |   |                 |
|--------------------|-------------|---|-----------------|
| J. T. O'REILLY,    | Plaintiff,  | } | Equity No. 345- |
| vs.                |             |   |                 |
| RANDOLPH LAUGHLIN, | Defendants. | } |                 |
| ET AL.,            |             |   |                 |

ORDER PRO CONFESSO

Now comes the complainant, by its solicitors, and elects to take order pro confesso against Randolph Laughlin for failure to plead or answer.

Dated this 25 day of October, 1928.

(SEAL)

H. P. WARFIELD, Clerk

By E. W. Jones, Deputy Clerk.

PRECISE

To the Clerk of said Court:

Enter the above in the Order Book in Equity of said Court.

BRECKENRIDGE & BOSTICK

Solicitors for complainant.

RECORDED: Filed October 25, 1928.

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

|                       |             |   |                 |
|-----------------------|-------------|---|-----------------|
| HARRIET ROSEY ET AL., | Plaintiffs, | } | No. 230-Equity. |
| vs.                   |             |   |                 |
| JAMES A. CHATMAN,     | Defendants. | } |                 |
| ET AL.,               |             |   |                 |

ORDER

Now on this 25th day of October, 1928, it is ordered by the Court that the parties hereto, in addition to monies heretofore paid to the Special Master in this cause, by and they are hereby ordered and directed to pay forthwith into the hands of John A. Rosey, Special Master heretofore appointed in this cause, the sum of five thousand dollars, to be applied on the fees of said Special Master herein.

F. E. KENAMER,

Judge.

RECORDED: Filed October 25, 1928.



In the District Court of the United States in and for the

NORTHERN

District of

OKLAHOMA

EQUITY SESSION,

TULSA, OKLAHOMA,

SATURDAY, OCTOBER 27, 1928.

Court convened pursuant to adjournment, Saturday, October 27th, 1928.

Present: Hon. F. E. Kennamer, Judge of U. S. District Court  
H. P. Warfield, Esq., Clerk of U. S. District Court.

Thereupon, the following proceedings were had and entered, to-wit:

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

FANNIE FULSOM, MOLLIE TIGER,  
AND BABY CUMSEY,  
Complainants,

vs.

QUAKER OIL AND GAS COMPANY,  
PURE OIL COMPANY, THE PURE OIL  
PIPE LINE COMPANY, H. U. BARTLESS,  
ELLIOT L. JONES, L. O. LYTLE, AND  
D. A. McDOUGAL,

Defendants.

No. 319-Equity.

ORDER APPROVING APPEAL HEREIN TO COMPLAINANTS FANNIE FULSOM, MOLLIE TIGER AND BABY CUMSEY FROM A DECREE THEREIN RENDERED SEPTEMBER 29, 1928, TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE EIGHTH CIRCUIT.

Now, on this 27th day of October, 1928, came on for hearing in open court the petition and application of said plaintiffs, Fannie Fulsom, Mollie Tiger and Baby Cumsey, for an appeal in the above styled and numbered cause, and their assignment of errors therewith filed, and said petition, application, assignment of errors and said praecipe having been duly considered by the Court, and the court being fully advised in the premises, it is considered, ordered and adjudged that the said petition and application be allowed and granted, and the appeal of said plaintiffs therein prayed for is this day allowed and granted in open court, and bond for costs of said application and appeal is hereby fixed in the sum of Two Hundred and Fifty Dollars.

Done in open court on this the 27 day of Oct. 1928.

F. E. KENNAMER,

United States District Judge.

ENDORSED: Filed October 27, 1928.

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

FANNIE FULSOM, MOLLIE TIGER,  
AND BABY CUMSEY,  
Complainants,

vs.

QUAKER OIL AND GAS COMPANY,  
PURE OIL COMPANY, THE PURE OIL  
PIPE LINE COMPANY, H. U. BARTLESS,  
ELLIOT L. JONES, L. O. LYTLE, AND  
D. A. McDOUGAL,

Defendants.

No. 319-Equity.

C I T A T I O N

THE UNITED STATES OF AMERICA, TO QUAKER OIL AND GAS COMPANY, PURE OIL COMPANY, THE PURE OIL PIPE LINE COMPANY, H. U. BARTLESS, ELLIOT L. JONES, L. O. LYTLE, AND D. A. McDOUGAL, AND THEIR COUNSEL:

You are hereby cited and admonished to be and appear in the United States Circuit Court of Appeals for the Eighth Circuit at the City of St. Louis, Mo., sixty days from and after the day this citation bears date, pursuant to an appeal filed in the Clerk's office of the United

In the District Court of the United States in and for the

NORTHERN

District of

OKLAHOMA

~~EQUITY SESSION~~

TULSA, OKLAHOMA,

SATURDAY, OCTOBER 27, 1928.

States District Court for the Northern District of Oklahoma, wherein Fannie Fulson, Mollie Tiger and Baby Sunsey are appellants and you are appellees, to show cause, if any there be, why the decree rendered against the said appellants as in said appeal mentioned should not be corrected, and why speedy justice should not be done the parties in that behalf.

Witness the Honorable F. E. Kennamer, Judge of the United States Court for the Northern District of Oklahoma, this the 27th day of October, A. D. 1928.

F. E. KENNAMER, Judge.

Service of the within citation and praecipe are hereby acknowledged to have been made upon defendants and appellees, Quaker Oil and Gas Company, Pure Oil Company, The Pure Oil Pipe Line Company, H. U. Bartlett, Elliott L. Jones, L. O. Lytle, and D. A. McDougal, and is hereby accepted this the 27th day of October, 1928.

GEO. S. RAMSEY,

Counsel for said Appellees.

ENDORSED: Filed October 27, 1928.

-----  
IN THE UNITED STATES DISTRICT COURT IN AND  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

W. S. McCRAY, Complainant, )  
vs. ) No. 26-Equity.  
CAPULPA PETROLEUM COMPANY, )  
ET AL., )  
Defendants. )

O R D E R

Upon application of the complainant, W. S. McCray, it is hereby ordered that the time is hereby extended for the complainant to file his record in the United States Circuit Court of Appeals for the Eighth Circuit, in the City of St. Louis, until the 27th day of November, 1928.

F. E. KENNAMER,

District Judge.

ENDORSED: Filed October 27, 1928.

-----  
IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA.

H. C. SPEER & SONS COMPANY, Complainant, )  
vs. ) No. 254-Equity.  
CITY OF SHIDLER, A MUNICIPAL )  
CORPORATION, ET AL., )  
Respondents. )

O R D E R

It is hereby ordered that the Supreme Lodge Knights of Pythias, intervenor, be and is hereby permitted to file supplement and amendment to their petition of intervention.

F. E. KENNAMER,

Judge.

ENDORSED: Filed October 27, 1928.  
-----

In the District Court of the United States in and for the

NORTHERN

District of

OKLAHOMA

EQUITY SESSION,

TULSA, OKLAHOMA,

SATURDAY, OCTOBER 27, 1928.

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

H. C. SPEER & SONS COMPANY,

Complainant,

vs.

No. 254-Equity.

CITY OF SHIDLER, A MUNICIPAL  
CORPORATION, ET AL.,

Respondents.

O R D E R

It is hereby ordered that Fidelity & Deposit Company of Maryland; Bangor State Bank of Bangor, Wisconsin; I. S. MacNichol & Company; Bank of Maiden Rock, and Dapeer Savings Bank, be and the same are hereby permitted to intervene in this cause and to file their petitions of intervention.

F. E. KIENNAUER,

Judge.

ENDORSED: Filed October 27, 1928.

-----  
  
Court adjourned until October 29, 1928.

In the District Court of the United States in and for the

NORTHERN  
EQUITY SESSION,

District of  
TULSA, OKLAHOMA,

OKLAHOMA  
MONDAY, OCTOBER 29, 1928.

Court convened pursuant to adjournment, Monday, October 29th, 1928.

Present: Hon. F. E. Kennamer, Judge of U. S. District Court  
H. P. Warfield, Esq., Clerk of U. S. District Court

Thereupon, the following proceedings were had and entered,  
to-wit:

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FLORA WHITEBIRD, ROBERT ALLEN WHITEBIRD,  
A MINOR, WHO SUES BY FLORA WHITEBIRD,  
HIS MOTHER AND NEXT FRIEND; HELEN IRENE  
WHITEBIRD, A MINOR, WHO SUES BY FLORE WHITE-  
BIRD, HER GRANDMOTHER AND NEXT FRIEND,  
ANTOINE GREENBACK, ALPHONSO GREENBACK,  
AMY GREENBACK PANTHER, LULA MAY GREENBACK  
STAND, MOLLIE GREENBACK KING, JOHN  
GREENBACK, A MINOR, WHO SUES BY ALPHONSO  
GREENBACK, HIS BROTHER AND NEXT FRIEND;  
WOODROW WILSON GREENBACK, A MINOR, WHO  
SUES BY ALPHONSO GREENBACK, HIS NEXT FRIEND,  
ALL BY C. B. AMES, THEIR NEXT FRIEND,

Complainants,

vs.

In Equity-No. 178

THE EAGLE-PICHER LEAD COMPANY, HUNT MINING  
COMPANY, COMMONWEALTH MINING COMPANY,  
GEORGE W. BECK, JR., KELTNER MINING COMPANY,  
WHITEBIRD MINING COMPANY, THE CHILDRESS LEAD  
& ZINC COMPANY, M. R. LIVELY, TRUSTEE,  
UNDERWRITERS LAND COMPANY; CONSOLIDATED LEAD  
& ZINC COMPANY, BLACK-EAGLE MINING COMPANY,  
FRANK CHILDRESS, TRUSTEE; LIHME ZINC COMPANY,  
CORTEZ-MINING COMPANY; CORTEZ-KING BRAND  
MINING COMPANY, FRANK CHILDRESS, F. W. EVANS,  
AND THE LUCKY KID MINING COMPANY,

Defendants.

O R D E R

Now on this 29 day of October, 1928, this cause comes on for hearing upon the application of C. B. Ames, as next friend of complainants herein, for an order authorizing him as said next friend to appeal to the Circuit Court of Appeals for the Eighth Circuit from the decree entered herein, on September 10, 1928.

AND IT APPEARING to the court that C. B. Ames was duly and regularly appointed as next friend of the complainants herein, by this court, during the trial of this cause, and it further appearing from the above application that said next friend considers it advisable to appeal to the Circuit Court of Appeals for the Eighth Circuit in said cause; and it further appearing to the court that the expenses of said appeal should be paid by the Superintendent of the Quapaw Agency out of the funds in his hands belonging to the complainants herein;

NOW, THEREFORE, it is Ordered that said application be granted; that C. B. Ames, as next friend of the complainants herein be and he hereby is authorized to prosecute an appeal to the Circuit Court of Appeals for the Eighth Circuit from the decree entered herein on September 10, 1928; and

IT IS FURTHER ORDERED that the expenses of said appeal be paid by the Superintendent of the Quapaw Agency out of the funds of the complainants in his hands as such Superintendent.

F. E. KENNAMER,

ENDORSED: Filed Oct. 29, 1928.

United States District Judge.

COURT ADJOURNED UNTIL OCTOBER 30, 1928.

In the District Court of the United States in and for the

NORTHERN District of OKLAHOMA  
EQUITY SESSION, TULSA, OKLAHOMA, TUESDAY, OCTOBER 30, 1928.

Court convened pursuant to adjournment, Tuesday, October 30th, 1928.

Present: Hon. F. E. Kennamer, Judge of U. S. District Court  
H. P. Warfield, Esq., Clerk of U. S. District Court

Thereupon, the following proceedings were had and entered, to-wit:

EDDIE JACK, Plaintiff, }  
vs. } No. 158-Equity  
JOHN M. HOOD, ET AL., Defendants. }

On this 30th day of October, 1928, the above entitled cause comes on for hearing on motion of plaintiff herein for re-argument of said cause and the Court after hearing same, and being advised in the premises, takes said motion under advisement.

-----

Court adjourned until October 31, 1928.

In the District Court of the United States in and for the

NORTHERN  
EQUITY SESSION,

District of  
TULSA, OKLAHOMA,

OKLAHOMA.  
WEDNESDAY, OCTOBER 31, 1928

Court convened pursuant to adjournment, Wednesday, October 31st, 1928.

Present: Hon. F. E. Kennamer, Judge, of U. S. District Court  
H. P. Warfield, Esq., Clerk of U. S. District Court

Thereupon, the following proceedings were had and entered,  
to-wit:

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

WALBRIDGE-ALDINGER COMPANY,  
A CORPORATION,

Plaintiff,

vs.

No. 19-In Equity..

CITY OF TULSA, ET AL.,

Defendants.

ORDER FOR DISTRIBUTION OF FUNDS.

Now on this 31st day of October, 1928, the above cause comes further on for hearing upon the application by the plaintiff for disbursement of funds in the hands of the receiver. The court finds that the receiver should first pay all costs in this cause from the funds in his hands, including sums due the court reporter and Special Master for work in the recent trial, if any, and all other costs connected with the case due the Clerk or any of the officers of the court, and after disbursing said costs the receiver should pay the residue of said funds to the plaintiff.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT, that the receiver be, and he is hereby directed to pay from the funds, in his hands all costs in this case, including any sum or sums due the court reporter and the Special Master, or either of the, for work done in the recent trial, and upon payment of said costs the receiver shall charge the same against the money in his hands and pay the balance to the plaintiff, or attorney's of record, and upon doing so he will be entitled to a release and discharge of his bondsmen.

F. E. KANMNER,

Judge of the U. S. District Court.

ENDORSED: Filed October 31, 1928.

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

WALBRIDGE-ALDINGER COMPANY,  
A CORPORATION,

Plaintiff,

vs.

No. 19-In Equity..

CITY OF TULSA, ET AL.,

Defendants.

JOURNAL ENTRY OF JUDGMENT.

Now on this 31st day of October, 1928, the above cause comes on for hearing upon the Master's report and exceptions thereto filed by the defendant. Plaintiff appears by his attorneys, Stuart, Coakley & Doerner, and Everett Petry, and defendant appears by J. A. Duff, Special Counsel, and M. C. Spradling, City Attorney. Thereupon both parties waive notice of hearing and agree that the court may pass on the defendant's exceptions to such report and render such judgment on the report and exceptions thereto as the facts may warrant. The court having examined said excep-

In the District Court of the United States in and for the

NORTHERN District of OKLAHOMA  
EQUITY SESSION, TULSA, OKLAHOMA, WEDNESDAY, OCTOBER 31, 1928

tions, as well as the report of the Special Master, and being fully advised in the premises finds that said exceptions should be overruled.

The court further finds that judgment should be entered in favor of the plaintiff, Walbridge-Aldinger Company and against the defendant, City of Tulsa, on the report of the Special Master in the sum of \$27,500.00.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT that the defendant's exceptions to the Master's report be, and the same are hereby overruled.

It is further ordered, adjudged and decreed by the court that plaintiff have and take judgment against the said defendant, City of Tulsa, in the sum of \$27,000.00 on the Master's report, said judgment to draw interest at the rate of 6% per annum from this date, and the costs of this proceeding are to be taxed to the plaintiff.

F. E. KENNAMER,

Judge of the United States  
District Court.

O. K: Stuart & Coakley,  
Attorneys for Plaintiff

O.K: M. C. Spradling,  
J. A. Huff,  
Attorneys for Defendant.

ENDORSED: Filed October 31, 1928.

-----  
Court adjourned until November 1, 1928.

In the District Court of the United States in and for the

NORTHERN

District of

OKLAHOMA

EQUITY SESSION,

TULSA, OKLAHOMA,

THURSDAY, NOVEMBER 1, 1928.

Court convened pursuant to adjournment, Thursday, November 1st, 1928.

Present: Hon. F. E. Kennamer, Judge of U. S. District Court  
H. P. Warfield, Esq., Clerk of U. S. District Court

Thereupon, the following proceedings were had and entered, to-wit:

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

JOHN H. DYKES, RECEIVER, Plaintiff, )  
vs ) Equity No. 187.  
G. R. LITTLE, Defendant. )

JOURNAL ENTRY

On this 1st day of November, 1928, came on for hearing the report of Thomas J. Casey, receiver appointed by the court in the above entitled cause. And the court having duly considered said report and there being no objections or exceptions thereto, finds that in all things the said report should be confirmed. The court further finds that said receiver is entitled to additional compensation in the sum of Three Hundred (\$300.00) Dollars.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the court that the annual report of Thomas J. Casey, receiver herein, be, and the same is hereby, approved and in all things confirmed.

IT IS FURTHER ORDERED that the said Thomas J. Casey, be, and he is hereby authorized to pay to himself out of the funds in his hands as receiver, the sum of Three Hundred (\$300.00) Dollars as additional receiver fee.

F. E. KENNAMER,  
Judge.

O.K: Attorney for Plaintiff  
Frank T. McCoy  
Attorney for Defendant

ENDORSED: Filed November 1, 1928.

-----  
  
Court adjourned until November 5, 1928.

In the District Court of the United States in and for the

NORTHERN District of OKLAHOMA  
EQUITY SESSION, TULSA, OKLAHOMA, MONDAY, NOVEMBER 5, 1928. 570

Court convened pursuant to adjournment, Monday, November 5th, 1928.

Present: Hon. F. E. Kennamer, Judge of U. S. District Court  
H. P. Warfield, Esq., Clerk of U. S. District Court

Thereupon, the following proceedings were had and entered, to-wit:

ORDER TO SPREAD MANDATE OF RECORD - No. 7951

RUTH B. DeHANAS, ET AL., Plaintiff, }  
vs. } No. 69-Equity.  
CORTEZ-KING BRAND MINES COM- }  
PANY, A CORPORATION, ET AL., Defendants. }

On this 5th day of November, 1928, it is by the Court ordered that the Clerk of this court file and spread Mandate of Record in the above entitled cause, same being in words and figures as follows:

MANDATE -

UNITED STATES OF AMERICA, ss:

THE PRESIDENT OF THE UNITED STATES OF AMERICA

(SEAL)

TO THE HONORABLE THE JUDGES OF THE DISTRICT COURT OF THE UNITED STATES FOR THE NORTHERN DISTRICT OF OKLAHOMA.

GREETING:

WHEREAS, lately in the District Court of the United States for the Northern District of Oklahoma, before you, or some of you, in a cause between Ruth B. DeHanas and Jesse L. DeHanas, Plaintiffs, and Cortez-King Brand Mines Company, a corporation; H. B. Church, Jr.; and Former Board of Directors of Union Zinc Company, a defunct and inoperative corporation (consisting of J. C. Parrish, President; W. L. McWilliams, Vice-President; Wm. T. Nardin, Secretary and Treasurer; and L. C. Church and F. S. Seagrave, additional members); and Bull Frog Mining Company, a corporation; and J. T. Whaley, as Receiver of said Bull Frog Mining Company, (as successor to R. M. Wilkinson, deceased), Defendants, No. 69, In Equity, wherein the decree of the said District Court in said cause, entered on the 4th day of April, A. D. 1928, was in the following words, viz.:

"Now, on this 4th day of April, A. D. 1927, this cause coming on for hearing before the Honorable Franklin E. Kennamer, Judge of the United States District Court for the Northern District of Oklahoma, having heretofore been regularly set for this day, and the plaintiffs, Ruth B. DeHanas and Jesse L. DeHanas, appearing in person and by their solicitor, Joseph W. Howell, and the defendants, Cortez-King Brand Mines Company, a corporation, H. B. Church, Jr., and the former Board of Directors of the Union Zinc Company, a defunct and inoperative corporation consisting of J. C. Parrish, President; W. L. McWilliams, Vice-president; Wm. T. Nardin, Secretary and Treasurer, and L. C. Church and F. S. Seagrave, additional members, appearing by their solicitor, A. C. Wallace, and the defendant, Bull Frog Mining Company, appearing by its solicitor, D. H. Wilson, and the defendant receiver, J. T. Whaley, who has heretofore been substituted as successor to the receiver, R. M. Wilkinson, as party defendant, appearing by his solicitor, F. W. Nesbitt, and all the parties having announced ready for trial;

Whereupon, opening statements of counsel for the respective parties were made and following and pursuant thereto, plaintiffs introduced their evidence through documents, and witnesses who were sworn and examined as provided by law, and their solicitor having announced that he rested his case.

Thereupon, the defendants and each of them, in open court, renewed their motion to dismiss said bill for want of equity, and the court being fully advised in the premises and on

In the District Court of the United States in and for the

NORTHERN  
EQUITY SESSION,

District of  
TULSA, OKLAHOMA,

OKLAHOMA  
MONDAY, NOVEMBER 5, 1928.

consideration thereof,

It is ordered, adjudged and decreed that said motion to dismiss said bill for want of equity be and the same is hereby sustained and said bill is hereby dismissed at plaintiffs' cost, to which action of the court, the plaintiffs at the time excepted and said exception was then allowed.

Thereupon, plaintiffs' solicitor having given notice in open court of his intention to appeal said cause to the United States Circuit of Appeals for the Eighth Circuit, it is the further order of the court that appeal bond be fixed in the sum of Three Hundred Dollars to be conditioned as provided by law and to be approved by the court.

Done in open court this 4th day of April, A. D. 1927.

F. E. KENNAMER,

Judge of the U. S. District  
Court for the Northern District  
of Oklahoma."

as by the inspection of the transcript of the record of the said District Court, which was brought into the United States Circuit Court of Appeals, Eighth Circuit, by virtue of an appeal, agreeably to the act of Congress, in such case made and provided, fully and at large appears;

AND WHEREAS, at the December term, in the year of our Lord one thousand nine hundred and twenty-seven, the said cause came on to be heard before the said United States Circuit Court of Appeals, on the transcript of record from the said District Court, and was argued by counsel.

On Consideration Whereof, it is now here ordered, adjudged and decreed by this Court, that the decree of the said District Court, in this cause be, and the same is hereby, reversed at the costs of the appellants; and that the Cortez-King Brand Mines Company, a corporation, and others named as appellees in the citation on the appeal to this Court have and recover against Ruth B. DeHanas and Jesse L. DeHanas the sum of Twenty Dollars for their costs herein and have execution therefor.

And it is further ordered that this cause, be, and the same is hereby, remanded to the said District Court with direction to dismiss plaintiffs' bill for want of jurisdiction without prejudice. -----

----- April 20, 1928. -----

You, therefore, are hereby commanded that such execution and further proceedings be had in said cause, in conformity with the opinion and decree of this Court, as according to right and justice, and the laws of the United States, ought to be had, the said appeal notwithstanding.

WITNESS, the Honorable William H. Taft, Chief Justice of the United States, the first day of November, in the year of our Lord one thousand nine hundred and twenty-eight.

COSTS OF APPELLEES:

|                   |                   |
|-------------------|-------------------|
| Clerk,            | Paid by Appellant |
| Printing Record - | Paid by Appellant |
| Attorney          | <u>\$20.00</u>    |

\$20.00.

E. E. KOCH,

Clerk of the United States  
Circuit Court of Appeals,  
Eighth Circuit.

ENDORSED: Filed Nov. 5, 1928; H. P. Warfield, Clerk.

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In the District Court of the United States in and for the

NORTHERN District of OKLAHOMA  
EQUITY SESSION, TULSA, OKLAHOMA, MONDAY, NOVEMBER 5, 1928.

IN THE DISTRICT COURT OF THE UNITED STATES OF AMERICA,  
FOR THE NORTHERN DISTRICT OF OKLAHOMA.

F. D. SULLIVAN, ET AL., Plaintiffs, }  
vs. } No. 5 - Equity-  
JAMES H. THOMAS, ET AL., Defendants. }

ORDER OF COURT DISMISSING CLAIM.

NOW on this 5th day of November, 1928, upon motion and request of the defendant, S. E. Vance, by his attorneys of record appearing in open court.

IT IS BY THE COURT ORDERED that the cross-complaint filed herein by said defendant, S. E. Vance, be and the same is hereby dismissed.

F. E. KENNAMER, Judge.

ENDORSED: Filed Nov. 5, 1928.

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

UNITED STATES, Plaintiff, }  
vs. } No. 277-Equity..  
E. C. MULLENDORE, JR., Defendant. }  
BOARD OF COUNTY COMMISSIONERS, }  
OF OSAGE COUNTY, OKLAHOMA, }  
Intervenors }

PETITION FOR AND ALLOWING APPEAL.

TO THE HONORABLE F. E. KENNAMER, DISTRICT JUDGE:

The above named Plaintiff, the United States, feeling aggrieved by the Decree rendered and entered in the above entitled cause on the 20th day of August, 1928, does hereby appeal from said decree to the Circuit Court of Appeals for the Eighth Circuit because and for the reasons set forth in its assignment of error filed herewith.

WHEREFORE, said Plaintiff, the United States, prays that its appeal be duly allowed.

LOUIS N. STIVERS,  
Assistant United States Attorney,  
Federal Building, Tulsa, Okla.,  
attorney for Plaintiff.

The within and foregoing appeal prayed for is hereby duly allowed in open court, this the 5th day of Nov. 1928.

F. E. KENNAMER, Judge.

ENDORSED: Filed Nov. 5, 1928.

Court adjourned until November 7, 1928.

678  
In the District Court of the United States in and for the

NORTHERN  
EQUITY SESSION,

District of

OKLAHOMA

TULSA, OKLAHOMA.

WEDNESDAY, NOVEMBER 7, 1928.

Court convened pursuant to adjournment, Wednesday, November 7th, 1928.

Present: Hon. F. E. Kennamer, Judge of U. S. District Court.  
H. P. Warfield, Esq., Clerk of U. S. District Court

Thereupon, the following proceedings were had and entered,  
to-wit:

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

CORNELIUS WILSON, Plaintiff,

vs.

No. 418-Equity.

HERBERT F. TYLER, M. R. PATTERSON,  
GUY SWAIN, CHESTER L. DuCOMB,  
F. E. SCHELLACK, ROSE B. DIRICKSON,  
AND CLABE DIRICKSON, HER HUSBAND,  
AND THE UNION NATIONAL BANK OF  
BARTLESVILLE, OKLAHOMA, A CORPORATION,

Defendants.

ORDER PERMITTING THE UNITED STATES

TO AMEND PLAINTIFF'S AMENDED PETITION.

Now on this 7th day of November, 1928, there coming on to be heard the application of the defendant, the United States, for permission to amend plaintiff's amended petition, for the reason that the same has been adopted by it as its pleading, and the Court, after hearing the argument of counsel, and being fully advised in the premises, finds:

That on or about the 10th day of September, 1928, the above named plaintiff, Cornelius Wilson, filed in the within cause an amended petition, which was thereafter adopted by the defendant, the United States, as its pleading, all pursuant to proper order of Court, and that because of the adoption of such amended petition the United States now requests permission to amend such amended petition by inserting after the word "Quoted" in line 32, at page 4, counting from the top of the page, the following:

"If such authority was vested in any Court whatsoever, but the aforementioned mortgage is not a conveyance of any interest of the full-blood heir, and cannot be validated by the approval of any Court; but on the other hand, if such an instrument may be executed by the Indian heir at all it must be approved by the Secretary of the Interior to render same valid."

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that permission be and hereby is given the United States to amend plaintiff's amended petition as hereinbefore set out.

F. E. KENNAMER, Judge.

ENDORSED: Filed November 5, 1928.

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Court adjourned until November 8, 1928.

In the District Court of the United States in and for the <sup>374</sup>

NORTHERN District of OKLAHOMA  
EQUITY SESSION, TULSA, OKLAHOMA, THURSDAY, NOVEMBER 8, 1928.

Court convened pursuant to adjournment, Thursday, November 8th, 1928.

Present: Hon. F. E. Kennamer, Judge of U. S. District Court  
H. P. Warfield, Esq., Clerk of U. S. District Court.

Thereupon, the following proceedings were had and entered,  
to-wit:

IN THE UNITED STATES COURT FOR THE NORTHERN  
DISTRICT OF OKLAHOMA

JESSE BRUNER, Plaintiff, )  
vs. ) No. 310-Equity.  
R. M. STAPLES, ET ALS., Defendants. )

ORDER DISMISSING.

Now on this the 8th day of November, 1928, upon motion of  
counsel for plaintiff it is ordered that this cause be and same hereby  
is dismissed without prejudice.

F. E. KENNAMER, Judge.

ENDORSED: Filed Nov. 8, 1928.  
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Court adjourned until November 9, 1928.

In the District Court of the United States in and for the

NORTHERN

District of

OKLAHOMA

CLERK'S OFFICE

TULSA, OKLAHOMA,

FRIDAY, NOVEMBER 9, 1928.

Court convened pursuant to adjournment, Friday, November 9th, 1928.

Present: Hon. F. E. Kennamer, Judge of U. S. District Court  
H. P. Warfield, Esq., Clerk of U. S. District Court

Thereupon the following proceedings were had and entered, to-wit:

|  |               |                 |
|--|---------------|-----------------|
| FANNIE FULSON, MOLLIE TIGER,<br>AND BABY CUMSEY, | )             |                 |
|  | ) Plaintiffs, |                 |
| vs.  | )             | No. 319-Equity. |
| QUAKER OIL & GAS COMPANY,<br>ET AL.,             | )             |                 |
|  | ) Defendants. |                 |

NOW on this 9th day of November, 1928, came on for hearing the praecipe for additional parts and objections thereto, to the transcript of appeal and after hearing the matter it is ordered that the statement of evidence and the praecipe as filed by Georg S. Ramsey, Esquire, attorney for the defendant herein, be, and the same is hereby approved and that the praecipe for testimony of L. C. Lawson, be, and the same is hereby disallowed, and it is the further order of the Court that plaintiff and defendant be and they are hereby each to assume one-half the costs of the testimony and filing of the transcript on appeal in the United States Circuit Court of Appeals, at St. Louis, Missouri.

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

|  |                |                 |
|--|----------------|-----------------|
| BOARD OF COUNTY COMMISSIONERS<br>OF ROGERS COUNTY, OKLAHOMA,   | )              |                 |
|  | ) Complainant, |                 |
| vs.  | )              | No. 262-Equity. |
| BRISTOW BATTERY COMPANY, DRUMRIGHT<br>HOTEL COMPANY, SAPULPA MOTOR COMPANY,<br>OKLAHOMA NATURAL GAS CORPORATION OF<br>MARYLAND, CITY OF DRUMRIGHT, STATE OF<br>OKLAHOMA, A MUNICIPAL CORPORATION,<br>E. C. MORRIS, MAYOR OF THE CITY OF<br>DRUMRIGHT; A. E. AYRES, CHARLEY WINANS,<br>T. M. SKOUBY, I. W. RUSH, P. T. KIDD,<br>NORRIS BEGELOW, W. A. HOWLETT AND AARON<br>TRUMBOW, COUNCILMEN OF THE CITY OF<br>DRUMRIGHT, STATE OF OKLAHOMA; ERMA MORRIS,<br>COUNTY CLERK OF CREEK COUNTY, OKLAHOMA; W.<br>F. PARDOE, COUNTY ATTORNEY OF CREEK COUNTY,<br>OKLAHOMA; RALPH H. BLAKE, COUNTY TREASURER<br>OF CREEK COUNTY, OKLAHOMA; SEBE CHRISTIAN,<br>COUNTY JUDGE OF CREEK COUNTY, OKLAHOMA;<br>FRED L. PATRICK, COUNTY ASSESSOR AND CARL-<br>TON FOSTER CHAIRMAN OF THE BOARD OF COUNTY<br>COMMISSIONERS OF CREEK COUNTY, OKLAHOMA,<br>OLIVER H. AKIN, COUNTY SUPERINTENDENT OF<br>SCHOOLS, CONSTITUTING THE EXCISE BOARD OF<br>CREEK COUNTY, OKLAHOMA, | )              |                 |
|  | ) Respondents. |                 |

ORDER ALLOWING APPEAL

On consideration of the foregoing petition for appeal presented this 9th day of November, 1928, it is ordered that the appeal be allowed to the respondents herein; that said appeal shall be returned to the United States Circuit Court of Appeals for the Eighth Circuit; and that a transcript of the record, including all exhibits offered in evidence by either party, be filed in the United States Circuit Court of Appeals according to law, as prayed for. Bon fixed in amount of \$250.00.

F. E. KENNAMER, Judge.

ENDORSED: Filed Nov. 9, 1928.

In the District Court of the United States in and for the

NORTHERN District of OKLAHOMA  
EQUITY SESSION, TULSA, OKLAHOMA, FRIDAY, NOVEMBER 9, 1928

PRAECIPE FOR ORDER PRO CONFESSO

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

THE UNITED STATES, Plaintiff, )  
vs. ) No. 407-Equity.  
W. C. FRANKS, ET AL., Defendant. )

ORDER PRO CONFESSO

Now comes the complainant, by its solicitors, and elects to take order pro confesso against W. C. Franks, Hominy, Okla., Mary A. Franks, Hominy, Okla., Franks Ranch Co., Hominy, Okla., Osage Security Co., Pawhuska, Okla., for failure to plead or answer.

Dated this 9th day of November, 1928.

(SEAL)

H. P. WARFIELD, Clerk  
By L. W. Jones, Deputy

To the Clerk of said Court:

Enter the above in the Order Book in Equity of said Court.

HARRY SEATON, Solicitor for Complainant  
Assistant U. S. Attorney.

ENDORSED: Filed Nov. 9, 1928.

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Court adjourned until November 10, 1928.

377  
In the District Court of the United States in and for the

NORTHERN

District of

OKLAHOMA

SESSION,

TULSA, OKLAHOMA,

SATURDAY, NOVEMBER 10, 1928.

Court convened pursuant to adjournment, Saturday, November 10, 1928.

Present: Hon. F. E. Kennamer, Judge of U. S. District Court  
H. P. Warfield, Esq., Clerk of U. S. District Court

Thereupon the following proceedings were had and entered, to-wit:

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

VICTOR CLIFFORD, Complainant, )  
vs. ) No. 201-Equity.  
JOHN-MANVILLE, INC., A )  
CORPORATION, ET AL., Defendants. )

O R D E R

Upon application of Victor Clifford, through his attorney, Robert W. Gibbs, the time within which he was allowed by the order of the court heretofore made to file an original bill in the nature of a supplemental bill is hereby extended 20 days, within which to prepare and file said bill in the nature of a supplemental bill in equity in this cause.

Dated this the 10th day of November, 1928.

F. E. KENNAMER,  
District Judge.

ENDORSED: Filed Nov. 10, 1928.

-----  
Court adjourned until November 15, 1928.

In the District Court of the United States in and for the

NORTHERN District of OKLAHOMA  
EQUITY SESSION, TULSA, OKLAHOMA, THURSDAY, NOVEMBER 15, 1928

370

Court convened pursuant to adjournment, Thursday, November 15th, 1928.

Present: Hon. F. E. Kennamer, Judge of U. S. District Court  
H. P. Warfield, Esq., Clerk of U. S. District Court

Thereupon the following proceedings were had and entered, to-wit:

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES, Plaintiff, )  
vs. ) No. 303-Equity.  
OSAGE COUNTY MOTOR COMPANY, )  
A CORPORATION, )  
Defendant. )

NOTICE OF APPEAL.

Notice is hereby given that the above named, Osage Motor Company, a corporation, feeling itself aggrieved by the order and decree of the Court made, rendered and entered in the above entitled case on the 28th day of September, 1928, at Tulsa, Oklahoma, does hereby appeal from said order and decree to the Circuit Court of Appeals for the Eighth Circuit for the reasons set forth in the assignment of errors filed herewith.

OWNES B. WILSON, JR.,

H. R. DUNCAN,

Attorneys for Defendant.

I hereby accept service of the foregoing notice of appeal and three copies thereof this 22 day of October, 1928.

LOUIS N. STIVERS,

Assistant United States District Attorney for the Northern District of Oklahoma, and attorney of record for the plaintiff.

The within and foregoing appeal, notice of which is given above, is hereby duly allowed in open court this the 15th day of November, 1928.

F. E. KENNAMER, Judge.

ENDORSED: Filed November 15, 1928.

Court adjourned until November 17, 1928.

In the District Court of the United States in and for the

NORTHERN

District of

OKLAHOMA

EQUITY SESSION,

TULSA, OKLAHOMA,

SATURDAY, NOVEMBER 17, 1928.

Court convened pursuant to adjournment, Saturday, November 17, 1928.

Present: Hon. F. E. Kennamer, Judge of U. S. District Court.  
H. P. Warfield, Esq., Clerk of U. S. District Court.

Thereupon the following proceedings were had and entered,  
to-wit:

IN THE UNITED STATES DISTRICT COURT FOR  
THE NORTHERN DISTRICT OF OKLAHOMA

SAPESA POLEGAT, ET AL., Plaintiffs, )

vs. )

No. 349-Equity.

NORBE, ET AL., Defendants. )

ORDER GRANTING MOTION OF PLAINTIFFS TO VACATE DECREE  
RENDERED HEREIN ON JULY 12, 1928.

On this 17th day of November, 1928, came on to be heard the motion of plaintiffs filed in this cause for the vacation of the decree of this Court rendered herein July 12, 1928, dismissing plaintiffs' bill, and for grounds of their said motion to vacate said decree plaintiffs show to the court that the defendant, Norbe, also known as Samuel Warrior, the allottee of the land involved in this cause and under whom the defendant, the H. F. Wilcox Oil & Gas Company, holds, departed this life intestate on the 25th day of June, 1928, in Cleveland County, Oklahoma, survived by Lydia Warrior, his widow, Ada Brown, an adult daughter, Andrew Warrior, Catherine Warrior, Louis Warrior and Daniel Warrior, his children and heirs at law.

Plaintiffs further show to the Court in their said motion that at the date of the rendition of said decree dismissing plaintiffs' bill herein, to-wit: July 12, 1928, this Court was not advised, nor were counsel for plaintiffs nor counsel for defendants advised of the fact that said defendant, Norbe, also known as Samuel Warrior, had departed this life prior to the date of said decree rendered herein on said 12th day of July, 1928, dismissing plaintiffs' said bill.

To this motion the defendant, the H. F. Wilcox Oil & Gas Company objects, but the Court being advised, overrules the objection and grants the motion, to which ruling of the Court the defendant, the H. F. Wilcox Oil & Gas Company excepts.

IT IS THEREFORE ORDERED that said decree, so entered herein on July 12, 1928, dismissing plaintiff's bill as to all of said defendants, that is to say, the said Norbe, also known as Samuel Warrior, defendant, H. F. Wilcox Oil & Gas Company, a corporation, and defendant, the United States of America, on the motion of said defendant, the H. F. Wilcox Oil & Gas Company, a corporation, be, and the same is hereby vacated and set aside, and plaintiffs are hereby authorized to proceed in due course to revive their said cause of action against the heirs at law and privies in estate of said Norbe, also known as Samuel Warrior, deceased, to all of which defendant, H. F. Wilcox Oil & Gas Company excepts.

F. E. KENNAMER, Judge.

O.K.: as to form.

Louis N. Stivers,  
Asst. U. S. Atty.

H. F. Wilcox Oil & Gas Co.,  
By W. I. Williams, its atty.

ENDORSED: Filed November 17, 1928.

# In the District Court of the United States in and for the

NORTHERN District of OKLAHOMA  
EQUITY SESSION, TULSA, OKLAHOMA, MONDAY, NOVEMBER 19, 1928.

Court convened pursuant to adjournment, Monday, November 19th, 1928.

Present: Hon. F. E. Kennamer, Judge, of U. S. District Court.  
H. P. Warfield, Esq., Clerk of U. S. District Court.

Thereupon the following proceedings were had and entered, to-wit:

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

|  |   |                  |
|--|---|------------------|
| BARTLETT BROTHERS LAND AND LOAN<br>COMPANY, A CORPORATION, | ) |                  |
|  | ) |                  |
|  | ) |                  |
|  | ) |                  |
| Complainant,   | ) | No. 229-Equity.- |
| vs.  | ) |                  |
|  | ) |                  |
| ROBERT E. ARMSTRONG, ET ALS.,                              | ) |                  |
|  | ) |                  |
| Defendants.  | ) |                  |

ORDER

Now on this 19th day of November, 1928, there coming on for consideration the report of Grover Burch as Receiver herein, and it appearing from said report that up to the time of sale of real estate herein said Receiver had collected from pasture land and from hay and oats crops the total sum of Two Hundred Six and 54/100 (\$206.54) Dollars, which amount is now in the hands of said Receiver; that the unmaturred crops at the date of the sale of the real estate herein consisted of about 40 acres of corn and some kafir corn, one-third of which is uncollected; that the title to the real estate involved in the above proceedings is not vested in Bartlett Brothers Land and Loan Company, subject to a lease made by the Receiver with one R. M. Ogle, which expires January 1, 1929; that the owner of said land is entitled to recover the uncollected rents; that of the moneys in the hands of the Receiver herein he has expended as premium on Receiver's bond the sum of Ten Dollars, leaving a balance on hand in the sum of One Hundred Ninety-six and 54/100 (\$196.54) Dollars.

IT IS ORDERED AND DIRECTED that the report of the Receiver herein be, and the same is hereby approved and the receiver is allowed as compensation for his services the sum of Twenty & no/100 Dollars; that the proceeds after the payment of the premium on Receiver's bond and the deduction of \$20.00, Receiver's fee, shall be paid to the plaintiff herein, Bartlett Brothers Land and Loan Company, the same to be credited upon the balance due the plaintiff upon the indebtedness found due in said cause, and upon the filing of a receipt for said balance the Receiver, Grover Burch, and his surety are hereby discharged from all further liability herein.

O. K: John J. Hildrith F. E. KENNAMER, Judge.  
Atty. for Complainant.

ENDORSED: Filed November 19, 1928.

Court adjourned until November 22, 1928.

In the District Court of the United States in and for the

NORTHERN  
DISTRICT OF OKLAHOMA  
EQUITY SESSION,

District of

OKLAHOMA

TULSA, OKLAHOMA,

THURSDAY, NOVEMBER 22, 1928.

Court convened pursuant to adjournment, Thursday, November 22nd., 1928.

Present: Hon. F. E. Kennamer, Judge of U. S. District Court  
H. P. Warfield, Esq., Clerk of U. S. District Court

Thereupon the following proceedings were had and entered,  
to-wit:

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

MISSOURI-KANSAS-TEXAS RAILROAD  
COMPANY,

Plaintiff,

vs.

No. 234-Equity.

NORTHERN OKLAHOMA RAILWAYS, GUY  
PATTEN AND M. E. GASKILL,

Defendants.

FINAL DECREE

Now on this 22nd day of November, 1928, the same being one of the judicial days of the Special March 1928 term of this court, sitting at Tulsa, Oklahoma, the above entitled and numbered cause comes on for further hearings and proceedings in accordance with the decision of the United States Circuit Court of Appeals for the Eighth Circuit filed March 27, 1928, reversing the decree of this Court of May 24, 1927, writ of certiorari having been denied by the United States Supreme Court on October 8, 1928, all parties appearing by their counsel and it appearing from the mandate from the Circuit Court of Appeals filed in this Court on October 18, 1928, that it is provided, among other things;

"On consideration whereof, it is now here ordered, adjudged and decreed by this Court, that the decree of the said District Court, in this cause be, and the same is hereby, reversed with costs; and that the Missouri-Kansas-Texas Railroad Company have and recover against the Northern Oklahoma Railways, Guy Patten and M. E. Gaskill the sum of Fifty-One and 90/100 Dollars for its costs in this behalf expended and have execution therefor.

"And it is further ordered by this court that this cause, be, and the same is hereby, remanded to the said District Court with instructions to proceed in accordance with the opinion of this court.

- March 27, 1928. -

"You, therefore, are hereby commanded that such execution and further proceedings be had in said cause, in conformity with the opinion and decree of this Court, as according to right and justice, and the laws of the United States, ought to be had, the said appeal notwithstanding."

IT IS, THEREFORE, CONSIDERED, ORDERED, ADJUDGED AND DECREED BY THE COURT that defendants, Northern Oklahoma Railways, Guy Patten and M. E. Gaskill, and each of them, their agents, employes, and successors in interest, be and they are hereby permanently enjoined from further undertaking the construction or operation of the proposed line of railway involved herein and the acquisition of right of way therefor, or doing any other thing in furtherance thereof unless and until they shall have obtained from the Interstate Commerce Commission a certificate that the present or future public convenience and necessity require or will require the construction or operation, or construction and operation of such proposed line of railroad pursuant to the provisions of the Transportation Act of 1920 (41 Stat. at L. 474) and that plaintiff have and recover of and from the defendants and each of them all of its costs herein laid out and expended, for all of which let execution issue.

F. E. KENNAMER, Judge.

O.K: M. D. Green,  
Attorney for Plaintiff

O.K: W. J. Holloway  
J. Berry King  
Guy Patten  
Attorneys for Defendant.

ENDORSED: Filed November 22, 1928.

In the District Court of the United States in and for the

NORTHERN

District of

OKLAHOMA

EQUITY SESSION.

TULSA, OKLAHOMA,

THURSDAY, NOVEMBER 22, 1928.

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES, Plaintiff,
vs. No. 66-Equity.
J. GARFIELD BUELL, and Defendants.
H. C. NIBLOCK,

ORDER FOR SUBPOENA DUCES TECUM

It appearing to the Court upon application made this day by the Assistant United States Attorney for the Northern District of Oklahoma, that J. Garfield Buell, a principal stockholder and officer of the Niblock Oil & Gas Company, now dissolved, with offices in the Mayo Building, Tulsa, Oklahoma, is a material and important witness for the United States in the trial of the above entitled cause in this District, at Tulsa, Oklahoma, which said cause is set for trial on November 26, 1928, at nine o'clock, A. M., and that the said J. Garfield Buell, aforesaid, has in his custody and possession certain original records and documents material as evidence in the trial of the above entitled cause, said records being as follows, to-wit:

The Journal, Ledger, Cash Book and Minute Book of the Niblock Oil & Gas Company, now dissolved, for the years 1918 - 1919 - 1920 - 1921 - 1922 and 1923.

And it further appearing that the application of the Assistant United States Attorney prays for the issuance of a writ of Subpoena Duces Tecum, returnable at Tulsa, in the Northern District of Oklahoma, on the 26th day of November, 1928, at nine o'clock, A. M., directing and commanding said witness, to-wit: J. Garfield Buell, Mayo Bldg., Tulsa, Oklahoma, to appear on said date, and produce, to be used as evidence in the trial of said cause, all and singular the records aforesaid as evidence on behalf of the United States in the trial of said cause.

IT IS THEREFORE BY THE COURT ORDERED, that the Clerk of this Court issue forthwith a Subpoena Duces Tecum for the said J. Garfield Buell, aforesaid, and make the same returnable at Tulsa, in the Northern District of Oklahoma, on the 26th day of November, 1928, at nine o'clock, A. M., commanding and admonishing the said witness, J. Garfield Buell, to bring and produce upon the trial of said cause, all and singular the records aforementioned.

DONE AND ORDERED at Tulsa, in the Northern District of Oklahoma, this the 22nd day of November, 1928.

F. E. KENNAMER, Judge.

ENDORSED: Filed November 22, 1928.

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

MARY STICK HOUSTON, ET AL., Plaintiffs,
vs. No. 401-Equity.
LOUIS G. BEREOLOS, ET AL., Defendants.

ORDER

NOW, on this 22nd day of November, 1928, there coming on to be heard the motion of Julia R. Padden to file herewith and herein her petition in intervention, and the court having heard the same and considered all things in the premises, sustains said motion.

IT IS THEREFORE ORDERED AND ADJUDGED that Julia R. Padden, be, and she hereby is, given leave to file herein her petition in intervention instantler; and that the defendant and other parties to this action, be, and they hereby are, required to plead to said petition in intervention.

F. E. KENNAMER, Judge.

ENDORSED: Filed November 22, 1928.

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In the District Court of the United States in and for the

NORTHERN

District of

OKLAHOMA

EQUITY SESSION,

TULSA, OKLAHOMA,

THURSDAY, NOVEMBER 22, 1928

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

MARY STICK HOUSTON, ET AL., Plaintiffs, )  
vs. ) No. 401-Equity.  
LOUIS G. BERELOS, ET AL., Defendants. )

ORDER

NOW, on this 22nd day of November, 1928, there coming on to be heard the motion of Mrs. Sydney S. Smith to file herein her petition in intervention, and the Court having heard the same and considered all things in the premises, sustains said motion.

IT IS THEREFORE ORDERED AND ADJUDGED that Mrs. Sydney S. Smith, be, and she hereby is, given leave to file herein her petition in intervention instant; and that the defendant and other parties to this action be, and they hereby are, required to plead to said petition in intervention.

F. E. KENNAMER, Judge.

ENDORSED: Filed November 22, 1928.

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IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FLORA WHITEBIRD, ET AL., Complainants, )  
vs. ) No. 178-Equity.  
EAGLE PITCHER LEAD COMPANY, )  
ET AL., Defendants. )

ORDER ALLOWING APPEAL

Appeal allowed upon the giving of bond as required by law in the sum of \$1,000.00.

F. E. KENNAMER,  
United States District Judge.

ENDORSED: Filed November 22, 1928.

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

FLORA WHITEBIRD, ET AL., )  
ALL BY C. B. AMES, THEIR )  
NEXT FRIEND, Complainants, ) No. 178-Equity.  
vs. )  
EAGLE PITCHER LEAD COMPANY, )  
ET AL., Defendants. )

ORDER

Now on this 22nd day of November, 1928, it appearing to the Court that the Superintendent of the Quapaw Agency has received authority to pay the necessary expenses of the appeal in this case out of the funds of the complainants in his hand and it appearing to the Court that it would be advisable for C. B. Ames, as next friend of complainants, to have said funds in his possession for the purpose of paying the necessary expenses of the appeal,

IT IS ORDERED that the Superintendent of the Quapaw Agency forthwith pay over to C. B. Ames, as next friend of complainants herein, the sum of Two Thousand Five Hundred (\$2500.00) Dollars with which to defray



In the District Court of the United States in and for the

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NORTHERN

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...EQUITY SESSION,

TULSA, OKLAHOMA,

THURSDAY, NOVEMBER 22, 1928.

ed special examiner to take depositions and he is hereby authorized and directed to take the depositions in this cause of the sundry witnesses who may be brought before him for and in behalf of respondents or complainants at Muskogee, Oklahoma.

F. E. KENNAMER,

United States District Judge.

ENDORSED: Filed November 22, 1928.

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Court adjourned until November 24, 1928.

In the District Court of the United States in and for the

NORTHERN District of OKLAHOMA
EQUITY SESSION, TULSA, OKLAHOMA SATURDAY, NOVEMBER 24, 1928

Court convened pursuant to adjournment, Saturday, November 24th, 1928.

Present: Hon. F. E. Kennamer, Judge of U. S. District Court
H. P. Warfield, Esq., Clerk of U. S. District Court

Thereupon, the following proceedings were had and entered, to-wit:

GEORGE W. SHORT, ET AL., Plaintiffs,
vs.
W. P. McCULLOUGH, ET AL., Defendants.
No. 117-Equity.

On this 24th day of November, 1928, it is by the Court ordered that above styled and numbered cause, be, and same is hereby stricken from trial assignment of November 27, 1928.

THE OSAGE OIL & REFINING COMPANY, ET AL., Plaintiffs,
vs.
MULBER OIL COMPANY, ET AL., Defendants.
No. 224-Equity.

On this 24th day of November, 1928, it is by the Court ordered that leave be granted plaintiff herein to file replication.

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE NORTHERN DISTRICT OF OKLAHOMA

THE PURE OIL COMPANY, A CORPORATION, WILLITT L. JONES, D. A. McDOUGAL, L. O. LITTLE, AND GEORGE McMILLAN, Plaintiffs,
vs.
LUSANNA BRINK, HOMER D. KEY, JOHN T. SMITH, R. L. WILKINSON AND EUGENE B. SMITH, Defendants.
No. 189-Equity.

ORDER

This cause came on for hearing on the 24th day of November, 1928, same being a regular day of a term of this court at Tulsa, Oklahoma, Honorable Franklin E. Kennamer, regular judge presiding, upon the motion of plaintiffs to dismiss the above styled cause at their costs, and motion of defendants to dismiss their counterclaims and cross-action, and said motions being duly considered,

IT IS ORDERED, ADJUDGED, CONSIDERED AND DECREED that this case and all counterclaims be and they are hereby dismissed at plaintiffs costs, without prejudice.

Made and ordered entered on this 24th day of November, 1928.

F. E. KENNAMER, Judge.

O.K: Eugene B. Smith, Attorney for Plaintiffs.
O.K: Geo. S. Ramsey Attorney for Defendants.

ENDORSED: Filed November 24, 1928.

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In the District Court of the United States in and for the

NORTHERN  
EQUITY SESSION,

District of

OKLAHOMA

TULSA, OKLAHOMA.

SATURDAY, NOVEMBER 24, 1928

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FANNIE S. CARR, ET AL., Plaintiffs, )  
vs. )  
THE TULSA STREET RAILWAY )  
COMPANY, A CORPORATION, Defendant. )

No. 91-Equity.

O R D E R

NOW, on this 24th day of November, 1928, the above matter is called to the attention of the court, and the court finds that on the 26th day of October, 1928, this Honorable Court made an order setting said cause for hearing on the 3rd day of November, 1928, upon the report of the receiver herein, and that on said 3rd day of November, 1928, the Judge of this Honorable Court was absent from the City of Tulsa, Oklahoma, and that said hearing was because thereof not had on said date.

IT IS THEREFORE, BY THE COURT ORDERED, that the hearing upon the final report of the receiver in this cause be, and the same is hereby set for hearing on the 27th day of November, 1928.

F. E. KENNAMER, Judge.

ENDORSED: Filed November 24, 1928.

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IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

ROXANA PETROLEUM CORPORATION, )  
A CORPORATION, )  
vs ) Plaintiff, )  
NANNIE MONDAY, ET AL., )  
Defendants, )

No. 159-Equity.

O R D E R

Now on this 24th day of November, 1928, this matter coming on for hearing upon the motion of Roxana Petroleum Corporation, plaintiff herein, to dismiss its bill of complaint, and upon the motion of Ella Teague, Martha Roy, Andy Dansby, Bertha Teague, and Lucinda Cross, cross-petitioners herein, to dismiss their cross-petition, and upon the motion of Sam Crosslen, intervenor, to dismiss his plea of intervention, all of such dismissals to be without prejudice and at the cost of the plaintiff, and it appearing to the Court, upon consideration thereof, that said motions should be sustained and said bill of complaint, cross-petition, and plea of intervention should be dismissed.

IT IS THEREFORE, BY THE COURT, ORDERED, ADJUDGED AND DECREED that the bill of complaint of the plaintiff, Roxana Petroleum Corporation, and the cross-petition of Ella Teague, Martha Roy, Andy Dansby, Bertha Teague and Lucinda Cross, and the plea of intervention of Sam Crosslen, filed herein, be and the same are hereby dismissed without prejudice and at the cost of the plaintiff.

F. E. KENNAMER, Judge.

ENDORSED: Filed November 24, 1928.  
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In the District Court of the United States in and for the

NORTHERN  
EQUITY SESSION,

District of  
TULSA, OKLAHOMA.

OKLAHOMA 583  
SATURDAY, NOVEMBER 24, 1928

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

BOARD OF COUNTY COMMISSIONERS  
OF ROGERS COUNTY, OKLAHOMA,

Complainant,

vs

No. 262-Equity.

BRISTOW BATTERY COMPANY, ET AL.,

Respondents.

ORDER ENLARGING TIME WITHIN WHICH TO FILE  
RECORD IN THE UNITED STATES CIRCUIT  
COURT OF APPEALS FOR THE EIGHTH  
DISTRICT

For satisfactory reasons appearing to the Court, the time for filing a record in the above cause in the Circuit Court of Appeals for the Eighth Circuit, at St. Louis, Missouri, pursuant to the appeal sued out is extended until January, 29th, 1928.

DONE in open court this 24 day of November, 1928.

F. E. KENNAMER, Judge.

ENDORSED: Filed November 24, 1928.

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

BOARD OF COUNTY COMMISSIONERS,  
OF ROGERS COUNTY, OKLAHOMA,

Complainant,

vs.

No. 262-Equity.

BRISTOW BATTERY COMPANY, ET AL.,

Respondents.

C I T A T I O N

UNITED STATES OF AMERICA:

To the Board of Commissioners of Rogers County, Oklahoma,  
a Municipal Corporation:

YOU are hereby cited and admonished to be and appear in the United States Circuit Court of Appeals for the Eighth Circuit at the City of St. Louis, Missouri, 60 days from and after the date this citation bears date, pursuant to an appeal filed in the Clerk's office of the United States District Court for the Eastern District of Oklahoma, wherein the Bristow Battery Company, et al., are Appellants and you are Appellee, to show cause, if any there be, why the decree rendered against the said Appellee in the above case as in said appeal mentioned, should not be corrected, and why speedy justice should not be done the parties in that behalf.

WITNESS the Honorable F. E. Kennamer, Judge of the United States District Court for the Northern District of Oklahoma, this 24 day of November, 1928.

F. E. KENNAER,

Judge of the United States  
District Court for the Northern  
District of Oklahoma.

The undersigned, Solicitors of Record of the Appellee, Board of County Commissioners of Rogers County, Oklahoma, do hereby acknowledge service of a true copy of the foregoing citation this 24 day of November, 1928.

H. B. JOHNSON, County Attorney  
Rogers County, Okla.

ENDORSED: Filed

In the District Court of the United States in and for the

NORTHERN  
EQUITY SESSION,

District of  
TULSA, OKLAHOMA,

OKLAHOMA  
MONDAY, NOVEMBER 26, 1928.

Court convened pursuant to adjournment, Monday, November 26th, 1928.

Present: Hon. F. E. Kennamer, Judge of U. S. District Court  
H. P. Warfield, Esq., Clerk of U. S. District Court

Thereupon, the following proceedings were had and entered, to-wit:

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA, Complainant, )  
vs. ) No. 66-Equity.  
J. GARFIELD BUELL, )  
H. C. NIBLOCK, Defendants. )

JOURNAL ENTRY OF JUDGMENT

On this, the 26th day of November, came on to be heard the above-entitled and numbered cause and it appearing to the Court that the plaintiff by and through its attorney, John M. Goldesberry, United States District Attorney for the Northern District of Oklahoma, has entered into a stipulation with the defendant, J. Garfield Buell, acting by and through his attorney, Charles O'Connor, in which stipulation it is agreed that the Niblock Oil and Gas Company's correct income and excess profits tax liability for the year 1919 is Fifty Five and 69/100 (\$55.69) dollars and it further appearing to the Court that the defendant, J. Garfield Buell, acting by and through his attorney, has admitted in the aforementioned stipulation that he, J. Garfield Buell, received in the liquidation of the Niblock Oil & Gas Company, sufficient assets of said corporation with which to pay the said tax of Fifty-Five and 69/100 (\$55.69) Dollars.

It is therefore ordered, adjudged and decreed that the plaintiff do have and recover of and from the defendant, J. Garfield Buell, the sum of Fifty-Five and 69/100 (55.69) dollars, together with interest thereon at six (6%) per cent from March 16, 1920 to the date of this judgment, and for costs of this suit. Said judgment to bear interest at the rate of six (6%) per cent per annum until paid.

F. E. KENNAMER,

O.K: as to form  
Charles O'Connor  
Atty for Dft.,  
J. Garfield Buell

O.K: as to form  
Jno. M. Goldesberry  
U. S. Atty.  
by Louis N. Stivers,  
his assistant.

ENDORSED: Filed November 26, 1928.

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IN THE UNITED STATES DISTRICT COURT IN AND FOR  
THE NORTHERN DISTRICT OF OKLAHOMA, TULSA,  
OKLAHOMA

PALISSA KEYS, ET AL., Complainants, )  
vs. ) No. 346-Equity  
D. REFLOGLE, ET AL., Defendants. )

O R D E R

This matter coming on for hearing on this the 26 day of November, 1928, before the honorable Franklin E. Kennamer, Judge of said Court, on the application of defendant, Tidal Oil Company, for leave to file answer out of time, and it appearing to the Court that the consent of com-

In the District Court of the United States in and for the

NORTHERN District of OKLAHOMA  
EQUITY SESSION, TULSA, OKLAHOMA, MONDAY, NOVEMBER 26, 1928

plaintant has been obtained by said defendant to the filing of said answer at this time.

IT IS, THEREFORE, CONSIDERED, ORDERED AND ADJUDGED that defendant, Tidal Oil Company, be and it is hereby permitted to file, instant, its answer to the complaint of complainant filed herein.

F. E. KENNAMER, Judge.

ENDORSED: Filed november 26, 1928.

-----  
IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

F. D. SULLIVAN, ET AL., Plaintiffs, )  
vs. ) No. 5-Equity.  
JAMES H. THOMAS, ET AL., Defendants. )

O R D E R

In compliance with the opinion handed down on the 20th day of April, 1928, in the above entitled cause, by the Circuit Court of Appeals for the Eighth Circuit of the United States of America, and the mandate received and filed in this Court on the 4th day of October, 1928;

IT IS HEREBY ORDERED AND DECREED that the plaintiff's bill herein be, and the same is hereby dismissed, and that the defendants have and recover of and from the plaintiff the cost of appeal in the sum of \$55.65, and their costs herein expended, for which let execution issue.

F. E. KENNAMER, Judge.

ENDORSED: Filed November 26, 1928.

-----  
GEORGE W. BECK, JR., Plaintiff, )  
vs. ) No. 30-Equity.  
THE EAGLE Picher Lead )  
Company, A Corporation, Defendant. )

On this 26th day of November, A. D. 1928, it is by the Court ordered that above styled and numbered cause, be, and same is hereby stricken from this assignment.

-----  
UNITED STATES OF AMERICA, Plaintiff, )  
vs. ) No. 312-Equity.  
FRED Z. HILL, ET AL., Defendants. )

On this 26th day of November, A. D. 1928, came on for hearing motion to dispose of money taken in raid, as per bill of Intervention, in above entitled cause, and the Court being well and fully advised in the premises, it is ordered that said money be applied on fine of Fred Z. Hill on payment of costs and it is further ordered that checks seized at same time as the money, be turned over to defendant's attorney, J. T. Harley.

In the District Court of the United States in and for the

NORTHERN

District of

OKLAHOMA

EQUITY SESSION,

TULSA, OKLAHOMA,

MONDAY, NOVEMBER 26, 1928.

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FLORA WHITEBIRD; ROBERT ALLEN WHITEBIRD,  
A MINOR, WHO SUES BY FLORA WHITEBIRD,  
HIS MOTHER AND NEXT FRIEND; HELEN IRENE  
WHITEBIRD, A MINOR, WHO SUES BY FLORA  
WHITEBIRD, HER GRANDMOTHER AND NEXT  
FRIEND; ANTOINE GREENBACK; ALPHONSO  
GREENBACK; AMY GREENBACK PANTHER; LULA  
MAY GREENBACK STAND; MOLLIE GREENBACK  
KING; JOHN GREENBACK, A MINOR, WHO SUES  
BY ALPHONSO GREENBACK, HIS BROTHER AND  
NEXT FRIEND; WOODROW WILSON GREENBACK,  
A MINOR, WHO SUES BY ALPHONSO GREENBACK,  
HIS NEXT FRIEND, ALL BY C. B. AMES, THEIR  
NEXT FRIEND,

Complainants,

vs.

No. 178-Equity

THE EAGLE-PICHER LEAD COMPANY; HUNT  
MINING COMPANY; COMMONWEALTH MINING  
COMPANY; GEORGE W. BECK, JR., KELTNER  
MINING COMPANY; WHITEBIRD MINING COM-  
PANY; THE CHILDRESS LEAD & ZINC COMPANY;  
M. R. LIVELY, TRUSTEE; UNDERWRITERS LAND  
COMPANY; CONSOLIDATED LEAD & ZINC COM-  
PANY; BLACK-EAGLE MINING COMPANY; FRANK  
CHILDRESS, TRUSTEE; LIHME ZINC COMPANY;  
CORTEZ MINING COMPANY; CORTEZ-KING BRAND  
MINING COMPANY; FRANK CHILDRESS; F. W.  
EVANS, AND THE LUCKY KID MINING COMPANY,

Defendants.

CITATION ON APPEAL.

THE UNITED STATES OF AMERICA to The Eagle-Picher Lead Company;  
Hunt Mining Company; Commonwealth Mining Company; George W. Beck, Jr.;  
Keltner Mining Company; Whitebird Mining Company; The Childress Lead &  
Zinc Company; M. R. Lively, Trustee; Underwriters Land Company; Consoli-  
dated Lead & Zinc Company; Black-Eagle Mining Company; Frank Childress,  
Trustee; Lihme Zinc Company; Cortez Mining Company; Cortez-King Brand  
Mining Company; Frank Childress; F. W. Evans and the Lucky Kid Mining  
Company GREETING:

You and each of you are hereby cited and admonished to be  
and appear in the United States Circuit Court of Appeals for the Eighth  
Circuit at the City of St. Louis, Missouri, sixty days from and after the  
day this citation bears date, pursuant to an order allowing an appeal,  
filed in the clerk's office of the District Court of the United States for  
the Northern District of Oklahoma wherein Flora Whitebird; Robert Allen  
Whitebird, a minor, who sues by Flora Whitebird, his mother and next friend;  
Helen Irene Whitebird, a minor, who sues by Flora Whitebird, her grand-  
mother and next friend; Antoine Greenback; Alphonso Greenback; Amy Green-  
back Panther; Lula May Greenback Stand; Mollie Greenback King; John Green-  
back, a minor, who sues by Alphonso Greenback, his brother and next friend;  
Woodrow Wilson Greenback, a minor, who sues by Alphonso Greenback, his next  
friend, all by C. B. Ames, their next friend, are complainants and appel-  
lants, and you are defendants and appellees, to show cause, if any there  
be, why the judgment and decree rendered against the said appellants as in  
said order allowing appeal mentioned, should not be corrected, and why  
speedy justice should not be done to the parties in that behalf.

WITNESS the Honorable F. E. Kennamer, Judge of the District  
Court of the United States for the Northern District of Oklahoma, this  
26th day of November, 1928.

F. E. KENNAMER,

Judge of the United States District  
Court for the Northern District of  
Oklahoma.

Service of the within and foregoing citation on appeal and re-

In the District Court of the United States in and for the

NORTHERN  
EQUITY SESSION

District of  
TULSA, OKLAHOMA,

OKLAHOMA  
MONDAY, NOVEMBER 26, 1928

ceipt of a copy thereof, acknowledged this \_\_\_\_ day of \_\_\_\_\_,  
1928.

\_\_\_\_\_  
Attorney for George W. Beck, Jr.,  
and Hunt Mining Company.

Service of the within and foregoing citation on appeal and re-  
ceipt of a copy thereof acknowledged this 23 day of Nov. 1928.

A. E. SPENCER  
ATLEE POMERINE  
A.C. WALLACE

Attorneys for The Eagle-Picher Lead  
Company; Underwriters Lead Company;  
Consolidated Lead & Zinc Company;  
Cortez-King Brand Mining Company;  
F. W. Evans, M. R. Lively, Trustee  
and Cortez Mining Company and Seltner  
Mining Company.

Service of the within and foregoing citation on appeal and re-  
ceipt of a copy thereof acknowledged this 23rd day of Nov. 1928.

VERN E. THOMPSON

Attorney for Commonwealth Mining  
Company; The Childress Lead & Zinc  
Company; The Black-Eagle Mining  
Company; Frank Childress, Trustee;  
Linne Zinc Company; Whitebird Mining  
Company.

STATE OF OKLAHOMA )  
COUNTY OF TULSA ) SS

AFFIDAVIT

MERRICK A. WHIPPLE, of lawful age, makes solemn oath and says:

That he served the within and foregoing Citation on Appeal on  
the 23rd day of November, 1928, upon Ray McNaughton, attorney of record  
for George W. Beck, Jr. and Hunt Mining Company, defendants, by deliver-  
ing true copy thereof to Jean Buckingham, a person in charge of the law  
office of the said Ray McNaughton, at Miami, Oklahoma, and who represented  
herself to be his stenographer and stated that said McNaughton was tempor-  
arily absent from the State of Oklahoma.

MERRICK A. WHIPPLE

Subscribed and sworn to before me this 24th day of November,  
1928.

(SEAL)

JOSEPHINE RAWLEY

Notary Public

My Commission Expires:  
July 24, 1928.

STATE OF OKLAHOMA )  
COUNTY OF TULSA ) SS

AFFIDAVIT

Merrick A. Whipple, of lawful age, makes solemn oath and says:

That on the 23rd day of November, 1928, he served the within  
and foregoing Citation on Appeal upon Vern E. Thompson, attorney for Frank  
Childress and Lucky Kid Mining Company, defendants, by delivering a true  
copy thereof to said attorney, he having declined to accept and acknowl-  
edge in writing service thereof for said defendants.

MERRICK A. WHIPPLE



In the District Court of the United States in and for the

NORTHERN District of OKLAHOMA
EQUITY SESSION, TULSA, OKLAHOMA, MONDAY, NOVEMBER 26, 1928

money and checks hereinabove described, and it further appears that Fred Z. Hill claims to be the owner of said money and the checks in said Bill of Intervention described.

The Court further finds that said money should be turned over to the said Fred Z. Hill upon the payment of the costs incurred by reason of said Bill of Intervention filed in this cause and that the same should be applied to the payment of the fine of Fred Z. Hill in case No. 2666, at the request of the said Fred Z. Hill, and that the checks and hunting licenses be turned over to the Attorney for said Defendants, upon his executing in favor of the Court Clerk, a proper receipt therefor.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that the cost of said Bill of Intervention be and the same is hereby taxed against the said Fred Z. Hill, and upon the payment thereof or the deduction therefrom of the moneys hereinabove paid over to the Court Clerk, that the balance of said funds as per the request of the Defendant Fred Z. Hill be applied upon his fine in Criminal cause No. 2666 in this Court.

IT IS FURTHER, ORDERED, ADJUDGED AND DECREED that the checks and hunting licenses hereinabove described, be turned over to the said Attorney for the said Defendants upon his executing in favor of the Clerk a proper receipt therefor.

F. E. KENNAMER,
United States District Judge.

O.K: Harry Seaton, Assistant
United States Attorney,
Attorney for Plaintiff.

John T. Harley,
Attorney for Defendant.

ENDORSED: Filed November 26, 1928.

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

UNITED STATES OF AMERICA, Plaintiff,
v.
FRED Z. HILL, ET AL., Defendants.
No. 312-Equity.

ORDER

Now on this the 26th day of November, A. D. 1928, it appearing that heretofore to-wit:

On the 30th day of July, 1928, the Honorable Sturley B. Kinks filed in this Court a Bill of Intervention asking that the moneys, checks and other property described and set forth in the said bill of Intervention be, by proper order of this court, impounded in the Clerk's office and that the Clerk issue his receipt therefor to the said Intervenor, taking the said Clerk's receipt therefor, and thereafter be released from any further responsibility by reason of said moneys and other property, and the Court having read said Bill of Intervention and being advised in the premises, finds,

That said moneys should be impounded in the Clerk's office and that the said Clerk should issue his receipt therefor and hold said money until the same is fully and finally disposed of by proper order of this Court.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that said Intervenor Sturley B. Jinks deposit with the Clerk of the United States District Court, the currency, silver and nickel described in said Bill of Intervention, also the three checks described therein, and the two hunt-

In the District Court of the United States in and for the

NORTHERN  
EQUITY SESSION,

District of

OKLAHOMA

TULSA, OKLAHOMA,

MONDAY, NOVEMBER 26, 1928.

ing licenses, and that upon the desposition of said property to the Clerk, that the Clerk issue to the said Sturley B. Jinks, his proper receipt therefor, and upon the deposition of said property with the said Clerk, that the said Sturley B. Jinks be absolved from all further responsibility by reason of the seizure of said property.

F. E. KENNAMER,

United States District Judge.

O.K: Harry Seaton, Assistant  
United States Attorney,  
Attorney for Plaintiff.

John T. Harley  
Attorney for Defendants.

ENDORSED: Filed November 26, 1928.

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Court adjourned until November 27, 1928.

In the District Court of the United States in and for the

NORTHERN District of OKLAHOMA
EQUITY SESSION, TULSA, OKLAHOMA, TUESDAY, NOVEMBER 27, 1928

Court convened pursuant to adjournment, Tuesday, November 27th, 1928.

Present: Hon. F. E. Kennamer, Judge of U. S. District Court
H. P. Warfield, Esq., Clerk of U. S. District Court

Thereupon, the following proceedings were had and entered, to-wit:

CARRIE LINDLEY, and
MARTHA HALL, NEE LINDLEY, Plaintiffs,
vs.
T. E. BROTON, ET AL., Defendants.
No. 95-Equity.

On this 27th day of November, A. D. 1928, it is by the Court ordered that above styled and numbered cause, be, and same is hereby stricken from this assignment on agreement of all parties herein.

J. M. SHORT, AND J. M. SHORT,
ADMINISTRATOR OF THE ESTATE OF
GEORGE W. SHORT, DECEASED, Plaintiff,
vs.
W. P. McCULLOUGH, ET AL., Defendants.
No. 117-Equity.

On this 27th day of November, A. D. 1928, came on for hearing upon application of the plaintiff herein, and same is stricken from the trial assignment of this date, on order of the Court, and it is further ordered that the defendant herein be given thirty (30) days from this date within which to revive the case in the name of the heirs of the defendant, or in the name of the Administrator of the estate of W. P. McCullough, deceased, it having been made known to the Court that W.P. McCullough, is now deceased.

FANNIE S. CARR, ET AL., Plaintiffs,
vs.
THE TULSA STREET RAILWAY
COMPANY, A CORPORATION, Defendants.
No. 91-Equity.

On this 27th day of November, A. D. 1928, came on for hearing final report of Receiver in above entitled cause, and the Court being well and fully advised in the premises, it is ordered that said cause, be, and same is hereby continued until December 1, 1928, at 9:30 A. M, for final hearing of Receiver herein.

S. C. FULLERTON, ET AL., Plaintiffs,
vs.
THE EAGLE-PICHER LEAD
COMPANY, a corporation, Defendant.
No. 67-Equity.

On this 27th day of November, 1928, it is by the Court ordered that above entitled cause, be, and same is hereby stricken from this assignment on agreement of counsel of both sides.

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

MARY SPICK HOUSTON, ET AL., Plaintiffs, )  
vs. ) No. 401-Equity.  
LOUIS G. BEREOLOS, ET AL., Defendants. )

ORDER FOR SUBPOENA DUCES TECUM

Now, on this 27 day of November, 1928, comes on for hearing the application of Louis G. Bereolos and Louis G. Bereolos, administrator of the estate of Alex G. Bereolos, deceased, defendants in the above styled and numbered cause, asking for an order authorizing and directing the clerk of this court to issue a subpoena duces tecum on John H. Miller and Frank R. Goodman, it is ordered that said clerk issue a subpoena duces tecum on the said witnesses, as follows:

To John H. Miller for all books and accounts of sale of and payments for all lots sold by him in Edgewood Place addition to the city of Tulsa, Oklahoma; all original checks, receipts and promissory notes made to him by Alex G. Bereolos or made by him to Alex G. Bereolos in his possession or under his control for rents collected by him for and on behalf of Alex G. Bereolos, or loans made by him to Alex G. Bereolos or otherwise; the quit claim deed purporting to have been made by Alex G. Bereolos to James G. Bereolos dated March 3, 1920, and recorded on the same date, covering Edgewood Place addition to Tulsa, Oklahoma;

To Frank R. Goodman, 207 South Main, Tulsa, Oklahoma, for all checks and receipts for rents paid to John H. Miller for Alex G. Bereolos, or James G. Bereolos, or to Alex G. Bereolos,

And to procure the same at the trial of the above cause in the United States District Court room in the Federal building in Tulsa, Oklahoma, on the 28th day of November, 1928, at 9 o'clock A. M., and there to await the further order of the court.

F. E. KENNAMER, Judge.

ENDORSED: Filed November 27, 1928.

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IN THE DISTRICT COURT OF THE UNITED STATES  
NORTHERN DISTRICT OF OKLAHOMA.

VICTOR CLIFFORD, Plaintiff, )  
v. ) No. 201-Equity.  
JOHNS-MANSVILLE, INCORPORATED, )  
AND MAGNOLIA PETROLEUM CO., ) On U. S. Patents Nos.  
Defendants. ) 1,266,407 and 1,273,030

STIPULATION AND ORDER STRIKING  
CAUSE FROM THE ASSIGNMENT DOCKET.

IT IS HEREBY STIPULATED AND AGREED by and between F. E. Riddle, Attorney on behalf of Plaintiff, and Mason & Williams, as counsel of record for defendant, Johns-Mansville, Incorporated, that the above styled cause, which is set on the Assignment Docket for Thursday, November 29, 1928, be stricken, subject to the approval and order of the Court.

Dated: November 26, 1928.

F. E. RIDDLE .

Attorney for Plaintiff

MASON & WILLIAMS

Attorneys for Defendant,  
Johns-Mansville, Incorporated.

This cause coming on for hearing upon the stipulation of counsel to strike from the Assignment Docket the above styled cause, and it appear-

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ing to the Court that this cause is not yet at issue,

It is, therefore, ORDERED that the cause be stricken from the Assignment Docket of November 29, 1928.

F. E. KENNAMER, Judge.

ENDORSED: Filed November 27, 1928.

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE NORTHERN DISTRICT OF OKLAHOMA

JAMES W. GULLETT, RECEIVER FOR SUBSCRIBERS AT ASSOCIATED EMPLOYERS RECIPROCAL, Complainant, vs. BLACK, SIVALLS & BRYSON, A CORPORATION, Defendants. No. 425-Equity. Ancillary to Missouri Valley Bridge & Iron Company, vs. J. H. Middleton, et al., Equity No. 284.

ORDER EXTENDING TIME TO PLEAD.

Now on this 27 day of November, 1928, on application of Black, Sivalls & Bryson, a corporation, defendants, and for good cause shown it is ordered that said defendants have 30 days from this date in which to plead.

F. E. KENNAMER, U. S. District Judge.

O. K: James P. Melone Attorney for Complainant

O.K: Lloyd Harding, Attorney for Defendants.

ENDORSED: Filed November 27, 1928.

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE NORTHERN DISTRICT OF OKLAHOMA

THE SEABOARD NATIONAL BANK OF THE CITY OF NEW YORK, TRUSTEE, Complainant, vs. THE TULSA STREET RAILWAY COMPANY, A CORPORATION, THE DAYTON SAVINGS & TRUST COMPANY, A CORPORATION, AND FANNIE S. CARR, HELEN R. BAILEY, OLIVE R. REIS, C. H. BOSLER, ALLAMAN, FURKHOUSSER & MURR, A CO-PARTNERSHIP COMPOSED OF D. W. ALLAMAN, C. A. FURKHOUSSER AND BYRON MURR, D. W. ALLAMAN AND C. KLINE, Defendants. No. 388-Equity.

DECREE OF FORECLOSURE AND SALE

THIS DAY This cause came on to be heard on the complainant's bill of complaint, and the answer of the defendant, The Tulsa Street Railway Company, a corporation and the answer of the defendant, Fannie S. Carr, Helen R. Bailey, Olive R. Reis, C. H. Bosler, Allaman, Furkhouser & Murr, a co-partnership composed of D. W. Allaman, C. A. Furkhouser and Byron Murr, and the answer of the defendant, C. Kline, Receiver, and the court, after hearing the evidence and argument of counsel and upon due consideration thereof, finds:

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(1) That the plaintiff appears by its attorneys, Breckinridge & Bostick, the defendants, The Tulsa Street Railway Company, a corporation, and C. Kline, Receiver, appear by their attorneys, Moss & Young; the defendants, Fannie S. Carr, Helen R. Bailey, Olive R. Reis, C. H. Bosler, Allaman, Funkhouser & Murr, a co-partnership composed of D. W. Allaman, C. A. Funkhouser and Byron Murr, appear by their attorney, C. A. Warren, and the defendant, The Dayton Savings & Trust Company, as Trustee under the second mortgage dated May 1, 1919, appeared not, by attorney or otherwise;

(2) That this court has jurisdiction of all the parties to this cause, and the subject matter therein involved. That the plaintiff, The Seaboard National Bank of the City of New York, as Trustee, is a corporation duly organized and existing under the laws of the United States, and is a citizen and resident of the State of New York, and is now and has been at all times hereinafter mentioned duly authorized and empowered by law to hold in trust property conveyed to it in trust in the nature of mortgages, and to act as Trustee and Substitute Trustee under mortgages and Deeds of Trust, and to accept and hold in trust the property hereinafter mentioned, and more particularly described, and to execute the Trust set forth and declared under and by virtue of the mortgage or Deed of Trust hereinafter set out;

(3) That the defendant, The Dayton Savings & Trust Company, as Trustee, under the second mortgage dated May 1, 1919, a corporation, has been legally served with process in this case, a due and legal warning order in the manner and form provided by law having been heretofore served upon said defendant, The Dayton Savings & Trust Company, as such Trustee, and that the said The Dayton Savings & Trust Company, as such Trustee, has wholly failed, omitted and neglected to answer, demur or otherwise plead, and that heretofore and on the 7th day of September, 1928, in this court and cause, an order pro confesso was taken as to the said The Dayton Savings & Trust Company, as such Trustee, and more than thirty days have expired since said order so taken, now upon this date, and upon motion of plaintiff, the said The Dayton Savings & Trust Company, as such Trustee, is hereby adjudged in default, and any right, claim or interest claimed or asserted in this cause and against any of the properties herein involved is hereby decreed to be and is subject, subsequent and inferior to the claims of plaintiff, or of any other parties herein.

(4) That the defendant, The Tulsa Street Railway Company, was on and prior to the 1st day of February, 1917, and continuously since that date has been, and now is, a corporation duly organized and existing under the laws of the State of Oklahoma, and is a citizen and resident of the State of Oklahoma, with its principal place of business in the City of Tulsa, in the Northern District of said State; that at the time of the execution of the Mortgage hereinafter referred to, and heretofore filed in this cause as an Exhibit to the bill of complaint herein, said defendant, The Tulsa Street Railway Company, was the owner of the properties in said mortgage described, and that on February 1, 1917, and at all times thereafter, said defendant, The Tulsa Street Railway Company, had full power and authority under its charter and the laws of the State of Oklahoma to borrow money for corporate purposes, and to make, execute and deliver the Trust Deed and the bonds secured thereby, and which are hereinafter referred to. That prior to the execution and delivery of said Mortgage or Deed of Trust, dated February 1, 1917, a copy of which is attached to the bill of complaint herein, and of the bonds secured thereby, a special meeting of the stockholders and directors of The Tulsa Street Railway Company was duly called and held, at which meeting the stockholders and directors duly and legally authorized the creation and issuance of First Mortgage Gold Bonds of said company, in the principal amount and sum of not to exceed \$1,000,000.00.

(5) That said principal aggregate amount of said bonds was to consist of an issue of \$400,000.00, and an additional issue of \$600,000.00. That said issue of \$400,000.00 should bear date of February 1, 1917, and bear interest at the rate of 6% per annum, payable semi-annually, on the first days of February and August of each year, and to be of the denominations, bear numbers and be due as follows, to-wit:

Three Hundred Thirty-three Thousand Dollars (\$333,000.00) in aggregate principal amount of the denomination of One Thousand Dollars (\$1,000.00) each, bearing numbers M1 to M333, both numbers included, and due in numerical order as follows:

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|             |                  |
|-------------|------------------|
| \$11,000.00 | February 1, 1928 |
| 11,000.00   | " 1, 1919        |
| 12,000.00   | " 1, 1920        |
| 13,000.00   | " 1, 1920        |
| 13,000.00   | " 1, 1921        |
| 13,000.00   | " 1, 1922        |
| 14,000.00   | " 1, 1923        |
| 15,000.00   | " 1, 1924        |
| 16,000.00   | " 1, 1925        |
| 17,000.00   | " 1, 1926        |
| 18,000.00   | " 1, 1927        |
| 19,000.00   | " 1, 1928        |
| 20,000.00   | " 1, 1929        |
| 22,000.00   | " 1, 1930        |
| 23,000.00   | " 1, 1931        |
| 25,000.00   | " 1, 1932        |
| 26,000.00   | " 1, 1933        |
| 28,000.00   | " 1, 1934        |
| 30,000.00   | " 1, 1935.       |

Thirty-two Thousand Dollars (\$32,000.00) in aggregate principal amount of the denomination of Five Hundred Dollars (\$500.00) each, bearing numbers D1 to D64, both numbers included, due February 1, 1936, and

Thirty-five Thousand Dollars (\$35,000.00) in aggregate principal amount of the denomination of One Hundred Dollars (\$100.00), bearing numbers C1 to C350, both numbers included, due February 1, 1937, to be executed by the company and be authenticated and delivered by the Trustee upon the written order of the company, signed by its President or Vice-President, and its Secretary or Assistant Secretary, without further action on behalf of the company.

(6) That the remaining \$600,000.00 in the principal amount of said authorized issue of said bonds to be issued in a limited amount, and of the face value not exceeding - First, the amount of money deposited by the company with the Trustee, to be held and applied under the provisions of Section 4, of Article 1, of said Mortgage or Trust Agreement; or 75% of the expenditure by the company of the character on account of which cash may be withdrawn under the provisions of said Section 4, Article 1, and that said bonds should also bear interest at a rate to be determined or designated by the Board of Directors of the company, but not to exceed 6% per annum, and said interest to be payable semi-annually on the first days of February and August of each year.

(7) That in order to secure the payment of the principal and interest of said bonds that were issued under said Mortgage, according to their tenor and effect, the said defendant, The Tulsa Street Railway Company, by and through its officers duly and legally authorized at a duly authorized meeting of its stockholders and directors, duly called and held for that purpose, duly executed and delivered said Mortgage or Deed of Trust dated February 1, 1917, a copy of which said Mortgage is attached to the bill of complaint herein as Exhibit "A", wherein and whereby the said The Tulsa Street Railway Company conveyed to the Illinois Trust & Savings Bank, as Trustee, and Predecessor Trustee of said complainant, its successors and assigns forever, all and singular, the properties of the said The Tulsa Street Railway Company, real, personal and mixed, incomes, rights privileges, easements and franchises of every description owned, used or enjoyed by it at the date of said Mortgage, or which might after the date of said Mortgage be acquired, owned, used or enjoyed by it wheresoever situated, said properties so granted, mortgaged and conveyed being more particularly described as follows, to-wit:

PARCEL I. Lots One (1), Two (2), Three (3), Four (4), Five (5), Six (6), and Seven (7), in Block Forty-four (44), Owen Addition to the City of Tulsa:

PARCEL II. Lot Seven (7), in Block One Hundred Twenty-eight (128), in the City of Tulsa, Oklahoma, according to the official plat thereof.

PARCEL III. Lots One (1), Two (2) and Three (3), in Block Twenty-two (22), of College Addition to the City of Tulsa aforesaid:

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**PARCEL IV.** That part of Section Two (2), Township Thirteen (13) North, Range Twelve (12) East, in Tulsa County, described as follows:

Commencing at the Northwest corner of the Northeast Quarter (NE/4) of the Northeast Quarter (NE/4) of the Southeast Quarter (SE/4) of the Northwest Quarter (NW/4) of Section Two (2), aforesaid, running thence east One Hundred Fifty (150') feet, thence south One Hundred Fifty (150') feet, thence west One Hundred Fifty (150') feet, thence north One Hundred Fifty (150') feet, to the place of beginning:

**PARCEL V.** A triangular strip of land beginning at the Southeast corner of Lot Two (2), in Block Three (3), of Factory Addition to Tulsa, aforesaid, running thence North along Quincy Avenue, a distance of One Hundred Fifty (150') feet, thence in a Southwesterly direction One Hundred Sixty-Seven and Seven Hundred Four Thousandths (167.704') feet, thence West along Birch Street Seventy-five feet (75') to the point of beginning, and containing Five Thousand Six Hundred Twenty-five (5625) square feet, more or less;

Lots One (1) and Two (2), in Block Seven (7), Orcutt Addition to the City of Tulsa, aforesaid.

Those street railway lines described as follows:

1. Commencing at Kendall College and extending westerly in and along Seventh Street to Grant Avenue, thence northerly in and along Grant Avenue to Fourth Street, thence westerly in and along Fourth Street to Lewis Avenue, thence northerly in and along Lewis Avenue to First Street, thence westerly in and along First Street to Madison Avenue, then southerly in and along Madison Avenue to Fostoria Street, thence easterly in and along Fostoria Street to Quincy Avenue, and thence southerly in and along Quincy Avenue to Fourteenth Street.

(2) Commencing at the intersection of Madison Avenue and Third Street, and thence westerly in and along Third Street to Nogales Avenue, and thence northerly in and along Nogales Avenue to Easton Street.

3. Commencing at the intersection of Eighteenth Street and Main Street and running thence northerly in and along Main Street to Cameron Street, and thence westerly in and along Cameron Street to Cheyenne Avenue, and thence northerly in and along Cheyenne Avenue to Ozark Street.

4. Commencing at the intersection of Main Street and Fifth Street, and thence running westerly in and along Fifth Street to Indiana Avenue.

5. Commencing at the intersection of Fifth Street and Frisco Avenue, and running thence southerly in and along Frisco Avenue to Twelfth Street.

6. And all other railway or railway lines in, along or upon any of the streets or highways within the corporate limits of the City of Tulsa, aforesaid.

Also all tracks, rails, sidings, spurs, turn-outs, connections, wyes, roadbeds, trestles, rolling stock, bridges, viaducts, culverts, buildings, shops, improvements, plants, works, machinery, engines, boilers, dynamos, generators, fixtures, apparatus, lines, poles, wires, cables, conduits, transformers, pumps, pipes, mains, valves, meters, tools, instruments, equipment and appliances, materials, supplies, books, papers, records, accounts, franchises, licenses, agreements, contracts, rights, easements, privileges, and immunities, and all other property and property rights of whatsoever character or nature and wherever situated, real, personal or mixed, now owned or at any time hereafter acquired, owned, held, possessed or enjoyed by, or in any manner hereafter conferred upon the company; and the reversion or reversions, remainder and remainders, revenues, rents, issues and profits thereof; and also all the estate, right, title and interest, property, possession, claims, and demands whatsoever, as well in equity as at law, of the company, and any and every part thereof; also any and all bonds, obligations, securities and shares of stock of any corporation or corporations which the company now owns and which it may at any time hereafter acquire; also all books, records, furniture and office supplies, and devices, appliances and equipment which the company now owns and which it may hereafter acquire; it being intended and agreed, that all of the property, of every kind, now owned, possessed or enjoyed, and which may hereafter be in anywise acquired, owned, possessed or enjoyed, by the company, or for the company, shall be as fully embraced within the provisions hereof, and subject to the lien hereby created.

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as if the said property were now owned by the company and were specifically described herein and specifically mortgaged, pledged, conveyed, transferred and assigned hereby.

(8). That the above and foregoing is a true, correct and accurate description of all of the properties of The Tulsa Street Railway Company conveyed by said Mortgage to the said Illinois Trust & Savings Bank at the date of said Mortgage, but that said Mortgage, under and by virtue of its express terms, gave to The Tulsa Street Railway Company power and authority by and with the consent of the Trustee, or Substitute Trustee, to make such additions and changes in the properties of said company as were beneficial to the estate, and to release from the lien of said Mortgage, by and with the consent of the Trustee, such properties as were not necessary for the use of said company, as well as to acquire additional real estate and other properties for the purpose of adding to the lines of the street car company and other uses, and to keep said properties in a first-class, modern condition as a public utility, and that acting under the powers and rights contained in said Mortgage or Trust Deed, said additions and changes have been made in the mortgaged estate, all in strict compliance with the terms of said Mortgage, and by and with the consent of the defendant company and Trustee, and the Predecessor Trustee, so that the proper descriptions of the properties now owned by the company, and covered by the lien of said Mortgage, are as follows, to-wit:

PARCEL I. Lots One (1), Two (2), Three (3), Four (4), Five (5), Six (6), and Seven (7), in Block Forty-four (44), Owen Addition to the City of Tulsa.

PARCEL II. Lot Seven (7), in Block One Hundred Twenty-eight (128), in the City of Tulsa, Oklahoma, according to the official plat thereof.

PARCEL III. Lots One (1) and Two (2), in Block Twenty-two (22), of College Addition to the City of Tulsa, aforesaid.

PARCEL IV. A triangular strip of land beginning at the Southwest corner of Lot Two (2), in Block Three (3), of Factory Addition to Tulsa, aforesaid, running thence North along Quincy Avenue, a distance of One Hundred Fifty Feet (150') thence in a Southwesterly direction One Hundred Sixty-seven and Seven Hundred Four Thousandths Feet (167.704), thence West along Birch Street Seventy-five feet (75) to the point of beginning, and containing Five Thousand Six Hundred Twenty-five (5625) feet, more or less.

Those street railway lines described as follows:

1. Commencing at Kendall College and extending westerly in and along Seventh Street to Lewis Avenue, thence northerly in and along Lewis Avenue to First Street, thence westerly in and along First Street to Peoria Avenue.

2. Commencing at the intersection of First Street and Peoria Avenue, running North to King Street.

3. Commencing at Peoria Avenue at First Street, and running West to Madison Avenue, thence southerly in and along Madison Avenue to Fifth Street, thence easterly in and along Fifth Street to Quincy Avenue, and thence southerly in and along Quincy Avenue to Fifteenth Street.

4. Commencing at the intersection of Madison Avenue and Third Street, and thence westerly in and along Third Street to Bogales Avenue, and thence northerly in and along Bogales Avenue to Easton Street.

5. Commencing at the intersection of Eighteenth Street and Main Street, and running thence northerly in and along Main Street to Cameron Street, and thence westerly in and along Cameron Street to Cheyenne Avenue, and thence northerly in and along Cheyenne Avenue to Pike Street.

6. Commencing at the intersection of Main Street and Fifth Street, and thence running westerly in and along Fifth Street to Easton Street, and thence southerly along Easton Street to Eleventh Street.

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7. Commencing at the intersection of Fifth Street and Frisco Avenue, and running thence southerly in and along Frisco Avenue to Fifteenth Street.

8. And all other railway or railway lines in, along or upon any of the streets or highways within the corporate limits of the City of Tulsa, aforesaid, now owned or operated by The Tulsa Street Railway Company.

Also all tracks, rails, sidings, spurs, turn-outs, connections, wyes, roadbeds, trestles, rolling stock, bridges, viaducts, culverts, buildings, shops, improvements, plants, works, machinery, engines, boilers, dynamos, generators, fixtures, apparatus, lines, poles, wires, cables, conduits, transformers, pumps, pipes, mains, valves, meters, tools, instruments, equipment and appliances, materials, supplies, books, papers, records, accounts, franchises, licenses, agreements, contracts, rights, easements, privileges and immunities, and all other property and property rights of whatsoever character or nature and wherever situate, real, personal or mixed, now owned or at any time hereafter acquired, owned, held, possessed or enjoyed by, or in any manner conferred upon the company; and the reversion and reversions, remainder and remainders, revenues, rents, issues and profits thereof; and also all the estate, right, title, and interest, property, possession, claims, and demands whatsoever, as well in equity as at law, of the company, and any and every part thereof; also any and all bonds, obligations, securities and shares of stock of any corporation or corporations which the company now owns and which it may at any time hereafter acquire; also all books, records, furniture, and office supplies, and devices, appliances and equipment which the company now owns; it being intended that all of the property, of every kind, now owned, possessed or enjoyed, by the company, or for the company, shall be as fully embraced within the provisions hereof as if the said property were specifically described herein.

(9) That said Mortgage or Deed of Trust was duly filed for record and recorded in the office of the County Clerk of Tulsa County, Oklahoma, on February 23, 1917, both as a real estate mortgage and a chattel mortgage, and the mortgage tax duly paid thereon by the Trustee, and that thereafter, and on the 31st day of December, 1927, said complainant, The Seaboard National Bank of the City of New York, was duly and legally appointed Substitute Trustee, and said original Trustee was removed, all under and in accordance with the powers and provisions contained in Sections 4, 5, 6 and 7, of Article VII, of said Trust Indenture, by the written order and request of the holder of the majority of the bonds issued and outstanding, and said complainant, The Seaboard National Bank of the City of New York, was, by the holders of the majority of said bonds outstanding, and in accordance with the aforesaid powers, duly appointed Successor Trustee.

(10) That at or about the time of the execution and delivery of said Mortgage dated February, 1, 1917, and at various times thereafter, the defendant, The Tulsa Street Railway Company, pursuant to due corporate action, did execute and issue under its corporate seal, and did deliver to a purchaser thereof for value, its First Mortgage Gold Bonds, secured by the aforesaid First Mortgage, in the aggregate principal amount of \$400,000.00, being all of said bonds numbered M1 to M333, inclusive, and D1 to D64, inclusive, and C1 to C350, inclusive, being all of said first or primary issue amounting to the sum of \$400,000.00, and that afterwards, and from time to time, the said defendant, The Tulsa Street Railway Company, pursuant to due corporate action, did duly execute and issue under its corporate seal, and did deliver to a purchaser thereof for value, an aggregate amount of \$175,000.00 out of the second or authorized issue of \$600,000.00, aggregating a total issue of First Mortgage Gold Bonds as provided in said Mortgage of the sum of \$575,000.00 all of said bonds were duly certified to by the Predecessor Trustee of this complainant, and in accordance with the terms and conditions of said Trust Deed.

(11) That there has been paid off and retired by the said defendant company the sum of \$125,000.00, the same being one hundred twenty-five \$1,000.00 bonds from said first issue of \$400,000.00, the same being bonds numbers M1 to M125, inclusive, and there have been purchased by the defendant company two of said bonds of the denomination of \$1,000.00 each, aggregating \$2,000.00 in principal amount, which are now owned and held by the said company, leaving a balance due and unpaid out of said issue aggregating at this time the amount of \$448,000.00 with accrued interest from February 1, 1926, and interest on Semi-annual interest payments in default, amounting to December 1, 1928, to the sum of \$98,561.60, making



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Railway Company, and in which C. Kline was appointed Receiver by order of this court, the said C. Kline, as Receiver, was expressly authorized empowered and directed to issue Receiver's Certificates in amounts not exceeding \$60,000.00, and in accordance with the authority so conferred said Receiver has issued two certificates, one for the sum of \$10,000.00 dated April 16, 1928, due six months after date, bearing interest from date at 6% per annum, and the other for the sum of \$5000.00, dated June 20, 1928, due six months from date, bearing interest at 6% per annum from date, and that the said Receiver did issue and sell said certificates to a bona fide holder, and that the same are now outstanding and unpaid, and that the proceeds thereof were used to keep up and preserve the properties of THE TULSA STREET RAILWAY COMPANY, and are a first and prior lien against the properties of the said THE TULSA STREET RAILWAY COMPANY, covered by the aforesaid mortgage, and are prior and superior to the lien of the bondholders, and the court further finds, orders and directs that in case of a sale of the property under this decree, that said Receiver's Certificates may be used in lieu of cash, and any bids for said property, but if so used they shall be delivered up to and cancelled by the Receiver.

(18) That all sums that are due and owing upon the aforesaid First Mortgage Gold Bonds of the defendant, THE TULSA STREET RAILWAY COMPANY, and the coupons thereunto appertaining, are secured by the First Mortgage or Deed of Trust dated February 1, 1917, and constitute a valid lien upon the properties described in paragraph Eight (8), and all other property after acquired, constructed, improved or augmented by the defendant, THE TULSA STREET RAILWAY COMPANY.

(19) That the plaintiff, THE SEABOARD NATIONAL BANK OF THE CITY OF NEW YORK, as Trustee, has performed services for which it is entitled to receive reasonable compensation, and has employed agents and counsel for the purpose of advising it with respect to matters connected with its duties in the premises, and under the express terms of said Mortgage is entitled to a reasonable compensation therefor.

IT IS, THEREFORE, BY THE COURT ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

(a) That the complainant herein have judgment, as Trustee for said bondholders, against the defendant, THE TULSA STREET RAILWAY COMPANY, FOR the sum of \$448,000.00, together with interest thereon from February 1, 1926, and on overdue semi-annual installments of interest thereon, at 6% amounting to December 1, 1928, to the sum of \$98,561.60, and that said judgment bear interest hereafter at the rate of 6% per annum, and be and is hereby declared a first and prior mortgage lien upon all of the properties hereinbefore described, and set out in paragraph eight (8) save and except such claims, judgments or liens as are by this decree expressly given priority.

(b) It is further ordered that C. KLINE, the Receiver, be, and he is hereby authorized, directed and empowered to advertise and sell all of the above described properties, including the properties described in said Mortgage, together with all other after acquired properties, whether real, personal or mixed, together with all of the franchises, equities, rights, leases, contracts, tangible and intangible properties belonging to or owned by the said defendant, THE TULSA STREET RAILWAY COMPANY, all of which are covered by the terms of said Mortgage. Said Receiver shall appoint three disinterested qualified appraisers, and first administer to them an oath to fairly appraise all of the last above described properties belonging to the said THE TULSA STREET RAILWAY COMPANY, covered by said Mortgage, and to appraise the same, and to make and deliver to said Receiver said appraisement at least ten days before the sale thereof; and said Receiver shall give notice of said sale, and of the time and place, thereof, by publishing such notice for a period of at least thirty days prior to the date of such sale. Said notice to be published in the Tulsa Daily World, a newspaper published and printed and having a general circulation in the City of Tulsa, Tulsa County, Oklahoma, said notice to contain a brief general description of the properties to be sold, a statement of the time and place of sale, and a reference to this decree for a more particular description of said properties, and for the terms and conditions of said sale.

(c) Said Receiver shall offer said property for sale at public auction, at the West front door of the County Courthouse in the City of Tulsa, Tulsa County, Oklahoma, on the day and hour set out in said notice of sale, and shall sell all of the properties hereinbefore described, real, personal or mixed, franchises, equities, leases and any and all other property covered by said mortgage, whether owned by the

In the District Court of the United States in and for the 004

NORTHERN District of OKLAHOMA  
EQUITY SESSION, TULSA, OKLAHOMA. TUESDAY, NOVEMBER 27, 1926.

company at the date of the execution of the mortgage, or subsequently acquired, as provided by the terms of said mortgage. In making the sale no bids shall be received or accepted by the Receiver from any person or corporation, unless said bidder shall accompany his or its bid with a certified check payable to the order of the Receiver, for not less than \$25,000.00, and whose bid shall not aggregate two-thirds of the appraised property, said certified check shall be delivered to the Receiver by the bidder at the time of said sale, and the proceeds of said certified check shall be applied on account of his bid, as herein-after provided, and the certified checks of the other bidders, if any, shall be returned to them by the Receiver. The Receiver, in making said sale, may from time to time adjourn or postpone said sale to a future date, by oral announcement or otherwise, made at the time and place appointed for the sale in said notice, and without the necessity of publishing any further notice, or he may publish a new notice of sale for an additional period of thirty days, or apply to the court for additional orders or instructions.

(d) The sale of said property under this decree shall be for cash, and the balance of the purchase price, over and above the amount of the certified check, shall be paid to the Receiver, or as the Court may direct, immediately upon confirmation of the sale, provided that if the successful bidder shall omit or refuse to pay the balance of said purchase price upon confirmation of said sale, then said sale shall not be confirmed, but a new sale ordered, and said certified check so deposited by said bidder is and shall be agreed liquidated damages, to be used in paying claims or other indebtedness, the same as any other funds coming into the hands of the Receiver, as such receiver, as such Receiver, in this cause. The plaintiff trustee, or any bondholder, may bid for and purchase said property, and any bidder or purchaser may assign his or its bid, and upon compliance with the terms of the sale may hold, retain, possess and dispose of such property in his or their own absolute right, without further accountability to anyone whomsoever, and at any such sale any bondholder or other purchaser making payment for said property shall be entitled, after payment in cash of the amount of the costs and expenses of the sale, and of the proceedings incident thereto, and all other sums which are by this decree given priority over the bonds in the distribution of the proceeds of sale, to apply to the payment of the remainder of the purchase price any of the bonds or coupons issued under the said mortgage, and entitled to participate in the proceeds of such sale remaining, such bonds or coupons to be so applied at such pro rata or proportionate sum as shall be payable thereon out of the net proceeds of the sale; and that proper receipts shall thereupon be given to the holder of such bonds or coupons for the amount so payable thereon; and if the net proceeds of the sale shall be sufficient to pay said bonds in full, that then they shall be delivered up to the receiver and by him be cancelled and surrendered to the Trustee under the said mortgage, the plaintiff herein, but that if the proceeds of the sale shall not be sufficient to pay such bonds and coupons in full, that then proper endorsement shall be made thereon of the amount so paid, after which they shall be returned to the holders.

(e) The court expressly retains jurisdiction for the purpose of enforcing the provisions of this decree, and reserves the right to retake and resell any or all of said property, in case the purchaser at the sale thereof, his successor or assigns, should fail or refuse to comply with his bid, or any provision of this decree, or the terms of the sale, or with any other order of this court.

(f) It is further ordered that all moneys coming into the hands of the Receiver, resulting from the operation of the properties or from any source other than the proceeds of sale, be paid out by him, in accordance with such order or decree as may be made by this court after the filing of the report of the Special Master appointed herein, for the purpose of reporting to the court the names of all of the creditors of the said THE TULSA STREET RAILWAY COMPANY, and all claims and the amounts thereof, together with the character of said claims, and the lien or priority thereof, and all the necessary facts as to each claim, so as to enable this court to determine the respective amounts thereof, and the validity and priority, if any, thereof; and jurisdiction of this cause is expressly retained by this court for the purpose of determining the rights and priorities of all parties interested in such moneys, and in order to distribute the same as may be right, lawful and proper.

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 TULSA, OKLAHOMA

TUESDAY, NOVEMBER 27, 1928.

It is further ordered that the proceeds of the sale of the properties ordered to be sold under this decree shall be applied by the Receiver as follows:

FIRST: To the payment of all due and delinquent general taxes not paid or directed to be paid out of other funds in the hands of the Receiver; and

To the payment of all unpaid costs and expenses of this cause, including all expenses incurred in the sale of the properties ordered to be sold hereunder, together with the compensation and disbursements of the Receiver in making such sale; and

To the compensation found due the plaintiff Trustee for services in connection with the administration of its trust, together with its expenses in connection therewith, including expenses for legal counsel; and

To any and all other unpaid compensation due the Receiver herein and his counsel, in connection with this cause, not paid out of other moneys coming into the hands of the Receiver; and

To the amount found due the Special Master appointed herein, as hereinabove set forth, not paid out of other funds in the hands of the Receiver, provided, however, that all amounts found due the Special Master shall be charged in the first instance against such other funds in the hands of the Receiver; and

To the payment of the Receiver's Certificates hereinabove described, amounting to \$15,000.00 and interest thereon to the date of payment and any other such Receiver's Certificates that may hereafter be issued in accordance with the authority given, as hereinbefore set forth, and to the extent that the same shall not be paid out of other funds in the hands of the Receiver; and

To the payment of any claims against the Receiver for compensation for labor or materials and supplies rendered or furnished to the Receiver subsequent to his appointment, or to the defendant, THE TULSA STREET RAILWAY COMPANY, within a period of six months prior to such appointment, to the extent of the amount found due thereon by the Special Master appointed herein, as aforesaid, and approved by this Court, provided that all such amounts shall be charged in the first instance against other funds in the hands of the Receiver, and any balance remaining unpaid against the proceeds of the sale.

SECOND: To the payment of any other obligations incurred by the Receiver in connection with the operation or administration of the properties to be sold hereunder subsequent to September 14, 1928, the date of his appointment herein, that may be determined to have priority over the lien of the said Mortgage and the bonds outstanding thereunder, upon the filing of the report of the said Special Master, provided that all such amounts shall be charged in the first instance against other funds in the hands of the Receiver, and any balance remaining unpaid against the proceeds of the sale; and

To the payment of any claims, for the purchase price or a portion of the purchase price of any property purchased by the defendant, THE TULSA STREET RAILWAY COMPANY, subsequent to the execution and delivery of the said Trust Indenture securing the First Mortgage Bonds of the said company that may be determined, upon the filing of the report of the said Special Master appointed herein as aforesaid, to be secured by a lien upon any of the property to be sold hereunder prior to the lien of the said Trust Indenture securing the said First Mortgage Bonds.

THIRD: To the payment of any other claims and demands against the defendant, THE TULSA STREET RAILWAY COMPANY, in accordance with the further order of this court, upon the filing of the report of the Special Master, as aforesaid.

FOURTH: The balance, if any, to the defendant, THE TULSA STREET RAILWAY COMPANY.

(g) It is further ordered that upon confirmation of the sale, that the said THE TULSA STREET RAILWAY COMPANY, defendant herein, and each and all of the other defendants herein named, and all persons claiming under, by or through them or any of them, whether lien holders or otherwise, and all lien holders or lien claimants, judgment creditors and common creditors, and any and all other persons be, and they are hereby barred of and from any and all claim, right, title or interest in or to said properties so purchased, or any part or parcel thereof, and are hereby perpetually enjoined from enforcing or attempting to

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enforce by legal proceedings or otherwise any of said claim or claims against the rights of said purchaser, and it is further ordered that the Receiver herein shall prepare, execute and deliver to the purchaser or purchasers all necessary instruments of conveyance necessary or proper to convey to and vest in said purchaser or purchasers a complete title in and to said property.

(h) That the defendant, The Tulsa Street Railway Company, deliver to the Receiver herein the bonds hereinabove mentioned held by it, in the aggregate principal sum of \$2,000.00 secured by the Mortgage hereinabove mentioned, to be cancelled by the Receiver and by him delivered to the plaintiff Trustee.

(i) The Receiver is hereby ordered and directed to make a full report of all of his proceedings hereunder, or such other report or reports as may be necessary to show his actions in the premises, and all questions and matters of equity not hereby disposed of, including the discharge of the Receiver herein, the settlement of his account, the fixing of fees, compensation and allowances to be made to the Receiver, Special Master, or any and all other persons, is hereby reserved and jurisdiction of this cause is hereby expressly retained by this court for such purpose.

ENTERED This 27 day of November, 1928.

F. E. KENNAMER, Judge.

O.K: Breckenridge & Bostick  
Attorneys for Complainant  
O.K: Moss & Young  
Attorneys for The Tulsa Street  
Railway Company and C. Kline,  
Receiver.  
O.K: C. A. Warren,  
Attorney for Fannie S. Carr, et al.

ENDORSED: Filed November 27, 1928.

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IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

|  |             |                 |
|--|-------------|-----------------|
| WADELL INVESTMENT COMPANY,<br>A CORPORATION, | )           |                 |
|  | Plaintiff,  |                 |
| vs   | )           | No. 101-Equity. |
| EMILY E. HAMPTON, ET AL.,                    | )           |                 |
|  | Defendants. |                 |

D E C R E E

This matter coming on to be heard, pursuant to regular assignment, on this the 27th day of November, 1928, and the plaintiff appearing neither in person nor by attorney and it appearing to the court that said plaintiff has abandoned the prosecution of said suit and that the same should be dismissed for want of prosecution, and the Court being fully advised:

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED, by the court, that said action be, and the same is hereby dismissed at the cost of the plaintiff for want of prosecution.

F. E. KENNAMER, Judge.

ENDORSED: Filed November 27, 1928.

In the District Court of the United States in and for the

NORTHERN  
EQUITY SESSION

District of

OKLAHOMA

TULSA, OKLAHOMA

WEDNESDAY, NOVEMBER 28, 1928

Court convened pursuant to adjournment, Wednesday, November 28th, 1928.

Present: Hon. F. E. Kennamer, Judge of U. S. District Court  
H. P. Warfield, Esq., Clerk of U. S. District Court

Thereupon the following proceedings were had and entered,  
to-wit:

IN THE UNITED STATES COURT FOR THE NORTHERN  
DISTRICT OF OKLAHOMA

RUTHERFORD B. BUTTS, RECEIVER, Plaintiff, )  
vs. ) No. 172-Equity.  
F. BASKETT, Defendant. )

JOURNAL ENTRY OF JUDGMENT.

Now on this 28th day of November, 1928, the same being a regular judicial day of the above styled court, said cause being regularly set for hearing, and it being made to appear that the defendant has heretofore made default in pleading with the time provided by the order of the court, and having made default in his appearance at this time, and it being made to appear that the defendant is indebted to the plaintiff in the amount sued for in this action:

Therefore it is considered, ordered and adjudged that the plaintiff have and recover of the said defendant, F. Baskett, the sum of \$800.00 and the costs of this action.

F. E. KENNAMER, Judge.

ENDORSED: Filed November 28, 1928.

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IN THE UNITED STATES DISTRICT COURT IN AND FOR  
THE NORTHERN DISTRICT OF THE STATE OF OKLA-  
HOMA.

MARY SPICK HOUSTON, ET AL., Plaintiffs, )  
vs. ) No. 401-Equity.  
LOUIS G. BEREOLOS AND LOUIS )  
G. BEREOLOS, ADMINISTRATOR OF )  
THE ESTATE OF ALEX G. BEREOLOS, )  
DECEASED, )  
and ) Defendants, )  
JOHN A. HAVER, FRANK A. HAVER, )  
MRS. SIDNEY S. SMITH AND JULIA )  
R. PADDEN, ) Interveners. )

D E C R E E

Now on this 28th day of November, 1928, this cause having been regularly set, came on for trial. Each of the plaintiffs was present in person and by his attorneys, Hunt and Bagleton; plaintiffs Rosa M. Hoots, otherwise known and the same person as Rosa A. Hoots, Agness Freeman, otherwise known and the same person as Agnes Freeman, and Luella May Barclay were also present by their attorney, E. M. Callahan; John A. Haver and Frank A. Haver, intervenors, and G. E. Ogilvie, plaintiff, were present in person and by their attorneys, Randolph, Haver, Shirk and Bridges; Mrs. Sidney S. Smith and Julia R. Padden, intervenors, were present in person and by their attorney, Wash E. Hudson. The defendants Louis G. Bereolos and Louis G. Bereolos, Administrator of the Estate of Alex G. Bereolos, deceased, were present in person and by their attorney, James S. Watson.

# In the District Court of the United States in and for the

NORTHERN  
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**District of**  
 TULSA, OKLAHOMA.

OKLAHOMA  
 WEDNESDAY, NOVEMBER 28, 1928

It was thereupon stipulated in open court that the claim for damages contained in the intervening petition of Mrs. Sidney S. Smith and Julia R. Padden should be stricken and that the answer in the cause filed by the defendants should be considered as the answer to plaintiff's petition as amended and also to the intervening petitions herein filed and that the reply by the plaintiffs herein filed should be considered the reply of each of the plaintiffs and intervenors herein.

Written stipulation executed on behalf of the plaintiffs, the defendants and the intervenors aforesaid was filed and it was stipulated in open court that the other intervenors in said cause joined therein and that the agreements therein made should be considered as the stipulation and agreement of each of the parties in this suit.

Opening statements were made on behalf of the plaintiffs and intervenors and also on behalf of the defendants in the cause. Thereupon motion was made for the plaintiffs and intervenors that the court enter judgment in favor of the plaintiffs and intervenors on the opening statement, pleadings, records and stipulations in said cause, and the court having been fully advised in the premises, found that said motion for judgment should be sustained and judgment entered in favor of the plaintiffs and intervenors as prayed for, that title to the separate lots should be quieted in the several plaintiffs and intervenors and that the defendants be adjudged to have no right, title or interest in or to any of the property involved in this suit.

IT IS, THEREFORE, BY THE COURT CONSIDERED, ORDERED, ADJUDGED AND DECREED that neither Louis G. Bereolos, nor Louis G. Bereolos, as Administrator of the Estate of Alex G. Bereolos, deceased, nor the heirs of Alex G. Bereolos, deceased, have any right, title or interest in or to the property hereinafter decreed in the plaintiffs and intervenors.

IT IS FURTHER DECREED that each of the plaintiffs and intervenors has valid and perfect title in and to the separate lot or lots in Edgewood Place Addition to the City of Tulsa, Tulsa County, Oklahoma, set after his name as follows, to-wit:

### BLOCK 1

| LOT                                     | NAME                                    |
|---|---|
| 1-West 46 feet of East<br>93.8 feet     | C. L. Swim                              |
| 2                                       | Mary Spick Houston                      |
| 3                                       | James A. Morgan                         |
| 4                                       | F. H. Reisher                           |
| 5                                       | James Grant                             |
| 7                                       | Arta Mason                              |
| 9                                       | E. C. Callahan &<br>Lillie-dee Callahan |
| 10-West 135 feet                        | L. E. Crume                             |
| 12-West 135 feet                        | John C. Greenstreet                     |
| 10-11 & 12, except the West 135<br>feet | Margaret Hays B. Morgenstern            |

### BLOCK 2

|   |  |
|---|--|
| 1-South 50 feet of East 100 feet        | George O. Howard &<br>Florence Howard  |
| 1-North 10 feet of the East 100<br>feet | A. W. Rush                             |
| 2                                       | Lois L. Prothero                       |
| 3                                       | Marguerite Wood                        |
| 5                                       | V. E. Raborn & Louise Raborn           |
| 7                                       | S. S. Matosky                          |
| 8                                       | J. J. Cadogan                          |
| 9                                       | H. P. Pollard                          |
| 10                                      | K. P. Pollard & Janet Pollard          |
| 11                                      | M. I. Pollard & Janet Pollard          |
| 13                                      | Greta Ryan                             |
| 14 & 16                                 | John A. Haver                          |
| 17                                      | Frank A. Haver                         |
| 21                                      | George M. Gloom p                      |
| 22                                      | C. E. Ogilvie                          |
| 23                                      | A. C. Brock                            |
| 24-South 45 feet of West 104<br>feet    | Michael J. McElhara &<br>Myra McElhara |
| 24-except West 104 feet                 | William Fracker                        |

In the District Court of the United States in and for the

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EQUITY SESSION

District of

OKLAHOMA

TULSA, OKLAHOMA.

WEDNESDAY, NOVEMBER 22, 1928

BLOCK 3.

|                      |                                       |
|----------------------|---------------------------------------|
| 1                    | Rosa A. Hoots                         |
| 2                    | Agness Freeman                        |
| 4                    | Moore Investment Company              |
| 6                    | H. F. Stover                          |
| 7                    | Arthur V. Long                        |
| 8                    | Albert H. Bell &<br>Ray S. Fellows    |
| 11                   | Margarete E. Connesly                 |
| 12                   | C. T. Ross                            |
| 13                   | L. R. Chalmers &<br>Annie M. Chalmers |
| 18                   | Albert Bell & Ray S.<br>Fellows       |
| 19                   | C. A. O'Donoven                       |
| 20                   | Ray S. Fellows                        |
| 22                   | L. E. Crume                           |
| 23                   | James A. Malroncy                     |
| 24-all South 45 feet | L. E. Kennedy                         |

BLOCK 4.

|    |                                       |
|----|---------------------------------------|
| 1  | D. D. Finley and<br>Georgia A. Finley |
| 2  | Julia R. Padden                       |
| 3  | Mrs. Sidney S. Smith                  |
| 4  | Blanch J. Fellows                     |
| 5  | O. J. Miller                          |
| 7  | Luella May Barclay                    |
| 8  | Matt Stell                            |
| 9  | Stanley Campbell                      |
| 10 | Nancy Lee Hough                       |
| 11 | Lois H. Steiner                       |
| 12 | A. W. Rush                            |
| 13 | G. B. Chenoweth                       |
| 14 | Olive Alcock                          |
| 17 | W. H. Mainwaring                      |
| 18 | Clyde F. Hawkins                      |
| 19 | J. C. Watson                          |
| 20 | Belle Vickery Matthews                |
| 21 | William A. Ryan                       |
| 22 | Rose E. Casler                        |

IT IS FURTHER DECREED that the quit claim deed from Metaxu G. Bereolos, James G. Bereolos, John G. Bereolos, Mrs. Flora Bereolos, Peter G. Bereolos, Mata P. Bereolos, Nick Cotsones and Katingo N. Cotsones to Louis G. Bereolos, dated the 10th day of May, 1927, and recorded in the office of the County Clerk of Tulsa County, Oklahoma, on October 11, 1927, in book 664, at page 528, conveying the following described real estate situated in the County of Tulsa, State of Oklahoma, to-wit:

Lots One (1) to Twelve (12) inclusive, in Block One (1); Lots One (1) to Eighteen (18) inclusive; and Lots Twenty (20) to Twenty-four (24) inclusive, in Block Two (2); and Lots One (1) to Fourt (4) inclusive; and Lots Six (6) to Twenty (20) inclusive, and Lots Twenty-two (22) to Twenty-four (24) inclusive in Block Three (3); and Lots One (1) to Twenty-two (22) inclusive in Block Four (4), all in Edgewood Place Addition to the City of Tulsa, Oklahoma.

is void and of no force or effect and that it be expunged from the records of the County Clerk of Tulsa County, Oklahoma, so far as it applies to parties to this action and their property involved in this action, and

IT IS FURTHER DECREED that Louis G. Bereolos and Louis G. Bereolos, Administrator of the Estate of Alex G. Bereolos, deceased, the heirs of Alex G. Bereolos, deceased, and each of them, their successors and grantees be permanently and perpetually barred and enjoined from setting up, or asserting any right, title or interest in the premises involved in the within adverse to the plaintiffs and intervenors herein, their heirs, successors and assigns.

IT IS FURTHER DECREED that each plaintiff and each intervenor have judgment against the defendants herein for the costs herein expended.



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In the District Court of the United States in and for the

NORTHERN  
EQUITY SESSION

District of  
TULSA, OKLAHOMA

OKLAHOMA  
FRIDAY, NOVEMBER 30, 1928.

Court convened pursuant to adjournment, Friday, November 30th, 1928.

Present: Hon. F. E. Kennamer, Judge of U. S. District Court  
H. P. Warfield, Esq., Clerk of U. S. District Court

Thereupon, the following proceedings were had and entered, to-wit:

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

|   |   |                 |
|---|---|-----------------|
| JACKSON BARNETT, AN INCOMPETENT,<br>BY FRED T. HILDT, AS NEXT FRIEND,<br>Plaintiff, | ) |                 |
| vs.   | ) | No. 216-Equity. |
| GYPSY OIL COMPANY, A CORPORATION,<br>ET AL.,<br>Defendants,                         | ) |                 |

ORDER STRIKING CAUSE FROM ASSIGNMENT AND  
RE-ASSIGNING SAME FOR TRIAL

NOW on this 30th day of November, 1928, for good cause shown, it is ordered that the above entitled cause be stricken from the trial assignment for November 30, 1928, and that the same be and hereby is re-assigned for trial on February 4, 1929.

F. E. KENNAMER, Judge.

- O.K: Geo. B. Schwabe  
Attorney for Plaintiff
- O.K: James B. Diggs,  
Attorneys for Gypsy Oil  
Company, a corporation,  
defendant.
- O.K: Geo. S. Ramsey by FGL  
Attorneys for Cushing  
Gasoline Company, a  
corporation, defendant.

ENDORSED: Filed November 30, 1928.

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

|   |   |                 |
|---|---|-----------------|
| VICTOR CLIFFORD,<br>Plaintiff,                        | ) |                 |
| vs.   | ) | No. 201-Equity. |
| JOHNS-MANVILLE, INC.,<br>A CORPORATION,<br>Defendant, | ) |                 |

ORDER

Upon application of the plaintiff in the above entitled and numbered cause, time is extending for filing a supplemental complaint in equity in the nature of an original bill until the 15th day of December, 1928.

F. E. KENNAMER,  
District Judge.

ENDORSED: Filed November 30, 1928.  
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In the District Court of the United States in and for the

NORTHERN  
EQUITY SESSION,

District of  
TULSA, OKLAHOMA

OKLAHOMA  
FRIDAY, NOVEMBER 30, 1928.

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

L. R. KERSHAW AS RECEIVER FOR  
THE MUSKOGEE SECURITY NATIONAL  
BANK,

Plaintiff,

vs.

STEPHEN B. NELSON, FRANCES E.  
NELSON, HIS WIFE, LAURA EASLEY  
AND GEORGE A. EASLEY, HER  
HUSBAND,

Defendants.

No. 197-Equity.

D E C R E E

Now on this 30th day of November, 1928, the above entitled and numbered cause comes regularly on for trial pursuant to previous assignment, the plaintiff appearing by his attorney of record Ferd P. Snider, and the defendants appearing by their attorneys of record Allen, Underwood & Smith, and both parties announcing ready for trial.

Thereupon the plaintiff proceeded to introduce evidence on his behalf, and having concluded same the plaintiff rested his case. Thereupon the defendants interposed a demurrer to plaintiff's evidence, and the court on considering same and being fully advised in the premises finds that said demurrer is not well taken and should be overruled. It is therefore considered, ordered, adjudged and decreed by the court that said demurrer to plaintiff's evidence be, and it is hereby overruled, to which action of the court the defendants then and there in open court duly excepted.

Thereupon the defendants proceeded with the introduction of evidence on their behalf and having concluded same defendants rest. Thereupon the plaintiff proceeded with the introduction of rebuttal evidence on his behalf, and, having concluded same, both the plaintiff and the defendants rested their case.

And the court having fully considered the evidence and the argument of counsel and being fully advised in the premises finds that plaintiff is not entitled to recover herein and that judgment and the decree should be rendered in favor of the defendants. It is therefore considered, ordered, adjudged and decreed by the court that plaintiff take nothing by virtue of this action, and that judgment be and it is hereby rendered in favor of the defendants and against the plaintiff, and that defendants recover their costs herein laid out and expended. To which judgment and decree of the court the plaintiff then and there excepted.

It is further considered, ordered, adjudged and decreed by the court that the demand of the plaintiff for judgment against the defendant Stephen B. Nelson for \$10,400.00, plus interest and attorneys' fees be transferred to the law side of this court and that the pleadings be recast by the plaintiff so as to demand judgment at law in favor of the plaintiff and against the defendant Stephen B. Nelson for said sum of \$10,400.00, plus interest, attorneys' fees and costs, and that upon the pleadings being so recast and filed that the defendant Stephen B. Nelson be, and he is hereby granted ten days from the filing of such pleadings to plead to the same.

F. D. KENFAMER,

Judge.

ENDORSED: Filed November 30, 1928.

In the District Court of the United States in and for the

NORTHERN  
EQUITY SESSION,

District of  
TULSA, OKLAHOMA,

OKLAHOMA  
FRIDAY, NOVEMBER 30, 1928.

|  |             |   |                 |
|--|-------------|---|-----------------|
| J. B. DUNLAP, JR.,<br>ET AL.,                        | Plaintiffs, | } | No. 205-Equity. |
| vs.  |             |   |                 |
| FRICK-REID SUPPLY COMPANY,<br>A CORPORATION, ET AL., | Defendants. | } |                 |
|  |             |   |                 |

Now on this 30th day of November, 1928, for good cause shown, it is ordered by the Court that above entitled cause be stricken from the trial assignment for November 30, 1928.

|   |            |   |                 |
|---|------------|---|-----------------|
| MAUDE P. LIVINGSTON,                      | Plaintiff, | } | No. 206-Equity. |
| vs.                                       |            |   |                 |
| EXCHANGE TRUST COMPANY,<br>A CORPORATION, | Defendant. | } |                 |
|   |            |   |                 |

Now on this 30th day of November, 1928, for good cause shown, it is by the Court ordered that above entitled cause be continued for hearing to January 15, 1929.

|   |             |   |                 |
|---|-------------|---|-----------------|
| OSAGE OIL & REFINING COMPANY,<br>A CORPORATION, ET AL., | Plaintiffs, | } | No. 224-Equity. |
| vs.   |             |   |                 |
| MULBER OIL COMPANY, A<br>CORPORATION, ET AL.,           | Defendants. | } |                 |
|   |             |   |                 |

Now on this 30th day of November, 1928, for good cause shown, it is by the Court ordered that above entitled cause be stricken from this assignment.

|   |             |   |                 |
|---|-------------|---|-----------------|
| UNITED STATES OF AMERICA,   | Plaintiff,  | } | No. 226-Equity. |
| vs.   |             |   |                 |
| ALBERT KELLY AND THE H. F.<br>WILCOX OIL & GAS COMPANY,<br>A CORPORATION, | Defendants. | } |                 |
|   |             |   |                 |

Now on this 30th day of November, 1928, for good cause shown, it is ordered by the Court that above entitled cause be, and same is hereby stricken from this assignment.

Court adjourned until December 1, 1928.

014

In the District Court of the United States in and for the

NORTHERN  
EQUITY SESSION

District of  
TULSA, OKLAHOMA,

OKLAHOMA  
SATURDAY, DECEMBER 1, 1928.

Court convened pursuant to adjournment, Saturday, December 1st, 1928.

Present: Hon. F. E. Kennamer, Judge of U. S. District Court  
H. P. Warfield, Esq., Clerk of U. S. District Court

Thereupon the following proceedings were had and entered, to-wit:

|   |             |   |                |
|---|-------------|---|----------------|
| FANNIE S. CARR, ET AL.,                             | Plaintiffs, | } |                |
|   | vs.         | } | No. 91-Equity. |
| THE TULSA STREET RAILWAY<br>COMPANY, A CORPORATION, | Defendant.  | } |                |

Now on this 1st day of December, 1928, comes on for hearing the above entitled cause on final report of Receiver and for good cause shown, it is by the Court ordered that same be passed to December 8, 1928.

-----

|                             |             |   |                 |
|-----------------------------|-------------|---|-----------------|
| MARY SPICK HOUSTON, ET AL., | Plaintiffs, | } |                 |
|                             | vs.         | } | No. 401-Equity. |
| LOUIS G. BEREOLOS, ET AL.,  | Defendants. | } |                 |

On this 1st day of December, 1928, it is by the Court ordered that bond for appeal of above entitled cause be, and same is hereby set in the amount of Five Hundred (\$500.00) Dollars.

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|  |             |   |                 |
|--|-------------|---|-----------------|
| GYPSY OIL COMPANY, A<br>CORPORATION, ET AL., | Plaintiffs, | } |                 |
|  | vs.         | } | No. 260-Equity. |
| JACKSON BARNETT,                             | Defendant.  | } |                 |

On this 1st day of December, 1928, came on for hearing the motion of the plaintiff herein to consolidate the above entitled cause with cause No. 216-Equity, and the Court being well and fully advised in the premises, it is ordered that said cause be and same is hereby consolidated with cause No. 216-Equity and the defendant is granted twenty (20) days from this date within which to file its answer to the cross bill without prejudice.

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IN THE UNITED STATES DISTRICT COURT FOR  
THE NORTHERN DISTRICT OF OKLAHOMA

|                                      |            |   |                |
|--------------------------------------|------------|---|----------------|
| A. B. C. DAGUE,                      | Plaintiff, | } |                |
|                                      | vs.        | } | No. 70-Equity. |
| AZTEC OIL COMPANY, A<br>CORPORATION, | Defendant. | } |                |

JOURNAL ENTRY

Now on this, the 1st day of December, 1928, this cause coming on for final hearing, the plaintiff appeared by his attorneys, Lashley and Rambo and Poe and Lundy, Charles A. Coukley, Receiver, appeared in person, the bondholders and intervenors, W. H. Gray, Pawnee Oil Production Company and associated bondholders, appeared by their attorney, A. A. Davidson.

And the Receiver asking that he be authorized to disburse to the bondholders the balance of funds in his hands as Receiver and Special Master;

And it appearing to the Court that all claims against the receivership which are entitled to preference have been paid and that there are no claims pending against said receivership or against the funds in



In the District Court of the United States in and for the

NORTHERN

District of

OKLAHOMA

EQUITY SESSION,

TULSA, OKLAHOMA,

SATURDAY, DECEMBER 1, 1928.

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

HARRIETT HOSEY, ET AL., Plaintiffs, }

vs. }

JAMES A. CHAPMAN, ET AL., Defendants. }

No. 238-Equity.

ORDER EXTENDING TIME TO FILE EXCEPTIONS  
TO SPECIAL MASTER'S REPORT

Upon application, and for good cause shown, the intervenor, Hepsy Mitchell, is hereby given until December 10th, 1928, within which to file exceptions to the report of the Special Master, which report has heretofore been filed in this court.

-----

Court adjourned until December 3, 1928.

In the District Court of the United States in and for the

NORTHERN  
EQUITY SESSION,

District of

OKLAHOMA

MIAMI, OKLAHOMA.

WEDNESDAY, DECEMBER 5, 1928.

Court convened pursuant to adjournment, Wednesday, December 5th, 1928.

Present: Hon. F. E. Kernamer, Judge of U. S. District Court  
H. P. Warfield, Esq., Clerk of U. S. District Court

Thereupon the following proceedings were had and entered,  
to-wit:

|                      |            |   |                 |
|----------------------|------------|---|-----------------|
| CLARENCE CLEMONS,    | Plaintiff, | ) |                 |
| vs.                  |            | ) | No. 295-Equity. |
| FRANK CHILDRESS, and |            | ) |                 |
| DEAN SHOWALTER,      | Defendant. | ) |                 |

On this 5th day of December, A. D. 1928, comes Frank Childress, one of the defendants in above styled and numbered cause and asks and is granted leave by the Court to file his first amended separate answer.

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Court adjourned until December 6, 1928.

818

In the District Court of the United States in and for the

NORTHERN                      District of                      OKLAHOMA.  
EQUITY SESSION,              MIAMI, OKLAHOMA,              THURSDAY, DECEMBER 6, 1928

Court convened pursuant to adjournment, Thursday, December 6th, 1928.

Present: Hon. F. E. Kennamer, Judge of U. S. District Court.  
H. P. Warfield, Esq., Clerk of U. S. District Court.

Thereupon, the following proceedings were had and entered,  
to-wit:

|   |             |                  |
|---|-------------|------------------|
| CLARENCE CLEMONS,                       | Plaintiff,  |                  |
| vs.                                     |             | No. 295-Equity.. |
| FRANK CHILDRESS, and<br>DEAN SHOWALTER, | Defendants. |                  |

On this 6th day of December, A. D. 1928, it is by the Court ordered that above entitled cause be and same is hereby transferred to Vinita at the Regular March 1929 Term of Court; and it is further ordered that plaintiff here be given fifteen (15) days from this date within which to file his brief.

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Court adjourned until December 8, 1928.

In the District Court of the United States in and for the

NORTHERN  
EQUITY SESSION,

District of  
TULSA, OKLAHOMA.

OKLAHOMA  
SATURDAY, DECEMBER 8, 1928.

Court convened pursuant to adjournment, Wednesday, December 8th, 1928.

Present: Hon. F. E. Kennamer, Judge of U. S. District Court.  
H. P. Warfield, Esq., Clerk of U. S. District Court.

Thereupon the following proceedings were had and entered,  
to-wit:

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

R. W. MARK and  
GUM BROTHERS COMPANY,  
A CORPORATION, Plaintiffs,

vs.

THE PRAIRIE OIL & GAS  
COMPANY, A CORPORATION, Defendant..

No. 212-In Equity.

ORDER FOR SUBPOENAS DUCES TECUM

Now on this 8th day of December, 1928, it appearing that the plaintiffs have filed their application for subpoenas duces tecum to issue to Earl Traeger, Chief Geologist of Skelly Oil Company, F. T. Hopp, Secretary and Treasurer of Skelly Oil Company, and C. C. Herndon, Vice-President of Skelly Oil Company, and A. L. Cashman with Skelly Oil Company, to appear at this court at nine o'clock A. M., December 17, 1928, and testify on behalf of said plaintiffs at the trial of this cause and to bring with them, the documents hereinafter described, and the court having duly considered said application, finds that said order should be issued;

IT IS, THEREFORE, ORDERED, DECREED AND ADJUDGED that the Clerk of this Court issue a subpoena duces tecum to Earl Traeger, Chief Geologist of Skelly Oil Company, F. T. Hopp, Secretary and Treasurer of Skelly Oil Company, and C. C. Herndon, Vice-President of Skelly Oil Company, and A. L. Cashman with Skelly Oil Company, to appear at this court at nine o'clock A. M., December 17, 1928, to testify on behalf of the plaintiffs and to bring with them from the books and records of said Skelly Oil Company, the geological report which was prepared by the geologists of Skelly Oil Company, some time between the 1st day of October, 1924, and the 1st day of December, 1924, as to geological conditions on the following described lands situated in Creek County, Oklahoma: East One-half of the Southeast Quarter of Section Thirty-three (33), Township Seventeen (17) North, Range Twelve (12) East and the premises adjacent thereto, and the contract and oil and gas mining lease which were prepared by Skelly Oil Company some time between October 1, 1924, and December 1, 1924, for execution between Gum Brothers Company and R. W. Mark and Skelly Oil Company, pertaining to the aforesaid lands.

F. E. KENNAMER,

Judge.

ENDORSED: Filed December 8, 1928.

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

JACKSON BARNETT, AN INCOMPETENT,  
BY FRED T. HILDT, AS NEXT FRIEND,  
Plaintiff,

vs.

GYPSY OIL COMPANY, A CORPORATION,  
F. A. GILLESPIE AND SONS COMPANY,  
A CORPORATION, CUSHING GASOLINE COMPANY,  
A CORPORATION, COSDEN OIL & GAS COMPANY,  
A CORPORATION, MID-CONTINENT PETROLEUM  
COMPANY, A CORPORATION, FORMERLY COSDEN  
& COMPANY, A CORPORATION, F. A. GILLESPIE,  
SOUTHWEST OIL COMPANY, A CORPORATION, MANNFORD  
OIL & GAS COMPANY, A CORPORATION, AND H. U.  
BARTLETT,

Defendants.

No. 216-Equity

620

In the District Court of the United States in and for the

NORTHERN                      District of                      OKLAHOMA  
EQUITY SESSION,              TULSA, OKLAHOMA,              SATURDAY, DECEMBER 8, 1928.

ORDER ALLOWING TIME IN WHICH TO PLEAD

Now on this 8th day of December, 1928, there being called to the Court's attention a certain application for and on behalf of the United States, requesting time in which to plead in No. 260 Equity, and requesting also time in which to prepare a proper response to a motion for suit money hereinbefore filed; and the United States now requesting that it be permitted to intervene in said cause No. 260 Equity, at the instance and request, and under the direction of the Attorney General of the United States; and the Court finding that for good cause shown the United States should be permitted to intervene in cause No. 260 Equity, and should be given additional time in which to plead therein, and to prepare a proper response to the motion for suit money:

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that the United States be, and hereby is given permission to intervene in said cause No. 260 Equity, and is given ten days in which to file its petition of intervention therein; and that the motion for suit money filed herein by the Guardian Ad Litem, be, and hereby is set for hearing on Saturday, December 15, 1928, at 10 o'clock A. M.

F. E. KENNAMER,      Judge.

ENDORSED: Filed December 8, 1928.

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Court adjourned until December 10, 1928.

In the District Court of the United States in and for the

NORTHERN  
EQUITY SESSION,

District of

OKLAHOMA

TULSA, OKLAHOMA,

MONDAY, DECEMBER 10, 1928.

Court convened pursuant to adjournment, Monday, December 10th, 1928.

Present: Hon. F. E. Kennamer, Judge of U. S. District Court  
H. P. Warfield, Esq., Clerk of U. S. District Court.

Thereupon the following proceedings were had and entered, to-wit:

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

|   |               |                    |
|---|---------------|--------------------|
| FLORENCE MacDONALD,<br>NEE HICKMAN,   | )             |                    |
|   | ) Plaintiff,  |                    |
| vs.   | )             | No. 386-In Equity. |
| ROXANA PETROLEUM<br>CORPORATION, A COR-<br>PORATION, AND MARLAND<br>REFINING COMPANY, A<br>CORPORATION, | )             |                    |
|   | ) Defendants. |                    |

ORDER ALLOWING APPEAL

On motion of Lee Williams, Esquire, solicitor and counsel for plaintiff, it is hereby

ORDERED that an appeal to the Circuit Court of Appeals for the Eighth Circuit of the United States from the decree heretofore filed and entered herein, be, and the same is hereby allowed, and that a certified transcript of the record, testimony, proceedings and documents be forthwith transmitted to said Circuit Court of Appeals for the Eighth Circuit of the United States. It is further ordered that the bond on appeal be fixed at the sum of Five Hundred Dollars and that plaintiff be allowed 20 days from this date within which to make and file such bond.

DATED, December 10, 1928.

F. E. KENNAMER,  
United States District Judge.

ENDORSED: Filed December 10, 1928.

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

|                         |               |                 |
|-------------------------|---------------|-----------------|
| W. W. LEE,              | )             |                 |
|                         | ) Plaintiff,  |                 |
| vs.                     | )             | No. 429-Equity. |
| UNITED STATES, ET ALS., | )             |                 |
|                         | ) Defendants. |                 |

ORDER GRANTING LEAVE TO FILE BILL.

Now on this December 10th, 1928, there comes regularly on for hearing the petition of the above named plaintiff for leave to file herein his bill of complaint against the United States and others, to foreclose a mortgage by him held on a certain lot in the City of Bristow, Creek County, Oklahoma, upon which property the United States also claims a lien by virtue of a notice of the nonpayment of income taxes due by Clifford Alex, and plaintiff appears by his attorneys, Pounders & Pounders and the defendant United States of America appear by the United States Attorney of this District. Whereupon the parties announce ready and plaintiff introduces proof in support of his petition, and after hearing therein the court finds that this hearing was directed by order of this court of November 26th, 1928; that on said day copy of the order and of the petition was served upon the said United States Attorney and copy of said order and petition was on the same day mailed to the Commissioner of Internal Revenue at Washington, D. C., as by said order directed; that due demand was made upon the said Commissioner on Oct. 27th, 1928, to direct

In the District Court of the United States in and for the

NORTHERN

District of

OKLAHOMA

EQUITY SESSION,

TULSA, OKLAHOMA,

MONDAY, DECEMBER 10, 1928.

the filing of suit to foreclose the lien of the Government and that the said Commissioner declined in writing so to do on Nov. 6th, 1928; and the court finds that the plaintiff should be permitted to file his bill of complaint for the foreclosure of his mortgage, and it is so ordered.

F. E. KENNAMER, Judge.

O.K. as to form:  
Louis N. Stivers,  
Asst. U. S. Atty.

ENDORSED: Filed December 10, 1928.

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

MINNIE PFEIFER, Plaintiff, )

vs. )

No. 452-Equity.

ROSE B. WRIGHT AS EXECUTRIX  
OF THE ESTATE OF JAMES H.  
WRIGHT AND IN HER PERSONAL  
CAPACITY, Defendant. )

O R D E R

Now on this the 10th day of December, 1928, comes the above named plaintiff, Minnie Pfeifer, and files her bill of complaint against the defendant, Rose B. Wright, as executrix of the estate of James H. Wright, and in her personal capacity, praying the judgment of the court to establish her interest in the estate of James H. Wright, deceased, and for a restraining order pending the outcome of the action;

It is, by the court, ordered that the application for a restraining order be set for hearing at 9:30 o'clock A. M., December 13, 1928, at Tulsa, Oklahoma, in the United States District Court room, and that notice of this hearing be given by serving a copy of this order upon the defendant, or her attorney.

F. E. KENNAMER,  
Judge.

ENDORSED: Filed December 10, 1928.

-----  
Court adjourned until December 11, 1928.

In the District Court of the United States in and for the

NORTHERN  
EQUITY SESSION.

District of

OKLAHOMA

TULSA, OKLAHOMA.

TUESDAY, DECEMBER 11, 1928.

Court convened pursuant to adjournment, Tuesday, December 11th, 1928.

Present: Hon. F. E. Kennamer, Judge of U. S. District Court  
H. P. Warfield, Esq., Clerk of U. S. District Court.

Thereupon the following proceedings were had and entered,  
to-wit:

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

|   |             |   |                 |
|---|-------------|---|-----------------|
| UNITED STATES,  | Plaintiff,  | } | No. 235-Equity. |
| vs.   |             |   |                 |
| R. L. HALL, L. M. HALL,<br>M. BISHELLE, M. CARROLL,<br>ALBERT JACKSON, AND<br>J. A. MURPHY, | Defendants. | ) |                 |

ORDER OF DISMISSAL

Now on this 11th day of December, 1928, the above named plaintiff, the United States, appearing by and through its solicitor, Louis N. Stivers, Assistant United States Attorney in and for the Northern District of Oklahoma, on authority of and at the instance and request of the Attorney General of the United States, suggests and requests that its Bill of Complaint herein filed be dismissed, and moves a dismissal of the same, all in consideration of a dismissal on behalf of said defendants of their Cross Bill herein interposed, and said defendants now appearing, assent to such dismissal, aforesaid, and by and through their solicitor, Chas. H. Garnett, move the Court that in consideration of such dismissal, aforesaid, their Cross Bill herein filed, be, by the Court duly dismissed; and the Court, after hearing the argument of counsel, and being fully advised in the premises, finds that the plaintiff's Bill of Complaint and the defendant's Cross Bill, both herein, should be dismissed.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that plaintiff's Bill of Complaint, be, and hereby is dismissed with prejudice; and that the defendants' Cross Bill, be, and hereby is dismissed with prejudice.

F. E. KENNAMER, Judge.

O.K: Louis N. Stivers,  
Assistant United States Attorney  
Attorney for Plaintiff

Chas. H. Garnett,  
Attorney for Defendants.

ENDORSED: Filed December 11, 1928.

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

|  |             |   |                |
|--|-------------|---|----------------|
| GEO. A. BROOKS,  | Plaintiff,  | } | No. 261-Equity |
| vs.  |             |   |                |
| F. O. YARBROUGH, ADMINISTRATOR<br>WITH THE WILL ANNEXED OF THE LAST<br>WILL AND TESTAMENT OF BRIDGET<br>ANN BARBER, DECEASED, AND<br>CLARA FORBES, | Defendants. | ) |                |

DECREE AND ORDER

Now, on this 11th day of December, 1928, being one of the regular judicial days of the June, 1928, term of this court, this matter comes regularly on for hearing on the amended demurrer of the defendants, F. O. Yarbrough, administrator, with the will annexed, of the last will and testament of Bridget Ann Barber, deceased, and Clara Forbes, said amended demurrer being treated, by stipulation of the parties, as said defendants' motion to dismiss the complaint for want of equity and for the reason that



In the District Court of the United States in and for the

NORTHERN  
EQUITY SESSION,

District of  
TULSA, OKLAHOMA,

OKLAHOMA  
THURSDAY, DECEMBER 13, 1928.

Court convened pursuant to adjournment, Thursday, December 13th, 1928.

Present: Hon. F. E. Kennamer, Judge of U. S. District Court  
H. P. Warfield, Esq., Clerk of U. S. District Court

Thereupon the following proceedings were had and entered,  
to-wit:

MARY SPICK HOUSTON, ET AL., Plaintiffs, }  
vs. } No. 401-Equity.  
LOUIS G. BEREOLOS, ET AL., Defendants. }

On this 13th day of December, A. D. 1928, it is by the Court ordered that the Order signed by the Court as of October 3, 1928, be, and the same is hereby ordered to be recorded in the Equity Journal as of this day, to-wit: December 13, 1928.

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IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

MARY SPICK HOUSTON, ET AL., Plaintiffs, }  
vs. } No. 401-Equity.  
LOUIS G. BEREOLOS, ET AL., Defendants. }

ORDER

Now, on this 11th day of September, 1928, comes on for hearing the motion of the plaintiffs herein to strike and dismiss the second cause of action in the petition in intervention of John S. Haver and the second cause of action in the petition in intervention of Frank A. Haver, and the actions of Louis G. Bereolos and Louis C. Bereolos, administrator of the estate of Alex G. Bereolos, deceased, to vacate the orders of the court allowing said John A. Haver and Frank A. Haver to intervene herein, and to dismiss the intervening petitions of the said John A. Haver and Frank A. Haver, and also the action of the said Louis G. Bereolos and Louis C. Bereolos, administrator, to strike the intervening petitions and the first and second causes of action of the said John A. Haver and Frank A. Haver; and there appearing Hunt & Eggleton, attorneys for the plaintiffs, and Richard K. Bridges, attorney for John A. Haver and Frank A. Haver.

And the court having heard said motion filed herein by said plaintiffs and being fully advised in the premises finds that said motion to strike and dismiss the second causes of action in the intervening petitions of the said John A. Haver and Frank A. Haver should be sustained on the grounds that the same are not germane and are extraneous to the issues in the original petition and cause of action herein filed by said plaintiffs.

The court continued the motions filed herein by Louis G. Bereolos and Louis C. Bereolos, administrator, until the 3rd day of October, 1928.

And now, on this 3rd day of October, 1928, there comes on for hearing the motions herein filed by said Louis G. Bereolos and Louis C. Bereolos, administrator, to vacate the orders of the court allowing John A. Haver and Frank A. Haver to intervene and to dismiss the petitions in intervention of the said John A. Haver and Frank A. Haver, and there also comes on for hearing the motion of the said Louis G. Bereolos and Louis C. Bereolos, administrator, to strike the said petitions in intervention and the first and second causes of action of the said John A. Haver and Frank A. Haver; and there appearing Hunt and Eggleton, attorneys for the plaintiffs, and Richard K. Bridges, attorney for John A. Haver and Frank A. Haver, and Jas. S. Watson, attorney for Louis G. Bereolos and Louis C. Bereolos, administrator; and the court having considered said motions and hearing arguments of counsel and being fully advised in the premises, finds, that the motion of said defendants, Louis G. Bereolos and Louis C. Bereolos, administrator, to vacate the orders of the court allowing John A. Haver and Frank A. Haver to intervene herein should be overruled; and that the motion to strike the first causes of action in said petitions in intervention should be overruled; and that the motion to strike the second



In the District Court of the United States in and for the

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TULSA, OKLAHOMA,

THURSDAY, DECEMBER 13, 1928.

numbered 10 to 49 inclusive, and upon consideration thereof, being duly advised, finds that the said objections as to each of said interrogatories numbered 10 to 49 inclusive should be, and the same are hereby sustained; which ruling by the Court is duly excepted to by the plaintiffs and its exceptions are allowed.

And thereupon, the plaintiffs ask that they be permitted to file an amended set of interrogatories herein by the 15th day of January, A. D. 1929, and that the present order staying other proceedings in this case be continued until response is made to the new interrogatories, that is to say, that the defendant be allowed until the 15th day of February, A. D. 1929, to either answer said amended interrogatories, or to file written objections to all or any of same in accordance with equity rule No. 58, and that the time for the taking of depositions herein, pursuant to rule No. 47, be extended so that it shall commence to run upon the serving and filing by the defendant of its answers to the amended interrogatories of the complainants, and after any objections to such interrogatories have been disposed of.

And the Court having considered the matter, it is, by the Court, considered, adjudged and ordered that the request of the plaintiffs be and the same is hereby granted and the plaintiffs shall have, and are hereby allowed to and until the 15th day of January, A. D. 1929, to file an amended set of interrogatories, and the defendant shall have and is hereby granted to and until the 15th day of February, A. D. 1929, to either answer said amended interrogatories, or to file written objections to all or any of the same, in accordance with equity rule No. 58.

And it is further ordered that the time for the taking of depositions herein, pursuant to rule No. 47, be and the same is hereby further enlarged and extended so that the time for taking depositions herein, pursuant to equity rule No. 47, shall commence to run upon the serving and filing by the defendant of its answers to the amended interrogatories of the complainants: and in the event defendant files objections to any of such interrogatories, the time for taking depositions on behalf of all parties shall not begin to run until after such objections have been disposed of.

Done at Tulsa, Oklahoma, this the 13th day of December, A. D. 1928.

F. E. KENNAMER,

United States District Judge.

OK Preston C. West  
for Complainants

R. A. Klienschmidt  
for Defendant.

ENDORSED: Filed December 13, 1928.

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IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

R. W. MARK AND GUM BROTHERS  
COMPANY, A CORPORATION, Plaintiff,

vs.

THE PRAIRIE OIL & GAS COMPANY,  
A CORPORATION, Defendant.

No. 212-Equity.

ORDER

Now on this 13th day of December, 1928, the plaintiffs and defendant being present by their respective counsel, for good cause shown, the above styled and numbered cause which was heretofore set for trial on December 17, 1928, is reset specially for trial on the 21 day of January, 1929.

It further appearing to the court that numerous witnesses have been subpoenaed to appear before this court at nine o'clock A. M., December 17, 1928, for the trial of this cause, it is hereby ordered that the Clerk of this court appear in the United States Court Room at Tulsa at nine o'clock A. M., December 17, 1928, and ascertain the names of the



In the District Court of the United States in and for the

NORTHERN

District of

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EQUITY SESSION,

TULSA, OKLAHOMA,

THURSDAY, DECEMBER 13, 1928

order and upon the response of defendant thereto be and the same is hereby continued; and the defendant is, at her request, allowed and given thirty days from this date within which to file a motion to dismiss the bill of complaint, and to file brief in support of said Motion; and the plaintiff 10 days thereafter to file reply.

F. E. KENNAMER, Judge.

OK Miller & Stephenson  
By R. E. Stephenson  
Counsel for Plaintiff

Embry, Johnson & Tolbert  
Streeter Speakman  
Counsel for defendant.

ENDORSED: Filed December 13, 1928.

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IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

THE SEABOARD NATIONAL BANK OF  
THE CITY OF NEW YORK, TRUSTEE, Complainant, )

vs )

No. 388-Equity.

THE TULSA STREET RAILWAY COMPANY,  
A CORPORATION, THE DAYTON SAVINGS  
& TRUST COMPANY, A CORPORATION, AND  
FANNIE S. CARR, HELEN R. BAILEY,  
OLIVE R. REIS, C. H. BOSLER, ALLAMAN,  
FUNKHOUSER & MURR, A CO-PARTNERSHIP  
COMPOSED OF D. W. ALLAMAN, C. A.  
FUNKHOUSER AND BYRON MURR, D. W  
ALLAMAN AND C. KLINE, Defendants. )

ORDER

AND NOW On this the 13 day of December, 1928, this cause comes on for hearing upon the application of C. Kline, Receiver of The Tulsa Street Railway Company, for leave to issue and sell Receiver's Certificates in the sum of \$20,000.00, said certificates to be sold and the proceeds thereof to be used for the purpose of rebuilding and paving certain tracks of The Tulsa Street Railway Company on Lewis Avenue, and to purchase and install an extra feed wire, all as set out in said application.

Said Receiver appears in person, and by his attorneys, Moss & Young, and the defendant, The Tulsa Street Railway Company, appears by its attorneys, Moss & Young, and the plaintiff appears by its attorneys, Breckenridge & Bostick, and the court, after reading the application, and being fully advised in the premises, finds that the plaintiff herein, by its attorneys, has in open court consented to the issuance of Receiver's Certificates as prayed for in said application in the sum of \$20,000.00, the proceeds thereof to be used in double tracking, repairing and paving the line of The Tulsa Street Railway Company on Lewis Avenue, beginning at the intersection of Lewis Avenue and 1st Street, and running thence south on Lewis Avenue a distance of approximately 1150 feet, and also to purchase and install an extra feed wire running from the plant of the Public Service Company on 11th Street to the street car line of the defendant company at 7th Street and Lewis Avenue.

IT IS, THEREFORE, ORDERED That the Receiver, C. Kline, be, and he is hereby authorized to issue and sell, in such denominations as he shall fix, and as needed, Receiver's Certificates to bear 6% interest from date, in a sum not to exceed, however, \$20,000.00, and with the proceeds of such sale to rebuild the tracks on Lewis Avenue, as provided in his application, and to construct said extra feed wire, as therein provided.

IT IS FURTHER ORDERED That the Receiver shall not sell or dispose of said certificates, or any of them, for less than par, and

IT IS FURTHER ORDERED That said certificates, when so issued and sold, shall be, become and constitute a first lien upon the line of the street car company, its appurtenances, franchises and income of whatsoever kind and character in the custody of said Receiver upon the date

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of said order, or subsequently acquired by him or his successor, subject only to the lien of any material and equipment heretofore purchased by said Receiver upon which there is a special lien.

DONE IN OPEN COURT This 13 day of December, 1928.

F. E. KENNAMER, Judge.

ENDORSED: Filed December 13, 1928.

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Court adjourned until December 15, 1928.

In the District Court of the United States in and for the

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TULSA, OKLAHOMA, SATURDAY, DECEMBER 15, 1928.

Court convened pursuant to adjournment, Saturday, December 15th 1928.

Present: Hon. F. E. Kennamer, Judge of U. S. District Court  
H. P. Warfield, Esq., Clerk of U. S. District Court

Thereupon the following proceedings were had and entered, to-wit:

ORDER APPROVING STATEMENT OF EVIDENCE

BOARD OF COUNTY COMMISSIONERS  
OF ROGERS COUNTY, OKLAHOMA, Complainant, )  
vs ) No. 262-Equity.  
BRISTOW BATTERY COMPANY,  
ET AL., Respondent. )

The above and foregoing statement is hereby approved as a true statement of all the evidence and ought to be filed as a portion of the record in this case in accordance with Equity Rule No. 75.

Dated this 15 day of November, 1928.

F. E. KENNAMER, Judge.

ENDORSED: Filed December 15, 1928.

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IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

THE COLUMBIAN NATIONAL LIFE  
INSURANCE COMPANY, Complainant, )  
vs. ) No. 423-Equity.  
KATHLEEN M. CASTLE, Respondent, )

O R D E R

Now on this the 15th day of December, 1928, good cause shown, the plaintiff is hereby given an extension of time of twenty (20) days from December 15, 1928, in which to file its reply or other pleading to the defendant's answer and counterclaim.

F. E. KENNAMER,  
District Judge.

ENDORSED: Filed December 15, 1928.

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IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

HANNAH M. SMITH, ADMINISTRATRIX,  
OF THE ESTATE OF OWEN T. SMITH, Plaintiff, )  
vs. ) No. 271-Equity.  
MAGIC CITY KENNEL CLUB, INC.,  
JOHN CRAUGHNESSY, GEORGE HUNFORD,  
JOHN J. O'BRIEN AND J. W. COLLEY, Defendants. )

O R D E R

The above entitled cause coming before the Court on defendants' motion to discharge and vacate the order requiring bond in lieu of preliminary injunction, and counsel for defendants and counsel for plaintiff having been heard:

In the District Court of the United States in and for the

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IT IS HEREBY ORDERED:

That the motion be and the same is hereby overruled.

F. E. KLINNAMER,

Judge United States District Court.

Tulsa, Oklahoma. December 15, 1928.

OK Arthur A. Brown Atty for Dfnt.

OK E. Howard McCaleb Hunt & Eagleton Attys for Pltff.

ENDORSED: Filed December 15, 1928.

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

HANNAH H. SMITH, ADMINISTRATOR OF THE ESTATE OF OWEN P. SMITH, DECEASED, Plaintiff,

vs.

MAGIC CITY KENNEL CLUB, INC., JOHN SHAUGHNESSY, GEORGE HURFORD, JOHN J. O'BRIEN AND J. W. COLLEY, Defendants.

No. 271-Equity.

DECREE

This cause came on to be heard at this term and was argued by counsel; and thereupon, upon consideration thereof;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

- 1. That the exceptions filed by defendants to the report of Joe T. Dewberry, Special Master, be overruled and said report be approved.
2. That the letters patent in suit being United States Letters Patent No. 1379224, granted May 24, 1921, to Owen P. Smith, and United States Letters Patent No. 1507440, granted September 2, 1924, to Owen P. Smith, and United States Letters Patent No. 1630,812, granted May 21, 1927, to Owen P. Smith, are good and valid in law.
3. That Hannah H. Smith, Administratrix of the estate of Owen P. Smith, deceased, is the owner of said letters patent and of all rights thereunder.
4. That defendants, Magic City Kennel Club Incorporated, a corporation organized, chartered and existing under and by virtue of the laws of the State of Oklahoma, and defendant John Shaughnessy have and each of them has infringed said Letters Patent No. 1379224 as to claims One, and Two thereof, and said defendants have and each of them has infringed said Letters Patent No. 1507440 and claims One, Two and Three thereof; and the said defendants have and each of them has infringed said Letters Patent No. 1630812 and Claims One, Two and Three thereof.
5. That said defendants, Magic City Kennel Club, Inc., and John Shaughnessy and each of them, and each of their officers, agents, employees and attorneys be, and the same are perpetually enjoined and restrained from making or causing to be made, selling or causing to be sold and using or causing to be used, directly or indirectly, the invention the subject matter of said United States Letters Patent No. 1379224 as claims numbered One and Two thereof.
6. That the defendants above named and each of them and each of their officers, agents, employees and attorneys be and the same are perpetually enjoined and restrained from making or causing to be made, from selling or causing to be sold and from using or causing to be used.

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directly or indirectly, the invention, the subject matter of said United States Letters Patent No. 1507440 and claimed by claims numbered One, Two and Three thereof.

7. That the defendants above named and each of them and each of their officers, agents, employees and attorneys be and the same are perpetually enjoined and restrained from making or causing to be made, from selling or causing to be sold and from using or causing to be used, directly or indirectly, the invention the subject matter of United States Letters Patent No. 1630812 and claimed by claim numbered One, Two and Three thereof.

8. It is further ordered, adjudged and decreed that the above named defendants be further perpetually enjoined and restrained from selling or disposing of the said infringing apparatus or devices used by defendant Magic City Kennel Club, and that said defendant Magic City Kennel Club, Inc., be ordered to deliver up, to be destroyed or impounded, the said infringing apparatus or devices.

9. That a writ of injunction issue under the seal of this court directed against the above named defendants and each of them and each of their officers, agents, employees and attorneys and each of them as hereinbefore stated.

10. It is further ordered, adjudged and decreed that the plaintiff is entitled to recover from said above named defendants or either of them the profits they or either of them have derived by reason of said infringement as aforesaid; and that to that end this case be, and the same is hereby referred to Joe T. Dewberry as Master to take and state an account of the profits which said defendants, or either of them, have or has made by reason of such infringement..

11. It is further ordered, adjudged and decreed that the bill of complaint be dismissed as to the following named defendants: George Hurford, John J. O'Brien and J. W. Colley.

12. It is further ordered, adjudged and decreed that the plaintiff do have and recover judgment against the defendant Magic City Kennel Club, Inc., on the bond given under the order of this court of date of September 24, 1927, and filed in this cause on September 30, 1927, and against the National Surety Company of New York, Surety on said bond in the sum of (\$20,000.00) Twenty Thousand Dollars liquidated damages, in accordance with the terms of said bond and the order of Court under which said bond was given and filed.

13. It is further ordered, adjudged and decreed that the compensation due Joe T. Dewberry, Special Master herein, be and the same is hereby fixed at the sum of \$2,000.00 up to this date, one half of said sum to be advanced by plaintiff and one half of said sum to be advanced by said defendants, payment to be made forthwith, and taxed as part of the costs.

14. It is further ordered, adjudged and decreed that plaintiff is entitled to recover from said defendants all costs to be taxed.

F. E. KENNAMER, Judge.

OK: E. Howard McCaleb  
Hunt & Eagleton  
Atty for plaintiff

Arthur A. Brown  
Atty. for Defendant.

ENDORSED: Filed December 15, 1938.

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# In the District Court of the United States in and for the

NORTHERN District of OKLAHOMA  
EQUITY SESSION TULSA, OKLAHOMA SATURDAY, DECEMBER 15, 1928.

## IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

JACKSON BARNETT, AN INCOMPETENT,  
BY FRED T. HILDT, AS NEXT FRIEND, Plaintiff,

vs.

GYPSY OIL COMPANY, A CORPORATION,  
F. S. GILLESPIE AND SONS COMPANY,  
A CORPORATION, CUSHING GASOLINE  
COMPANY, A CORPORATION, COSDEN OIL  
& GAS COMPANY, A CORPORATION, MID-CONTINENT  
PETROLEUM COMPANY, A CORPORATION, FORMERLY  
COSDEN AND COMPANY, A CORPORATION,  
F. A. GILLESPIE, SOUTHWEST OIL COMPANY,  
A CORPORATION, MANNFORD OIL AND GAS  
COMPANY, A CORPORATION, AND H. U.  
BARTLETT, Defendants.

No. 216-Equity  
(Consolidated with  
No. 260 Equity )

ORDER PERMITTING THE UNITED STATES TO ADOPT ITS ANSWER IN NO.  
216 EQUITY AS ITS PLEADING IN CAUSES AS CONSOLIDATED.

Now on this 15th day of December, 1928, there coming on to be heard the application of the United States for permission to plead in No. 260 Equity, and it having been called to the Court's attention that both No. 216 Equity and No. 260 Equity involve the same subject matter, and have been duly consolidated, and that the Government's position is fully expressed in its answer duly filed in No. 216 Equity, and its position with reference to the lease in question, the subject matter of this litigation, being the same as expressed in such answer, the Court finds that it is fit and proper that such answer, aforesaid, be adopted as its pleading in the causes as consolidated.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the answer of the United States in No. 216 Equity be and hereby is considered as its general pleading in said consolidated causes, aforesaid.

F. E. KENNAMER, Judge,

ENDORSED: Filed December 15, 1928.

## IN THE DISTRICT COURT OF THE UNITED STATES FOR THE NORTHERN DISTRICT OF OKLAHOMA

CONTACT FILTRATION COMPANY,  
ET AL., Plaintiffs,

vs

PIERCE PETROLEUM CORPORATION,  
A CORPORATION, Defendant..

No. 280-Equity.

### O R D E R

On this 15th day of December, 1928, upon the verified application of the defendant, and for good cause shown,

IT IS ORDERED that the said defendant is hereby granted leave to further amend its answer heretofore filed in this cause, according to the amendment attached to the application of said defendant to amend its answer to the bill of complaint herein as amended, filed herein on the 6th day of December, 1928; and the Clerk of this Court is accordingly ordered to file said amendment to defendant's answer.

F. E. KENWALLER,

United States District Judge.

OK Preston G. West for Plaintiff  
R. A. Klienschmidt for defendant.

ENDORSED: Filed December 15, 1928.

In the District Court of the United States in and for the

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SATURDAY, DECEMBER 15, 1928.

IN THE UNITED STATES DISTRICT COURT OF THE  
NORTHERN DIVISION OF THE STATE OF OKLAHOMA.

C. M. OXLEY, Plaintiff, )  
vs. )  
L. T. NEWLON, ET AL., Defendants. )

No. 302-Equity..

D E C R E E

And now on this 15th day of December, 1928, it being an ad-  
journd day of the regular January, 1928 term of this Court, and this  
cause coming on for hearing on special setting for this date, Plaintiff  
present by Wilson and Kearcy, and F. W. Casner, her attorneys; The Josey  
Oil Company and the Hemlock Oil Company present by C. M. Oakes, their at-  
torney, the Echolustee Oil Company present by A. M. Beets, its attorney,  
and Prentice T. Moore, Dudley W. Moore, Mrs. Mabel Vail, Ethel Moore,  
John E. Moore, Miss Sybil Moore, Miss Mary Moore, and R. Dawkins Moore,  
heirs of J. Stanley Moore, present by their attorneys, Laks and Robinson,  
and none of the other Defendants appearing in Court, the Court proceeded  
with the trial of this action, and finds that Defendants L. T. Newlon and  
Vera S. Newlon have entered their voluntary appearance herein, and ask  
speedy and inexpensive adjudication. That Defendants Eugene N. Catlett,  
F. T. Miller, R. B. Taylor, and D. H. Radcliff have been duly served with  
summons herein, and have made no appearance. And the Court having ex-  
amined said summons, the service and return thereof, and finding the same  
correct and in conformity with the law, the same are hereby approved.  
That the Empire Gas and Fuel Company, Wm. G. Johnston, D. Replogle, Samuel  
K. Vierson have entered their appearance and filed disclaimer herein.  
That the Vierson Oil and Gas Company has entered its appearance, filed  
an answer, but now fails to appear in this Court. That D. E. Dean has  
filed his answer and cross petition asking foreclosure of an underlying  
lien and appears by F. W. Casner, his attorney.

And proceeding with the hearing of this case the Court after  
hearing the evidence introduced by the Plaintiff and Defendants present,  
and the argument of counsel, and being fully advised in the premises  
finds:

First, That the allegations of Plaintiff's petition are true,  
and that there is due Plaintiff from Defendants L. T. Newlon and Vera S.  
Newlon upon the note sued upon herein the sum of Eight Thousand one hun-  
dred fourteen and 50/100 Dollars (\$8,114.50) on this day with interest at  
10% per annum to date of payment, together with an attorney's fee of Five  
hundred Dollars (\$500.00) allowed against the principal Defendants.

Second, That there has been default in the terms of said note,  
and the mortgage deed securing same set forth in Plaintiff's petition, and  
that Plaintiff is entitled to the foreclosure thereof, and a first and  
prior lien upon all of the premises in Plaintiff's petition described,  
to-wit:

Lots Three (3) and four (4), and the  
East half of the South-west Quarter  
of Section Seven (7), Township Eleven  
(11) North, Range Eleven (11) East,  
containing one hundred sixty acres, more  
or less, Okfuskee County, State of Okla-  
homa.

And every part thereof for the amount herein found due Plaintiff.

Third, That the Hemlock Oil Company is the owner of a 1/32  
interest in and to all the oil and gas, and other minerals that might  
be in or under or produced from the above described land, subject to the  
lien of Plaintiff.

Fourth. That the Echolustee Oil Company is the owner of a 1/4  
interest in and to all the oil, gas, and other minerals that might be in  
and under or produced from said premises, subject to the lien of Plaintiff.

Fifth. That the heirs of J. Stanley Moore, above named, are  
the owners of a 1/16 interest in and to all of the oil, gas, and other  
minerals that might be in or under, or produced from the above described  
premises, subject to the lien of plaintiff.

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Sixth. That D. E. Dean is entitled to recover from Defendants Newlon and Newlon on the note set forth in his cross petition herein un the sum of Two thousand five hundred thirty-one Dollars (\$2531.00) with interest at 10% per annum from this date, and One hundred Dollars (\$100.00) attorney's fee, together with the foreclosure of the mortgage set forth in said cross petition, and that said sum so found due, by virtue of said mortgage, is found to be a second and underlying lien on all of the premises herein above described, subject to the three fractions of the oil, gas, and mineral interests above set forth, and that the said cross petitioner have foreclosure of his said lien concurrent with the foreclosure of the first lien herein.

Seventh. That L. T. Newlon is the owner of all of said premises subject to the fractional oil, gas and mineral ownership above set forth, and subject to the liens of the Plaintiff and the Defendant Dean.

Eighth. That the interests of all of the other Defendants herein are secondary, subservient, and inferior to the rights of Plaintiff and the Defendants appearing herein for trial.

WHEREFORE, It is considered, ordered, and adjudged that Plaintiff do have and recover the sum of Eight thousand one hundred fourteen and 50/100 Dollars (\$8,114.50) with interest at 10% per annum from this date until paid, and an attorney's fee of Five hundred Dollars (\$500.00). That said sum is hereby decreed a first and prior lien upon all of the premises hereinbefore described, and described in the mortgage deed set forth in Plaintiff's petition. That said mortgage deed be, and is hereby foreclosed, in said sum.

That D. E. Dean have and recover upon the note set forth in his cross petition the sum of Two thousand five hundred thirty-one Dollars (\$2531.00) with interest at the rate of 10% per annum from this date until paid, and One Hundred Dollars (\$100.00) attorney's fees, and that said sum be, and is hereby decreed a second lien upon all of said premises hereinbefore described excepting only the three fractional interests in the oil, gas, and minerals as above set forth and that said deed be so foreclosed concurrent with the foreclosure of the first lien herein.

That unless said premises be redeemed from the lien of Plaintiff herein within six months from this date that a special execution or order of sale be issued by the Clerk of this Court to the Marshal of this district directing him to advertise and sell the premises hereinbefore described, and described in Plaintiff's mortgage deed herein foreclosed, and if Plaintiff's lien should be redeemed prior to such time then to issue said order as to Defendant Dean's second lien as the facts may appear, and that upon said sale the Marshal make due return to this Court thereon of his action. That Defendants, and each of them, are hereby barred and foreclosed of all right to said premises except as herein found, and the right of redemption of the liens fixed. And that on and after said sale the said Defendants, L. T. Newlon, Vera S. Newlon, Eugene N. Catlett, Empire Gas and Fuel Company, a corporation, Josey Oil Company, a corporation, Wm. G. Johnston, D. Replogle, D. R. Radcliff, D. E. Dean, Echolustee Oil Company, a corporation, Henlock Oil Company, a corporation, Prentice T. Moore, Dudley W. Moore, Mrs. Mabel Vail, Ethel Moore, John L. Moore, R. Dawkins Moore, F. T. Miller, Samuel K. Vierson, Vierson Oil and Gas Company, a corporation, R. B. Taylor, Miss Sybil Moore, and Miss Mary Moore, and each of them and all parties claiming by, through, or under them, or either of them, be barred and foreclosed from all right, title, interest, or estate in or to the premises hereinbefore described, to-wit:

Lot Three (3) and Four (4) and the East Half of the South-west Quarter of Section Seven (7), Township Eleven (11) North, Range Eleven (11) East, containing one hundred sixty acres, more or less, Okfuskee County, Oklahoma.

And every part thereof, and the said Defendants, and each of them, and all parties claiming by, through, or under them are, on and after the confirmation of said sale hereby barred and enjoined from setting up, claiming, or encumbering, the records with any claim, interest, right, title, or estate, or cloud upon the title to the premises hereinbefore described or any part thereof, now or hereafter held or appearing of

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record in the named of said Defendants, or either of them, and that Plaintiff have and recover her costs taxes against Defendants L. T. Newlon and Vera S. Newlon, in the sum of \_\_\_\_\_ Dollars.

Approved:

F. E. KENNAMER, Judge.

Submitted by:

Wilson & Searcy  
Attorneys for Plaintiff

ENDORSED: Filed December 15, 1928.

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Court adjourned until December 22, 1928.

In the District Court of the United States in and for the

NORTHERN District of OKLAHOMA
EQUITY SESSION, TULSA, OKLAHOMA, SATURDAY, DECEMBER 22, 1928

Court convened pursuant to adjournment, Saturday, December 22nd, 1928.

Present: Hon. F. E. Kennamer, Judge of U. S. District Court
H. P. Warfield, Esq., Clerk of U. S. District Court

Thereupon the following proceedings were had and entered, to-wit:

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

UNITED STATES Plaintiff,
vs No. 301-Equity,
B. T. RILEY, J. L. BRUNT, UNION NATIONAL BANK OF CHANDLER, CHANDLER, OKLAHOMA, A CORPORATION, ARTHUR LAMB, AS ASSIGNEE OF ARTHUR LAMB, RECEIVER OF THE INDIAN TRADING COMPANY, C. E. RILEY, AND THE COMMERCIAL NATIONAL BANK OF KANSAS CITY, KANSAS, A CORPORATION, Defendants.

JOURNAL ENTRY OF JUDGMENT

Now on this 22 day of December, 1928, this matter coming on to be heard upon Motion for Judgment upon the pleadings filed herein by the above named Plaintiff, the United States, and said Plaintiff now appearing by and through its Solicitor John H. Goldsberry, United States Attorney in and for the Northern District of the State of Oklahoma, and the Defendants Commercial National Bank of Kansas City, Kansas, and C. E. Riley, both having filed their Disclaimers herein, and said Defendants B. T. Riley, Arthur Lamb, as Assignee for Arthur Lamb, Receiver for the Indian Trading Company, having heretofore filed in the within cause Motions to dismiss the Government's Bill of Complaint which were on the 9th day of October, 1928, duly and regularly overruled, and said Defendant given twenty days in which to answer therein, and the said Defendant B. T. Riley having filed an Answer in due course, and said Defendants other than the said B. T. Riley, whose Motions to dismiss were overruled, having failed to answer, and said Defendant B. T. Riley now appearing by and through his Solicitors, Humphrey & Spence, and Preston A. Shinn, all of Pawhuska, Oklahoma, and the said Defendant, Arthur Lamb not now appearing and the Court after hearing argument of Counsel and being fully advised in the premises, finds that the Plaintiff's Motion for Judgment on the pleadings herein interposed should be sustained.

The Court finds all issues in favor of the Plaintiff and against the Defendant.

And further finds that one Luther P. Mosier is an Osage Indian, of three-sixteenths degree Indian blood, and duly enrolled as such opposite Osage Roll No. 1571; has never been issued a certificate of competency, and is the owner in fee simple of the following described land, to-wit:

Lots Six (6) and Seven (7) in Section Six (6); and Southeast Quarter (SE4) of Northeast Quarter (NE4); and East Half (E2) of Southeast Quarter (SE4); and East Half (E2) of Northeast Quarter (NE4) of Northeast Quarter (NE4) of Northeast Quarter (NE4); and Southeast Quarter (SE4) of Northeast Quarter (NE4) of Northeast Quarter (NE4) of Section Seven (7); and Southwest Quarter (SW4) of Southwest Quarter (SW4) of Section Eight (8); and Northwest Quarter (NW4) of Northwest Quarter (NW4) of Section Seventeen (17); and Northeast Quarter of Northeast Quarter (NE4) of Section Eighteen (18), all in Township Twenty-five (25), Range Eight (8); and South Half (S2) of Northwest Quarter

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(NW4) of Section Twelve (12), Township Twenty-five (25), Range Seven (7); and South Half (S2) of Northwest Quarter (NW4); and North Half (NE) of Southwest Quarter (SW4) of Section Twenty-five (25), Township Twenty-one (21), Range Nine (9); and East Half (E2) of Northeast Quarter (NE4); and North Half (NE2) of Southeast Quarter (SE4) of Section Fifteen (15), Township Twenty-five (25), Range Eleven (11);

which such said lands being hereinafter referred to as mortgaged lands, or lands covered by a certain mortgage hereinafter mentioned; and in addition to such said lands the said Luther P. Mosier is the owner in fee simple of an undivided interest, at least, in and to the following described lands, to-wit:

West Half (W2) of the Northwest Quarter (NW4); and West Half (W2) of Northeast Quarter (NE4) of Section Eight (8), Township Twenty-five (25), Range Eight (8); and West Half (W2) of Northeast Quarter (NE4); and East Half (E2) of Northwest Quarter (NW4); and West Half (W2) of Northeast Quarter (NE4) of Northeast Quarter (NE4) of Section Seven (7), Township Twenty-five (25), Range Eight (8); and Northeast Quarter (NE4) of Northeast Quarter (NE4) of Section Thirteen (13), Township Twenty-five (25), Range Eight (8); and Northeast Quarter (NE4) of Northeast Quarter (NE4); and West Half (W2) of Northeast Quarter (NE4); and Northwest Quarter (NW4) of Southeast Quarter (SE4) of Section Sixteen (16), Township Twenty-five (25), Range Eleven (11); and Lots Three (3), Four (4), and Five (5); and Southeast Quarter (SE4) of Northwest Quarter (NW4) of Section Six (6), Township Twenty-five (25), Range Eight (8); and Lots One (1), Two (2), Three (3) and Four (4); and Southwest Quarter (SW4) of Northwest Quarter (NW4); and Northwest Quarter (NW4) of Southwest Quarter (SW4); and South Half (S2); and Northeast Quarter (NE4) of Northeast Quarter (NE4) of Section Five (5), Township Twenty-five (25), Range Eight (8); and Lot Four (4); and Southwest Quarter (SW4) of Northeast Quarter (NE4); and Northwest Quarter (NW4) of Southwest Quarter (SW4) of Section Four (4), Township Twenty-five (25), Range Eight (8); and West Half (W2) of Northwest Quarter (NW4) of Section Nine (9), Township Twenty-five (25), Range Eight (8); and Southeast Quarter (SE4) of Northwest Quarter (NW4); and Southwest Quarter (SW4) of Northeast Quarter (NE4); and East Half (E2) of Southwest Quarter (SW4) of Section Eighteen (18), Township Twenty-five (25), Range Eight (8); and Lots Five (5) and Six (6), Block Ninety (90), original town of Pawhuska, Oklahoma; and East Half (E2) of Lot Eight (8), and Lot Nine (9), Block Sixty-seven (67), original town of Pawhuska, Oklahoma, and Northeast Quarter (NE4) (Except Lots Nine (9), Ten (10) and Eleven (11) Mosier Add Foraker), in Section Thirty-two (32), Township Twenty-eight (28), Range Seven (7);

which such said lands, last aforesaid, being inherited by the said Luther P. Mosier from certain Osage Indian allottees,

That under and by virtue of an Act of Congress of February 27, 1925, Section 6, it is provided that:

"No contract for debt hereafter made with a member of the Osage Tribe of Indians not having a certificate of competency, shall have any validity unless approved by the Secretary of the Interior."

That notwithstanding such said Act of Congress, aforesaid, the said defendant, B. T. Riley, on or about the 3rd day of March, 1925, willfully and unlawfully procured of the said Luther P. Mosier the execution and delivery to him of certain contracts for debt in the form of promissory notes, to-wit: One note dated March 3, 1925, due March 3, 1926, in the principal sum of \$3750.00, with interest from date at the rate of 7% per annum, together with an attorney's fee in the sum of \$375.00; another note dated September 17, 1924, due March 17, 1926, in the principal sum

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In the District Court of the United States in and for the

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OKLAHOMA  
SATURDAY, DECEMBER 22, 1928

of \$3280.00, with interest from date at the rate of 10% per annum, and an Attorney's fee of \$328.00; a certain other note dated October 15, 1925, due December 15, 1926, in the principal sum of \$150.00, with interest thereon at the rate of 10% per annum until paid, and an Attorney's fee in the sum of \$25.00; which said contracts for debt were not at the time of their execution and delivery, and have not since been approved by the Secretary of the Interior, and are therefore null and void and of no force and effect, and in violation of said Act of Congress of February 27, 1925, herein quoted.

That as a part and parcel of said contracts for debt, aforesaid, and to secure the payment of the same the said defendant, B. T. Riley, wilfully and unlawfully procured of and from the said Luther P. Mosier the execution and delivery to him of a certain real estate mortgage in the sum of \$3750.00, dated March 3, 1925, in due and regular statutory form, covering the lands hereinbefore described as mortgaged lands, and duly recorded in the office of the County Clerk of Osage County, Oklahoma, in Book 41 of Mortgages, at Page 370, which such said real estate mortgage, aforesaid, is likewise null and void and of no force and effect, for the reason that the same was given to secure the payment of such said contracts for debt, aforesaid, and is a cloud upon the title to said lands therein described, for the reason that the same is of record, as aforesaid.

That notwithstanding said Act of Congress, aforesaid, said defendant, C. E. Riley, on or about the 3rd day of March, 1925, wilfully and unlawfully procured of the said Luther P. Mosier the execution and delivery to him, to-wit: One note dated March 3, 1925, in the principal sum of \$1500.00, due March 3, 1926, with interest from date at the rate of 10% per annum, and an Attorney's fee in the sum of \$150.00; another note dated March 9, 1925, in the principal sum of \$1920.00, due on demand after date, with interest thereon, at the rate of 10% per annum, which such said contracts for debt were not at the time of their execution and delivery, and have not since been approved by the Secretary of the Interior, and are therefore null and void, and of no force and effect, and in violation of said Act of Congress of February 27, 1925, herein quoted.

That under and by virtue of an Act of Congress of April 18, 1912, it is provided:

"That no lands or moneys inherited from Osage allottees shall be subject to or be taken or sold to secure the payment of any indebtedness incurred by such heir prior to the time such lands and moneys are turned over to such heirs."

That at the time of the execution and delivery of the said contracts for debt hereinbefore mentioned, one W. T. Mosier, an Osage allottee, had departed this life, and that the said Luther P. Mosier was then and there an heir of the estate of said deceased, but that the distributive share of said estate, due him, had not been turned over to him; and that notwithstanding said Act of Congress, last aforesaid, the said defendants, B. T. Riley and C. E. Riley, on or about the 9th day of March, 1925, and before distribution was made in the estate of the said W. T. Mosier, deceased, did wilfully and unlawfully procure of the said Luther P. Mosier the execution and delivery to them of a certain assignment of his prospective distributive share in said estate, for the purpose of securing the payment of said contracts for debt, aforesaid, and that such said assignment, aforesaid, for the reasons aforesaid, is therefore null and void, and of no force and effect, but the same is a cloud upon the title of this plaintiff and the said Luther P. Mosier in and to such lands or personalty due the said Luther P. Mosier from said estate, for the reason that on or about the 20th day of April, 1925, such said assignment was duly recorded in the office of the County Clerk of Osage County, Oklahoma, in Book 28 of Miscellaneous Records, on page 176, and such said assignment by proper order of this Court should be duly canceled, set aside and held for naught.

That the defendant, The Commercial National Bank of Kansas City, Kansas, after the execution and delivery to the said C. E. Riley, aforesaid, of the said contract for debt in the sum of \$1920.00, and with knowledge of all the facts herein recited, took an assignment of said contract for debt, together with such said security for the payment of the same, held by the said C. E. Riley, and is now believed to be the holder and owner of such said note, and claiming the same right, title

In the District Court of the United States in and for the

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TULSA, OKLAHOMA,

SATURDAY, DECEMBER 22, 1936.

and interest therein as was asserted and claimed by the said C. E. Riley, but that the same is null and void, and of no force and effect, for the reasons hereinbefore stated.

That notwithstanding the said Act of Congress, aforesaid, the said defendant, the Union National Bank of Chandler, Oklahoma, on or about the 10th day of March, 1925, wilfully and unlawfully procured of the said Luther P. Mosier the execution and delivery to it of certain contracts for debt in the form of promissory notes, to-wit: One note dated March 10, 1925, due and payable on demand, in the principal sum of \$1200.00, with interest from date at the rate of 10% per annum, together with an Attorney's fee in the sum of 10% thereof. Another note dated July 28, 1925, due and payable on demand, in the principal sum of \$2700.00, with interest thereon from date, at the rate of 10% per annum, and an Attorney's fee in the sum of 10% thereof.

That at the time of the execution and delivery of said contract for debt, last aforesaid to the said defendant, the Union National Bank of Chandler, Oklahoma, and for the purpose of securing the payment of the same, the said defendant, the Union National Bank of Chandler, Oklahoma, wilfully and unlawfully procured from the said Luther P. Mosier an assignment of his prospective distributive share of the estate of his father, the said W. T. Mosier, deceased, and that such said assignment was duly recorded in the office of the County Clerk of Osage County, Oklahoma, and it, together with said contract for debt, because of the Acts of Congress hereinbefore enumerated, is null and void and of no force and effect, and both are clouds upon the title of this Plaintiff and the said Luther P. Mosier in and to his prospective distributive share in and to such said estate, and should, by proper order of this Court, be canceled, set aside and held for naught.

That said defendants, aforesaid, by virtue of said contracts for debt, which are null and void, as aforesaid, have procured a certain judgment against the said Luther P. Mosier, bearing date of July 7, 1926, and the same appears upon the judgment docket in the Court Clerk's office of Osage County, Oklahoma, and for the reasons herein stated is null and void, and of no force and effect, and should by decree of this Court, be cancelled, set aside and held for naught.

That the defendants, J. L. Brunt and the said Arthur Lamb, as Assignee of Arthur Lamb, Receiver of the Indian Trading Company, hold recorded judgments against the said Luther P. Mosier, the exact nature of such judgments being unknown, further then that they are based upon certain contracts for debt, made and entered into, and procured from the said Luther P. Mosier subsequent to the Act of Congress of February 27, 1925, and are therefore null and void and of no force and effect, but are clouds upon the title of Plaintiff and the said Luther P. Mosier in and to his prospective distributive share in and to such said estate, aforesaid, for the reason that the same are on the judgment docket in the office of the County Clerk of Osage County, Oklahoma, and appear to be a lien against the lands herein described, and should, by proper order of this Court, be canceled, set aside and held for naught.

That the Plaintiff herein has no adequate remedy at law. That the defendants, B. T. Riley, C. E. Riley, Arthur Lamb, as Assignee of Arthur Lamb, Receiver of the Indian Trading Company, and J. L. Brunt are citizens of the United States, and that the Union National Bank of Chandler, Oklahoma, is a corporation, duly organized and existing under and by virtue of the National Banking Act of the laws of the United States, with its principal place of business at Chandler, Oklahoma; and that the Commercial National Bank of Kansas City, Kansas, is a corporation, duly organized and existing under and by virtue of the National Banking Act of the laws of the United States, with its principal place of business at Kansas City, Kansas, and that all the lands and property herein described or mentioned are within the Northern District of the State of Oklahoma, situate in Osage County, Oklahoma.

That though said contracts for debt herein mentioned are null and void and of no force and effect, the defendants herein are using and asserting them as valid and subsisting claims, and thereby harrassing, tormenting and annoying the said Luther P. Mosier, and thereby interfering with Plaintiff herein through its subordinates, with reference to its proper guardianship of and over the said Luther P. Mosier, and are thwarting this Plaintiff's protection and care of him in its efforts to avoid, in his behalf, contracts for debt, as by Congress prohibited, and that all of

## In the District Court of the United States in and for the

NORTHERN  
EQUITY SESSION,District of  
TULSA, OKLAHOMA,OKLAHOMA  
SATURDAY, DECEMBER 15, 1928

such contracts for debt, herein enumerated, and all securities in connection therewith, should therefore, by decree of this Court, be canceled, set aside and held for naught, to the end that the supervision of the Plaintiff in connection with its care and protection of such Osage Indians shall be full and free to the extent of the spirit and intention of the laws in the premises.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that said contracts for debt and each of them herein enumerated, are null and void and of no force and effect for the reasons herein stated, and that said mortgage and said assignments, given to secure the payment of the same covering the lands herein described, are likewise null and void and of no force and effect, and are hereby canceled, set aside and held for naught, and that all judgments herein mentioned and enumerated growing out of said void contracts for debt, be and hereby are declared to be null and void and of no force and effect, and are hereby canceled, set aside and held for naught, and that said Defendants B. T. Riley, Arthur Lamb, As Assignee of Arthur Lamb, Receiver of the Indian Trading Company, C. E. Riley and the Commercial National Bank of Kansas City, Kansas, be declared to have no right, title or interest in or to any of such said contracts for debt or the securities given in connection therewith, or the lands herein described or in or to any other property belonging to the said Luther P. Mosier, and that such said Defendants last aforesaid and each of them, be and hereby are barred and permanently enjoined from using or attempting to use, asserting or attempting to assert, any right, title, claim or interest by virtue thereof, in any connection whatsoever, and that the title in and to said lands be and the same is hereby quieted in said Plaintiff, the United States, and in and to the said Luther P. Mosier, to all of which said Defendants last aforesaid herein appearing object and except such exceptions by the Court being duly allowed, and whereupon said Defendants and each of them so excepting in open Court and in the presence of the opposing counsel, serve notice of their intention to appeal from the within judgment.

F. E. KENNAMER, Judge.

OK: Louis N. Stivers,  
Attorney for Plaintiff

Humphrey & Spencer  
Attorney of record for Defendant  
Commercial National Bank of  
Kansas City, Kansas; B. T. Riley;  
C. E. Riley.

Attorney of record for Defendant  
Arthur Lamb, Assignee for Arthur  
Lamb, Receiver of the Indian  
Trading Company.

ENDORSED: Filed December 22, 1928.

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Court adjourned until December 24, 1928.

In the District Court of the United States in and for the

NORTHERN  
EQUITY SESSION,

District of

OKLAHOMA

TULSA, OKLAHOMA,

MONDAY, DECEMBER 24, 1928.

Court convened pursuant to adjournment, Monday, December 24th, 1928.

Present: Hon. F. E. Kennamer, Judge of U. S. District Court  
H. P. Warfield, Esq., Clerk of U. S. District Court

Thereupon, the following proceedings were had and entered, to-wit:

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

JAMES W. GULLETT, RECEIVER FOR  
SUBSCRIBERS AT ASSOCIATED EMPLOYEES  
RECIPROCAL,  
vs. Complainant,

BLACK, SIVALLS & BRYSON,  
A CORPORATION. Defendant.

No. 425-Equity.

Ancillary to Missouri  
Valley Bridge & Iron Com-  
pany vs. J. H. Middleton,  
et al., Equity No. 284-E.

ORDER OF DISMISSAL

Now on this 24 day of December, 1928, this cause came on to be heard upon the application of the Complainant herein for an order dismissing the above styled cause of action, and it appearing to the satisfaction of the Court that the parties hereto have reached a settlement and are desirous of having the above styled action dismissed, the Court finds that said cause of action should be dismissed with prejudice.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the above styled cause of action be and the same is hereby dismissed with prejudice.

F. E. KENNAMER, Judge.

O.K: James P. Melone  
Solicitor for Complainant

O.K: Lloyd Harding  
Solicitor for Defendant.

ENDORSED: Filed December 24, 1928.

Court adjourned until December 31, 1928.

In the District Court of the United States in and for the

NORTHERN EQUITY SESSION, DISTRICT OF OKLAHOMA, TULSA, OKLAHOMA, MONDAY, DECEMBER 31, 1928

Court convened pursuant to adjournment, Monday, December 31st, 1928.

Present: Hon. F. E. Kennamer, Judge of U. S. District Court
A. P. Warfield, Esq., Clerk of U. S. District Court

Thereupon, the following proceedings were had and entered, to-wit:

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

MARY SPICK HOUSTON, ET AL., Plaintiffs,
vs
LOUIS G. BEREOLOS AND LOUIS G. BEREOLOS, ADMINISTRATOR OF THE ESTATE OF ALEX G. BEREOLOS, DECEASED, Defendants,
and
JOHN A. HAVER, FRANK A HAVER, MRS. SIDNEY S. SMITH AND JULIA R. PADDEN, Interveners.
No. 401-Equity.

ORDER ALLOWING APPEAL

On application of Louis G. Bereolos and Louis G. Bereolos, administrator of the estate of Alex G. Bereolos, deceased, defendants herein, through their counsel, Jas. S. Watson,

It is hereby ordered that an appeal to the United States Circuit Court of Appeals for the Eighth Circuit from the final decree, made and entered herein on the 26th day of November, 1928, be, and the same is hereby allowed, and that a certified transcript of the record, pleadings, exhibits, papers, stipulations, documents, statements of counsel and all proceedings be forthwith transmitted to said United States Circuit Court of Appeals for the Eighth Circuit, sitting at St. Louis, Missouri.

It is further ordered that a good and sufficient bond on appeal be fixed at the sum of Five Hundred (\$500.00) Dollars, the same to act as a supersedeas bond and also as a bond for cost on appeal.

Dated this 31 day of December, 1928.

F. E. KENNAMER, United States District Judge.

ENDORSED: Filed December 31, 1928.

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

MARY SPICK HOUSTON, ET AL., Plaintiffs,
v
LOUIS G. BEREOLOS AND LOUIS G. BEREOLOS, ADMINISTRATOR OF THE ESTATE OF ALEX G. BEREOLOS, DECEASED, Defendants,
and
JOHN A. HAVER, FRANK A. HAVER, MRS. SIDNEY S. SMITH AND JULIE R. PADDEN, Interveners.
No. 401-Equity.

CITATION ON APPEAL

UNITED STATES OF AMERICA, vs. TO Mary Spick Houston, C. E. Swin, James A. Longan, P. H. Reisher, James

In the District Court of the United States in and for the

NORTHERN  
DISTRICT OF  
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District of

OKLAHOMA

TULSA, OKLAHOMA, MONDAY, DECEMBER 31, 1928.

Grant, Arta Mason, E. C. Callahan, Lillie-dee Callahan, L. E. Crume, John G. Greenstreet, Margaret Hays B. Morgenstern, George O. Howard, Florence Howard, A. W. Rush, Lois L. Prothero, Marguerite Wood, V. E. Rabon, Louise Rabon, S. S. Matofsky, J. J. Cadagan, M. P. Pollard, Janet Pollard, Gretta Ryan, John A. Haver, Frank A. Haver, George M. Glossop, G. E. Ogilvie, L. C. Brock, Michael J. McKellar, Myrl McKellar, William Frasher, Ross A. Hoots, Agness Freeman, Moore Investment Company, H. F. Stover, Arthur V. Long, Albert H. Bell, Ray S. Fellows, Margarete E. Conneely, C. T. Ross, L. R. Chalmers, Annis M. Chalmers, C. A. O'Donovan, James A. Halmney, L. E. Kennedy, D. D. Finley, Julia R. Paden, Mrs. Sidney S. Smith, Blanche J. Fellows, O. J. Miller, Luella May Barclay, Matt Steil, Stanley Campbell, Nancy Lee Hough, Lois R. Steiner, G. B. Chenoweth, Olive Alcock, W. H. Mainwaring, Clyde F. Hawkins, J. C. Watson, Belle Vickery, Matthews, William W. Ryan and Ross E. Casler.

GRUPEINGS:

You are hereby cited and admonished to be and appear at the United States Circuit Court of Appeals for the Eighth Circuit, sitting at St. Louis, Missouri, sixty (60) days after the date of this citation, pursuant to an order allowing an appeal filed and entered in the Clerk's office of the United States District Court for the Northern District of Oklahoma, from a final decree made and entered by the United States District Court for the Northern District of Oklahoma on the 28th day of November, 1928, in that certain suit, being in Equity No. 401, wherein Louis G. Bereolos and Louis G. Bereolos, administrator of the Estate of Alex G. Bereolos, deceased, were defendants, appellants, and you were plaintiffs, and intervenors, appellees, to show cause, if any there be, why the decree rendered against the said appellants, as in said order allowing appeal mentioned, should not be corrected and why justice should not be done to the parties in that behalf.

Witness the Honorable F. E. Kennamer, United States District Judge for the Northern District of Oklahoma, this 31st day of December, 1928.

F. E. KENNAMER,

United States District Judge for  
the Northern District of Oklahoma.

Service of the above and foregoing citation is hereby acknowledged, together with a copy thereof, to have been made on us, the undersigned, this 31st day of December, 1928.

HUNT & EAGLETON  
Attorneys for Plaintiffs

E. M. GALLAHER  
Attorney for Ross A. Hoots, Agness  
Freeman and Luella May Barclay,  
Plaintiffs,

RANDOLPH, HAVER, SHIRK & BRIDGES  
Attorneys for John A. Haver and Frank  
A. Haver, Intervenors, and G. E.  
Ogilvie, Plaintiffs,

WASH E. HUDSON,  
Attorney for Mrs. Sidney S. Smith and  
Julia R. Padden, Intervenors,

APPELLEES.

ENDORSED: Filed December 31, 1928.

In the District Court of the United States in and for the

NORTHERN District of OKLAHOMA  
EQUITY SESSION, TULSA, OKLAHOMA, MONDAY, DECEMBER 31, 1928

MARY SPICK HOUSTON, ET AL., Plaintiffs, }  
vs. } No. 401-Equity.  
LOUIS G. BERELOS, ET AL., Defendants. }

ORDER APPROVING STATEMENT OF EVIDENCE

STIPULATION

It is agreed between counsel for all the parties that the above and foregoing is a correct statement of the opening statements of counsel, as corrected, and the remarks, findings, and opinions of the court, and the stipulations made in open court, and as such may be approved by the trial judge and as approved filed as a part of the record in this case.

Dated this 31st day of December, 1928.

MUNT & EAGLETON  
Attorneys for Plaintiffs,

JAMES S. WATSON  
Attorney for Defendants.

E. H. GALLAHER  
Attorney for Rosa A. Hoots, Agness  
Freeman and Luella May Barclay,  
Plaintiffs.

RANDOLPH, HAVER, SHIRK & BRIDGES  
Attorneys for John A. Haver, and  
Frank A. Haver, Interveners, and  
G. E. Ogilvie, Plaintiff.

WASH E. HUDSON  
Attorney for Mrs. Sidney S. Smith  
and Julia R. Pedden, Interveners.

The above transcript of the opening statements of counsel for all parties, as corrected, the remarks, findings, rulings and opinions of the court, and the stipulations made in open court is approved as a true statement and may be filed as a part of the record in this cause, this 31 day of December, 1928.

F. E. KENNAMER,  
Judge of the United States  
District Court for the Northern  
District of Oklahoma.

ENDORSED: Filed December 31, 1928.

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

R. H. MACY & COMPANY, INC., }  
A CORPORATION, Plaintiff, }  
vs. } No. 433-Equity.  
MACYS INC., A CORPORATION, Defendant. }

O R D E R

For good cause shown, it is hereby ordered that the defendant, Macys Inc., A Corporation, be given ten days additional time in which to answer the Petition of the plaintiff filed in this cause.

F. E. KENNAMER,  
Judge of the U. S. District Court.

ENDORSED: Filed December 31, 1928.  
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In the District Court of the United States in and for the

NORTHERN

District of

OKLAHOMA

EQUITY SESSION,

TULSA, OKLAHOMA,

MONDAY, DECEMBER 31, 1928.

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA, Plaintiff, }

vs. }

No. 235-Equity.

R. L. HALL, L. M. HALL,  
M. BISHELLE, M. CARROLL,  
ALBERT JACKSON, AND  
J. A. MURPHY,

Defendants. }

ORDER DISCHARGING SPECIAL MASTER

Now upon this 31st day of December, 1928, the Court accepts the report of Roscoe E. Harper, as Special Master heretofore appointed herein, and fixes his compensation at the sum of \$50.00 to be paid one-half by the plaintiff and one-half by the defendant.

F. E. KENNAMER, Judge.

ENDORSED: Filed December 31, 1928.

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IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

JAMES W. GULLETT, RECEIVER FOR  
SUBSCRIBERS AT ASSOCIATED EMPLOYEES  
RECIPROCAL,

Complainant, }

No. 370-Equity.

vs. }

PETROLEUM ELECTRIC COMPANY,  
A CORPORATION,

Defendant. }

Ancillary to Missouri Valley  
Bridge & Iron Company vs.  
J. H. Middleton, et al.,  
Equity No. 284-E

ORDER OF DISMISSAL

Now on this 31 day of December 1928, this cause came on to be heard upon the application of the Complainant herein for an order dismissing the above styled cause of action, and it appearing to the satisfaction of the Court that the defendant herein has paid the full amount asked for in bill of complaint and all of the court costs and that both parties are desirous of having our style of action dismissed, the Court finds that said cause of action should be dismissed with prejudice.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the above styled cause of action be and the same is hereby dismissed with prejudice.

F. E. KENNAMER, Judge.

O.K: James P. Malone  
Solicitor for Complainant.

ENDORSED: Filed December 31, 1928.

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Court adjourned until January 2, 1929.