

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

United States of America,	Libelant,	)
		)
vs.		)
		) CIVIL FILE NO. 229
One 1938 Model Ford V-8 Deluxe Tudor		)
Sedan, Motor No. 18-4,233,782, and		)
approximately 104 gallons of Assorted		)
Taxpaid Intoxicating Liquors Seized		)
Therein; Loring D. Davis,	Claimant.	)

ORDER FOR MONITION

Now on this 23 day of August, 1939, it appearing to the court that the said 1938 Model Ford V-8 Deluxe Tudor Sedan, Motor No. 18-4,233,782, with approximately One Hundred Four (104) gallons of intoxicating liquors containing more than four per centum (4%) of alcohol by volume, was seized at a point on Oklahoma State Route No. 33, about eighteen miles East of Tulsa, in Rogers County, State of Oklahoma, Northern District of Oklahoma, and within the jurisdiction of this court, on August 1, 1939, by George E. Carver and William F. Wolverton, Investigators of Alcohol Tax Unit, Bureau of Internal Revenue of the United States for the State of Oklahoma, by virtue of their said offices and in accordance with the provisions of law in such case made and provided, while said automobile was being used by Loring D. Davis, for transportation of such intoxicating liquors from Sulphur Springs, in the State of Arkansas, into and to the aforesaid described point of seizure; it further appearing that thereupon said property was appraised at more than Five Hundred Dollars (\$500.00), whereupon plaintiff has instituted libel action herein and requests issuance of monition notifying claimant, Loring D. Davis, of this proceeding, unless notice thereof be waived.

IT IS, THEREFORE, ORDERED that monition issue as prayed for in said libel and that same be served upon Loring D. Davis, unless notice thereof be waived, and any other person that might claim any interest in said automobile requiring them to appear in said court on or before twenty (20) days after personal service thereof, and to show cause, if any they have, why said automobile and intoxicating liquors should not be forfeited to libelant under provisions of Section 224, Title 27, U. S. Code Annotated, and in accordance with the provisions of the laws relating to seizures, forfeitures and disposition of property and proceeds for violation of the Internal Revenue Laws of the United States.

IT IS FURTHER ORDERED, that the United States Marshal for the Northern District of Oklahoma be so directed to detain the above described property in his possession until further order of this court and to make his return herein as provided by law.

F. E. KENAMER  
JUDGE

ENDORSED: Filed Aug 23 1939  
H. P. Warfield, Clerk  
U. S. District Court H

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

THE LINCOLN NATIONAL LIFE INSURANCE  
COMPANY,

Plaintiff,

-vs-

EXCHANGE NATIONAL COMPANY,

Defendant.

No. 873 Equity

ORDER CONFIRMING SALE

THIS CAUSE COMING on to be heard on this 23rd day of August, 1939, on the return of sale and motion to confirm sale of the following described premises, to Mildred Moorhead for the consideration of \$500.00 net, all as more fully appears from said return of sale and motion to confirm said sale, to-wit:

Northerly 50 feet of Lot 3 in Block 10 Original Town in the  
Original Town now City of Tulsa, Tulsa County, Oklahoma,

and the Court having examined the proceedings incident to said sale, and the notice thereof, and finding that said proceedings are in all things as required by law, and the order of this Court, and finding that it has jurisdiction to entertain said motion to confirm and enter an order thereon, and being fully advised in the premises finds that said motion to confirm should be sustained;

IT IS, THEREFORE, BY THE COURT, ORDERED, ADJUDGED AND DECREED that said motion to confirm said ~~aforescribed~~ sales be and the same is hereby sustained, and the said T. P. Farmer, Receiver of Exchange National Company be and he is hereby authorized, directed and empowered to make, execute and deliver good and sufficient ~~deeds~~ to said aforescribed properties to said purchaser so named.

F. E. KENRAMER  
United States District Judge

ENDORSED: Filed Aug 23 1939  
H. P. Warfield, Clerk  
U. S. District Court H

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Court adjourned to August 24, 1939

On this 24th day of August, A. D. 1939, the District Court of the United States for the Northern District of Oklahoma, sitting in Special March 1939 Term at Tulsa, met pursuant to adjournment, Hon. F. E. Kenramer, Judge, present and presiding.

H. P. Warfield, Clerk, U. S. District Court  
Whit Y. Mauzy, United States Attorney  
John P. Logan, United States Marshal

Public proclamation having been duly made, the following proceedings were had and entered, to-wit:

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

H. L. SMITH,

Plaintiff,

vs.

AETNA LIFE INSURANCE COMPANY, a  
Corporation, LINCOLN NATIONAL  
LIFE INSURANCE COMPANY, a corpor-  
ation, GENERAL AMERICAN LIFE  
INSURANCE COMPANY, a corporation,  
PEARL T. KING, TOM KING, JR.,  
MARGARET KING, and PACIFIC MUTUAL  
LIFE INSURANCE COMPANY, a corporation,

Defendants.

NO. 178 CIVIL

ORDER APPOINTING GUARDIAN AD LITEM AND SETTING CASE FOR  
HEARING

Now on this 24th day of August, 1939, the court finds that on June 29, 1939 personal service of summons herein was had on each of the defendants Pearl T. King and Margaret King, that on June 30, 1939, personal service of summons was had on the defendant Tom King, Jr., that a written order of this court was entered herein on July 6, 1939, by agreement of the plaintiff and the defendant Pearl T. King and that except for said agreed order no written pleading or answer to plaintiff's complaint has been filed by or on behalf of the defendants Pearl T. King, Tom King, Jr., and Margaret King within twenty days from the date of service of summons on them, and it appearing to the court that the said Tom King, Jr., is more than 21 years of age, and that the defendant Margaret King is 19 years of age and both of said defendants now live at Dallas, Texas, with the defendant Pearl T. King, and it further appearing to this court that final judgment and decree herein should be rendered after proper notice has been given, as hereinafter provided, to said three defendants and to the defendant Pacific Mutual Life Insurance Company, and it also appearing to the court that it will be for the best interest of all parties concerned that a guardian ad litem be appointed for the said Margaret King, and that the said Margaret King has had reasonable and ample time to nominate a guardian ad litem to represent her in this action, but that she has not made such nomination;

IT IS THEREFORE CONSIDERED, ORDERED AND ADJUDGED BY THE COURT that Wallace C. Franklin Jr., a member of the Tulsa, Oklahoma, bar be and he is hereby appointed as guardian ad litem in this case for the said Margaret King; and that this case should be and it is hereby set for hearing at 9:30 o'clock A.M., on the 31st day of August, 1939, on the plaintiff's motion filed herein on August 24th 1939, for final judgment and decree.

It further appearing to the court that the defendants Pearl T. King, Tom King, Jr., and Margaret King now live, reside and receive their mail at 4135 University Boulevard in the City of Dallas, Texas, and that at the time of entering this order neither of the said three last-named defendants has an attorney of record in this litigation, the court finds that service of this order and of the motion of the plaintiff filed herein on August 24th, 1939, for final judgment and decree in his favor may properly be made, and it is ordered by the court that same shall be made by mailing on August 24th, 1939, to said Wallace C. Franklin, Jr., at Tulsa, Oklahoma, and to each of said defendants, namely, Pearl T. King, Tom King, Jr., and Margaret King at 4135 University Boulevard, Dallas, Texas, and to the attorney of record for the defendant Pacific Mutual Life Insurance Company at Tulsa, Oklahoma, by United States mail, postage prepaid, a copy of the said motion of the plaintiff filed herein on August 24th, 1939, and a copy of this order.

ENDORSED: Filed Aug 24 1939  
H. P. Warfield, Clerk  
U. S. District Court AC

F. E. KENNAMER  
District Judge

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

MRS. E. E. NILL,	Plaintiff,	)	
		)	
vs.		)	
		)	No. 182 Civil
SANTA FE TRAIL TRANSPORTATION COMPANY, a		)	
corporation, STANDARD ACCIDENT INSURANCE		)	
COMPANY, an insurance corporation, and		)	
Frank Centers, an individual,	Defendants.	)	

JOURNAL ENTRY OF JUDGMENT

Now on this 24th day of August, 1939, this matter comes on for hearing before the court. The plaintiff appeared in person and by her counsel, Hughey Baker, and the defendants and each of them, appeared by their counsel, Hudson & Hudson.

And all parties having announced ready for trial, and having waived a jury, the court proceeded to trial of said cause upon its merits. The plaintiff then introduced her evidence and rested. And the court, being fully advised in the premises, in consideration thereof, finds that the plaintiff is entitled to recover judgment against the defendants on her cause of action herein, in the sum of Three Thousand Seven Hundred Fifty (\$3,750.00) Dollars, and the costs of suit.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the court, that the plaintiff, Mrs. E. E. Nill, have and recover judgment of and from the defendants, Santa Fe Trail Transportation Company, a corporation, Standard Accident Insurance Company, an insurance corporation, and Frank Centers, in the amount of Three Thousand Seven Hundred Fifty (\$3,750.00) Dollars, together with the costs of this action.

For all of which let execution issue.

O.K. and service of copy is hereby acknowledged:

F. E. KENNAMER  
U. S. DISTRICT JUDGE

HUGHEY BAKER  
Attorney for Plaintiff,  
Docket fee waived

HUDSON & HUDSON  
Attorneys for Defendants

ENDORSED: Filed Aug 24 1939  
H. P. Warfield, Clerk  
U. S. District Court YEA

On this 24th day of August, A. D. 1939, the District Court of the United States for the Northern District of Oklahoma, sitting in Special March 1939 Term at Tulsa, met pursuant to adjournment, Hon. F. E. Kennamer, Judge, present and presiding.

H. P. Warfield, Clerk, U. S. District Court  
Whit Y. Maury, United States Attorney  
John P. Logan, United States Marshal

Public proclamation having been duly made, the following proceedings were had and entered, to-wit:

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

W. L. MAYES, Plaintiff, )  
vs. ) NO. 223 - Civil  
ELIZABETH DUVALL, Defendant. )

ORDER SPECIALLY APPOINTING FRED HALL TO SERVE SUMMONS

On this 24th day of August, 1939, it appearing to the Court that the plaintiff herein has requested the issuance of additional summons against the defendant herein and that such summons has been issued by the Clerk of this Court as provided by law, and now, upon the application of plaintiff and for good cause shown,

IT IS ORDERED BY THE COURT that Fred Hall of Chelsea, Oklahoma, be, and he hereby is, specially designated and appointed to serve said summons herein upon said defendant, Elizabeth Duvall, and shall make service of said process and his return thereof in the manner and form as required by law and Rule 4 of the Rules of Federal Procedure for the District Courts of the United States.

F. E. KENNAMER  
UNITED STATES DISTRICT JUDGE

ENDORSED: Filed Aug 24 1939  
H. P. Warfield, Clerk  
U. S. District Court EA

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

W. L. MAYES, Plaintiff, )  
vs. ) No. 224 - Civil  
ELIZABETH DUVALL, Defendant. )

ORDER SPECIALLY APPOINTING FRED HALL TO SERVE SUMMONS

On this 24th day of August, 1939, it appearing to the Court that the plaintiff herein has requested the issuance of additional summons against the defendant herein and that such summons has been issued by the Clerk of this Court as provided by law, and now, upon the application of plaintiff and for good cause shown,

IT IS ORDERED BY THE COURT that Fred Hall of Chelsea, Oklahoma, be, and he hereby is, specially designated and appointed to serve said summons herein upon said defendant, Elizabeth Duvall, and shall make service of said process and his return thereof in the manner and form as required by law and Rule 4 of the Rules of Federal Procedure for the District Courts of the United States.

F. E. KENNAMER  
UNITED STATES DISTRICT JUDGE.

ENDORSED: Filed Aug 24 1939  
H. P. Warfield, Clerk  
U. S. District Court EA

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Court adjourned to August 25, 1939.

On this 25th day of August, A. D. 1939, the District Court of the United States for the Northern District of Oklahoma, sitting in Special March 1939 Term at Tulsa, met pursuant to adjournment, Hon. F. E. Kennamer, Judge, present and presiding.

H. P. Warfield, Clerk, U. S. District Court.  
Whit Y. Mauzy, United States Attorney.  
John P. Logan, United States Marshal.

Public proclamation having been duly made, the following proceedings were had and entered, to-wit:

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

HOWARD GRAY, as Executor of the Estate of Julia S. Fearman, Deceased, Plaintiff, )  
vs. ) No. 877 Equity  
EXCHANGE NATIONAL COMPANY, a corporation, )  
et al, Defendants. )

ORDER AUTHORIZING TRUSTEE TO SELL REAL ESTATE

On this 25th day of August, 1939, upon the application of J. H. McBirney, Successor Trustee, for authority to sell real estate; and it appearing that among the assets coming into the hands of said trustee was a note executed by D. H. Collins and Zola M. Collins, his wife, upon which the principal sum of Two Thousand Two Hundred Ninety Four Dollars (\$2,294.00) was due, and that said note was secured by a first and prior real estate mortgage covering the following described real estate, to-wit:

Lot Twelve (12), in Block Two (2) of the Subdivision of Blocks 2, 3, and 7 of Terrace Drive Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof;

and it further appearing that the said D. H. Collins and Zola M. Collins were unable to pay said note, and that said trustee, in order to liquidate said indebtedness, accepted a warranty deed, dated

March 1, 1935, transferring the said real estate to him in satisfaction of said mortgage indebtedness; that said deed was accepted with the consent and approval of the Advisory Committee appointed by this court to counsel and advise with said trustee.

The court further finds that the said trustee has rented said real estate, and has obtained the sum of Five Hundred Thirty One Dollars (\$531.00) as rentals, in excess of all costs and expenses in connection with said real estate.

The court further finds that said real estate is improved by a five room frame house, 24' x 44', with a shingle roof and cement block foundation, together with a one-car garage, 14' x 16', and is located at 1215 South Zuni Avenue, in the City of Tulsa, Oklahoma.

The court further finds that the said real estate has been appraised at the sum of Two Thousand Five Hundred Dollars (\$2,500.00), and that J. H. Mc Birney, Successor Trustee, has an offer from Howard H. King for the purchase of said real estate for the sum of Two Thousand Five Hundred Dollars (\$2,500.00), payable Five Hundred Dollars (\$500.00), in cash, and the balance at the rate of Thirty Dollars (\$30.00) per month, to include interest, but the entire unpaid balance to mature and be payable within three (3) Years, and that the said trustee shall be obligated to pay two-thirds (2/3) of the ad valorem taxes levied and assessed against said real estate for the year 1939.

The court further finds that the Chairman of the Advisory Committee, Judge James B. Diggs, and Fred S. Cook, a member of said Committee, are the only members of said Advisory Committee in the City of Tulsa; that notice has been duly given said members of the Advisory Committee within the City of Tulsa, of the offer, and that the said members of said Committee have duly considered the same and have approved the said offer and have recommended that said trustee sell said real estate for said consideration and upon said terms.

The court further finds that said trust estate is in liquidation; that the said trustee has not received a better offer for the purchase of said real estate, and the court further finds that the said trustee is of the opinion that said real estate should be sold for said consideration and upon said terms for the best interest of said trust estate.

The court further finds that W. H. Maudlin, a real estate broker of the City of Tulsa, Oklahoma, arranged the sale of said real estate and is entitled to compensation for his said services, and further finds that five per cent (5%) of said sale price is reasonable compensation for said services, and for other good cause,

IT IS ORDERED that J. H. Mc Birney, Successor Trustee, be and he is hereby authorized to sell to Howard H. King the following described real estate, to-wit:

Lot Twelve (12), in Block Two (2) of the Subdivision of Blocks 2, 3, and 7 of Terrace Drive Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof,

for the sum of Two Thousand Five Hundred Dollars (\$2,500.00), payable Five Hundred Dollars (\$500.00), in cash, and the balance at the rate of Thirty Dollars (\$30.00) per month, to include interest, but the entire unpaid balance to become due and payable within three (3) Years from the date of sale.

IT IS FURTHER ORDERED that said J. H. Mc Birney, Successor Trustee, pay two-thirds (2/3) of the ad valorem taxes levied and assessed against the said real estate above described, for the year 1939, and the said purchaser, Howard H. King, pay one-third (1/3) thereof.

IT IS FURTHER ORDERED that J. H. Mc Birney, Successor Trustee, pay to W. H. Maudlin the sum of One Hundred Twenty Five Dollars (\$125.00) as compensation for his services as real estate broker herein.



IT IS THE FURTHER ORDER of the court that the file involved in this cause of action be and the same hereby is withdrawn from said judgment.

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

O.K. AS TO FORM SERVICE OF COPY ACKNOWLEDGED

CHESTER A. BREWER, Asst. U. S. Atty.

ENDORSED: Filed Aug 25 1939  
H. P. Warfield, Clerk  
U. S. District Court B

Court adjourned to August 28, 1939

On this 28th day of August, A. D. 1939, the District Court of the United States for the Northern District of Oklahoma, sitting in Special March 1939 Term at Tulsa, met pursuant to adjournment, Hon. F. E. Kennamer, Judge, present and presiding.

H. P. Warfield, Clerk, U. S. District Court  
Whit Y. Mauzy, United States Attorney  
John P. Logan, United States Marshal

Public proclamation having been duly made, the following proceedings were had and entered, to-wit:

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

United States of America, Petitioner for Condemnation,	Plaintiff,	)
		)
vs.		)
		)
		)
Certain Parcels of Land in the Town of Drumright, Creek County, Oklahoma, The Long- Bell Lumber Company, a Corporation organized under the laws of the State of Missouri, Edna I. Metz, et al,	Defendants.	)
		)

No. 138 Civil

O R D E R

Now on this the 28th day of August, 1939, this matter coming on before the court on defendant, the City of Drumright's motion for an Order permitting said defendant's original answer filed in this cause on the 23rd day of May, 1939, to stand as answer to plaintiff's amended petition and second amended petition for condemnation and its judgment, amended judgment and second amended judgment on declaration of taking filed herein on the 9th day of May, 1939; and it appearing to the court that the property involved in this cause of action is erroneously described in said petition amended petition and second amended petition for condemnation and judgment amended judgment and second amended judgment on declaration of taking.





And the Court further finds that the hereinafter named defendants have been made parties to this action and have been duly served with process, and are in default; and have no right, title or interest in the above described property.

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED that all of the proceedings had in the above entitled cause are hereby dismissed, quashed and set aside in so far only as such proceedings affect or have to do with that certain parcel or tract of land described as follows, to wit:

Tract No. 71, being the West Half of Lot Four (4) and One (1) acre in the Southwest Quarter of the Southwest Quarter of Lot Three (3) (also described as One acre in the Southwest Corner of Lot Three (3), Section Thirty-one (31), Township Twenty-one North, Range Twenty-three (23) East, and the Southeast Quarter of the Southeast Quarter of Section Thirty-Six (36), Township Twenty-one (21), North, Range Twenty-two (22) East of the Indian Meridian, Delaware County, State of Oklahoma, containing Sixty and Nine Hundred Ninety-five thousandths (60.995) acres of land, more or less.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that that certain Warranty Deed executed by Tom Bly and his wife, R. V. Bly, to The United States of America, dated June 22, 1935, filed for record on June 24, 1935, recorded in Book 118 at Page 460, of the Records of Delaware County, Oklahoma, is of no force and effect, and same is hereby expunged from the Records of the County Clerk of Delaware County, Oklahoma, and the United States of America has not acquired any rights whatsoever by reason of said deed.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Defendants Tom Bly, R. V. Bly, Uh-ska-jah-wee Blackbear, Gundeckky Blackbear, Earl Coppedge as administrator of the estate of Ed. Coppedge, deceased, the Unknown heirs, executors, administrators, devisees, legatees, and assigns of Ed. Coppedge, deceased, Henry Sugar, Susie Blackwater, Jess Staller, Windy Staller, Looney Staller, William Cochran, Too-late Cochran, Polly Cochran, and the unknown heirs, executors, administrators, devisees, legatees and assigns of Nancy Cochran, full-blood Cherokee Citizen Roll No. 29897, deceased, have no right, title or interest in or to the above described property, and that they be, and are hereby forever barred and enjoined from asserting any right, title, or interest therein.

ALFRED P. MURRAH  
JUDGE

OK: CURTIS P. HARRIS

ENDORSED: Filed Aug 29 1939  
H. P. Warfield, Clerk  
U. S. District Court B

NO. 48 CIVIL

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

Madelaine R. Drummond,

Plaintiff,

-vs-

No. 48 Civil

Addie G. Drummond, and Alfred A.  
(Jack) Drummond,

Defendants.

and

Madelaine R. Drummond,

Plaintiff,

-vs-

Alfred A. Drummond,

Defendant.

Consolidated Under No. 48 Civil

ORDER Consolidating Cases

It appearing that cause No. 48 Civil, styled Madelaine R. Drummond v. Addie G. Drummond, et al, was filed herein prior to the institution of cause No. 105 C, and it further appearing that the matter in controversy in the above cause No. 48 Civil and 105 C is of such nature that said causes may be consolidated.

It is, therefore, ordered that the cause styled Madelaine R. Drummond v. Alfred A. Drummond, No. 105 C be, and the same is, hereby consolidated with the case styled Madelaine R. Drummond, v. Addie G. Drummond, et al, No. 48 Civil.

Dated this 20 day of June, 1939.

F. E. KENNAMER  
JUDGE

ENDORSED: Filed Aug 29 1939  
H. P. Warfield, Clerk  
U. S. District Court H

No. 48 Civil

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

Madelaine R. Drummond,

Plaintiff,

-vs-

No. 48 Civil

Addie G. Drummond and Alfred A.  
(Jack) Drummond,

Defendants.

and,

Madelaine R. Drummond, Plaintiff,

vs-

No. 105 C

Alfred A. Drummond, Defendant.

Consolidated Under No. 48 Civil.

## JOURNAL ENTRY OF JUDGMENT

Now, on this 30 day of June, 1939, there coming on to be heard the above styled and numbered cause, with which cause has been consolidated by proper order herein suit styled Madelaine R. Drummond v. Alfred A. (Jack) Drummond No. 105 C pending herein, and came the parties in person and by their respective attorneys, and the matter having been submitted to the court, and the court having heard the pleadings, the evidence, and argument of counsel:

It is, therefore, ordered that this cause be and hereby is continued to the 29th day of August, 1939;

And thereafter and on the 29th day of August, 1939, pursuant to adjournment this cause came on for hearing and the parties being present as above, the court finds:

1. That the plaintiff, Madelaine R. Drummond Gerhart and the defendant, Alfred A. (Jack) Drummond were heretofore legally and lawfully married on the \_\_\_ day of June, 1920, and that thereafter and on the 26th day of May, 1933, said plaintiff Madelaine R. Drummond Gerhart and the defendant, Alfred A. (Jack) Drummond were legally and lawfully divorced in a certain case No. B-71071, styled Madelaine Russell Drummond v. Alfred A. Drummond, in the 94th Judicial District Court of Bexar County, Texas, and that said judgment rendered in said cause divorcing said parties is entitled to full faith and credit and the same is therefore so recognized in this cause thereby making a diversity of citizenship between the plaintiff and defendant, and the same is res adjudicata as to the issues involved therein.

2. The court further finds that the title to all of the real estate conveyed by Alfred A. Drummond to Madelaine R. Drummond by deed dated February 24, 1932, filed for record October 12, 1932, and recorded in Miscellaneous Book 75 at page 102, except approximately 1580 acres of land which were conveyed by the Sheriff of Osage County, Oklahoma, to the Stock Yards Loan Company of Kansas City, Missouri, by Sheriff's Deed dated June 25, 1937, and filed for record June 30, 1937, and recorded in Warranty Deed Book 79 at page 219, in the office of the County Clerk of Osage County, Oklahoma, except the Southwest quarter of Section 34, Township 26, Range 7, in Osage County, Oklahoma, both of which deeds are hereby referred to and made a part hereof for the purpose of identifying the land covered by this Judgment; is vested in fee simple in the plaintiff Madelaine R. Drummond Gerhart, subject only to the reservation of oil, coal, gas, and other minerals to the Osage Tribe of Indians by Act of Congress of June 28, 1906 (34 St. L. 439) and the subsequent acts of Congress amendatory thereof and supplemental thereto; and that certain grazing lease made by the plaintiff as lessor to George W. Smith as lessee, dated October 11, 1932, and expiring March 1, 1943; and that none of the defendants herein has any right, title, estate, equity, lien or claim in, to, upon or against the lands and premises hereinbefore referred to and mentioned, or any part, portion, or parcel thereof.

IT IS, THEREFORE, considered, ordered, adjudged and decreed by the court that the plaintiff, Madelaine R. Drummond Gerhart and the defendant, Alfred A. (Jack) Drummond were heretofore legally and lawfully married on the \_\_\_ day of June, 1920, and that thereafter and on the 26th day of May, 1933, said plaintiff, Madelaine R. Drummond Gerhart and the defendant, Alfred A. (Jack) Drummond were legally and lawfully divorced in a certain case No. B-71071, styled Madelaine Russell Drummond v. Alfred A. Drummond, in the 94th Judicial District Court of Bexar County, Texas, and that



K. N. Nichols,  
 R. M. Crawford,  
 Ceweb Budder,  
 John T. Oakley,  
 Lee (Sic-a-towie) Buckskin,  
 Polly Bucksin,  
 Edmond Gwartney,  
 Roscoe Russell,

if living, or if deceased their unknown heirs, executors, administrators, devisees, legatees and trustees and assigns, immediate and remote, and the unknown heirs, executors, administrators, devisees, legatees and trustees and assigns, immediate and remote, of the following named deceased persons, to-wit:

Jessie Big Acorn, deceased,  
 Flint Hummingbird, deceased,  
 Susan Hummingbird, deceased,  
 Annie Hummingbird, Deceased,  
 Blossom Mouse, deceased,  
 Peter Scott, deceased,  
 Joseph Buckskin, deceased,  
 Wahley Buckskin, deceased,

are non-residents of the State of Oklahoma, or with due and reasonable diligence are not to be found in the State of Oklahoma, and that it is necessary that said defendants, and their unknown heirs, executors, administrators, devisees, trustees and assigns, immediate and remote, be served by publication,

IT IS THEREFORE ORDERED that the petitioner's application for appointment of commissioners to appraise the land sought to be condemned be heard by this Court on the 16th day of October, 1939, at 10:00 o'clock A.M., in the United States Court Room in the Federal Building at Tulsa Oklahoma, and that there be published in The Grove Sun, a weekly newspaper of general circulation in Delaware County, State of Oklahoma, on the 7th day of September, 1939; on the 14th day of September, 1939; on the 21st day of September, 1939; on the 28th day of September, 1939; on the 5th day of October, 1939; and on the 12th day of October, 1939, notice directing the aforesaid non-resident respondents to appear before this Court at the time and place aforesaid; and that the notification of said non-resident respondents shall be complete upon the filing of an affidavit by the publisher, managing officer, or printer of said The Grove Sun that the notice referred to above has been printed and published in said newspaper as hereby directed.

ALFRED P. MURRAH  
 JUDGE

ENDORSED: Filed Aug 29 1939  
 H. P. Warfield, Clerk  
 U. S. District Court EA

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

UNITED STATES OF AMERICA,	Petitioner,	)
		)
vs.		) No. 218 - Civil
		)
1262.75 acres of land, more or less, in Delaware		)
County, Oklahoma, et al.,	Respondents.	)

PUBLICATION ORDER

Now on this 29th day of August, 1939, it appearing from the affidavit of Curtis P. Harris, attorney for petitioner, and the application of the United States of America, petitioner in the above styled cause, that the following defendants, to-wit:

William H. Stone,  
Lefa V. Stone,  
The Kansas State Bank of Kansas City,  
William C. Woodall,  
Lucinda Davis,  
Betsy Tally,  
I. D. Burdick,  
Robert Maddox,  
Lucien B. Maddox,  
Reeves Hubbard,  
Nels Peterson  
G. W. Homes  
Phoebe A. Homes  
W. H. Meloy  
W. T. Blackwill  
John R. Buffington  
Marion Roberts  
Jane J. Pender  
Anna Deweess, nee Anna Skyr, nee Daugherty,  
David Daugherty  
Samuel Daugherty  
L. B. Campbell  
Wiley Ray Green  
Jennie L. Wright  
George A. Ralph, executor of the estate of B. B. Ralph, deceased,  
George A. Ralph,  
Martha Bourdon  
Sarah Louise Sprague  
Elizabeth Duncan  
Ethel J. Bourdon  
William R. Bourdon  
George R. Bourdon  
Henry C. Bourdon  
Jeanette Cox  
Hazel B. Walters  
Joella Daugherty  
Vera M. Woodall  
Stan W. Woodall  
M. E. Gaskill  
Mastie Chancey Bryan  
J. W. Flemings  
Eugene Hall  
William Austin Bryan  
Emery Ray DeMott  
Ruby L. Coffee  
William McK Nelson  
J. W. Hoffman  
Neppe Davis  
Oscar Allen.

if living, or if deceased their unknown heirs, executors, administrators, devisees, legatees, trustees and assigns, immediate and remote, and the unknown heirs, executors, administrators, devisees, legatees, trustees and assigns, immediate and remote, of the following named deceased persons, to-wit:



On this 30th day of August, A. D. 1939, the District Court of the United States for the Northern District of Oklahoma, sitting in Special March 1939 Term at Tulsa, met pursuant to adjournment, Hon. F. E. Kennamer, Judge, present and presiding.

H. P. Warfield, Clerk, U. S. District Court  
Whit Y. Mauzy, United States Attorney  
John P. Logan, United States Marshal

Public proclamation having been duly made, the following proceedings were had and entered, to-wit:

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

Grand River Dam Authority, a public corporation,	)	Petitioner,	)
	)		)
-vs-	)		)
	)		)
Joseph S. Owsley, et al.,	)	Defendants.	)

CIVIL NO. 226

ORDER GRANTING LEAVE TO AMEND PETITION

NOW on this 30th day of August, 1939, the Grand River Dam Authority, a public corporation, petitioner, having presented its motion and application to the Judge of this Court, praying and asking leave to amend its petition filed herein on the 23rd day of August, 1939, by making additional party defendants, and by substituting as party defendants - Mrs. J. W. Huss, William Earl Huss, a minor, Walter Lee Huss, a minor, and Hubert Huss, a minor, sole and only heirs at law of the defendant, J. W. Huss, for the reason that the defendant, J. W. Huss, was deceased at the time of the filing of the original petition, and that it is necessary to make his heirs party defendants to this action; and the Court having been fully advised in the premises finds that the motion of the petitioner should be granted.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Judge of this Court that the petitioner, Grand River Dam Authority, a public corporation, be and it is hereby granted leave to amend its original petition filed herein, by substituting as party defendants, Mrs. J. W. Huss, William Earl Huss, a minor, Walter Lee Huss, a minor, and Hubert Huss, a minor, sole and only heirs at law of J. W. Huss, deceased, in lieu of the defendant, J. W. Huss, named as one of the defendants in the original petition filed herein; and that the United States Marshal for the Northern District of Oklahoma be, and he is hereby directed to serve notice of this action and of the time and place of the appointment of commissioners herein as prayed for in the original petition for condemnation filed herein - and that said notice be served at least ten (10) days prior to the date for the appointment of said commissioners.

F. E. KENNAMER  
JUDGE OF THE DISTRICT COURT IN AND  
FOR THE UNITED STATES - NORTHERN  
DISTRICT OF OKLAHOMA

ENDORSED: Filed Aug 30 1939  
H. P. Warfield, Clerk  
U. S. District Court B



SPECIAL MARCH 1939 TERM

TULSA, OKLAHOMA

WEDNESDAY, AUGUST 30, 1939

event the petitioner is unable to obtain personal service of the notice upon any of said defendants to said action, notifying them of the the hearing of petitioner's application for the appointment of three disinterested freeholders in said Northern District of Oklahoma, as aforesaid, that the petitioner may apply to the Judge of this Court for an Order directing the publication of such notice as the Judge of this Court may prescribe to said defendants.

F. E. KENNAMER  
JUDGE OF THE DISTRICT COURT OF THE  
UNITED STATES IN AND FOR THE NORTHERN  
DISTRICT OF OKLAHOMA

ENDORSED: Filed Aug 30 1939  
H. P. Warfield, Clerk  
U. S. District Court B

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

Grand River Dam Authority, a public corporation, )  
Petitioner, )  
-vs- ) CIVIL NO. 232  
Lawford L. Browning, et al., )  
Defendants. )

ORDER AUTHORIZING PUBLICATION OF NOTICE

NOW, on this 30th day of August, 1939, the above entitled and numbered cause coming on to be heard upon the affidavit and application of the petitioner, for an order authorizing notice to the defendants, The Federal Land Bank of Wichita, Wichita, Kansas, a corporation, The Baxter State Bank, a corporation, Baxter Springs, Kansas, sometimes known as The Baxter State Bank of Baxter Springs Kansas, also known as the Baxter State Bank of Cherokee County, Kansas, and A. Smithpeter, by publication; petitioner appearing by Q. B. Boydstun, Assistant Counsel for the Grand River Dam Authority, a public corporation, and it appearing to the Judge of this Court that the petitioner herein was, with due diligence unable to serve personally, upon the above-named defendants, notice of the institution of condemnation proceedings, and that the petitioner herein would, on the 12 day of September, 1939, at the hour of 10 o'clock A.M., or as soon thereafter as counsel may be heard, apply to the Honorable Franklin E. Kennamer, Judge of the United States District Court in and for the Northern District of Oklahoma, for an order appointing three disinterested freeholders of said Northern District of Oklahoma as commissioners, to inspect the real property, as described in the petition for condemnation filed in said cause, and consider the injury which each of said defendants, as the owners of the lands involved in said cause, or of any right, title or interest therein, may sustain by reason of the appropriation of the absolute, entire and unencumbered fee simple title to said lands for the basin or reservoir area of the Grand River Dam Project, and for the storing and preserving of the waters of the Grand River and its tributaries, for public use and benefit; and

It further appearing that petitioner herein has filed its affidavit and application duly verified, setting up that the defendants, The Federal Land Bank of Wichita, Wichita, Kansas, a corporation, The Baxter State Bank, a corporation, Baxter Springs, Kansas, sometimes known as The Baxter State Bank of Baxter Springs, Kansas, also known as The Baxter State Bank of Cherokee County, Kansas, and A. Smithpeter, are not within the State of Oklahoma, and that the petitioner, after due diligence, has been unable to serve said defendants within the State of Oklahoma; and the Judge of this Court, being fully advised in the premises, finds that the petitioner's application for service by publication upon said defendants, and each of them, should be granted.

IT IS THEREFORE CONSIDERED, ORDERED AND ADJUDGED that notice be given the defendants, The Federal Land Bank of Wichita, Wichita, Kansas, a corporation, The Baxter Springs State Bank, a corporation, Baxter Springs, Kansas, sometimes known as the Baxter State Bank of Baxter Springs, Kansas, also known as The Baxter State Bank of Cherokee County, Kansas, and A. Smithpeter, by publication, notifying them of the institution of condemnation proceedings herein, and of the time and place of the appointment of said commissioners, and that said notice be signed by the attorneys for the petitioner herein, duly attested by the Clerk of this Court, and that said notice be published in the Grove Sun, a newspaper of general circulation in Delaware and Ottawa Counties, Oklahoma, for two weeks, notifying said defendants, and each of them, of the institution of condemnation proceedings, and the application of the petitioner for condemnation and appropriation of certain real estate, and for the appointment of commissioners to inspect said real property and consider the injury which the owners thereof, or any person having any right, title or interest therein, may sustain by reason of the appropriation of the absolute, entire and unencumbered fee simple title to said lands for the basin or reservoir area of the Grand River Dam Project, and for the storing and preserving of the waters of Grand River and its tributaries for the operation of the Grand River Dam Project, for public use and benefit, may be heard before the Honorable Franklin E. Kennamer, Judge of the United States District Court in and for the Northern District of Oklahoma, in the court room in the Federal Building, in Tulsa, Oklahoma, on the 12 day of September 1939, at the hour of ten o'clock A.M., or as soon thereafter as counsel may be heard, and that the defendants, and each of them, may be present, if they so desire.

F. E. KENNAMER

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

ENDORSED: Filed Aug 30 1939  
H. P. Warfield, Clerk  
U. S. District Court B

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Court adjourned to August 31, 1939

SPECIAL MARCH 1939 TERM

TULSA, OKLAHOMA

THURSDAY, AUGUST 31, 1939

On this 31st day of August, A. D. 1939, the District Court of the United States for the Northern District of Oklahoma, sitting in Special March 1939 Term at Tulsa, met pursuant to adjournment, Hon. F. E. Kennamer, Judge, present and presiding.

H. P. Warfield, Clerk, U. S. District Court  
Whit Y. Mauzy, United States Attorney  
John P. Logan, United States Marshal

Public proclamation having been duly made, the following proceedings were had and entered, to-wit:

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

IN RE: BANKRUPTCY DIVISION AND \*  
REFEREE \*

O R D E R

At Tulsa, in said Northern District of Oklahoma, on the 31st day of August, 1939, before the Honorable F. E. Kennamer, Judge of said Court.

Now, on this day, comes on for consideration of the Court the matter of the

appointment of the Referee in Bankruptcy for the said Northern Judicial District of Oklahoma and it is hereby ORDERED that J. M. Humphreys be, and he is hereby, appointed Referee in Bankruptcy for the Northern District of Oklahoma, consisting of the following counties, to-wit:

Craig, Creek, Delaware, Mayes, Nowata, Osage,  
Ottawa, Payne, Rogers, Tulsa and Washington,

with his principal office at Tulsa, Oklahoma, for the term of two years from and after August 31, 1939, and the said J. M. Humphreys is hereby directed and authorized to act as Referee in either and all of the counties named herein whenever the services of a Referee may be required therein, until otherwise ordered by the Court. The appointment of a Referee in any of the said counties not being deemed necessary by the Court at this time, the said J. M. Humphreys shall act as Referee in all of the said counties in the said Northern District of Oklahoma; and by virtue of this order, all proceedings, matters and cases in bankruptcy arising in said Northern District of Oklahoma from and after this date shall be referred to and handled by the said J. M. Humphreys as such Referee in Bankruptcy, and he is hereby authorized and empowered to do and perform all acts and things in regard thereto as may be by law required of Referees in Bankruptcy; and all proceedings, matters and cases in bankruptcy heretofore referred to the said J. M. Humphreys as such Referee under a previous Order of Appointment, shall be, in all respects, completed by him as such Referee.

IT IS FURTHER ORDERED that before entering upon his duties, and within ten days from this date, the said Referee shall take the Oath of office prescribed for Judges of the United States Courts, and shall execute and file with the Clerk of this Court a good and sufficient bond to the United States of America in the penal sum of Five Thousand (\$5,000.00) Dollars; said bond to be conditioned for the faithful discharge and performance by said Referee of all duties pertaining to his said office, for the term of the appointment herein made.

DONE AT Tulsa, Oklahoma, at 9 o'clock A.M., this 31st day of August, 1939.

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

ENDORSED: Filed Aug 31 1939  
H. P. Warfield, Clerk  
U. S. District Court

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

OATH OF OFFICE

I, J. M. Humphreys, do solemnly swear that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent on me as Referee in Bankruptcy, according to the best of my ability and understanding, agreeably to the Constitution and laws of the United States:

SO HELP ME GOD.

JAMES M. HUMPHREYS

Subscribed and sworn to before me this 31st day of August, 1939.  
(SEAL) H. P. WARFIELD, CLERK of the United States  
District Court for the Northern District of  
Oklahoma.

ENDORSED: Filed Aug 31 1939  
H. P. Warfield, Clerk  
U. S. District Court

BOND OF J. M. HUMPHREYS, REFEREE IN BANKRUPTCY.

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

KNOW ALL MEN BY THESE PRESENTS, that we, James M. Humphreys, of Pawhuska, Oklahoma, as principal, and NATIONAL SURETY CORPORATION, a corporation, with Home Office in New York, as Surety, are held and firmly bound unto the United States of America, in the sum of FIVE THOUSAND (\$5,000.00) DOLLARS, lawful money of the United States to be paid to the United States, for which payment, well and truly to be made, we bind ourselves, and our heirs, executors, administrators, successors or assigns, jointly and severally by these presents.

SIGNED and sealed this 31 day of August, A. D., 1939.

THE CONDITION of this obligation is such, that

WHEREAS, the above-named James M. Humphreys, was on the 31st day of August, A. D. 1939, appointed Referee in Bankruptcy for said Court, and he, the said James M. Humphreys, has accepted said Trust with all the duties and obligation pertaining thereto.

NOW, THEREFORE if the said James M. Humphreys as aforesaid, shall obey such orders as said Court may make in relation to said trust and shall faithfully and truly account for all monies, assets and effects of the said office which shall come into his hands and possession and shall in all respects faithfully perform all of his official duties as said Referee in Bankruptcy, then this obligation to be void; otherwise to remain in full force and virtue.

JAMES M. HUMPHREYS  
James M. Humphreys

Signed and Sealed in the presence of  
E. J. BOWERS  
IRENE WILKINSON

NATIONAL SURETY CORPORATION  
By P. L. Sisk, (SEAL)  
P. L. Sisk, Attorney-in-fact

APPROVED: F. E. KENNAMER, Judge.

ENDORSED: Filed Aug 31 1939  
H. P. Warfield, Clerk  
U. S. District Court

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

H. L. SMITH, )  
Plaintiff, )  
-vs- ) No. 178 CIVIL  
AETNA LIFE INSURANCE COMPANY, a )  
corporation, et al., )  
Defendants. )

JUDGMENT AND DECREE

Now on this 31st day of August, 1939, the above entitled and numbered cause comes regularly on for final hearing pursuant to previous assignment. The Court finds that proper service of summons has been had on each of the defendants to this action and that the plaintiff, H. L. Smith, has agreed that upon the approval of this judgment and decree by the defendant Pacific Mutual Life Insurance Company, and the acquiescence therein by said last named defendant, he will dismiss this action without prejudice as to all of the remaining defendants.

The Court further finds that the defendant Pacific Mutual Life Insurance Company, and the defendants Pearl T. King, Margaret King, and Tom King, Jr. have received due and proper notice of this hearing.

On this date the plaintiff and the defendant Pearl T. King appeared in person; the defendant Margaret King appeared by Wallace C. Franklin, Jr., attorney heretofore appointed by this Court as her guardian ad litem; the defendant Pacific Mutual Life Insurance Company appeared by its attorney of record, E. D. Gillespie; and upon the Court having examined the record herein, and considered the evidence introduced, and the stipulations made, finds that the plaintiff H. L. Smith is entitled to the relief prayed for in his complaint and motion for judgment and final decree heretofore filed in this action, to the extent hereinafter set forth, and it is considered, ordered, adjudged and decreed by the court that a lien in the total sum of eleven thousand five hundred and seventy-one dollars and fifty eight cents be, and it is hereby adjudged in favor of the plaintiff H. L. Smith, against the amounts owing and to become owing by the Pacific Mutual Life Insurance Company under its contract No. 831,106 heretofore issued by said insurance company to the defendant Pearl T. King, and that said sum of eleven thousand five hundred and seventy-one dollars and fifty eight cents and all right to the same be and it is hereby set over to the plaintiff H. L. Smith, his heirs and assigns, it being the further order, judgment and decree of this court that said defendant Pacific Mutual Life Insurance Company has the right to make payment to the said H. L. Smith, his heirs or assigns of the said sum of money last above specified in monthly installments of \$50.00 beginning on August 1, 1939. It is further ordered, adjudged and decreed by the court that said Pacific Mutual Life Insurance Company shall, and it is hereby ordered and directed to, make payment each month, beginning on August 1, 1939, to said H. L. Smith, his heirs or assigns, of the sum of \$50.00 of the sum remaining due under said contract No. 831,106 until there has been paid by said insurance company to the said H. L. Smith, his heirs or assigns, a total amount of eleven thousand five hundred and seventy-one dollars and fifty eight cents or such total amount as the said H. L. Smith, his heirs or assigns and the said Pacific Mutual Life Insurance Company may in writing agree shall be paid to the said H. L. Smith, his heirs or assigns.

It is further ordered, considered, adjudged and decreed by the court that the costs of this action be equally divided between the plaintiff, H. L. Smith and the defendant Pearl T. King., to which guardian ad litem for Margaret King excepts, as affecting Margaret King and exceptions allowed.

F. E. KENNAMER  
JUDGE

ENDORSED: Filed Aug 31 1939  
H. P. Warfield, Clerk  
U. S. District Court H

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

Consolidated Cement Company, a  
Delaware Corporation,

Plaintiff,

vs

No. 201 Civil

Builders' Supply Company, a  
corporation,

Defendant.

O R D E R

On this 28th day of August, 1939, there comes on for hearing the original and supplemental report of the receiver heretofore filed herein, and the Court, on consideration thereof, finds:

1. That the receiver shall continue to possess, hold, manage and operate the business and property of the Builders' Supply Company pending the further order of this Court.
2. That said receiver is authorized to collect all notes and accounts receivable due to, and to take possession of all property of the Builders' Supply Company not now in his possession, and he is authorized, as such receiver, to prosecute such action or actions in his judgment are requisite for the recovery of such assets and property including recovery of any liability due the corporation whether for mismanagement, maladministration, breach of trust, diversion of corporate assets or otherwise.
3. That from the cash assets of the corporation, as they are available, the receiver is authorized to pay the following:
  - a. Delinquent personal taxes of the corporation.
  - b. Delinquent and current social security taxes (State and Federal) and Oklahoma Sales Tax of the corporation.
  - c. Monthly payment to The Tulsa Federal Building & Loan Ass'n. of \$49.95 secured by a mortgage on corporate property.
  - d. Monthly payment of \$23.62 due National Bank of Tulsa, secured by a chattel mortgage on corporate property.
  - e. Premiums on fire, tornado, public liability and property damage insurance of the corporation.
  - f. Pay-roll of the corporation at the time of receivership of \$147.32.
  - g. Premium on one life insurance policy written by The Equitable Life Assurance Society on the life of J. T. Lynch, Policy No. 4,712,797, beneficiary Builders' Supply Company.
4. The receiver is directed to elect on or before the expiration of sixty (60) days from this date whether or not he shall affirm or reject the executory lease contract of the corporation leasing lots one to four (1 to 4), Block Eighty (80), original town, now city of Tulsa.
5. The receiver is authorized to tender back to the insured, J. T. Lynch, and to the original beneficiary, Ruth K. Lynch, on or before its next premium payment date, one policy on the life of J. T. Lynch, policy No. 11,300,442, written by the New York Life Insurance Company. Inasmuch as the premiums on this policy have been paid by the Builders' Supply Company the policy shall remain an asset of the corporation until the next premium payment date.

F. E. KENNAMER

Judge

ENDORSED: Filed Aug 31 1939  
H. P. Warfield, Clerk  
U. S. District Court EA

SPECIAL MARCH 1939 TERM

DISTRICT OF OKLAHOMA  
TULSA, OKLAHOMA

THURSDAY, AUGUST 31, 1939

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

WOSEY DEERE,

Plaintiff,

vs.

No. 2694 Law.

Shell Petroleum Corporation, et al.,

Defendants.

ORDER OF REVIVOR

Now on this the 31 day of August, 1939, this cause comes on for hearing on motion of A. L. O'Bannon and it being established to the satisfaction of the court and by proper evidence that the plaintiff herein during pendency of this litigation departed this life; that said A. L. O'Bannon is the duly qualified and acting administrator of her estate and that this cause should be revived in the name of A. L. O'Bannon, Administrator of the Estate of Wosey Deere, ~~and that this cause should be revived in the name of A. L. O'Bannon, Administrator of the Estate of Wosey Deere, plaintiff, and said A. L. O'Bannon as such administrator is by order of this court substituted as plaintiff and it is further ordered that this cause proceed with like force and effect as though instituted by said A. L. O'Bannon as administrator.~~

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

ENDORSED: Filed Aug 31 1939  
H. P. Warfield, Clerk  
U. S. District Court EA

Court adjourned to September 1, 1939

SPECIAL MARCH 1939 TERM

TULSA, OKLAHOMA

FRIDAY, SEPTEMBER 1, 1939

On this 1st day of September, A. D. 1939, the District Court of the United States for the Northern District of Oklahoma, sitting in Special March 1939 Term at Tulsa, met pursuant to adjournment, Hon. F. E. Kennamer and Hon. Alfred P. Murrah, Judges, present and presiding.

H. P. Warfield, Clerk, U. S. District Court  
Whit Y. Mauzy, United States Attorney  
John P. Logan, United States Marshal

Public proclamation having been duly made, the following proceedings were had and entered, to-wit:

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

CLIFTON C. VORIS,

Plaintiff, )

vs. )

No. 2531 Law )

THE AETNA LIFE INSURANCE COMPANY OF  
HARTFORD, CONNECTICUT, a corporation,

Defendant. )

JOURNAL ENTRY OF JUDGMENT

NOW on this 1st day of Septe., 1939, this cause comes on for hearing pursuant to agreement of the parties herein, plaintiff appearing in person and by his attorneys of record, C. H. Jameson, C. F. Rainey and Donald F. McMahon, and defendant appearing by its attorneys, W. E. Green, J. C. Farmer, and R. J. Woolsey, both sides in open court announce that plaintiff and defendant have agreed upon a settlement in said cause, and that on stipulation of the parties, the appeal heretofore lodged by the Aetna Life Insurance Company in the United States Circuit Court of Appeals for the Tenth Circuit has been remanded to this court for further proceedings in accordance with a stipulation for settlement filed in the United States Circuit Court of Appeals for the Tenth Circuit. The Court finds that the parties have agreed that the judgment in this cause may be reduced to the sum of Four Thousand and 00/100 Dollars (\$4,000.00), and that plaintiff herein has agreed to accept said sum of Four Thousand and 00/100 Dollars (\$4,000.00) as a full, final and complete settlement of his cause of action against the defendant. The court finds that plaintiff has sufficient capacity to make and enter into a contract for such settlement, and has sufficient legal capacity to sign the necessary contract and agreement for settlement. The court further finds that pursuant to agreement of parties, plaintiff is entitled to recover a judgment against the defendant upon both causes of action in the sum of Four Thousand and 00/100 Dollars (\$4,000.00).

It is, therefore, ordered, adjudged, and decreed that plaintiff have and recover judgment herein against the defendant in the sum of Four Thousand and 00/100 Dollars (\$4,000.00), and that the insurance certificates of Clifton C. Voris introduced in evidence may be withdrawn to be surrendered and cancelled.

F. E. KENAMER  
JUDGE

APPROVED: AS TO FORM

CLIFTON C. VORIS, Plaintiff

D. F. RAINEY DONALD F. McMahon, G. H. JAMESON, Attorneys for Plaintiff

W. E. GREEN J. C. FARMER ROBERT J. WOOLSEY, Attorneys for Defendant

ENDORSED: Filed Sep 1 1939

H. P. Warfield, Clerk

U. S. District Court B

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Court adjourned to September 5, 1939

On this 5th day of September, A. D. 1939, the District Court of the United States for the Northern District of Oklahoma, sitting in Special March 1939 Term at Tulsa, met pursuant to adjournment, Hon. F. E. Kennamer, Judge, present and presiding.

H. P. Warfield, Clerk, U. S. District Court  
Whit Y. Mauzy, United States Attorney  
John P. Logan, United States Marshal

Public proclamation having been duly made, 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

In the Matter of the Re- Appointment of Conciliation Commissioners for the Various Counties in the Northern District of Oklahoma.

Now on this 5th day of September, A. D. 1939, the Court's attention being called to the fact that the appointment of Paul N. Humphreys as Conciliation Commissioner of Osage County having expired on this date, it is therefore

ORDERED that Paul N. Humphreys be and he is hereby re-appointed Conciliation Commissioner of Osage County for a period of One (1) Year and that he make bond in the sum of Five Hundred (\$500.00) Dollars.

F. E. KENNAMER  
U. S. DISTRICT JUDGE

ENDORSED: Filed Sep 5 1939  
H. P. Warfield, Clerk  
U. S. District Court

MISCELLANEOUS - ADMISSION TO BAR.

Now on this 1st day of September, A. D. 1939, it being made satisfactorily to appear that Lloyd W. Jones, Edwin R. McNeill and Wilson H. Gibson are duly qualified for admission to the Bar of the Court, the oath prescribed by law is administered and said attorneys are declared admitted to the Bar of the Court.

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

Gladys Moore, Plaintiff, )  
vs. ) No. 106 - Civil  
Missouri, Kansas & Texas Railroad, a )  
corporation, Defendant. )

O R D E R

Now on this 5th day of September, 1939, comes the defendant and presents motion heretofore filed herein for an order directing the clerk to tax certain costs in this case, the parties being present by their counsel, and the court having seen said motion and being fully advised in the premises, finds that it should be sustained.



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

UNITED STATES OF AMERICA,	Plaintiff,	)	
		)	
vs.		)	No. 118 CIVIL
		)	
BOARD OF COUNTY COMMISSIONERS OF OSAGE COUNTY, STATE OF OKLAHOMA, ET AL.,	Defendants.	)	

O R D E R

This matter coming on for hearing this 5th day of September, 1939, upon the defendant's motion to dismiss, and the plaintiff appearing by Whit Y. Mauzy, United States Attorney for the Northern District of Oklahoma, and the defendants appearing by their attorneys, Gray and Palmer and Sim T. Carman, County Attorney of Osage County, the Court, being fully advised in the premises, finds that said motion to dismiss should be overruled, to which finding the defendants except.

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED that the defendants' motion to dismiss be, and the same hereby is, overruled, to which ruling the defendants duly except, which exception is allowed.

IT IS FURTHER ORDERED that the defendants be, and they hereby are, allowed Twenty (20) days from this date to answer.

AND IT IS SO ORDERED.

F. E. KENNAMER  
United States District Judge.

O.K. WHIT Y. MAUZY  
United States Attorney

ENDORSED: Filed Sep 5 1939  
H. P. Warfield, Clerk  
U. S. District Court H

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

UNITED STATES OF AMERICA,	Plaintiff,	)	
		)	
vs.		)	No. 120 CIVIL
		)	
BOARD OF COUNTY COMMISSIONERS OF OSAGE COUNTY, STATE OF OKLAHOMA, et al.,	Defendants.	)	

O R D E R

This matter coming on for hearing this 5th day of September, 1939, upon the defendant's motion to dismiss, and the plaintiff appearing by Whit Y. Mauzy, United States Attorney for the Northern District of Oklahoma, and the defendants appearing by their attorneys, Gray and Palmer and Sim. T. Carman, County Attorney of Osage County, the Court, being fully advised in the premises, finds that said motion to dismiss should be overruled to which finding the defendants except.



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

GILBERT A. MONFORTE,	Plaintiff,	)
		)
vs.		) No. 132
		)
GULF OIL CORPORATION, a corporation, et al.,		)
	Defendants.	)

O R D E R

NOW on this the 5th day of September, 1939, this matter came on to be heard on the motions filed herein by the several defendants, to-wit: Gulf Oil Corporation, Sinclair-Prairie Oil Company, Minnehoma Oil and Gas Company, Tidewater Associated Oil Company, Shell Petroleum Company and The Texas Company, and the Court having been fully advised, finds that the several motions presented should be sustained in part and be denied in part.

The Court finds that the motion to strike from Paragraph V of the Complaint the words "and although the defendants and each of them have been previously sued by farmers living on said creek at divers times," should be stricken and the same is ordered stricken from said complaint; and the Court further finds that that part of Paragraph V of said complaint reading as follows: "and others upon said stream," should be stricken and the same is ordered stricken from the said complaint.

The Court finds that all other portions of the said several motions to strike and to dismiss should be denied and it is so ordered.

On application of the defendants they were each given ten days from this date to answer said complaint as amended.

F. E. KENNAMER  
JUDGE

OK: B. A. HAMILTON  
OK: REDMOND S. COLE

ENDORSED: Filed Sep 15, 1939  
H. P. Warfield, Clerk  
U. S. District Court B

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

United States of America,	Plaintiff,	)
		)
vs		) No. 140 CIVIL
		)
Gypsy Oil Company, a corporation,	Defendant.	)

JUDGMENT

And now on this the 5th day of September, 1939, this cause comes on to be heard on the motion of the defendant, Gypsy Oil Company, to require the plaintiff to make its complaint more definite and certain by setting out the particular acts of fraud complained of, and both parties being present in open court and announcing ready to hear said motion, the Court doth proceed to hear and determine the same. The Court, after hearing argument on said motion and considering the same, together with a statement of the United States Attorney that no particular acts of fraud are

intended to be alleged except as may arise by implication from the other facts stated, the Court finds said motion should be overruled.

It is therefore ordered, adjudged and decreed that said motion be and the same hereby is overruled and the defendant is given fifteen (15) days from this date to file its answer herein, to which order, judgment and decree of the Court, insofar as the same overrules defendant's motion, the defendant did then and there in open court object and except.

F. E. KENNAMER  
United States District Judge

APPROVED: UNITED STATES OF AMERICA  
By WHIT Y. MAUZY  
United States District Attorney

GYPSY OIL COMPANY  
By JAMES B. DIGGS  
Its attorney

ENDORSED: Filed Sep 12 1939  
H. P. Warfield, Clerk  
U. S. District Court ME

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

Emma M. Mentzer, Plaintiff, )  
vs. ) CIVIL ACTION NO. 151  
Safeway Stores, a corporation, and )  
Melvin L. Kell, Defendants. )

ORDER REMANDING

This cause coming on to be heard on the 5th day of September, 1939, on motion of plaintiff to remand said cause to the District Court of Pawnee County, State of Oklahoma, and the Court having fully considered said motion and arguments of counsel, and, being fully advised, finds that said motion should be sustained.

IT, THEREFORE, ORDERED that this cause be remanded to the District Court of Pawnee County, State of Oklahoma, from which the same was removed for the purpose of further proceedings.

F. E. KENNAMER  
District Judge of the United States  
District Court

OK  
EDWIN R. McNEILL, atty for Plaintiff and  
copy of order acknowledged.  
O.K. and copy of order acknowledged:  
W. E. HUDSON  
R. D. HUDSON, Attys for Defts.

ENDORSED: Filed Sep 11 1939  
H. P. Warfield, Clerk  
U. S. District Court DC

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

Guaranty Roofing Company, a  
corporation,

Plaintiff,

vs.

American Savings Life Insurance  
Company, a corporation,

Defendant.

No. 179 -Civil

O R D E R

This cause came on for hearing on this 5th day of September, 1939, upon the motion of the defendant, American Savings Life Insurance Company, to dismiss said cause upon the ground that the petition of the plaintiff discloses that a recovery could not be had for a sufficient amount to vest the court with jurisdiction; the plaintiff appearing by its attorney of record, B. A. Hamilton, and the defendant appearing by its attorneys, Cantrell, Savage and McCloud; and the court after hearing argument of counsel and being fully advised in the premises, finds that said motion should be overruled.

IT IS, THEREFORE, HEREBY ORDERED, ADJUDGED AND DECREED BY THE COURT that the motion of the defendant to dismiss be and the same is hereby overruled, to which ruling of the Court the defendant excepts.

IT IS FURTHER ORDERED that said defendant may have fifteen days from this date within which to file its answer.

F. E. KENNAMER  
Judge of the United States District  
Court

OK HUNT & EAGLETON and  
B. A. HAMILTON, Atty for Plaintiff

ENDORSED: Filed Sep 11 1939  
H. P. Warfield, Clerk  
U. S. District Court B

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

EMIL ANDERSON, BEN DAWSON and  
C. K. DAWSON,

Defendants.

No. 183 CIVIL

ORDER OF DISMISSAL

NOW on this 5th day of September, 1939, this matter coming on before the court on application of Whit Y. Mauzy, United States Attorney for the Northern District of Oklahoma, to dismiss said cause and the court being advised in the premises finds that said cause should be dismissed.

IT IS, THEREFORE, ORDERED, ADJUDGED and DECREED that this cause be and the same hereby is dismissed.

AND IT IS SO ORDERED.

F. E. KENNAMER  
U. S. District Judge

O.K. WHIT Y. MAUZY  
United States Attorney

ENDORSED: Filed Sep 5 1939  
H. P. Warfield, Clerk  
U. S. District Court H

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

MINNIE A. YOUNG, Plaintiff, )  
vs. ) No. 196 --C  
OKLAHOMA NATURAL GAS COMPANY, ET AL, Defendants. )

JOURNAL ENTRY OF ORDER OVERRULING MOTIONS OF DEFENDANT,  
OKLAHOMA NATURAL GAS COMPANY

On this 5th day of September, 1939, the above cause came on for hearing upon certain motions filed by the defendant, Oklahoma Natural Gas Company, and counsel for plaintiff and defendant, Oklahoma Natural Gas Company, appeared, and prior to the presentation of the matters involved counsel for plaintiff dismissed this action, without prejudice, as against the defendant, George D. Kile, and it was so ordered.

And thereupon the Court, after hearing argument upon the motion to strike, finds that the same should be in all respects overruled, and it is so ordered. To which action of the Court the defendant, Oklahoma Natural Gas Company, in open Court, excepted.

Thereupon by leave of Court, the defendant, Oklahoma Natural Gas Company, orally moved the Court (counsel for plaintiff consenting to the motions being made orally) to dismiss the first cause of action in plaintiff's petition contained on the ground that the allegations contained therein were insufficient in law to give the plaintiff a cause of action against the defendant and also moved the Court to dismiss the second cause of action upon the same grounds, and for the same reason, and thereupon the Court overruled each of said motions to dismiss, to which action of the Court in each instance the defendant, Oklahoma Natural Gas Company excepted; and the Oklahoma Natural Gas Company was thereupon granted 10 days within which to file answer in this cause.

F. E. KENNAMER  
JUDGE

ENDORSED: Filed Sep 12 1939  
H. P. Warfield, Clerk  
U. S. District Court ME

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

John E. Taylor, Plaintiff, )

vs. )

Victor Griffin, Mrs. Victor Griffin, and )  
Hayes Griffin, Defendants. )

No. 213 Civil

Saint Paul Mercury Indemnity Company, a )  
corporation, Intervener. )

O R D E R

Application of Saint Paul Mercury Indemnity Company to file intervening complaint granted. Exceptions allowed to parties plaintiff and defendant.

Intervening complaint filed and parties plaintiff and defendant given fifteen (15) days from this date in which to plead to same. Defendant's motion strike sustained. Defendant's motion to make more definite and certain submitted to the Court for decision on motions filed, with understanding that if the motion to make more definite and certain is allowed, plaintiff may be allowed exception, and if the motion is disallowed, the defendants may be allowed exception. Time for Defendants to plead further to plaintiff's petition to be subsequently fixed by order of Court.

F. E. KENNAMER  
DISTRICT JUDGE

Dated this 5th day of September, 1939.

APPROVED: Sizer and Myers, Monett, Missouri

by WM. J. B. MYRES

Attorneys for Plaintiff

Thompson and Roberts, Joplin, Missouri

By Vern E. Thompson

Attorneys for Defendants

Butler, Brown and Rinehart, Ramsey Tower, Oklahoma City, Oklahoma.

by MAT BROWN

RAY BOND

Ray Bond, Joplin, Missouri

Attorneys for Intervener

ENDORSED: Filed Sep 12 1939

H. P. Warfield, Clerk

U. S. District Court

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

United States of America, Libelant, )

vs. )

NO. 233 CIVIL

One 1939 Model Chevrolet Master Coupe Automobile, )  
Motor No. 2345218, and Approximately 126 Gallons )  
of Assorted Taxpaid Intoxicating Liquors seized )  
therein; Oscar S. Staley and The General Motors )  
Acceptance Corporation, a Corporation, Claimants. )

ORDER FOR MONITION

Now on this 5th day of September, 1939, it appearing to the court that the said 1939 Model Chevrolet Master Coupe Automobile, Motor No. 2345218, with approximately One Hundred Twenty-six (126) gallons of intoxicating liquors containing more than four per centum (4%) of alcohol by volume, was seized at the intersection of Peoria and 21st Streets, City of Tulsa, in Tulsa County, State of Oklahoma, Northern District of Oklahoma, and within the jurisdiction of this court; on April 26, 1939, by W. G. Malsie, Assistant Supervisor, and Fay DeFroot, Investigator, both of the Alcohol Tax Unit, Bureau of Internal Revenue of the United States for the State of Oklahoma, by virtue of their said offices and in accordance with the provisions of law in such case made and provided, while said automobile was being used by Oscar S. Staley, for transportation of such intoxicating liquors from Sulphur Springs, in the State of Arkansas, into and to the aforesaid described point of seizure; it further appearing that thereupon said property was appraised at more than Five Hundred Dollars (\$500.00), whereupon plaintiff has instituted libel action herein and requests issuance of monition notifying claimants, Oscar S. Staley and the General Motors Acceptance Corporation, a Corporation, of this proceedings, unless notice thereof be waived.

IT IS, THEREFORE, ORDERED that monition issue as prayed for in said libel and that same be served upon Oscar S. Staley and the General Motors Acceptance Corporation, a Corporation, unless notice thereof be waived, and any other person that might claim any interest in said automobile requiring them to appear in said court on or before twenty (20) days after personal service thereof, and to show cause, if any they have, why said automobile and intoxicating liquors should not be forfeited to libelant under provisions of Section 224, Title 27, U. S. Code Annotated, and in accordance with the provisions of the laws relating to seizure, forfeitures and disposition of property and proceeds for violation of the Internal Revenue Laws of the United States.

IT IS FURTHER ORDERED, that the United States Marshal for the Northern District of Oklahoma be so directed to detain the above described property in his possession until further order of this court and to make his return herein as provided by law.

F. E. KENNAMER

JUDGE

ENDORSED: Filed Sep 5 1929  
H. P. Warfield, Clerk  
U. S. District Court ME

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

United States of America, Libelant,

vs.

One 1939 Model Standard Black Ford Coupe Automobile, Motor No. 18-4, 758,254 and approximately 145 gallons of assorted tax-paid intoxicating liquors seized therein; Hiel A. Armitage and Elmer Young, Claimants.

CIVIL NO. 234.

ORDER FOR MONITION

Now on this 5th day of Sept., 1939, it appearing to the court that the said 1939 Model Standard Black Ford Coupe Automobile, Motor No. 18-4, 758,254, with approximately one hundred forty-five (145) gallons of intoxicating liquors containing more than four per centum (4%) of alcohol by volume, was seized at a point on the public Highway about four and one-half (4½) miles south of the town of Chelsea, in Rogers County, State of Oklahoma, Northern Judicial District of Oklahoma and within the jurisdiction of this court, on July 2, 1939, by Sidney S. Kennedy, Harold H. Lee, and Troy S. Cleland, Investigators of the Alcohol Tax Unit, Bureau of Internal Revenue of the United States, by virtue of authority of their said offices, and in accordance with the provisions of law in such case made and provided, while said automobile was being used by Hiel A. Armitage for transportation of such intoxicating liquors from Alton, in the State of Illinois, into and to the aforesaid described point of seizure; it further appearing that thereupon said property was appraised at more than five hundred dollars (\$500.00) whereupon plaintiff has instituted libel action herein and requests issuance of monition notifying claimants Hiel A. Armitage and Elmer Young of this proceeding, unless notice thereof be waived.

IT IS, THEREFORE, ORDERED that monition issue as prayed for in said libel and that same be served upon Hiel A. Armitage and Elmer Young, unless notice thereof be waived, and any other person that might claim any interest in said automobile requiring them to appear in said court on or before twenty (20) days after personal service thereof, and to show cause, if any they have, why said automobile and intoxicating liquors should not be forfeited to libelant under provisions of Section 224, Title 27, U. S. Code Annotated, and in accordance with the provisions of the laws relating to seizures, forfeitures and disposition of property and proceeds for violation of the Internal Revenue Laws of the United States.

IT IS FURTHER ORDERED, that the United States Marshal for the Northern District of Oklahoma be so directed to detain the above described property in his possession until further order of this court and to make his return herein as provided by law.

F. E. KENNAMER  
JUDGE

ENDORSED: Filed Sep 5 1939  
H. P. Warfield, Clerk  
U. S. District Court B

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

United States of America, Libelant, )  
 vs. )  
 One 1939 Model Pontiac Coupe Automobile, )  
 Motor No. 6-538,434 and approximately )  
 111 gallons of Assorted Taxpaid Intoxicating )  
 Liquors Seized therein; Verle P. Faulk, and )  
 the First National Bank & Trust Company at )  
 Oklahoma City, Oklahoma, a Corporation, )  
 Claimants. )

CIVIL FILE NO. 235

ORDER FOR MONITION

Now on this 5th day of Sept., 1939, it appearing to the court that the said 1939 Model Pontiac Coupe Automobile, Motor No. 6-538,434, with approximately One Hundred Eleven (111) gallons of intoxicating liquors containing more than four per centum (4%) of alcohol by volume, was seized at a point on United States Highway No. 75 about One (1) mile South of the Oklahoma-Kansas State Line, in Washington County, State of Oklahoma, Northern District of Oklahoma, and within the jurisdiction of this court, on June 19, 1939, by Walter D. McCrabb and Dorus Roderick, Investigators of Alcohol Tax Unit, Bureau of Internal Revenue of the United States for the State of Oklahoma, by virtue of their said offices and in accordance with the provisions of law in such case made and provided, while said automobile was being used by Verle P. Faulk, for transportation of such intoxicating liquors from Ganey, in the State of Kansas, into and to the aforesaid described point of seizure; it further appearing that thereupon said property was appraised at more than Five Hundred Dollars (\$500.00), whereupon plaintiff has instituted libel action herein and requests issuance of monition notifying claimants, Verle P. Faulk and the First National Bank & Trust Company at Oklahoma City, Oklahoma, a Corporation, of this proceeding, unless notice thereof be waived.

IT IS, THEREFORE, ORDERED that monition issue as prayed for in said libel and that same be served upon Verle P. Faulk and the First National Bank & Trust Company at Oklahoma City, Oklahoma, a Corporation, unless notice thereof be waived, and any other person that might claim any interest in said automobile requiring them to appear in said court on or before twenty (20) days after personal service thereof, and to show cause, if any they have, why said automobile and intoxicating liquors should not be forfeited to libelant under provisions of Section 224, Title 27, U. S. Code Annotated, and in accordance with the provisions of the laws relating to seizures, forfeitures and disposition of property and proceeds for violation of the Internal Revenue Laws of the United States.

IT IS FURTHER ORDERED, that the United States Marshal for the Northern District of Oklahoma be so directed to detain the above described property in his possession until further order of this court and to make his return herein as provided by law.

F. E. KENNAMER  
JUDGE

ENDORSED: Filed Sep 5 1939  
 H. P. Warfield, Clerk  
 U. S. District Court B

CLIFTON C. VORIS,	Plaintiff,	)
		)
-vs-		)
		)
THE AETNA LIFE INS. CO.,	Defendant.	)
		)

No. 2531 - Law

Now on this 5th day of September, A. D. 1939, it is ordered by the Court that the Clerk file and spread of record the Mandate in the above cause, being in words and figures as follows, to-wit:

UNITED STATES OF AMERICA, SS:

THE PRESIDENT OF THE UNITED STATES OF AMERICA

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

(SEAL)

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 Clifton C. Voris, plaintiff, and the Aetna Life Insurance Company of Hartford, Connecticut, a corporation, defendant, No. 2531, Law, the judgment of the said district court in said cause, entered on March 10, 1938, was in the following words, viz:

\* \* \* \* \*

"It is therefore by the court, ordered, adjudged and decreed that the plaintiff, Clifton C. Voris, have and recover judgment of and from the defendant, Aetna Life Insurance Company of Hartford, Connecticut, on his first cause of action in the sum and amount of Five Thousand (\$5,000.00) Dollars, together with interest thereon at six per cent per annum from the 1st day of March, 1936, and it is further ordered, adjudged and decreed by the court that said plaintiff have and recover judgment on the second cause of action set out in said petition in the sum and amount of Two Thousand (\$2,000.00) Dollars, with interest thereon at six per cent per annum from March 1, 1936, and judgment is hereby rendered for said amount and for the costs of this action, for all of which let execution issue; to which finding and judgment of the court the defendant then and there excepted."

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, Tenth Circuit, by virtue of an appeal by The Aetna Life Insurance Company of Hartford, Connecticut, a corporation, agreeably to the Act of Congress, in such case made and provided, fully and at large appears;

AND WHEREAS, at the April Term, in the year of our Lord one thousand nine hundred and thirty-nine, the said cause came on to be heard before the said United States Circuit Court of Appeals, on the application of counsel for the parties hereto for an order remanding the cause to the United States District Court for the Northern District of Oklahoma, and was submitted to the court.

On consideration whereof, and pursuant to a stipulation of counsel for the parties hereto herein filed, it is now here ordered by the court that this cause be and the same is hereby remanded to said district court for further proceedings in conformity with the agreement of the parties as set forth in said stipulation.

It is further ordered by the court that no costs on this appeal shall be assessed in favor of either party.



On this 6th day of September, A. D. 1939, the District Court of the United States for the Northern District of Oklahoma, sitting in Special March 1939 Term at Tulsa, met pursuant to adjournment, Hon. F. E. Kennamer, Judge, present and presiding.

H. P. Warfield, Clerk, U. S. District Court  
Whit Y. Mauzy, United States Attorney  
John P. Logan, United States Marshal

Public proclamation having been duly made, the following proceedings were had and entered, to-wit:

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

Arthur Miller, Plaintiff, )  
vs. ) No. 19 Civil  
United States of America Defendant. )

JOURNAL ENTRY OF JUDGMENT

Now on this the 31st day of July, 1939, this cause coming on for final hearing by regular assignment before the Honorable Franklin E. Kennamer, Judge of the United States District Court for the Northern District of Oklahoma, a jury having been waived in due form, and the plaintiff appearing in person and by Glenn O. Young, his attorney, and the defendant appearing by Whit Y. Mauzy, United States Attorney, Chester A. Brewer, Assistant United States Attorney, and by Dan Dillon, attorney for the Department of Justice, and both sides having heretofore announced ready for trial, and the parties having presented their evidence, and the Court having heretofore considered the same, and heard argument of counsel, overruled defendant's motion for judgment, and being well and truly advised in the premises, finds the issues in favor of the plaintiff and against the defendant as follows:

That plaintiff, Arthur Miller, is an actual and bona fide resident of Tulsa County, State of Oklahoma, residing at Broken Arrow, therein, and within the Northern Judicial District of the United States for the State of Oklahoma; that on or about November 1, 1917, at McAlester, Oklahoma said plaintiff was duly enlisted in the United States Army and while serving therein and within one hundred twenty days from the date of his enlistment in said United States Army he applied for and was granted War Risk Insurance in the sum of \$10,000; that the defendant, by and through its authorized agency, the United States Veterans Administration on June 4, 1924, adjudged and determined plaintiff to have become permanently and totally disabled and then entitled to compensation remaining due and unpaid in an amount sufficient to revive and make payable insurance at the rate of \$44.19 per month, beginning June 4, 1924, and continuing for a period of Two hundred forty months; provided, however, that in the event said insured should continue to live longer than two hundred forty months and continue to permanently and totally disabled, then and in that event, said payments in said sum of \$44.19 should continue so long as said insured should live and continue further permanently and totally disabled.

The Court further finds that payments conformable to said award were made in the sum of \$44.19 per month, beginning June 4, 1924, and continuing until February 9, 1938, upon which later day and date said defendant discontinued said payments, it being contended that plaintiff had recovered, and was not longer permanently and totally disabled; whereupon, this action was instituted.

The court finds from the evidence that plaintiff is and has been at all times since the day and date of said award permanently and totally disabled, and is entitled to the continued payment of said sum of \$44.19 per month, conformable to the terms of the original award made by the United States Veterans Administration; that claim for payment of said insurance, after payment of total and permanent benefits had ceased, on February 9, 1938, was duly made and refused, and that

at the time this suit was instituted a disagreement concerning said insurance existed, jurisdiction whereof is by law vested in this Court.

The Court further finds that for the purpose of prosecuting his said suit said plaintiff has employed, retained and engaged Glenn O. Young, a duly licensed and practicing attorney, agreeing to pay him for said services in this behalf ten per cent of any amount awarded and to be paid by virtue of said contract of insurance, which sum the Court finds to be reasonable attorney's fees.

IT IS THEREFORE THE ORDER, JUDGMENT AND DECREE of the Court that plaintiff have and recover from the defendant in accordance with the terms of the War Risk Insurance Act the sum of \$44.19 per month, beginning February 9, 1938, and continuing as long thereafter as plaintiff shall live and continue so permanently and totally disabled, less any payments of said insurance heretofore made; Provided, however, that out of the money herein awarded and to be paid by virtue of this judgment to said Arthur Miller, Glenn O. Young, plaintiff's attorney, be, and he is hereby allowed ten per cent as his reasonable attorney's fees, which said amount should be paid to the said Glenn O. Young by the authorized agent of the defendant, the U. S. Veterans Administration, and deducted from the amount awarded and to be paid by virtue hereof.

To all of which the defendant prays and is allowed an exception.

And now on this 5th day of September, 1939, this cause coming on for further hearing on motion of defendant for a new trial, the same is by the Court overruled, to which defendant excepts.

F. E. KENNAMER  
JUDGE

OKEH AS TO FORM:  
WHIT Y. MAUZY  
Whit Y. Mauzy, United States Attorney

CHESTER A. BREWER  
Chester A. Brewer, Assistant United States Attorney

DANIEL DILLON  
Daniel Dillon, Attorney, Department of Justice.

GLEN O. YOUNG  
Glenn O. Young, Attorney for Plaintiff

ENDORSED: Filed Sep 6 1939  
H. P. Warfield, Clerk  
U. S. District Court H

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

Town of Fairfax, Oklahoma, a Municipal Corporation,  
ex rel Brandon Barringer, H. N. Perkind and William  
W. Allen, Jr., )  
Plaintiff, )

vs

LST CAUSE: Ida M. Hubler, D. Lafe Hubler, W. A.  
Hubler and Mild Hubler Webb; et al., )  
Defendants. )

No. 1205 - Equity

O R D E R

Now on this 6th day of September, 1939, there came regularly on for hearing the

duly verified application of Brandon Barringer, H. N. Perkins and William W. Allen, Jr., relators in the above styled and numbered cause for an order directing the various absent defendants, if they be living, or if they be dead, their unknown heirs, executors, administrators, devisees, trustees or assigns to appear and plead to or answer the Bill of Complaint by a day certain and being duly advised, the Court finds that this is a suit commenced by the Town of Fairfax, Osage County, Oklahoma, a Municipal corporation, on the relation of Brandon Barringer, H. N. Perkins and William W. Allen, Jr., to foreclose certain delinquent special assessment installment liens heretofore validly created and assessed by the said Town of Fairfax against certain tracts and parcels of real estate, as more particularly described in plaintiff's bill, and it appearing more particularly described in plaintiffs' bill, and it appearing that such a proceeding is in accordance with the intent and meaning of Section 118, Title 28, U. S. C. A.

It is therefore proper that an order should be made requiring the said absent defendants, if living, or if dead, their unknown heirs, executors, administrators, devisees, trustees or assigns, to appear and plead, demur, or answer the said Bill by a day certain.

The Court further finds that the addresses and whereabouts of the hereinafter named defendants, if they be living, are unknown and cannot be ascertained with diligence, or if they be dead, the names of their heirs, executors, administrators, devisees, trustees or assigns are unknown and cannot be ascertained with diligence, and it is therefore proper that service be made upon them by publication.

It is therefore ordered and decreed that said application is in all things granted, and it is ordered that the said defendants,

M. C. O'Neil;  
Frances O'Neil;  
Oscar E. Swanson;  
Celestine Swanson;  
Fairfax Loan & Trust Co;  
C. G. Gardner;  
Amy Gardner;  
National Building & Loan Association;  
O. E. Swanson;  
Alex Tallchief;  
J. H. Bull;  
Lovie M. Dull;  
Dolver G. Wheeler;  
Arnold L. Wheeler;  
Henry S. Morgan;  
Emma Kreiwitz;  
George R. Carter;  
Chas. A. Foster;  
Theresa Peace Walker;  
May H. Clark;  
Virginia I. Grimes;  
Mrs. Catherine Callahan Walters;  
Bernerd E. Callahan;  
Donald E. Callahan;  
Beryl W. Callahan;  
George Boustein;  
Rosalie Watkins;  
Elizabeth Fold;  
G. E. Tinkery;  
Fred Denoya, sometimes known as Fred De Noya;  
Edith Denoya; sometimes known as Edity De Noya;  
Fannie Losley;  
J. A. Key;  
Viola R. Buzan;

First National Bank of Fairfax;  
The Osage Bank of Fairfax;  
Citizens Trust Co;  
Ida M. Hubler;  
D. Lafe Hubler;  
Chas. Beree;  
G. W. Beree;  
Maggie Witchcraft;  
Ruth Tallchief;  
Alfred E. Callahan;  
Annie Largent;  
G. M. Collins;  
John Claremore;  
Grace Boan Masterson;  
S. M. Smith;  
Joseph Morrell;

if they be living, or if they be dead, their unknown heirs, executors, administrators, devisees, trustees or assigns, appear and plead, demur or answer the said Bill of Complaint of the said relators on or before Wednesday, the 18 day of October, 1939, in the City of Tulsa within the Northern District of Oklahoma.

It is further ordered that a copy of this order be published in the Tulsa Daily Legal News, a daily newspaper published in the City of Tulsa and in general circulation throughout the Northern District of Oklahoma, and that said publication be made daily to and including October 18, 1939.

It is further ordered that copies of this order, together with that portion of the Bill of Complaint relevant to each respective defendant be mailed to said defendant at his or her last known post office address.

F. E. KENNAMER

United States District Judge.

ENDORSED: Filed Sep 6 1939  
H. P. Warfield, Clerk  
U. S. District Court H

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Court adjourned to September 11, 1939

On this 11th day of September, A. D. 1939, the District Court of the United States for the Northern District of Oklahoma, sitting in Special March 1939 Term at Tulsa, met pursuant to adjournment, Hon. F. E. Kennamer, Judge, present and presiding.

H. P. Warfield, Clerk, U. S. District Court  
Whit Y. Mauzy, United States Attorney  
John P. Logan, United States Marshal

Public proclamation having been duly made, the following proceedings were had and entered, to-wit:

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

GAR WOOD INDUSTRIES, INC.	Plaintiff,	)
vs.		) Civil No. 71
BRADEN WINCH COMPANY, et al,	Defendants.	)

O R D E R

Plaintiff's motion to have defendant, Thomas J. Schuetz, cited for contempt of court having come on for hearing on July 5, 1939, both plaintiff and defendant being represented by counsel, and at the suggestion of the court, defendant's counsel and plaintiff's counsel having conferred and certain information having been furnished by the defendant to plaintiff, and defendant's counsel having agreed to furnish additional information regarding its "Y" series of winches by stipulating data concerning the same into the record;

IT IS HEREBY ORDERED that said motion be dismissed except that defendant shall make of record in this case information relating to its "Y" series of winches sufficient to secure an adjudication thereof, and that the question of defendant's reimbursement to plaintiff for alleged extra and additional expenses incurred incident to the bringing of the aforesaid motion, is reserved for the consideration of the court at the time of trial.

ENTERED as of July 5, 1939.

F. E. KENNAMER  
JUDGE

O.K. CONNER & WINTERS  
Attorneys for Plaintiff

G. MELLET PREVOST, A. R. COLE DAVID R. MILSTEN  
Attorneys for Defendants - This is also acknowledgment of service of copies

END. R. SED: Filed Sep 11 1939  
H. P. Warfield, Clerk  
U. S. District Court B

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

UNITED STATES OF AMERICA,	Plaintiff,	)
		)
vs.		)
		)
TULSA MILK PRODUCERS, Incorporated, FRED FINK		)
and R. D. SMITTLE, its Receivers, and		)
A. B. HASTINGS, Doing Business as The Twentieth		)
Century Manufacturing Company,	Defendants.	)

No. 99 CIVIL

ORDER APPROVING MARSHAL'S SALE

Now on this 11th day of September, 1939, the plaintiff, the United States of America, by its attorneys Whit Y. Mauzy, United States Attorney for the Northern District of Oklahoma, and Joe W. Howard, Assistant United States Attorney for said District, moves the court to confirm the sale of real estate and the sale of certain chattels and personal property by the United States Marshal for said District under a writ of execution and order of sale issued out of the office of the Clerk of the United States District Court for said District, said sale being of the following described real estate, personal property and chattels, located in said County, District, and State, to-wit:

All of Lots Two (2) and Three (3) in Block Eighteen (18)  
Burgess Hill Addition to the City of Tulsa, according to the  
recorded plat thereof, all in Tulsa County, State of Oklahoma,

Seventy-One icing trays for use in schools  
552 milk cases  
Seven sets of cream station equipment for receiving sour cream

Office equipment as follows:  
Ten office chairs  
Three office desks  
One safe  
Two filing cabinets  
Two adding machines  
One typewriter  
One calculator  
One comptometer  
Office supplies for current use

Plant equipment as follows:  
One receiving vat  
Two C. P. Vats  
One Jensen Pasteurizer  
One open cheese vat  
One bottle filler  
One 10 horse boiler  
One York icing machine, six ton  
One separator  
One preheater  
One bottle washer  
One milk cooler  
One receiving scales  
One brine pump and motor  
One water pump

Four small pumps and motors  
 Pipes and fittings for connection and operation of same  
 4138 quart milk bottles  
 5655 small milk bottles  
 Also necessary plant supplies for current operation of same,

all of which real estate, chattels and personal property was sold together, at the same time, for the sum of Eight Thousand and Forty-four Dollars (\$8,044) which amount was the highest and best bid at such public sale, the purchaser thereof being the Farm Credit Administration, the mortgagee in whose favor the judgment was rendered herein, and it further appearing that the Receiver herein has sufficient funds to pay court costs, expense of sale and other items of expenditures in connection with this litigation, said sum of Eight Thousand and Forty-four Dollars (\$8,044) should be applied on the judgment rendered herein in favor of said mortgagee.

And the Court having examined the proceedings of said sale by the United States Marshal under said writ and order, finds that said proceedings have been performed in all respects in conformity to law and that no exceptions have been filed and no objections made to said sale.

IT IS, THEREFORE, ORDERED by the court that said sale and proceedings thereunder and return thereof be, and the same are hereby approved, and confirm in all things, and the Clerk is hereby directed to credit said judgment with the amount of Eight Thousand and Forty-four Dollars (\$8,044) from the purchase price of said sale.

IT IS FURTHER ORDERED by the court that John P. Logan, United States Marshal for the Northern District of Oklahoma, make and execute to the purchaser of said real estate as shown by said return a good and sufficient Marshal's deed for the premises so sold.

IT IS FURTHER ORDERED by the court that John P. Logan, United States Marshal for the Northern District of Oklahoma, make and execute to the purchaser of said chattels and personal property as shown by said return, a good and sufficient Marshal's bill of sale and conveyance for such chattels and personal property so sold.

F. E. KENNAMER

JUDGE

O.K. WHIT Y. MAUZY

Whit Y. Mauzy, United States Attorney

JOE W. HOWARD

Joe W. Howard, Assistant United States Attorney

ENDORSED: Filed Sep 11 1939  
 H. P. Warfield, Clerk  
 U. S. District Court H

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

United States of America,	Plaintiff,	)
		)
vs.		) NO. 107 CIVIL
		)
James M. Ross and Bessie E. Ross,	Defendants.	)

JOURNAL ENTRY OF JUDGMENT

Now on this 11th day of Sept., 1939, this cause came on to be heard in open court before the Honorable F. E. Kennamer, Judge presiding, plaintiff appearing by Whit Y. Mauzy, United States Attorney for the Northern District of Oklahoma, and Joe W. Howard, Assistant United States

Attorney for said District, and it being shown to the court that the above named defendants have been regularly served with summons, and a copy of the complaint in this case within more than twenty (20) days prior to this date, and it further appearing that they have failed to answer or otherwise plead herein, they are, by the court declared to be in default and the court finds that plaintiff is entitled to judgment as demanded in its complaint in this action.

IT IS, THEREFORE, THE ORDER AND JUDGMENT of the court that the plaintiff in its own behalf and in behalf of the Farm Security Administration, successors to the Oklahoma Rural Rehabilitation Corporation, have and recover judgment on its first, second, and third causes of action against the defendants, James M. Ross and Bessie E. Ross, for Two Hundred Eighteen Dollars and Seventy-four Cents (\$218.74) with interest thereon at the rate of five per cent (5%) per annum from November 1, 1937 until paid, and that plaintiff have and recover a further judgment against said defendants declaring its lien to be a first and prior lien against the property, chattels, and articles described in plaintiff's complaint and barring the said defendants and all persons claiming under them from asserting any interest, right or title in and to the following described property, chattels, and articles, to wit:

2 White pigs, weight 50# each  
60 Brown Leghorn hens  
and  
their increases, if any.

IT IS THE FURTHER ORDER AND JUDGMENT of the court that the aforesaid described property be, and the same is hereby ordered sold as provided by law in such cases, and the proceeds therefrom applied upon this judgment.

Let execution issue against the said defendants, James M. Ross, and Bessie E. Ross, to satisfy any deficiency under this judgment.

F. E. KENNAMER  
JUDGE

OK: WHIT Y. MAUZY  
Whit Y. Mauzy, United States Attorney

JOE W. HOWARD  
Joe W. Howard, Assistant United States Attorney  
ATTORNEYS FOR PLAINTIFF

ENDORSED: Filed Sep 11 1939  
H. P. Warfield, Clerk  
U. S. District Court EA

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

Federal Housing Administrator, Plaintiff, )  
 vs. ) CIVIL FILE NO. 117  
 D. P. Lester, and Salathiel Lester, Defendants. )

JOURNAL ENTRY OF JUDGMENT

Now on this 11th day of September, 1939, this cause came on to be heard in open court before the Honorable F. E. Kennamer, Judge presiding, pursuant to regular assignment, plaintiff appearing by Whit Y. Mauzy, United States Attorney for the Northern District of Oklahoma, and Joe W. Howard, Assistant United States Attorney for said District, and it being shown to the court that the above named defendants and each of them has been regularly served with summons and a copy of the complaint in this case more than twenty (20) days prior to this time, and it further appearing that they have failed to answer or otherwise plead herein, they are, by the court declared to be in default and the court finds that plaintiff is entitled to judgment as demanded in its complaint in this action.

IT IS, THEREFORE, THE ORDER AND JUDGMENT of the court that the plaintiff have and recover judgment against the defendants D. P. Lester and Salathiel Lester for the sum of One Hundred Forty-five Dollars and Eight Cents (\$145.08) with interest thereon at the rate of Six Per Cent (6%) per annum from February 17, 1937 and the costs of this action.

Let execution issue.

F. E. KENNAMER  
 JUDGE

O.K. WHIT Y. MAUZY  
 Whit Y. Mauzy, United States Attorney

JOE W. HOWARD  
 Joe W. Howard, Assistant United States Attorney  
 ATTORNEYS FOR PLAINTIFF

ENDORSED: Filed Sep 11 1939  
 H. P. Warfield, Clerk  
 U. S. District Court EA

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

United States of America, Plaintiff, )  
 vs. ) NO. 158 CIVIL  
 V. C. Crabtree, T. E. Allen and Charley )  
 Vermillion, Defendants. )

JOURNAL ENTRY OF JUDGMENT

Now on this 11th day of September, 1939, this cause came on regularly to be heard in open court before Honorable F. E. Kennamer, Judge presiding, and plaintiff appearing by Whit Y. Mauzy, United States Attorney for the Northern District of Oklahoma, and Chester A. Brewer, Assistant United States Attorney for said district; and it being shown to the Court that the defendants, V. C. Crabtree, T. E. Allen and Charley Vermillion have each been regularly served with summons in this





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

IN THE MATTER OF THE ESTATE OF )  
 BEN SEWELL, DECEASED, ) NO. 176 CIVIL

O R D E R

Now on this 11th day of September, 1939, this cause of action having come on before the Court on September 5, 1939, on the motion of the proponent to remand this cause to the District Court of Creek County, Oklahoma, proponent appearing by Eben L. Taylor and Odell & Odell, her attorneys, and the United States of America, intervener, appearing by Whit Y. Mauzy, United States Attorney for the Northern District of Oklahoma, and Chester A. Brewer, Assistant United States Attorney for said district; and the Court having heard the arguments of counsel, and being fully advised in the premises, finds that said motion to remand should be overruled.

IT IS THEREFORE THE ORDER of the Court that said motion to remand be, and the same hereby is overruled, to which ruling of the Court proponent excepts, and exceptions are allowed.

F. E. KENNAMEY  
 JUDGE

O.K. AS TO FORM,  
 SERVICE OF COPY ACKNOWLEDGED:  
EBEN L. TAYLOR  
ODELL & ODELL  
 Attorneys for Proponent

WHIT Y. MAUZY  
 Whit Y. MAUZY, United States Attorney

CHESTER A. BREWER  
 Chester A. Brewer, Assistant United States Attorney

ENDORSED: Filed Sep 11 1939  
 H. P. Warfield, Clerk  
 U. S. District Court H

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

United States of America, Plaintiff, )  
 vs. ) No. 184 CIVIL  
 J. L. Dye, H. T. Tyler and J. F. )  
 Rainbolt, Defendants. )

JOURNAL ENTRY OF JUDGMENT

Now on this 11th day of September, 1939, this cause came on regularly to be heard in open court before Honorable F. E. Kennamer, Judge presiding, on the complaint of the plaintiff and the default of the defendants, and plaintiff appearing by Whit Y. Mauzy, United States Attorney for the Northern District of Oklahoma, and Chester A. Brewer, Assistant United States Attorney for said district; and it being shown to the Court that the above named defendants have each been regularly served with summons in this cause more than 20 days prior to this date, and that neither of said defendants has answered, demurred or otherwise pleaded herein, they are by the Court declared to be in default, and the Court finds that plaintiff is entitled to judgment as prayed in its complaint herein.



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

United States of America,	Plaintiff,	)
		)
vs.		) No. 188 CIVIL
		)
John A. Stuart, C. T. Everton and W. S. McFadden,	Defendants.	)

JOURNAL ENTRY OF JUDGMENT

Now on this 11th day of September, 1939, this cause came on regularly to be heard in open court before Honorable F. E. Kennamer, Judge presiding, on the complaint of plaintiff and the default of the defendants; plaintiff appearing by Whit Y. Mauzy, United States Attorney for the Northern District of Oklahoma, and Chester A. Brewer, Assistant United States Attorney, for said district; and it being shown to the Court that each of the above named defendants has been regularly served with summons in this cause more than 20 days prior to this date, and that neither of said defendants has answered, demurred or otherwise pleaded herein, they are by the Court declared to be in default, and the Court finds that plaintiff is entitled to judgment against said defendants as prayed in its complaint herein.

IT IS THEREFORE THE ORDER AND JUDGMENT of the Court that plaintiff, in its own behalf, and in behalf of Loretta Kohpay, Osage Allottee No. 2157, have and recover judgment against the defendants, John A. Stuart, C. T. Everton and W. S. McFadden, and each of them, in the sum of \$100.00, with interest thereon at the rate of 6% per annum from January 1, 1938, until paid and for all costs of this action, for which let execution issue.

F. E. KENNAMER  
JUDGE

O.K. AS TO FORM.

WHIT Y. MAUZY  
Whit Y. Mauzy, United States Attorney

CHESTER A. BREWER  
Chester A. Brewer, Assistant United States Attorney.

ENDORSED: Filed Sep 11 1939  
H. P. Warfield, Clerk  
U. S. District Court E

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

United States of America,	Plaintiff,	)
		)
vs.		) No. 191 CIVIL
		)
W. B. Roberson, Tom McCoy and Ernest Roberson,	Defendants.	)

JOURNAL ENTRY OF JUDGMENT

\* Now on this 11th day of September, 1939, this cause came on regularly to be heard in open court before Honorable F. E. Kennamer, Judge presiding, and plaintiff appearing by Whit Y. Mauzy, United States Attorney for the Northern District of Oklahoma, and Chester A. Brewer,



said defendant<sup>s</sup> declaring its lien to be a first and prior lien against the property, chattels and articles described in plaintiff's complaint and barring certain defendants and all persons claiming under them from asserting any interest, right, or title in and to the following described property, chattels and articles, to wit:

- 1 Blue Jersey Cow, 8 years old, without horns
- 1 Blue Jersey Cow, 3 years old, with horns
- 25 Mixed Hens
- 3 Duron-Poland China Cross Barrows

and the increase<sup>s</sup>, if any, to such property.

IT IS THE FURTHER ORDER AND JUDGMENT of the Court that the aforesaid described property be, and the same is hereby ordered sold as provided by law in such case, and the proceeds therefrom applied upon this judgment.

Let execution issue against the said defendants, Arthur Alcorn, and Mary Alcorn, to satisfy any deficiency under this judgment.

F. E. KENNAMER  
JUDGE

OK: WHIT Y. MAUZY  
Whit Y. Mauzy, United States Attorney

JOE W. HOWARD  
Joe W. Howard, Assistant United States Attorney  
ATTORNEYS FOR PLAINTIFF

ENDORSED: Filed Sep 11 1939  
H. P. Warfield, Clerk  
U. S. District Court E

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

UNITED STATES OF AMERICA,	Plaintiff,	)
		)
vs. &		) No. 240 Civil
		)
110 BUSHEL <sup>S</sup> , more or less, OF JONATHAN APPLES,		)
	Defendant.	)

ORDER FOR MONITION

NOW, on this 11th day of September, 1939, there having been filed herein a petition in libel on behalf of the United States of America and against One Hundred Ten (110) Bushels, more or less, of Jonathan Apples, praying the usual process and monition of this court for an order condemning and forfeiting said merchandise to said plaintiff under provisions of an Act of Congress of June 25, 1938, commonly known as the Food and Drug Act, and it appearing from said petition in libel that on or about September 5, 1939, said merchandise was shipped in interstate commerce by David May from Hardin, Illinois.

And it further appearing from said petition in libel that said One Hundred Ten (110) bushels, more or less, Jonathan apples were in an adulterated condition containing added lead in violation of said Act of Congress and that said shipment should be seized under and by virtue of said Act of Congress and it further appearing that said David May and Dave Morgan claim some interest in said merchandise.

IT IS THEREFORE THE ORDER OF THE COURT that process of this court be duly issued, directing the United States Marshal for the Northern District of Oklahoma to seize and arrest said merchandise, take and safely keep the same in his custody until the further order of this court and that he serve such warrant and mention upon all parties known to be interested in said merchandise and particularly David May and Dave Morgan, commanding them to appear and show cause, if any there be, why said merchandise should not be forfeited to this plaintiff.

E. E. KENNAMER

U. S. District Judge

ENDORSED: Filed Sep 12 1939  
H. P. Warfield, Clerk  
U. S. District Court H

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

Thomas Kapsemalis, Plaintiff, )  
vs. ) No. 2551 Law.  
Irene Taylor, et al., Defendants. )

ORDER EXTENDING TIME TO DOCKET APPEAL

On this 11th day of September, 1939, for good cause shown, plaintiff is granted thirty additional days time from and after September 13, 1939, in which to prepare, file and settle the record on appeal and docket this cause in the Circuit Court of Appeals for the Tenth Circuit.

F. E. KENNAMER  
JUDGE

COPY ACKNOWLEDGED: GLENN O. YOUNG & R. K. ROBERTSON

ENDORSED: Filed Sep 11 1939  
H. P. Warfield, Clerk  
U. S. District Court B

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

United States of America, Plaintiff, )  
vs. ) NO. 2569 LAW  
Sinclair Prairie Oil Company, a corporation, Defendant. )

O R D E R

Plaintiff, United States of America, prays judgment in this action against Sinclair Prairie Oil Company, a corporation, defendant, for the value of certain oil and petroleum alleged to have been taken, received and appropriated by defendant and its predecessor, The Prairie Oil and Gas Company, between August 1st, 1915, and December 31st, 1937, in the sum of \$1,047,414.45.

In its amended complaint plaintiff alleges that it is the guardian and trustee of the Osage Tribe of Indians and as such guardian and trustee has control of the lands of said Osage Tribe of Indians and has had complete and full charge and control of the leasing of said lands of said Osage Tribe of Indians for development thereof for oil and gas. That said Osage Tribe of Indians is and was at all times herein involved the owner of all the petroleum beneath the surface of all the lands situated in Osage County, Oklahoma, and that pursuant to Act of Congress the Secretary of the Interior prescribed rules and regulations governing the leasing of said lands for oil and gas purposes, which rules and regulations became effective August 1st, 1915, and that the royalty upon said petroleum payable to said Osage Tribe of Indians was pursuant to Act of Congress by order of the President of the United States on July 27, 1915, fixed at the rate of one-sixth (1/6), except where the average daily production of producing wells on any quarter section unit should equal or exceed one hundred (100) barrels per calendar month periods, the royalty should be one-fifth (1/5); that leases upon said land were executed to deivers firms and corporations as provided in said rules and regulations by the Secretary of the Interior, on forms of leases as shown by Exhibit "B", attached to said amended complaint; that said oil and petroleum was taken, received or acquired under and in accordance with division orders prepared by defendant and approved by the Superintendent of the Osage Tribe of Indians, form of which division order is attached to the amended complaint as Exhibit "C".

That defendant and its predecessor, The Prairie Oil and Gas Company, during the period from August 1st, 1915 to the date of the filing of the original complaint herein, received from the Osage Tribe of Indians three per cent (3%) more merchantable oil than was paid for to said Osage Tribe of Indians by said defendant and its predecessor, except that said defendant from August 1st, 1933 to August 20, 1933, made full payment for all merchantable oil received by said defendant and belonging to said Tribe. That all of the oil taken, received and appropriated by defendant and its predecessor, The Prairie Oil And Gas Company, was merchantable oil and the deduction from the whole colume thereof of three per cent (3%) or any other amount was wrongful and without authority of law.

Defendant filed motion to dismiss this action for the reason that plaintiff's amended complaint fails to state a claim in favor of the plaintiff and against the defendant upon which relief can be granted.

At the hearing on this motion it was stipulated in open court that the Osage Tribal Council had not by resolution or any other formal action approved by the Secretary of the Interior elected to take its royalty in oil.

Upon the issues thus joined, from a careful consideration of the allegations of the amended complaint, with the exhibits attached thereto and the stipulation of counsel, the Court is of the opinion that there are no allegations of any privity between the plaintiff and the defendant as a purchaser of oil from the lessees producing oil from the lands of the Osage Tribe of Indians under approved oil and gas leases, and that there are no allegations sufficient to charge that the Osage Tribe of Indians was the owner of any portion of the oil produced from the said land after same had been produced and reduced to possession by the lessees, and the Court therefore concludes that in the absence of such privity and in the absence of any sufficient allegations of ownership, of any part of the oil produced and sold from the said lands after the production of same by lessees, the amended complaint wholly fails to state any claim upon which the plaintiff is entitled to any relief against the defendant, or upon which any relief can be granted.

The motion of defendant is to dismiss the amended complaint is sustained and this action is hereby dismissed.

Dated, June 7th, 1939.

F. E. KENNAMER

J U D G E

ENDORSED: Filed Sep 11 1939  
H. P. Warfield, Clerk  
U. S. District Court H

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

UNITED STATES OF AMERICA,	Plaintiff,	)
		)
vs		) No. 2572 Law
		)
THE NATIONAL REFINING COMPANY, A Corporation,	Defendant.	)

ORDER SUSTAINING MOTION TO DISMISS

Defendant's Motion for more Definite Statement and Motion to Dismiss coming on for hearing on the 25th day of April, 1939, it was thereupon stipulated in open court, as follows:

1. That the Osage Tribal Council did not at any time, by resolution, or any other formal action, approved by the Secretary of the Interior, elect totake royalty in oil; and
2. That defendant is being sued exclusively as a purchaser of oil.

Pursuant to direction of the Court, hearing upon defendant's Motion for a More Definite Statement was postponed and deferred until the hearing upon, consideration and determination of defendant's Motion to Dismiss, which Motion to Dismiss was on the ground and for the reason that the amended complaint fails to state a claim against defendant upon which relief can be granted.

Upon consideration of said Motion to Dismiss, of oral arguments thereon, and of briefs submitted by the parties hereto, it is on the 7th day of June, 1939, in open court

HEREBY ORDERED that said Motion to Dismiss is sustained, to which action, in open court the plaintiff then and there excepts, which said exception is hereby, by the Court, allowed, and the plaintiff having, in open court, elected to stand upon its amended complaint, and having refused, in open Court, to plead further, it is further ordered, adjudged and decreed that said amended complaint, and each and every cause of action attempted to be set up and stated therein, and this action, be, and the same is hereby, dismissed, to which action of the court plaintiff, in open Court duly excepts, and said exception is allowed, and the plaintiff gives notice of appeal to the United States Circuit Court of Appeals for the Tenth Circuit.

The above and foregoing action of the Court rendered unnecessary any hearing upon, consideration and determination of defendant's Motion for a More Definite Statement.

DATED this 7th day of June, 1939.

APPROVED: A. F. MOSS H. R. YOUNG  
Attorneys for Plaintiff

F. E. KENNAMER  
JUDGE

CHAS. W. PENNEL, Bartlesville, Okla.  
Attorney for Defendant

ENDORSED: Filed Sep 11 1939  
H. P. Warfield, Clerk  
U. S. District Court H

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

UNITED STATES OF AMERICA,	Plaintiff,	)	
		)	
vs.		)	No. 2572 Law.
		)	
THE NATIONAL REFINING COMPANY, a Corporation,	Defendant,	)	

**ORDER VACATING ORDER OF DATE JUNE 7, 1939, SUSTAINING THE  
MOTION OF DEFENDANT TO DISMISS AMENDED COMPLAINT**

It appearing to the Court that upon the 7th day of June, 1939, the court entered its order sustaining the motion of the defendant, National Refining Company, a Corporation, to dismiss the Amended Complaint of the plaintiff; and it further appearing to the Court that a similar order was made by this Court on said date in Cause No. 2569 Law, entitled, United States of America, Plaintiff, vs. Sinclair-Prairie Oil Company, a Corporation, Cause No. 2570 Law, entitled, United States of America, Plaintiff, vs. Stanolind Crude Oil Purchasing Company, a corporation, and Cause No. 1171, Equity, entitled, United States of America, Plaintiff, vs. Gulf Oil Corporation, a corporation, and that the Plaintiff intends to prosecute an appeal from said orders in said three mentioned causes, to the United States Circuit Court of Appeals for the Tenth Circuit, and that said appeals may determine the questions which would be involved in the appeal from said order of dismissal in this cause; and it further appearing to the Court that the order of dismissal herein, of date, June 7, 1939 should be vacated and said cause allowed to pend herein until the termination of the aforesaid three appeals.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED BY THE COURT, that upon the motion of the plaintiff, that the order of this Court sustaining the motion to dismiss of the defendant, The National Refining Company, a Corporation, of date, June 7th, 1939, be vacated, and that this case be, and is hereby, allowed to pend herein upon the Consolidated Motion to Make More Definite and Certain, to Separately State and Number, to Strike and to Dismiss of the defendant, The National Refining Company, a Corporation, until the final decision of the United States Circuit Court of Appeals for the Tenth Circuit, in the three above referred to Cause Nos. 2569 Law, 2570 Law, and 1171 Equity.

F. E. KENNAMER  
JUDGE

Okeh as to form:

A. F. MOSS  
H. R. YOUNG

Attorney for the Plaintiff

CHAS. W. PENNEL, Bartlesville, Okla.

Attorney for the Defendant

ENDORSED: Filed Sep 11 1939  
H. P. Warfield, Clerk  
U. S. District Court H

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

UNITED STATES OF AMERICA,	Plaintiff,	)
		)
vs.		) No. 2573 Law
		)
PHILLIPS PETROLEUM COMPANY,	Defendant,	)
a corporation,		)

ORDER SUSTAINING MOTION TO DISMISS

Motion to dismiss of defendant coming on to be heard on the 25th day of April, 1939 it was thereupon stipulated in open court as follows:

1. That the Osage Tribal Council did not at any time, by resolution, or any other formal action, approved by the Secretary of the Interior, elect to take royalty in oil; and
2. That defendant is being sued exclusively as a purchaser of oil.

Upon consideration of said motion, of oral arguments thereon, and of briefs submitted by the parties hereto;

IT IS HEREBY ORDERED, that the motion of the defendant to dismiss the amended complaint is sustained, to which action in open court the plaintiff then and there excepts, which said exception is hereby by the court allowed, and the plaintiff elected to stand upon its amended complaint and refuses to plead further, and said amended complaint and this action are hereby dismissed, to which action of the court the plaintiff in open court duly excepts, and said exception is allowed, and the plaintiff gives notice of appeal to the United States Circuit Court of Appeals for the Tenth Circuit.

Dated this 7th day of June, 1939.

O.K. and service of copy acknowledged:

F. E. KENNAMER  
UNITED STATES DISTRICT JUDGE

Attorneys for Plaintiff

O.K. RAYBURN L. FOSTER  
Attorney for Defendant

ENDORSED: Filed Sep 11 1939  
H. P. Warfield, Clerk  
U. S. District Court H

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

UNITED STATES OF AMERICA,	Plaintiff,	)
		)
vs.		) NO. 2573 Law.
		)
PHILLIPS PETROLEUM COMPANY, a corporation,	Defendant,	)
		)

ORDER VACATING ORDER AND DECREE OF DATE, JUNE 7, 1939,  
SUSTAINING THE MOTION OF THE DEFENDANT TO DISMISS  
AMENDED COMPLAINT

It appearing to the Court that upon the 7th day of June, 1939, the Court entered



2. That defendant is being sued exclusively as a purchaser of oil.

Pursuant to direction of the Court, hearing upon defendant's motion for a more definite statement was postponed and deferred until the hearing upon, consideration and determination of defendant's Motion to Dismiss, which Motion to Dismiss was on the ground and for the reason that the amended complaint fails to state a claim against defendant upon which relief can be granted.

Upon consideration of said Motion to Dismiss, of oral arguments thereon, and of briefs submitted by the parties hereto, it is on the 7th day of June, 1939, in open court

HEREBY ORDERED that said Motion to Dismiss is sustained, to which action, in open court, the plaintiff then and there excepts, which said exception is hereby, by the Court allowed, and the plaintiff having, in open Court, elected to stand upon its amended Complaint, having refused, in open court, to plead further, it is further ordered, adjudged and decreed that said amended complaint and each and every cause of action attempted to be set up and state therein, and this action, be, and the same is hereby, dismissed, to which action of the court plaintiff, in open court, duly excepts, and said exception is allowed, and the plaintiff gives notice of appeal to the United States Circuit Court of Appeals for the Tenth Circuit.

The above and foregoing action of the Court rendered unnecessary any hearing upon, consideration and determination of defendant's Motion for a More Definite Statement.

DATED this 7th day of June, 1939.

F. E. KENNAMER  
JUDGE

APPROVED: M. D. KIRK  
N. A. GIBSON  
Attorneys for Defendant

ENDORSED: Filed Sep 11 1939  
H. P. Warfield, Clerk  
U. S. District Court

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

UNITED STATES OF AMERICA, Plaintiff, )  
vs. ) No. 2577 Law  
BARNSDALL OIL COMPANY, a Corporation, )  
Defendant. )

ORDER VACATING ORDER OF DATE JUNE 7th, 1939, SUSTAINING THE MOTION OF DEFENDANT TO DISMISS AMENDED COMPLAINT

It appearing to the court that upon the 7th day of June, 1939, the court entered its order sustaining the motion of the defendant, Barnsdall Oil Company, a Corporation, to dismiss the Amended Complaint of the plaintiff; and it further appearing to the Court that a similar order was made by this Court on said date in Cause No. 2569 Law, entitled, United States of America, Plaintiff, vs. Sinclair-Prairie Oil Company, a corporation, Cause No. 2570 Law, entitled, United States of America, Plaintiff, vs. Stanolind Crude Oil Purchasing Company, a corporation, and Cause No. 1171, Equity, entitled United States of America, Plaintiff, vs. Gulf Oil Corporation, a corporation, and that the plaintiff intends to prosecute an appeal from said orders in said three mentioned causes, to









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

UNITED STATES OF AMERICA,	PLAINTIFF,	)
		)
VS.		) No. 1170 Equity
		)
GULF REFINING COMPANY, a Corporation,		)
	Defendant.	)

ORDER VACATING ORDER AND DECREE OF DATE JUNE 7th, 1939,  
SUSTAINING THE MOTION OF THE DEFENDANT TO DISMISS  
AMENDED COMPLAINT

It appearing to the Court that upon the 7th day of June, 1939, the Court entered its order sustaining the motion of the defendant, Gulf Refining Company, a corporation, to dismiss plaintiff's amended complaint, Order of November 10, 1938, and it further appearing to the Court that similar orders have been made in other causes pending in this Court, among which is that of the United States of America, Plaintiff, versus Gulf Oil Corporation, Defendant, No. 1171 Equity, and that the plaintiff intends to prosecute an appeal from said last mentioned case to the United States Circuit Court of Appeals for the Tenth Circuit, and that some of the questions involved in such appeal will be substantially the same as will be involved in an appeal from the order of dismissal in this cause, if an appeal should be undertaken, and it further appearing to the Court, if appeals are taken in all of said cases, the result will be the cumbering of the docket of the Circuit Court of Appeals of the Tenth Circuit and the ends of justice will not be subserved thereby, and the plaintiff suggesting the advisability of and requesting that the order dismissing plaintiff's first cause of action set out in said complaint be vacated and set aside pending the appeal in the case of the United States of America versus the Gulf Oil Corporation, and the defendant not objecting thereto, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that upon the plaintiff taking an appeal to the Circuit Court of Appeals of the Tenth Circuit in the case of the United States of America versus the Gulf Oil Corporation, No. 1171 Equity, the order heretofore entered in this cause herein dismissing the plaintiff's first cause of action be set aside vacated and said cause remain upon the docket or calendar of this Court until the final determination of the appeal in United States of America versus Gulf Oil Corporation.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that on and after the filing of the appeal in the case of the United States of America versus Gulf Oil Corporation in the Circuit Court of Appeals of the Tenth Circuit, that this cause is continued and all further proceedings herein stayed until the filing and entering on therecords of this Court of the mandate showing the final determination of the case of the United States of America versus Gulf Oil Corporation on the happening of which event this case stands for such further proceedings as may be called for in the regular discharge and dispatch of business.

F. E. KENNAMER  
JUDGE

APPROVED: A. F. MOSS H. R. YOUNG, Attorneys for Plaintiff

APPROVED: JAMES B. DICKS, Attorney for Defendant

SERVICE of the above and foregoing order accepted this 3rd day of August, 1939.

JAMES B. DICKS  
Attorney for Defendant

ENDORSED: Filed Sep 11 1939  
H. P. Warfield, Clerk  
U. S. District Court H

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

UNITED STATES OF AMERICA,	Plaintiff,	)
		)
v.		) No. 1171 Equity
		)
GULF OIL CORPORATION,	Defendant.	)

JUDGMENT OF DISMISSAL

This cause coming on to be heard on this, the 7th day of June, 1939, on the motion of the defendant to dismiss plaintiff's cause of action as set out in plaintiff's amended complaint, order of November 10, 1938, on the ground that said complaint failed to state a claim upon which relief can be granted, and upon stipulation in open court that the Tribal Council of the Osage Nation has not by resolution approved by the Secretary of the Interior, or otherwise, elected to take royalty in oil, which stipulation was agreed to be and hereby is made a part of the record in this cause, the Court, after considering said motion to dismiss in connection with such stipulation, adjudges and decrees that the motion to dismiss plaintiff's cause of action should be and hereby is sustained, to which judgment, order and decree of the Court plaintiff duly objects and excepts, and elects to stand on its complaint.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT that plaintiff's cause of action set out in its said complaint is hereby dismissed, to which judgment, order and decree plaintiff in open court objects and excepts, which exception is allowed, and gives notice of appeal.

F. E. KENNAMER  
JUDGE

APPROVED: A. F. MOSS H. R. YOUNG HARRY W. BLAIR C. A. MACDONALD F. W. FILES  
Attorneys for Plaintiff

JAMES B. DISS, Attorney for Defendant

ENDORSED: Filed Sep 11 1939  
H. P. Warfield, Clerk  
U. S. District Court H

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

UNITED STATES OF AMERICA,	Plaintiff,	)
		)
vs.		) No. 1177 - Equity
		)
MID-CONTINENT PETROLEUM CORPORATION, a		)
corporation,	Defendant.	)

ORDER SUSTAINING MOTION TO DISMISS

Defendant's CONSOLIDATED MOTION TO MAKE MORE DEFINITE AND CERTAIN, TO SEPARATELY STATE AND NUMBER, TO STRIKE AND TO DISMISS coming on to be heard on the 25th day of April, 1939, it was thereupon stipulated in open Court as follows:

1. That the Osage Tribal Council did not at any time, by resolution, or any other formal action, approved by the Secretary of the Interior, elect to take royalty in oil; and



that a similar order was made by this Court on said date in Cause No. 2569 Law, entitled, United States of America, Plaintiff, vs. Sinclair-Prairie Oil Company, a corporation, Cause No. 2570, Law, entitled, United States of America, Plaintiff, vs. Stanolind Crude Oil Purchasing Company, a corporation, and Cause No. 1171, Equity, entitled, United States of America, Plaintiff, vs. Gulf Oil Corporation, a Corporation, and that the plaintiff intends to prosecute an appeal from said orders in said three mentioned causes, to the United States Circuit Court of Appeals for the Tenth Circuit, and that said appeals may determine the questions which would be involved in the appeal from said order of dismissal in this cause; and it further appearing to the Court that the order of dismissal herein, of date, June 7, 1939, should be vacated and said cause allowed to pend herein until the termination of the aforesaid three appeals.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED BY THE COURT, upon the motion of the plaintiff, that the order of this Court sustaining the motion to dismiss of the defendant, Mid-Continent Petroleum Corporation, a corporation, of date, June 7, 1939, be vacated, and that this case be, and is hereby, allowed to pend herein upon the Consolidated Motion to Make More Definite and Certain, to Separately State and Number, to Strike and to Dismiss of the defendant, Mid-Continent Petroleum Corporation, a corporation, until the final decision of the United States Circuit Court of Appeals for the Tenth Circuit, in the three above referred to Causes Nos. 2569-Law, 2570-Law and 1171-Equity.

F. E. KENNAMER  
J u d g e.

Okeh as to form: A. F. MOSS H. R. YOUNG Attorneys for the Plaintiff  
J. C. DENTON R. H. WILLS, Attorneys for the Defendant

Service of the foregoing and above order by the plaintiff, United States of America, is acknowledged to have been made upon the defendant, this the \_\_\_ day of July, A. D. 1939.

J. C. DENTON  
R. H. WILLS  
Attorneys for the Defendant

ENDORSED: Filed Sep 11 1939  
H. P. Warfield, Clerk  
U. S. District Court H

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

UNITED STATES OF AMERICA, Plaintiff, )  
vs. ) No. 1178 Equity  
COSDEN PIPE LINE COMPANY, a corporation, )  
Defendant. )

ORDER SUSTAINING IN PART AND OVERRULING IN PART DEFENDANT'S  
CONSOLIDATED MOTION

Defendant's CONSOLIDATED MOTION TO MAKE MORE DEFINITE AND CERTAIN, TO SEPARATELY STATE AND NUMBER, TO STRIKE AND TO DISMISS coming on to be heard on the 25th day of April, 1939, it was thereupon stipulated in open Court as follows:

1. That the Usage Tribal Council did not at any time, by resolution or any other formal action, approved by the Secretary of the Interior, elect to take royalty in oil; and

2. That with respect to the First Cause of Action of plaintiff's Amended Complaint herein, defendant is being sued exclusively as a purchaser of oil.

Upon consideration of Paragraph 6 of said Motion, praying that the First Cause of Action in plaintiff's Amended Complaint, and each and every cause of action attempted to be set up and stated therein, be dismissed, on the ground and for the reason that said First Cause of Action, and each and every cause of action attempted to be set up and stated therein, fails to state a claim upon which relief can be granted, and upon consideration of Paragraph 5 of said Motion in so far as same is to the same effect and purpose as said Paragraph 6, of oral arguments thereon and of briefs submitted by the parties hereto,

IT IS HEREBY ORDERED that said Paragraph 6 of said Motion and Paragraph 5 of said Motion in so far as same is to the same effect and purpose of said Paragraph 6, are sustained, to which action, in open Court, the plaintiff then and there excepts, which said exception is hereby, by the Court, allowed; and the plaintiff having, in open Court, elected to stand upon the First Cause of Action in its Amended Complaint, and having refused, in open Court, to plead further with respect thereto, it is further ordered, adjudged and decreed that said first cause of action, and each and every cause of action attempted to be set up and stated therein, and this action and plaintiff's Amended Complaint in so far as plaintiff's First Cause of Action is concerned, be, and the same are hereby dismissed, to which action of the Court plaintiff, in open Court, duly excepts, and said exception is allowed, and the plaintiff gives notice of appeal to the United States Circuit Court of Appeals for the Tenth Circuit.

Upon consideration of Paragraph 1 and each of the subdivisions thereof, Paragraph 2 and each of the subdivisions thereof, Paragraph 3 and each of the subdivisions thereof, Paragraph 4 and each of the subdivisions thereof, Paragraph 5 in so far as the same is not to the same effect and purpose as Paragraph 6, and Paragraph 7 of defendant's said Motion,

IT IS HEREBY ORDERED that said Paragraph 1 and each of the subdivisions thereof, Paragraph 2 and each of the subdivisions thereof, Paragraph 3 and each of the subdivisions thereof, Paragraph 4 and each of the subdivisions thereof, Paragraph 5 in so far as the same is not to be same effect and purpose as Paragraph 6, and Paragraph 7 of said Motion be, and the same are, hereby overruled and denied, to which action of the Court defendant excepts, and its exceptions are allowed, and defendant is granted twenty (20) days from this date in which to answer the Second Cause of Action of Plaintiff's Amended Complaint.

Dated this 7th day of June, 1939.

F. E. KENNAMER  
J U D G E

APPROVED AS TO FORM:

A. F. MOSS H. R. YOUNG Attys for Plaintiff

R. H. WILLS, Atty for Deft.

Service accepted this 8th day of June, 1939.

A. F. MOSS H. R. YOUNG, Attorneys for Pltf.

ENDORSED: Filed Sep 11 1939  
H. P. Warfield, Clerk  
U. S. District Court H

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

UNITED STATES OF AMERICA,	Plaintiff,	)
		)
vs.		) No. 1178 - Equity
		)
COSDEN PIPE LINE COMPANY, a Corporation,		)
	Defendant,	)

ORDER VACATING IN PART ORDER AND DECREE OF JUNE 7, 1939  
SUSTAINING IN PART AND OVERRULING IN PART DEFENDANT'S  
CONSOLIDATED MOTION

It appearing to the Court that upon the 7th day of June, 1939, the Court entered its order sustaining in part and overruling in part defendant's consolidated motion to make more definite and certain, to separately state and number, to strike, and to dismiss, and among other things dismissing the first cause of action in the amended complaint of the plaintiff; and it appearing further to the Court that a similar order was made by this Court on said date in Cause No. 2569 -Law, entitled, United States of America, Plaintiff, vs. Sinclair-Prairie Oil Company, a corporation, Cause No. 2570 Law, entitled, United States of America, Plaintiff, vs. Stanolind Crude Oil Purchasing Company, a corporation, and Cause No. 1171 Equity, entitled, United States of America Plaintiff vs, Gulf Oil Corporation, a corporation, and that the plaintiff intends to prosecute an appeal from said orders in said three mentioned causes, to the United States Circuit Court of Appeals for the Tenth Circuit, and that said appeals may determine the questions which would be involved in the appeal from said order of dismissal in this cause; and it further appearing to the Court that the order herein of date June 7, 1939, insofar as the same applied to the first cause of action in plaintiff's amended complaint herein, should be vacated, and said cause, insofar as said first cause of action is concerned, allowed to pend herein until the determination of theaforesaid three appeals.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the court upon the motion of plaintiff that the order of this court of June 7, 1939, insofar as the same applied to the first cause of action in plaintiff's amended complaint herein, be vacated, and that said first cause of action and defendant's consolidated motion to make more definite and certain, to separately state and number, to strike and to dismiss, insofar as the same applied or applies to said first cause of action, be and are hereby allowed to pend herein, until the final decision of the United States Circuit Court of Appeals for the Tenth Circuit, in the three above referred to causes, Numbers 2569, Law, 2570 Law and 1171 Equity.

Okeh as to form  
A. F. MOSS H. R. YOUNG, Attorneys for the Plaintiff  
J. C. DENTON R. H. WILLS, Attorneys for the Defendant

F. E. KENAMER  
JUDGE

Service of the foregoing and above order by the plaintiff, United States of America, is acknowledged to have been made upon the defendant, this the \_\_\_ day of July, A. D. 1939.

J. C. DENTON  
R. H. WILLS  
Attorneys for the Defendant

ENDORSED: Filed Sep 11 1939  
H. P. Warfield, Clerk  
U. S. District Court H

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

UNITED STATES OF AMERICA,	Plaintiff,	)
		)
vs.		) No. 1281 Equity.
		)
HARRY P. MILLER and MYRTLE O. MILLER,	Defendants.	)

ORDER OF DISMISSAL

NOW on this 11th day of September, this matter coming on before the Court on application of Whit Y. Mauzy, United States Attorney for the Northern District of Oklahoma, to dismiss said cause and the court being advised in the premises finds that an extension agreement has been entered into between the plaintiff and the defendants, the costs have been paid AND THAT SAID CAUSE SHOULD BE DISMISSED.

IT IS THEREFORE, ORDERED, ADJUDGED and DECREED that this cause be and the same hereby is dismissed.

AND IT IS SO ORDERED.

F. E. KENNAMER  
U. S. District Judge

ENDORSED: Filed Sep 11 1939  
H. P. Warfield, Clerk  
U. S. District Court E

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Court adjourned to September 12, 1939

On this 12th day of September, A. D. 1939, the District Court of the United States for the Northern District of Oklahoma, sitting in Special March 1939 Term at Tulsa, met pursuant to adjournment, Hon. F. E. Kennamer, Judge, present and presiding.

H. P. Warfield, Clerk, U. S. District Court  
Whit Y. Mauzy, United States Attorney  
John P. Logan, United States Marshal

Public proclamation having been duly made, the following proceedings were had and entered, to-wit:

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

OATH OF OFFICE

I, Paul N. Humphrey, do solemnly swear that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent on me as Conciliation Commissioner,

according to the best of my ability and understanding, agreeably to the Constitution and laws of the United States;

SO HELP ME GOD.

PAUL N. HUMPHREY

Subscribed and sworn to before me this 7th day of September, 1939.

DELPHI SPAUR (now Williams)  
Notary Public

(SEAL)

My commission expires - November 4, 1941

ENDORSED: Filed Sep 12 1939  
H. P. Warfield, Clerk  
U. S. District Court

FORM NO. 69

BOND OF CONCILIATION COMMISSIONER

Know all men by these presents: That we Paul N. Humphrey as principal, and N. H. Walton and W. O. Dildine of Pawhuska, Oklahoma, as sureties, are held and firmly bound to the United States of America in the sum of FIVE HUNDRED (\$500.00) Dollars, lawful money of the United States, to be paid to the said United States, for the payment of which, well and truly to be made, we bind ourselves, our heirs, executors, and administrators, jointly and severally, by these presents:

Signed and sealed this 7th day of September, A. D. 1939.

The condition of this obligation is such that whereas the said Paul N. Humphrey has been on the 5th day of September, A. D. 1939, re-appointed by the Honorable F. E. Kennamer, Judge of the District Court of the United States for the Northern District of Oklahoma a conciliation commissioner under Section 75 of the Bankruptcy Act, in and for the County of Osage in said District;

Now, therefore, if the said Paul N. Humphrey shall well and faithfully discharge and perform all the duties pertaining to the said office of Conciliation Commissioner, then this obligation to be void; otherwise to remain in full force and virtue.

Signed and sealed in the presence of

PAUL N. HUMPHREY (L.S.)  
N. H. WALTON (L.S.)  
W. O. DILDINE (L.S.)

Approved this 12th day of Sept., 1939.

F. E. KENNAMER  
DISTRICT JUDGE

ENDORSED: Filed Sep 12 1939  
H. P. Warfield, Clerk  
U. S. District Court

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

In the Matter of the Estate of Josiah Sam, Jr., deceased. )

Juanita Sam, and Rider Sam and Harry Sam, Minors, by Mattie Dial, their guardian, as next friend, Plaintiffs, )

vs. )

Mina Sam, and the heirs, executors, administrators, trustees, devisees, successors and assigns, claimants and creditors, immediate or remote, whether known or unknown, of Josiah Sam, Jr., deceased, Defendants. )

United States of America, Intervenor. )

Civil File No. 17

JUDGMENT DETERMINING HEIRS

Now on this 12th day of September, 1939, this cause came on to be heard in open Court before Honorable F. E. Kennamer, Judge presiding, and the Intervenor, The United States of America, being represented by Whit Y. Mauzy, United States Attorney for the Northern District of Oklahoma, and Chester A. Brewer, Assistant United States Attorney for said district, and the complainants, Juanita Sam, and Rider Sam and Harry Sam, Minors, by Mattie Dial, their guardian, as next friend, being represented by W. E. Foltz, United States Probate Attorney, and the defendant, Mina Sam, being represented by Ernest R. Brown, and it appearing that legal notice of the time and place of hearing was given by publication to the defendants, the heirs, executors, administrators, trustees, devisees, successors and assigns, claimants and creditors, immediate and remote, whether known or unknown, of Josiah Sam, Jr., deceased, as shown by affidavit for service by publication, notice issued and published in the Pryor Jeffersonian, a newspaper of general circulation published in Mayes County, Oklahoma, the first publication being on the 18th day of August, 1938, and the last publication being on the 1st day of September, 1938, proof of publication, and affidavit re mailing copies of petition and notice by publication, and that notice was served on the Superintendent of the Five Civilized Tribes and proof of service was filed and that the United States of America intervened, and that Mina Sam waived issuance of summons and entered her general appearance, and that neither of the defendants, the heirs, executors, administrators, trustees, devisees, successors and assigns, claimants and creditors, immediate or remote, whether known or unknown, demurred, answered or otherwise plead within the time prescribed by law, nor appear at this trial, but wholly defaulted, and the allegations in plaintiffs petition are taken as true and confessed by said defaulting defendants; and the Court finds it has jurisdiction, and all parties announced ready for trial, and after an examination of the pleadings and papers in this case, and after hearing the evidence and testimony of witnesses sworn and examined, and being fully advised in the premises, finds:

That said Josiah Sam, Jr., was a full-blood Cherokee Indian, not enrolled, and that he died on the 30th day of May, 1938, intestate, and that at the time of his death he was a permanent resident of Mayes County, State of Oklahoma; that there has been no administration upon his estate, that there is no legal cause for administration, and that he left no estate subject to administration, but that he was seized and possessed of an estate that is subject to distribution to his heirs; that his heirs have not heretofore been determined by a Court of competent jurisdiction, and that this Court has jurisdiction of the settlement of his estate and determination of his heirs for distribution of his estate;

That his estate consisted of restricted cash and bonds in the hands of the Department of the Interior now in the total sum of Three Thousand Seven Hundred Eleven Dollars and Seventy-Seven Cents (\$3,711.77), and an undivided four-fifteenths (4/15) interest in and to the following described lands, to-wit:

The allotment of Josiah Sam, deceased:

The Southwest Quarter of the Northwest Quarter of the Southwest Quarter of Section Twelve (12), Township Fourteen (14) North, Range Twenty-five (25) East, Adair County, Oklahoma; and;

The Northwest Quarter of the Southeast Quarter; and, the South Half of the Southwest Quarter of the Northeast Quarter; and, the Northwest Quarter of the Southwest Quarter of the Northeast Quarter of Section twenty-six (26); and, the South Half of the Southwest Quarter of the Southeast Quarter; and, the Southwest Quarter of the Southeast Quarter of the Southeast Quarter of Section twenty-three (23); and the Government Lot 1; and, the West Half of the Northwest Quarter of the Northeast Quarter; and, the Northeast Quarter of the Northwest Quarter of the Northeast Quarter; and, the Northwest Quarter of the Northeast Quarter of the Northeast Quarter of Section twenty-six (26), Township twenty-seven (27) north, and Range twelve (12) East, Washington County, Oklahoma; and

The home place of Josiah Sam, deceased;

Three (3) acres lying North and East of the Public Highway in the East Half of the Northwest Quarter of the Southeast Quarter; and the Northeast Quarter of the Southeast Quarter of Section twenty-six (26); and

The West Half of the Southwest Quarter of the Southwest Quarter; and the West Half of the Northwest Quarter; and the Northeast Quarter of the Northwest Quarter of Section twenty-five (25), Township twenty-one (21) North, Range twenty (20) East, Mayes County, Oklahoma;

That he inherited a  $3/15$  interest in said lands, and  $3/4$  of said cash and bonds from his father, Josiah Sam, deceased, and that he acquired a  $1/15$  interest in said land and  $1/4$  of said cash and bonds from defendant, Mina Sam, for a consideration of \$583.33, which was paid from funds he inherited from Josiah Sam, deceased, as shown by the decree of the County Court of Mayes County, Oklahoma, distributing the estate of Josiah Sam, deceased.

The Court further finds that said Josiah Sam, Jr., died while a minor, unmarried and without issue, and that he left surviving him as his next of kin and sole and only heirs, as follows:

Mother, Mina Sam, enrolled Miner Littlepage, Cherokee Minor Roll No. 1752;  
Brother, Rider Sam, a minor; and  
Brother, Harry Sam, a minor; and  
Paternal half-sister, Juanita Sam, surviving children of Josiah Sam, deceased,

all full-blood Indians;

That said Mina Sam inherited said  $1/15$  interest in the above described lands subject to the homestead rights of said Rider Sam and Harry Sam in said home place, and one-fourth

of said cash and bonds less the \$583.33 paid to her from funds inherited by said Josiah Sam, Jr., now deceased, from Josiah Sam, deceased, for her conveyances; and that Juanita Sam, Rider Sam and Harry Sam, children of Josiah Sam, deceased, inherited all of the estate that Josiah Sam, Jr. inherited from Josiah Sam, deceased, to wit: 3/15 interest in the above described lands and the balance of the cash and bonds; and that there are no other heirs, executors, administrators, trustees, devisees, successors and assigns, claimants or creditors, immediate or remote, whether known or unknown, of said Josiah Sam, Jr., deceased.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the estate of Josiah Sam, Jr., deceased, descended to and vested in his heirs, to wit:

To Mina Sam, enrolled Miner, Littlepage, Cherokee Minor Roll No. 1752, an undivided one-fifteenth (1/15) interest in the above described lands, subject to the homestead rights of Rider Sam and Harry Sam, minors, in the home place, and Three Hundred Forty-four and 61/100 Dollars (\$344.61) in cash and bonds;

To said Juanita Sam, Rider Sam and Harry Sam an undivided three-fifteenths (3/15) interest in the above described lands, and all of the balance of cash and bonds due said Josiah Sam, Jr., deceased, in equal parts; and said interests are hereby distributed to said heirs.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the defendants, the heirs, executors, administrators, trustees, devisees, successors and assigns, claimants and creditors, are in default and that they are thereby confessed they have no interest in and to the estate of said Josiah Sam, Jr., deceased, and that they are jointly and severally barred and enjoined from claiming or asserting any right, title, equity, or interest of any character in and to said estate.

IT IS FURTHER ORDERED that the interests inherited by Mina Sam in said estate are restricted and under the supervision of the Secretary of the Interior.

IT IS FURTHER ORDERED that Mina Sam pay all Court costs in this action.

F. E. KENNAMER

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

Approved; Service of copy acknowledged;  
W. E. FOLTZ, United States Probate Attorney, Attorney for Plaintiffs.

ERNEST R. BROWN Attorney for Mina Sam.  
WHIT Y. MAUZY, U. S. Atty.  
CHESTER A. BREWER, Asst. U. S. Atty.

ENDORSED: Filed Sep 12 1939  
H. P. Warfield, Clerk  
U. S. District Court EA

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

United States of America, Plaintiff, )

vs. )

No. 169 Civil

Hollis D. Helmick, Defendant. )

ORDER FOR ATTACHMENT

Now on this 11th day of September, 1939, it appearing that this Court has heretofore, on said date, rendered a judgment in favor of plaintiff herein for the recovery of the following described personal property, to wit:

- 1 Bay gelding 7 yrs.
- 1 Gray gelding 7 yrs.
- 1 Holstein cow 4 yrs.

which property is in the possession of the defendant, Hollis D. Helmick, and it appearing further to the court that Harley B. Moore at Miami, Oklahoma is the Rural Supervisor for the Farm Credit Administration, on whose behalf plaintiff obtained such judgment for the recovery of said described property, and as such agent and representative of plaintiff, is entitled to the immediate possession of such property, and the court being further advised in the premises, finds plaintiff entitled to attachment in aid of the aforesaid judgment for compelling delivery of such property to said named representative of plaintiff to await the further order of this Court.

IT IS, THEREFORE, ORDERED BY THE COURT that the clerk issue attachment directing the United States Marshal at Tulsa, Oklahoma to attach and seize the aforesaid property and thereupon deliver it to said Harley B. Moore, Rural Supervisor, Farm Credit Administration at Miami, Oklahoma, to await the further order of this court concerning disposition thereof and thereupon the said Marshal is to make due return thereon of his execution of this order.

F. E. KENNAMER  
JUDGE

O.K. WHIT Y. MAUZY  
Whit Y. Mauzy, United States Attorney

JOE W. HOWARD  
Joe W. Howard, Assistant United States Attorney

ENDORSED: Filed Sep 12 1939  
H. P. Warfield, Clerk  
U. S. District Court ME

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

C. J. LAURISCH, TRUSTEE,

Plaintiff, )

vs. )

Civil No. 205 )

C. T. THOMPSON, A. M. THOMPSON and R. S.  
WILLIAMS, TRUSTEES OF SEMINOLE PROVIDENT  
TRUST, a Trust estate,

Defendant. )

JOURNAL ENTRY

Now on this the 12th day of September, 1939, the above entitled matter comes on before me for hearing and the Plaintiff, C. J. Laurisch, Trustee, appearing by his counsel, Eugene O. Monnet and Frank Settle, and the defendant, C. T. Thompson, being present in person and by his attorney, Henry L. Fist and the other defendants being present by their attorney, Henry L. Fist; the said C. T. Thompson and said Henry L. Fist present to the Court the resignations of A. M. Thompson, R. S. Williams and C. T. Thompson as Trustees and officers of the Seminole Provident Trust, a Trust estate, which for all purposes the parties agree shall be irrevocable by the parties. Whereupon the Court hereby accepts the said resignations of A. M. Thompson and R. S. Williams as officers and trustees of said trust estate and the resignation of C. T. Thompson as President, Treasurer and Executive Officer of said trust estate and orders that the action on the said resignation of C. T. Thompson as Trustee of said trust estate be withheld until further order of the Court, and that the rights, powers and duties of said C. T. Thompson as such trustee be suspended, except as hereinafter provided and until further order of the Court. Thereupon the Court hereby appoints as Trustees of the said Seminole Provident Trust, a trust estate, Noble C. Hood, as Trustee, President, Treasurer and Executive Officer of said trust estate, and W. W. McClure as Trustee and Secretary of said trust estate, and orders that said Trustees so appointed shall and are hereby ordered to execute and file with the Clerk of this Court an oath of office whereby they undertake to perform their duties as such Trustees to the Best of their knowledge and belief in conformity with the terms and conditions of the declaration of trust and orders of this Court, and that said Trustee who is appointed President, Treasurer and Executive Officer of the trust be required to execute and file a fidelity bond (at cost of said trust estate) executed by some surety company licensed to do business in the State of Oklahoma in the amount of \$5,000 guaranteeing the faithful and honest performance of his duties and functions as such Trustee, President, Treasurer and Executive Officer of said trust, which said bond shall be approved by the Clerk of this court after filing of said oaths and approval and filing of said bond of said Trustee; whereupon said Trustee so appointed shall be and are hereby ordered to take immediate, full and complete charge, possession and control of the office of the company, its books, papers, documents, records, bank account, moneys, physical and intangible properties and all other assets, claims, rights, charges and interests of any nature whatsoever of said trust estate and manage and carry on all of the business and affairs of said trust estate; and the present trustees, and each of them, are hereby directed to forthwith deliver possession and control of said moneys, papers, assets, records, books, etc. unto said newly appointed trustees.

The Court further orders that the said C. T. Thompson is hereby retained as Trustee for the sole and only purpose of continuing to conduct pending litigation both for and against the trust, which said litigation is more particularly described as follows:

1. An action in the District Court of Tulsa County, Oklahoma, entitled C. T. Thompson, et al, Trustees of Seminole Provident Trust, Plaintiffs, vs. E. W. Jones, Inc., an Oklahoma Corporation, Defendant, #66675;

2. An action in the Common Pleas Court of Tulsa County, Oklahoma, entitled C. T. Thompson, et al, Trustees of Seminole Provident Trust, Plaintiffs, vs. Logan L. Van Zandt, Defendant, No. \_\_\_\_\_: and

3. An action in the District Court of Pottawatomie County, Oklahoma, entitled E. W. Jones, Inc. vs. Seminole Provident Trust, an express business trust, No. 17581.

The said C. T. Thompson is hereby ordered and instructed to continue the prosecution and defense of said above described actions with all due diligence, to remain, however, at all times in the conduct of said litigation under the control, supervision and direction of this Court. The said C. T. Thompson is specifically directed not to make any compromise of any of said litigation, except by and with the approval of this court. The said C. T. Thompson is further ordered and directed to pay promptly into this Court any recoveries which he shall receive as a result of the action hereinabove described. The Court specifically retains jurisdiction to allow out of any recovery made by the said C. T. Thompson from the litigation as above described and paid into this court such sums as he may consider proper for attorneys' fees, expenses and costs, and compensation above and beyond that provided for in the trust agreement to the said C. T. Thompson for extraordinary services in said litigation provided, however, that no allowances shall be made or paid to the said C. T. Thompson so long as there shall be and remain any charges or claims of said trust estate against him, either severally or collectively which have not been finally disposed of.

IT IS FURTHER ORDERED that the plaintiff hereof, C. J. Laurisch, Trustee, shall have an allowance of \$158.50, to cover his actual, necessary and reasonable expenses in institution and prosecuting this action, including the cost of an audit made of the books of said trust estate on April 17, 1939, and court costs and marshal fees paid by him.

IT IS FURTHER ORDERED that the court approves an oral stipulation entered into between the parties to the effect that as to the parties in this cause and said trust estate and its trustees there shall be no estoppel of any kind against or in favor of any of said parties arising from any claims, allegations, pleadings, evidence, findings or judgment of any other court in any other litigation which in any way involves the said trust or its trustees; nor shall anything in this journal entry be construed as such estoppel.

COUNSEL for defendant, C. T. Thompson, having requested until September 17, 1939, to file an answer to the petition filed in this cause and having agreed with plaintiff that all matters in controversy, including an accounting between said trust and the defendants, shall be tried in this cause, it is hereby ordered that said C. T. Thompson is granted until September 17, 1939, to file his answer herein and the plaintiff is granted ten days thereafter in which to file his reply thereto, and this cause is set for hearing on October 10, 1939, on all issues.

IT IS FURTHER ORDERED that this court retains complete jurisdiction of this litigation in all of its phases.

DATED this 12th day of September, 1939.

F. E. KENNAMER

F. E. Kennamer, United States District Judge

APPROVED: EUGENE O. MONNET  
ROYCE H. SAVAGE  
FRANK SETTLE  
SAM CLAMMER ATTORNEYS FOR PLAINTIFF

HENRY L. FIST, Attorney for Defendants.  
ENDORSED: Filed Sep 12 1939  
H. P. Warfield, Clerk  
U. S. District Court E

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

Mary Lawrence, Plaintiff, )  
-vs- )  
W. H. Thatch, Defendant. )

No. 216 Civ.

JOURNAL ENTRY OF JUDGMENT

Now on this 12th day of September, 1939, the above cause coming on to be heard, plaintiff appearing in person and by her attorneys, Johnson & Jones, and the defendant appearing by his attorneys, Cruce, Satterfield & Grigsby; and all parties agreeing that said cause might be heard on its merits at this time; and all parties, in open court, having waived a jury; and all parties being before the court, and sworn evidence having been introduced, and all parties having rested; and the taking of evidence having been closed;

The Court, being fully advised in the premises, finds for the plaintiff, and that the allegations of her petition are true; that plaintiff was injured on June 12, 1939, in a collision between a car being operated by W. E. Farha, in which plaintiff was riding, and an automobile, occupied by the defendant, on Highway 66, about fourteen miles east of Bristow, Oklahoma by reason of the negligence of the defendant W. H. Thatch, as set forth in her petition; and that said plaintiff is entitled to recover, by reason thereof, the sum of \$4500.00.

IT IS THEREFORE ORDERED, ADJUDGED, and DECREED by the Court that plaintiff Mary Lawrence do have and recover of and from the defendant W. H. Thatch, the sum of \$4500.00 and all costs of this action; for which let execution issued.

F. E. KENNAMER

United States District Judge

O.K. JOHNSON & JONES By L. L. Jones  
Attorneys for Plaintiff

CRUCE, SATTERFIELD & GRIGSBY  
Attorneys for Defendant

ENDORSED: Filed Sep 12 1939  
H. P. Warfield, Clerk  
U. S. District Court EA

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

A. N. COPE, Plaintiff, )  
-vs- )  
Phillips Petroleum Company, a corporation, Defendant. )

No. 2555 - Law

O R D E R

It is ordered that the defendant, Phillips Petroleum Company, be, and it is hereby, given leave to file its amended answer in the above cause instanter.

Dated this 12th day of September, 1939.

F. E. KENNAMER  
JUDGE

O.K. RITTENHOUSE WEBSTER & RITTENHOUSE  
Attorneys for Plaintiff

ENDORSED: Filed Sep 12 1939  
H. P. Warfield, Clerk  
U. S. District Court ME

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Court adjourned to September 13, 1939

On this 13th day of September, A. D. 1939, the District Court of the United States for the Northern District of Oklahoma, sitting in Special March 1939 Term at Tulsa, met pursuant to adjournment, Hon. F. E. Kennamer, Judge, present and presiding.

H. P. Warfield, Clerk, U. S. District Court  
Whit Y. Mauzy, United States Attorney  
John P. Logan, United States Marshal

Public proclamation having been duly made, the following proceedings were had and entered, to-wit:

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

James T. Spencer, Administrator of the  
Estate of Jackson Barnett, Deceased, Plaintiff

vs

Gypsy Oil Company, et al, Defendants.

)  
)  
) No. 39 CIVIL  
)  
)  
)

JOURNAL ENTRY

And now on this the 1st day of September, 1939, this cause coming on to be heard on the joint and several motions of the Gypsy Oil Company and Gulf Oil Corporation to amend the journal entry filed on July 11, 1939, bearing date of July 5, 1939, and purporting to overrule the joint and several motions of each of said defendants to dismiss the complaint of the plaintiff and the intervening complaint of the United States on the ground that each of said complaints fails to state a claim upon which relief can be granted, and the Court, after hearing and considering the same, finds that said journal entry, insofar as it disposes of the above named motions of the Gypsy Oil Company and the Gulf Oil Corporation, should be and the same hereby is vacated and set aside on the ground that no notice of said proposed journal entry or a copy thereof was served on either of said defendants before the signing thereof, and it is hereby ordered, adjudged and decreed as of July 5, 1939, as follows:

The joint and several motions of the Gypsy Oil Company and the Gulf Oil Corporation to dismiss the complaint of the plaintiff herein on the ground of failure of said complaint to state a claim upon which relief can be granted, and the joint and several motions of the Gypsy Oil Company and Gulf Oil corporation to dismiss the intervening complaint of the United States for



to set aside and vacate the order of this Court filed on July 11, 1939, under date of July 5, 1939, purporting to overrule the motion of the aforesaid defendants directed to the complaint filed by James T. Spencer, Administrator, and the intervening complaint of the United States, came on for hearing before the Honorable Alfred P. Murrah, Judge, and being duly considered, is sustained; and

IT IS ORDERED that the order and journal entry filed on July 11, 1939, under dated of July 5, 1939, be, and the same is hereby set aside and vacated as to the aforesaid defendants, and as a substitute therefor, IT IS HEREBY ORDERED AND ADJUDGED, as of July 5, 1939, as follows:

(1) That the Court is of the opinion that the questions raised by Paragraphs (2), (21), (22), (23) and (24) of the joint and several motion of defendants, Mid-Continent Petroleum Corporation and Cushing Gasoline Company, filed on May 3, 1939, should not be finally disposed of and adjudicated by this Court until after the aforesaid defendants have filed their answers to the plaintiff's complaint, and therefore, Paragraphs (2), (21), (22), (23) and (24) of said motion are hereby overruled and denied, but with the reservation that said defendants be, and they are hereby, permitted to renew and incorporate in their answers to the plaintiff's Complaint the questions raised by said paragraphs (2), (21), (22), (23) and (24) of said Motion; all said questions to be adjudged on the final trial of this case. These defendants, and each of them, object and except to the refusal of the Court to sustain said paragraphs (2), (21), (22), (23) and (24) of said Motion, and each of them, for reasons stated to this Court. Exceptions allowed.

(2) That each and every part of said Motion which moves the Court to strike the whole of the plaintiff's Complaint, being paragraph (1) of said Motion, be, and the same is hereby, overruled and denied. These defendants, and each of them, object and except to the refusal of the court to sustain said paragraph (1) of said motion, for the reasons stated to this Court. Exceptions allowed.

(3) That each and every part of said Motion which moves the Court to strike certain parts of the plaintiff's complaint, being Paragraphs (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), (16), (18) and parts of paragraphs (17) and (19) of said motion be, and the same are hereby, overruled and denied. These defendants, and each of them, object and except to the refusal of the Court to sustain said paragraphs numbered (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), (16), (18) and parts of paragraphs (17) and (19) of said Motion, and each of them, for the reasons stated to this Court. Exceptions allowed.

(4) That each and every part of said joint and several motion which moves the Court to make certain parts of the plaintiff's Complaint more definite and certain, being paragraphs (14), (15), (20) and parts of paragraphs (17) and (19) of said Motion, be, and the same are hereby, overruled and denied. These defendants, and each of them, object and except to the refusal of the Court to sustain said Paragraphs (14), (15), (20) and parts of paragraphs (17) and (19) of said Motion, and each of them, for the reasons stated to this Court. Exceptions allowed.

(5) IT IS FURTHER ORDERED that the joint and several motion of the defendants, Mid-Continent Petroleum Corporation and Cushing Gasoline Company to dismiss the intervening complaint of the United States of America filed herein on February 20, 1939, be, and the same is overruled and denied, but without prejudice to the right of each of said defendants to plead in their answers, the matters contained in their joint and several motion.

(6) The defendants herein referred to are permitted to withdraw their respective answers and to re-file them within three (3) days after this order is signed and filed in the office of the Clerk of this Court.

MADE AND ORDERED ENTERED on this September 1, 1939.

ALFRED P. MURRAH  
J u d g e

APPROVED: as to form:

Counsel for James T. Spencer, Administrator.

WHIT Y. MAUZY U. S. ATTY  
Counsel for United States of America, Intervener.

JAMES B. DICKS  
Counsel for Gypsy Oil Company and Gulf Oil Corporation

R. H. WILLS  
GEO. S. RAMSEY  
Counsel for Mid-Continent Petroleum Corporation and Cushing Gasoline Company.

Affidavit attached to original.

ENDORSED: Filed Sep 13 1939  
H. P. Warfield, Clerk  
U. S. District Court EA

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

Grand River Dam Authority, a public Corporation,	Petitioner,	) CIVIL NO. 244
-vs-	)	
E. E. Hinds, et al,	Defendants.	
	)	

ORDER FIXING TIME FOR THE APPOINTMENT OF COMMISSIONERS AND  
PRESCRIBING FORM OF NOTICE

NOW on this 13 day of September, 1939, the above entitled and numbered cause coming on to be heard, upon the application of the petitioner herein for an order of the Judge of this Court, fixing the date for the appointment of three disinterested freeholders of said Northern District of Oklahoma, as commissioners, to inspect said real property involved herein and consider the injuries sustained by reason of the condemnation and appropriation of the absolute, entire and unencumbered fee simple title to said lands, for public use and benefit, as alleged in the petition for condemnation filed herein, and for an order of the Judge of this Court, prescribing notice to be given said defendants, in said cause, of the time and place when the Judge of this Court will appoint said commissioners; the petitioner appearing by R. L. Davidson, General Counsel and Q. B. Boydston and Gayle M. Pickens, Assistant Counsels.

It appearing to the Judge of this Court that petitioner has filed its petition in the above styled and numbered cause for the condemnation and appropriation of the absolute, entire and unencumbered fee simple title to the lands described in the petition for condemnation heretofore filed, for use in connection with the construction, equipment, operation and maintenance of the Pensacola Dam and hydroelectric power plant on Grand River, and for the purpose of developing and generating electric energy for sale and distribution.

It appearing to the Judge of this Court that under the law applicable in such cases, it is necessary that the Judge of this Court appoint three disinterested freeholders, of the Northern District of Oklahoma, as commissioners to be selected by the Judge of this Court, according to law, to inspect the lands and consider the injuries sustained by reason of the condemnation and appropriation of said lands described in the petition for condemnation filed herein, for public use and benefit.

It further appearing that the Judge of this Court should prescribe the Notice to be given to the defendants in said cause of the time and place that the Judge of this Court will appoint said commissioners.

IT IS THEREFORE, ADJUDGED AND DECREED by the Judge of this Court that notice be given said defendants, and each of them, and all persons claiming any right, title, interest or possession in and to the lands involved, personally, by serving a copy of said notice upon said defendants, and each of them, said notice to be served by the United States Marshal of the District and State in which said defendants, and each of them, may reside, and said notice to be signed by the attorneys of the petitioner, Grand River Dam Authority, a public corporation, and duly attested by the Clerk of this Court, notifying said defendants, and each of them, that the application of the petitioner for the appointment of three disinterested freeholders in the Northern District of Oklahoma, as commissioners to inspect said real property and consider the injuries which the owners thereof, or persons having some right, title or interest therein, may have sustained or will sustain by reason of the condemnation and appropriation of said property for public use, will be heard before the Judge of this Court, at Tulsa, Oklahoma, on the 9 day of October, 1939, at the hour of ten o'clock A.M., or as soon thereafter as counsel may be heard and that said defendants, and each of them, may appear if they so desire.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Judge of this Court that in the event the petitioner is unable to obtain personal service of the notice upon any of said defendants to said action, notifying them of the hearing of petitioner's application for the appointment of three disinterested freeholders in said Northern District of Oklahoma, as aforesaid, that the petitioner may apply to the Judge of this Court for an Order directing the publication of such notice as the Judge of this Court may prescribe to said defendants.

F. E. KENNAMER  
JUDGE OF THE DISTRICT COURT OF THE  
UNITED STATES IN AND FOR THE NORTHERN  
DISTRICT OF OKLAHOMA

ENDORSED: filed Sep 13 1939  
H. P. Warfield, Clerk  
U. S. District Court E

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

Grand River Dam Authority,  
a public corporation,

Petitioner, )

) CIVIL NO. 244

-vs-

E. E. Hinds, et al,

Defendants. )

ORDER AUTHORIZING PUBLICATION OF NOTICE

NOW on this 13 day of September, 1939, the above entitled and numbered cause coming on to be heard upon the affidavit of the petitioner, for an order authorizing notice to the defendants, The Federal Land Bank of Wichita, Wichita, Kansas, a corporation; Land Bank Commissioner; The Federal Farm Mortgage Corporation, a corporation; The Federal Land Bank of Wichita, Wichita, Kansas, a corporation; agent and attorney-in-fact for the Land Bank Commissioner and The Federal Farm Mortgage Corporation, a corporation; C. M. Shartel; The Shartel Mortgage Company, a corporation, by publication; petitioner appearing by Q. B. Boydston, Assistant Counsel for the Grand River

Dam Authority, a public corporation, and it appearing to the Judge of this Court that the petitioner herein was, with due diligence unable to serve personally, upon the above-named defendants, notice of the institution of condemnation proceedings, and that the petitioner herein would, on the 9 day of October, 1939, at the hour of 10 o'clock A.M., or as soon thereafter as counsel may be heard, apply to the Honorable Franklin E. Kennamer, Judge of the United States District Court in and for the Northern District of Oklahoma, for an order appointing three disinterested freeholders of said Northern District of Oklahoma, as commissioners, to inspect the real property, as described in the petition for condemnation filed in said cause, and consider the injury which each of said defendants, as the owners of the lands involved in said cause, or of any right, title or interest therein, may sustain by reason of the appropriation of the absolute, entire and unencumbered fee simple title to said lands for the basin or reservoir area of the Grand River Dam Project, and for the storing and preserving of the waters of Grand River and its tributaries, for public use and benefit; and

It further appearing that petitioner herein has filed its affidavit and application, duly verified, setting up that the defendants, The Federal Land Bank of Wichita, Wichita, Kansas, a corporation; Land Bank Commissioner; The Federal Farm Mortgage Corporation, a corporation; the Federal Land Bank of Wichita, Wichita, Kansas, a corporation; C. M. Shartel, The Shartel Mortgage Company, a corporation, are not within the State of Oklahoma, and that the petitioner, after due diligence, has been unable to serve said defendants within the State of Oklahoma; and the Judge of this Court, being fully advised in the premises, finds that the petitioner's application for service by publication upon said defendants, and each of them should be granted.

IT IS THEREFORE CONSIDERED, ORDERED AND ADJUDGED that notice be given the defendants, The Federal Land Bank of Wichita, Wichita, Kansas, a corporation; Land Bank Commissioner; The Federal Farm Mortgage Corporation, a corporation; the Federal Land Bank of Wichita, Wichita, Kansas, a corporation; agent and attorney-in-fact for the Land Bank Commissioner and The Federal Farm Mortgage Corporation, a corporation; C. M. Shartel; The Shartel Mortgage Company, a corporation; by publication, notifying them of the institution of condemnation proceedings herein, and of the time and place of the appointment of said commissioners, and that said notice be signed by the attorneys for the petitioner herein, duly attested by the Clerk of this Court, and that said notice be published in the Grove Sun, a newspaper of general circulation in Delaware County, Oklahoma, for two weeks, notifying said defendants, and each of them, of the institution of condemnation proceedings, and the application of the petitioner for condemnation and appropriation of certain real estate, and for the appointment of commissioners to inspect said real property and consider the injury which the owners thereof, or any person having any right, title or interest therein, may sustain by reason of the appropriation of the absolute, entire and unencumbered fee simple title to said lands for the basin or reservoir area of the Grand River Dam Project, and for the storing and preserving of the waters of Grand River and its tributaries for the operation of the Grand River Dam Project, for public use and benefit, may be heard before the Honorable Franklin E. Kennamer, Judge of the United States District Court in and for the Northern District of Oklahoma, in the court room in the Federal Building, in Tulsa, Oklahoma, on the 9th day of October, 1939, at the hour of ten o'clock A.M., or as soon thereafter as counsel may be heard and that the defendants, and each of them, may be present, if they so desire.

F. E. KENNAMER  
JUDGE OF THE UNITED STATES DISTRICT  
COURT FOR THE NORTHERN DISTRICT OF  
OKLAHOMA

ENDORSED: Filed Sep 13 1939  
H. P. Warfield, Clerk  
U. S. District Court E

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

Grand River Dam Authority, a public corporation	Petitioner,	) CIVIL No. 245
-vs-	)	
William T. Sheldon, et al.,	Defendants.	

ORDER FIXING TIME FOR THE APPOINTMENT OF COMMISSIONERS  
AND PRESCRIBING FORM OF NOTICE

NOW, on this 13 day of September, 1939, the above entitled and numbered cause coming on to be heard, upon the application of the petitioner herein for an order of the Judge of this Court, fixing the date for the appointment of three disinterested freeholders of said Northern District of Oklahoma, as commissioners, to inspect said real property involved herein and consider the injuries sustained by reason of the condemnation and appropriation of the absolute, entire and unencumbered fee simple title to said lands, for public use and benefit, as alleged in the petition for condemnation filed herein, and for an order of the Judge of this Court, prescribing notice to be given said defendants in said cause, of the time and place when the Judge of this Court will appoint said commissioners; the petitioner appearing by R. L. Davidson, General Counsel and Q. B. Boydston and Gayle M. Pickens, Assistant Counsels.

It appearing to the Judge of this Court that petitioner has filed its petition in the above styled and numbered cause for the condemnation and appropriation of the absolute, entire and unencumbered fee simple title to the lands described in the petition for condemnation heretofore filed, for use in connection with the construction, equipment, operation and maintenance of the Pensacola Dam and hydroelectric power plant on Grand River, and for the purpose of developing and generating electric energy for sale and distribution.

It appearing to the Judge of this Court that under the law applicable in such cases, it is necessary that the Judge of this Court appoint three disinterested freeholders, of the Northern District of Oklahoma, as commissioners to be selected by the Judge of this Court, according to law, to inspect the lands and consider the injuries sustained by reason of the condemnation and appropriation of said lands described in the petition for condemnation filed herein, for public use and benefit.

It further appearing that the Judge of this Court should prescribe the Notice to be given to the defendants in said cause of the time and place that the Judge of this Court will appoint said commissioners.

IT IS THEREFORE, ADJUDGED AND DECREED by the Judge of this Court that notice be given said defendants, and each of them, and all persons claiming any right, title, interest or possession in and to the lands involved, personally, by serving a copy of said notice upon said defendants, and each of them, said notice to be served by the United States Marshal of the District and State in which said defendants, and each of them, may reside, and said notice to be signed by the attorneys for the petitioner, Grand River Dam Authority, a public corporation, and duly attested by the Clerk of this Court, notifying said defendants, and each of them, that the application of the petitioner for the appointment of three disinterested freeholders of the Northern District of Oklahoma, as commissioners to inspect said real property and consider the injuries which the owners thereof, or persons having some right, title or interest therein, may have sustained or will sustain by reason of the condemnation and appropriation of said property for public use, will be heard before the Judge of this Court at Tulsa, Oklahoma, on the 13 day of November, 1939, at the hour of ten o'clock A.M., or as soon thereafter as counsel may be heard and that said defendants, and each of them, may appear if they so desire.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Judge of this Court that in the event the petitioner is unable to obtain personal service of the notice upon any of said defendants to said action, notifying them of the hearing of petitioner's application for the appointment of three disinterested freeholders in said Northern District of Oklahoma, as aforesaid, that the petitioner may apply to the Judge of this Court for an Order directing the publication of such notice as the Judge of this Court may prescribe to said defendants.

F. E. KENNAMER

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

ENDORSED: Filed Sep 13 1939  
H. P. Warfield, Clerk  
U. S. District Court E

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

Grand River Dam Authority, a public corporation, )  
Petitioner, )  
vs. ) CIVIL NO. 245  
William T. Sheldon, et al., )  
Defendants. )

ORDER AUTHORIZING PUBLICATION OF NOTICE

NOW, on this 13th day of September, 1939, the above entitled and numbered cause coming on to be heard upon the affidavit and application of the petitioners for an order authorizing notice to the defendants, Susie Jordan, Loretta Bain, Nicholas Spangler, Anna Spangler, Ed Cox, Joe Cox, Leonard Cox, Bill Cox, Pete Cox, Mrs. Woodrow Estes, Ben F. Squibbs, Florence Faber, A. G. Roberts, W. P. Roberts, Chas. Roberts, George Countryman, J. D. Glossen (same as J. D. Glossin and J. D. Glosson), Arthur R. Countryman, The Federal Land Bank of Wichita, Wichita, Kansas, a corporation, Land Bank Commissioner, Federal Farm Mortgage Corporation, a corporation, The Federal Land Bank of Wichita, Wichita, Kansas, a corporation, agent and attorney-in-fact for Land Bank Commissioner and Federal Farm Mortgage Corporation, a corporation, McCannon Mercantile Company, a corporation, Senecas, Missouri, G. M. Rakestraw, Clarence J. Earl, Clarence J. Earl, Clara B. Hall, F.M. Hall, and J. A. Countryman (same as Jackson Countryman), and the heirs, devisees, legatees, executors, administrators, creditors and assigns, immediate and remote, known and unknown, and their spouses, if any, of Deborah Sheldon, deceased; of Jacob Dubois, deceased; of H. H. Jones, deceased; of J. D. Cox, deceased; of W. F. Killion, sometimes known as W.J. Killion, deceased, of R. R. Roberts, deceased, and of Lucinda Bell Roberts, deceased, by publication; petitioner appearing by Q. B. Boydston, Assistant Counsel for the Grand River Dam Authority, a public corporation, and it appearing to the Judge of this Court that petitioner herein was, with due diligence, unable to serve personally upon the said defendants herein named, notice of the institution of condemnation proceedings, and that if the said defendants, and each of them, do not apply to the Judge of the United States District Court in and for the Northern District of Oklahoma, on or before the 13 day of November, 1939, to have the damages assessed by reason of the condemnation and appropriation of the lands described in the original petition for condemnation filed herein, that the petitioner herein will, on said 13th day of November, 1939, at the hour of ten o'clock A.M., or as soon thereafter as counsel may be heard, apply to the Judge of the United States District Court in and for the Northern District of Oklahoma, for an order determining the right and necessity of the condemnation and appropriation of said lands, and for an order appointing three (3) disinterested freeholders of said Northern District of Oklahoma, as

commissioners, to be selected by the Judge of said Court, to inspect said real property involved and consider the injury and assess the damages which said defendants, and each of them, as owners of, or of any right, title or interest therein, may sustain by reason of the condemnation and appropriation of the fee simple title in and to said lands for public use and benefit;

It further appearing that the petitioner herein has filed its affidavit and application, duly verified, setting up that the defendants hereinabove named, Susie Jordan, Loretta Bain, Nicholas Spangler, Anna Spangler, Ed Cox, Joe Cox, Leonard Cox, Bill Cox, Pete Cox, Mrs. Woodrow Estes, Ben F. Squibbs, Florence Faber, A. G. Roberts, W. P. Roberts, Chas. Roberts, George Countryman, J. C. Glossen (same as J. D. Glossin and J. D. Glosson), Arthur R. Countryman, The Federal Land Bank of Wichita, Wichita, Kansas, a corporation, Land Bank Commissioner, Federal Farm Mortgage Corporation, a corporation, The Federal Land Bank of Wichita, Wichita, Kansas, a corporation, agent and attorney-in-fact for Land Bank Commissioner and Federal Farm Mortgage Corporation, a corporation, McCannon Mercantile Company, a corporation, Seneca, Missouri and each of them, reside out of the State of Oklahoma, and that they are non-residents of the State of Oklahoma; that said petitioner, after due diligence, has been unable to serve said defendants within the State of Oklahoma; and further, that the petitioner, after diligent search and inquiry, has been unable to ascertain the residences or whereabouts of the defendants, G. M. Rakestraw, Clarence J. Earl, Clara E. Hall, F. M. Hall and J. A. Countryman (the same as Jackson Countryman), and that said defendants cannot be served with notice of condemnation proceedings herein within the State of Oklahoma; that the defendants, the heirs, devisees, legatees, executors, administrators, creditors, trustees and assigns, immediate and remote, known or unknown, and their spouses, if any, of Deborah Shelton, deceased, of Jacob Dubois, deceased, of H. H. Jones, deceased, of J. D. Cox, deceased, of W. F. Killion, sometimes known as W. J. Killion, deceased, of R. R. Roberts, deceased, and of Lucinda Bell Roberts, deceased, cannot, with due diligence, be served with notice of these condemnation proceedings, and of the time and place for the determining of the right and necessity of the condemnation and appropriation of said land, and for the appointment of commissioners; and the Judge of this Court, being fully advised in the premises, finds that the petitioner's application for service of notice by publication upon the defendants hereinabove named, and each of them, should be granted.

IT IS THEREFORE, CONSIDERED, ORDERED AND ADJUDGED that notice be given to the defendants hereinabove named, and each of them, notifying them of the institution of the condemnation proceedings herein, and of the time and place of the appointment of said commissioners, and that said notice be signed by the attorneys for the petitioner herein, duly attested by the Clerk of this Court, and that said notice be published in the Grove Sun, a newspaper of general circulation in Delaware County, Oklahoma, for four weeks, notifying said defendants of the institution of condemnation proceedings, and the application of the petitioner for condemnation and appropriation and that if the defendants, and each of them, do not apply to the Judge of the United States District Court for the Northern District of Oklahoma, to have the damages assessed by reason of the condemnation and appropriation of said lands by the petitioner on or before the 13 day of November, 1939, the petitioner, Grand River Dam Authority, a public corporation, will on said 13 day of November, 1939, at the hour of ten o'clock A.M., or as soon thereafter as counsel may be heard, apply to the Judge of the United States District Court in and for the Northern District of Oklahoma, in the Federal Building, in the City of Tulsa, Oklahoma, for an order determining the right and necessity for the condemnation and appropriation of said lands, and for an order appointing from the regular jury list three (3) disinterested freeholders in said Northern District of Oklahoma, as commissioners, who shall be selected by the Judge of said Court, to inspect said real property and appraise the value of the absolute, entire and unencumbered fee simple title and consider the injury which said defendants, as the owners thereof, or of those having any right, title or interest therein, may sustain by reason of the condemnation and appropriation of said absolute fee simple title for said public use and benefit, and that said defendants, and each of them, may be present, if they so desire.

F. E. KENAMER  
JUDGE OF THE UNITED STATES DISTRICT  
COURT IN AND FOR THE NORTHERN DISTRICT  
OF OKLAHOMA

ENDORSED: Filed Sep 13 1939  
H. P. Warfield, Clerk  
U. S. District Court E

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

Grand River Dam Authority, a  
public corporation,

Petitioner,

CIVIL NO. 246

-vs-

H. H. Thompson, et al.,

Defendants.

ORDER FIXING TIME FOR THE APPOINTMENT OF COMMISSIONERS  
AND PRESCRIBING FORM OF NOTICE

NOW on this 13 day of September, 1939, the above entitled and numbered cause coming on to be heard, upon the application of the petitioner herein for an order of the Judge of this Court, fixing the date for the appointment of three disinterested freeholders of said Northern District of Oklahoma, as commissioners, to inspect said real property involved herein and consider the injuries sustained by reason of the condemnation and appropriation of the absolute entire and unencumbered fee simple title to said lands, for public use and benefit, as alleged in the petition for condemnation filed herein, and for an order of the Judge of this Court, prescribing notice to be given said defendants in said cause, of the time and place when the Judge of this Court will appoint said commissioners; the petitioner appearing by R. L. Davidson, General Counsel and Q. B. Boydston and Gayle M. Pickens, Assistant Counsel.

It appearing to the Judge of this Court that petitioner has filed its petition in the above-styled and numbered cause for the condemnation and appropriation of the absolute, entire and unencumbered fee simple title to the lands described in the petition for condemnation heretofore filed, for use in connection with the construction, equipment, operation and maintenance of the Pensacola Dam and hydro-electric power plant on Grand River, and for the purpose of developing and generating electric energy for sale and distribution.

It appearing to the Judge of this Court that under the law applicable in such cases, it is necessary that the Judge of this Court appoint three disinterested freeholders of the Northern District of Oklahoma, as commissioners to be selected by the Judge of this Court, according to law, to inspect the lands and consider the injuries sustained by reason of the condemnation and appropriation of said lands described in the petition for condemnation filed herein, for public use and benefit.

It further appearing that the Judge of this Court should prescribe the Notice to be given to the defendants in said cause of the time and place that the Judge of this Court will appoint said commissioners.

IT IS THEREFORE, ADJUDGED AND DECREED by the Judge of this Court that Notice be given said defendants, and each of them, and all persons claiming any right, title, interest or possession in and to the lands involved, personally, by serving a copy of said notice upon said defendants, and each of them, said notice to be served by the United States Marshal of the District and State in which said defendants, and each of them, may reside, and said Notice to be signed by the attorneys for the petitioner, Grand River Dam Authority, a public corporation, and duly attested by the Clerk of this Court, notifying said defendants, and each of them, that the application of the petitioner for the appointment of three disinterested freeholders in the Northern District of Oklahoma, as commissioners to inspect said real property and consider the injuries which the owners thereof, or persons having some right, title or interest therein, may have sustained or will sustain by reason of the condemnation and appropriation of said property for public use, will be heard before the Judge of this Court, at Tulsa, Oklahoma on the 9th day of October, 1939, at the hour of ten o'clock A.M., or as soon thereafter as counsel may be heard and that said defendants, and each of them, may appear if they so desire.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Judge of this Court that in the event the petitioner is unable to obtain personal service of the notice upon any of said defendants to said action, notifying them of the hearing of petitioner's application for the appointment of three disinterested freeholders of said Northern District of Oklahoma, as aforesaid, that the petitioner may apply to the Judge of this Court for an Order directing the publication of such notice as the Judge of this Court may prescribe to said defendants.

F. E. KENNAMER  
JUDGE OF THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE NORTHERN DISTRICT OF OKLAHOMA

ENDORSED: Filed Sep 13 1939  
H. P. Warfield, Clerk  
U. S. District Court E

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

Grand River Dam Authority, a public corporation, )  
Petitioner, )  
vs. ) CIVIL NO. 246  
H. H. Thompson, et al, )  
Defendants. )

ORDER AUTHORIZING PUBLICATION OF NOTICE

NOW on this 13th day of September, 1939, the above entitled and numbered cause coming on to be heard upon the affidavit and application of the petitioner, for an order authorizing notice to the defendants, The Federal Land Bank of Wichita, Wichita, Kansas, a corporation, The Federal Farm Mortgage Corporation, a corporation, the Land Bank Commissioner, Mary V. Eighinger, Elmer Thompson, Annabell Thompson, Corner Stone Bank of Southwest City, Missouri, a corporation, and Lura Vogle, by publication; petitioner appearing by Q. B. Boydston, Assistant Counsel for the Grand River Dam Authority, a public corporation, and it appearing to the Judge of this Court that the petitioner herein was, with due diligence unable to serve personally, upon the above named defendants, notice of the institution of condemnation proceedings, and that the petitioner herein would, on the 9th day of October, 1939, at the hour of ten o'clock A.M., or as soon thereafter as counsel may be heard, apply to the Honorable Franklin E. Kennamer, Judge of the United States District Court in and for the Northern District of Oklahoma, for an order appointing three disinterested freeholders of said Northern District of Oklahoma, as commissioners, to inspect the real property, as described in the petition for condemnation filed in the said cause, and consider the injury which each of said defendants, as the owners of the lands involved in said cause, or of any right, title or interest therein, may sustain by reason of the appropriation of the absolute, entire and unencumbered fee simple title to said lands for the basin or reservoir area of the Grand River Dam Project, and for the storing and preserving of the waters of Grand River and its tributaries, for public use and benefit; and

It further appearing that petitioner herein has filed its affidavit and application, duly verified, setting up that the defendants, The Federal Land Bank of Wichita, Wichita, Kansas, a corporation, the Land Bank Commissioner, The Federal Farm Mortgage Corporation, a corporation, Mary V. Eighinger, Elmer Thompson, Annabell Thompson, Corner Stone Bank of Southwest City, Missouri, a corporation, and Lura Vogle, are not within the State of Oklahoma, and that the petitioner, after due diligence, has been unable to serve said defendants within the State of Oklahoma; and the Judge of this Court, being fully advised in the premises, finds that the petitioner's application for service by publication upon said defendants, and each of them, should be granted.

IT IS THEREFORE CONSIDERED, ORDERED AND ADJUDGED that notice be given the defendants, The Federal Land Bank of Wichita, Wichita, Kansas, a corporation, the Land Bank Commissioner, The Federal Farm Mortgage Corporation, a corporation, Mary V. Eighinger, Elmer Thompson, Annabell Thompson, Corner Stone Bank of Southwest City, Missouri, a corporation, and Lura Vogle, by publication, notifying them of the institution of condemnation proceedings herein, and of the time and place of the appointment of said commissioners, and that said notice be signed by the attorneys for the petitioner herein, duly attested by the Clerk of this Court and that said notice be published in the Grove Sun, a newspaper of general circulation in Delaware and Ottawa Counties, Oklahoma, for two weeks, notifying said defendants, and each of them, of the institution of condemnation proceedings, and to the application of the petitioner for condemnation and appropriation of certain real estate, and for the appointment of commissioners to inspect said real property and consider the injury which the owners thereof, or any person having any right, title or interest therein, may sustain by reason of the appropriation of the absolute, entire and unencumbered fee simple title to said lands for the basin or reservoir area of the Grand River Dam Project, and for the storing and preserving of the waters of Grand River and its tributaries for the operation of the Grand River Dam Project, for public use and benefit, may be heard before the Honorable Franklin E. Kennamer, Judge of the United States District Court in and for the Northern District of Oklahoma, in the court room in the Federal Building, in Tulsa, Oklahoma, on the 9th day of October, 1939, at the hour of ten o'clock A.M., or as soon thereafter as counsel may be heard, and that the defendants, and each of them, may be present, if they so desire.

F. E. KENNAMER  
JUDGE OF THE UNITED STATES DISTRICT  
COURT FOR THE NORTHERN DISTRICT OF  
OKLAHOMA

ENDORSED: Filed Sep 13 1939  
H. P. Warfield, Clerk  
U. S. District Court EA

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Court adjourned to September 14, 1939

On this 14th day of September, A. D. 1939, the District Court of the United States for the Northern District of Oklahoma, sitting in Special March 1939 Term at Tulsa, met pursuant to adjournment, Hon. F. E. Kennamer, Judge, present and presiding.

H. P. Warfield, Clerk, U. S. District Court  
Whit Y. Mauzy, United States Attorney  
John P. Logan, United States Marshal

Public proclamation having been duly made, the following proceedings were had and entered, to-wit:

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

United States of America,	Plaintiff,	)
		)
vs.		) No. 75 Civil
		)
Frank Wooten,	Defendant.	)

JOURNAL ENTRY OF JUDGMENT

Now on this 14th day of September, 1939, this cause came on to be heard in open

court before the Honorable F. E. Kenhamer, Judge presiding, pursuant to regular assignment, plaintiff appearing by Whit Y. Mauzy, United States Attorney for the Northern District of Oklahoma, and Joe W. Howard, Assistant United States Attorney for said District, and the defendant, Frank Wooten, appearing in person and by his attorney, Fred Tillman, whereupon both the plaintiff and defendant announced ready for trial and thereupon the plaintiff offers its evidence and rests, and the defendant offers his evidence and rests, and the court being fully advised in the premises finds that plaintiff is entitled to judgment as demanded in its complaint in this action.

IT IS, THEREFORE, THE ORDER AND JUDGMENT of the court that the plaintiff in its own behalf and in behalf of Verna Drexil Sroufe, a restricted Osage Indian, have and recover the following described personal property, to-wit:

- 10 Cows
- 1 Bull
- 5 Calves

All White-faced Hereford cattle with the brand "ID" on all except the calves

or their value in the sum of Four Hundred Ninety Dollars (\$490.00) and the costs of this action, and thereupon, the defendant, Frank Wooten, in open court duly excepts. Such exception is allowed.

Let execution issue.

F. E. KENHAMER  
JUDGE

O.K. WHIT Y. MAUZY  
Whit Y. Mauzy  
United States Attorney

JOE W. HOWARD  
Joe W. Howard, Assistant  
United States Attorney

ENDORSED: Filed Sep 14 1939  
H. P. Warfield, Clerk  
U. S. District Court EA

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

Clyde Alexander, Plaintiff, )

vs. )

Phillips Petroleum Company, Defendant, )  
a corporation, )

and )

Reda Pump Company, Defendant and Third )  
a corporationk Party Plaintiff, )

vs. )

C. C. Brown and The First National Third Party Defendants. )  
Bank in Bartlesville, a corporation, )

No. 159 Civil

JOURNAL ENTRY

On this the 5th day of September, 1939, the above entitled cause came on for hearing upon the various motions therein filed, and after hearing of the presentation of the said several motions, IT IS BY THE COURT ORDERED AND ADJUDGED AS FOLLOWS:

1. That the motions of Phillips Petroleum Company and of the Reda Pump Company, directed at the original complaint herein, be overruled except as to the following points, as to which the same are sustained; That the plaintiff be required to amend the complaint herein by attaching thereto the contract by which the stock in question was pledged by C. C. Brown to Phillips Petroleum Company; by inserting the names of the officers of Phillips Petroleum Company alleged to have had knowledge of the interest in and ownership of a part of the stock pledged by Brown; and by alleging the date and the maturity date of the original note given to Phillips Petroleum Company by Brown at the time of the pledge of said stock. And it is by the court ordered that said amendment be made within ten days, and that the defendants Phillips Petroleum Company and Reda Pump Company have twenty days thereafter to plead.

2. That in the matter of the third party proceeding by Reda Pump Company, the motion of First National Bank in Bartlesville to dismiss the counter-claim, cross-claim and third party complaint of Reda Pump Company as to it, be sustained; to which Reda Pump Company excepts, and its exceptions were allowed.

3. That the motion of Phillips Petroleum Company to dismiss the counter-claim, cross-claim and third party complaint of Reda Pump Company as to it, be overruled, to which the Phillips Petroleum Company excepted, and its exceptions were allowed; and Phillips Petroleum Company excepted, and its exceptions were allowed; and Phillips Petroleum Company was by the court allowed thirty days within which to answer the said counter-claim, cross-claim and third party complaint of Reda Pump Company.

4. The motion of the plaintiff to dismiss the counter-claim, cross-claim and third party complaint of Reda Pump Company was by the plaintiff withdrawn, and plaintiff was by the court allowed twenty days within which to file answer to the said counter-claim, cross-claim and third party complaint.

F. E. KENNAMER  
JUDGE

ENDORSED: Filed Sep 14 1939  
H. P. Warfield, Clerk  
U. S. District Court E

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

S. N. VanWert,	Plaintiff,	)
		)
vs.		)
Phillips Petroleum Company, a corporation,	Defendant,	)
		)
and		)
Reda Pump Company, a corporation,	Defendant and Third Party Plaintiff,	)
		)
vs.		)
G. C. Brown and The First National Bank in Bartlesville, a corporation,		)
	Third party defendants.	)

No. 160 Civil

JOURNAL ENTRY

On this the 5th day of September, 1939, the above entitled cause came on for hearing upon the various motions therein filed, and after hearing of the presentation of the said several motions, IT IS BY THE COURT ORDERED AND ADJUDGED AS FOLLOWS:

1. That themotions of Phillips Petroleum Company and of the Reda Pump Company, directed at the original complaint herein, be overruled except as to the following points, as to which the same are sustained; that the Plaintiff be required to amend the complaint herein by attaching thereto the contract by which the stock in question was pledged by C. C. Brown to Phillips Petroleum Company; by inserting the names of the officers of Phillips Petroleum Company alleged to have had knowledge of the interest in and ownership of a part of the stock pledged by Brown; and by alleging the date and the maturity of a part of the stock pledged by Brown; and by alleging the date and the maturity date of the original note given to Phillips Petroleum Company by Brown at the time of the pledge of said stock. And it is by the court ordered that said amendment be made within ten days, and that the defendants Phillips Petroleum Company and Reda Pump Company have twenty days thereafter to plead.

2. That in the matter of the third party proceeding by Reda Pump Company, the motion of First National Bank of Bartlesville to dismiss the counter-claim, cross-claim and third party complaint of Reda Pump Company as to it, be sustained; to which Reda Pump Company excepts, and its exceptions were allowed.

3. That themotion of Phillips Petroleum Company to dismiss the counter-claim, cross-claim and third party complaint of Reda Pump Company as to it, be overruled, to which the Phillips Petroleum Company excepted, and its exceptions were allowed; and Phillips Petroleum Company was by the court allowed thirty days within which to answer the said counter-claim, cross-claim and third party complaint of Reda Pump Company.

4. The motion of the plaintiff to dismiss the counter-claim, cross-claim and third party complaint of Reda Pump Company was by the plaintiff withdrawn, and plaintiff was by the court allowed twenty days within which to file answer to the said counter-claim, cross-claim and third party complaint.

F. E. KENNAMER  
judge

END. RSED: Filed Sep 14 1939  
H. P. Warfield, Clerk  
U. S. District Court E

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

C. J. LAURESCH, TRUSTEE,	Plaintiff,	)	
		)	
vs		)	
		)	No. 205 - Civil
C. T. THOMPSON, A. M. THOMPSON, AND		)	
R. S. WILLIAMS, TRUSTEES, OF SEMINOLE		)	
PROVIDENT TRUST, A TRUST ESTATE,	Defendants.	)	

ORDER

On this 14th day of September, 1939, this matter came on before me, upon the written application of Eugene O. Monnett, Royce H. Savage, Frank Settle and Sam Clammer, counsel for C. J. Lauresch, Trustee, plaintiff herein, and upon the written application of Henry L. Fist, counsel for C. T. Thompson, A. M. Thompson and R. S. Williams, Trustees of Seminole Provident Trust, a Trust estate, defendants, each asking for an allowance for services performed on behalf of Seminole Provident Trust, a Trust estate, in connection with the compromise agreement and settlement ratified by the Court on September 12, 1939; and the court having read the written applications, and heard the oral testimony of the applicants and being fully advised in the premises.

IT IS ORDERED that an allowance of \$1250.00 is hereby made in favor of Eugene O. Monnett, Royce H. Savage, Frank Settle and Sam Clammer, counsel for C. J. Lauresch, Trustee; and an allowance of \$400.00 is hereby made in favor of Henry L. Fist, attorney for defendants; each allowing being for their services to date in connection with the compromise agreement and settlement ratified by the court on September 12, 1939.

IT IS FURTHER ORDERED that said allowances shall be promptly paid from out of any funds on hand now belonging to said Trust estate.

F. E. KENNAMER  
Judge

We acknowledge receipt of cps of this order 9-14-39  
E. O. MONNET, Atty for Pltf.  
HENRY L. FIST, Atty for Deft

ENDORSED: Filed Sep 14 1939  
H. P. Warfield, Clerk  
U. S. District Court EA

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

ELMER GOAD,	Plaintiff,	)	
		)	
vs		)	NO. 219 CIVIL
		)	
BARTLETT COLLINS GLASS COMPANY,	Defendant.	)	

ORDER

Now, on this 11th day of September, 1939, this matter coming on to be heard upon the oral application of the plaintiff for leave to amend the petition to show that the defendant sued is Bartlett Collins Company, a Delaware Corporation, and for leave to withdraw the motion to remand filed by the plaintiff, and for good cause shown,

IT IS BY THE COURT ORDERED that the plaintiff be and is hereby granted leave to amend the petition instanter in the caption thereof and in the body of the petition to show that the defendant actually sued is Bartlett Collins Company, a Delaware Corporation.

IT IS FURTHER ORDERED that the order of this Court entered on September 6, 1939 remand this cause to the State Court be and is hereby vacated.

IT IS FURTHER ORDERED that the plaintiff's application to withdraw the motion to remand be and is hereby granted and allowed.

F. E. KENNAMER  
JUDGE

O.K. AS TO FORM  
HAL CROUCH, Atty for Def.

ENDORSED: Filed Sep 14 1939  
H. P. Warfield, Clerk  
U. S. District Court B

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

ELMER GOAD, )  
Plaintiff, )  
vs ) NO. 219 CIVIL  
)  
BARTLETT COLLINS GLASS COMPANY, )  
Defendant. )

O R D E R

Now, on this 11th day of September, 1939, this matter coming on to be heard upon the motion of the defendant, Bartlett Collins Company, a Delaware Corporation, to dismiss plaintiff's petition, and both parties being represented by counsel, and the Court having heard the argument of counsel and being fully advised in the premises, finds that the said motion to dismiss should be overruled.

IT IS THEREFORE BY THE COURT ORDERED that the motion to dismiss of the defendant, Bartlett Collins Company, a Delaware Corporation, be and the same is hereby overruled, to which the defendant excepts, and the defendant is granted ten (10) days from this date within which to file its answer.

F. E. KENNAMER  
JUDGE

O.K. AS TO FORM HAL CROUCH Atty for Def.

ENDORSED: Filed Sep 14 1939  
H. P. Warfield, Clerk  
U. S. District Court B

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

No. 240 Civil

110 Bushels, more or less, of Jonathan Apples,

Defendant.

JOURNAL ENTRY OF JUDGMENT

Now on this 14th day of September, 1939, this matter coming on before the Court that heretofore, and on September 11, 1939, plaintiff filed its petition in libel against 110 Bushels, more or less, of Jonathan Apples, alleging that said apples were shipped on or about September 5, 1939, by David May, from Hardin, Illinois, by truck to Tulsa, Oklahoma.

That said merchandise was shipped in interstate commerce, and is now being held by Dave Morgan at Trenton Street Market, Tulsa, Oklahoma. That said 110 Bushels, more or less, of Jonathan Apples were shipped, and now are in an adulterated condition in that said apples contain an added poisonous or deleterious ingredient, lead, which renders said product harmful to health. That said product was shipped, and is now held for sale in violation of the Act of Congress of June 25, 1938, and particularly in violation of Section 304, paragraph (d) of the Federal Food and Drug and Cosmetics Act.

It further appearing to the Court that Dave Morgan is the duly authorized agent of David May, and acting under the authority of the said David May with reference to the disposition of said product, has filed in this action his entry of appearance, and consented to the destruction of said merchandise, the Court, after having examined the files in this action, and heard the statements of counsel, and being fully advised in the premises, finds that said 110 Bushels, more or less, of Jonathan Apples, were shipped in interstate commerce by truck from Hardin, Illinois, to Tulsa, Oklahoma, on or about September 5, 1939. That said merchandise was them, and is now in an adulterated condition, containing added lead, and that said product is harmful to health.

The Court further finds that said 110 bushels, more or less, of Jonathan Apples, are now held by Jno. P. Logan, United States Marshal for the Northern District of Oklahoma, pursuant to an order of this Court.

IT IS THEREFORE THE ORDER AND JUDGMENT of the Court that said 110 bushels, more or less, of Jonathan Apples, be destroyed, and that Jno. P. Logan, United States Marshal for the Northern District of Oklahoma, be, and he hereby is instructed and directed to destroy said 110 Bushels, more or less, of Jonathan Apples, and report to this Court within ten days from this date.

IT IS THE FURTHER ORDER AND JUDGMENT of the Court that plaintiff, United States of America, recover the costs of this action from David May.

O.K. WHIT Y. MAUZY

Whit Y. Mauzy, United States Attorney

F. E. KENNAMER

JUDGE

CHESTER A. BREWER

Chester, A. Brewer, Assistant United States Attorney

ENDORSED: Filed Sep 14 1939  
H. P. Warfield, Clerk  
U. S. District Court B