



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

SPECIAL MARCH 1939 TERM

TULSA, OKLAHOMA

FRIDAY, JUNE 30, 1939

court having heard the evidence of the sworn witnesses and arguments of counsel and being fully advised in the premises finds the issues in favor of the plaintiff and against the defendants on the first cause of action, and in favor of the defendant, F. H. Akright, on the second cause of action.

THE COURT FURTHER FINDS, that Madge L. Riley, the plaintiff, is the legal owner of one-half of the mineral rights in the premises described in her petition, to-wit:

Northeast Quarter (NE $\frac{1}{4}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) of Section Seventeen (17), and the North Half (N $\frac{1}{2}$ ) of the Southwest Quarter (SW $\frac{1}{4}$ ) of the Northwest Quarter (NW $\frac{1}{4}$ ) and the North Half (N $\frac{1}{2}$ ) of the Southeast Quarter (SE $\frac{1}{4}$ ) of the Northwest Quarter (NW $\frac{1}{4}$ ) of Section Sixteen (16), all in Township Twenty-Five (25) North, Range Seventeen (17) East, Nowata County, Oklahoma.

and that her title thereto is valid and perfect and superior to any right or interest claimed by the defendants and that the defendants, or either of them, have no right, title or interest in and to the said one-half of the mineral rights in and to said premises;

THE COURT FURTHER FINDS that F. H. Akright, the defendant, is the legal owner of one-half of the mineral rights in and to the above described premises, and that his title thereto is valid and perfect and superior to any right, title or interest claimed by the defendant, Rufus Randolph Riley, and the court further finds that F. H. Akright has paid a good and valuable consideration to Rufus Randolph Riley for ~~some~~ one-half of the mineral rights and owes Rufus Randolph Riley nothing by way of additional consideration and that any liability which F. H. Akright had to Rufus Randolph Riley by reason of this transaction be held for naught.

THE COURT FURTHER FINDS that F. H. Akright has collected the sum of \$767.26 out of oil proceeds from the Standard Oil Company for the period May 1, 1938 to July 1, 1939 as proceeds from the one-half of the mineral interest and the court finds that F. H. Akright is to pay the sum of \$383.63 to Madge L. Riley as constituting one-half of the sum received by F. H. Akright as proceeds of the sale of oil from the one-half mineral interest.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT that title and possession of said plaintiff in and to one-half of the mineral rights in said premises be and the same is hereby settled and quieted in the plaintiff as against all claims or demands by the said defendants and those claiming, or to claim, under them, or any of them; and that the deed from Madge L. Riley to Rufus R. Riley dated April 7, 1934 and recorded with the County Clerk of Nowata County in Book 255 at Page 148 of the records of said office, was intended to convey, and did convey, one-half of the mineral rights and all of the surface rights; and that the deed from Rufus Randolph Riley to the defendant, F. H. Akright, dated March 4, 1938 and redorded on March 5, 1938 with the County Clerk of Nowata County, Oklahoma in Book 269 at page 348 of the records of said office, was intended to convey, and did convey, only one-half of the mineral rights of the premises described therein.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the defendat, F. H. Akright, immediately pay over to the plaintiff Madge L. Riley the sum of \$383.63, representing one-half of the funds received from the sale of oil from one-half of the mineral rights of the premises herein described.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that said defendants, F. H. Akright, Rufus Randolph Riley, (or Rufus R. Riley, one and thesame person) and those claiming through by or under them be, and they are hereby, perpetually enjoined and forbidden to claim any right, title, interest or estate in and to the one-half of the mineral rights in and to said premises by virtue of said deeds or either of them, hostile or adverse to the possession and title of the plaintiff herein; and said defendants F. H. Akright and Rufus Randolph Riley and those claiming under them are hereby perpetually forbidden and enjoined from commencing any suit to disturb the said

plaintiff in her possession and title to one-half of the mineral interest in and to said premises, from setting up any claim or interests adverse to the title of plaintiff herein and from disturbing plaintiff in her peaceful and quiet enjoyment of one-half of the mineral interest in and under said described premises;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT that no further liability exists between F. H. Akright and Rufus Randolph Riley as to the payments of any additional consideration as a result of the sale of the one-half mineral interest in and to the above described premises from Rufus Randolph Riley to F. H. Akright.

IT IS THE FURTHER JUDGMENT AND DECREE of this court that the plaintiff have, and recover nothing, from the defendant, F. H. Akright, on its second cause of action.

IT IS FURTHER ORDERED that the plaintiff pay the court costs herein expended.

F. E. KENNAMER  
Judge of the U. S. District Court  
for the Northern District of  
Oklahoma.

APPROVED: SERVICE OF COPY ACKNOWLEDGED.

HOLLIMAN BAILEY & HARKIN  
Attorney for defendant, F. H. Akright

HAROLD E. ROESCHACH  
Attorney for plaintiff, Madge L. Riley

ENDORSED: Filed Jun 30 1939  
H. P. Warfield, Clerk  
U. S. District Court EA

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

A. B. YOUNGS,	Plaintiff,	)	
		)	
vs.		)	No. 108 Civil
		)	
ROBERT W. SPEER and W. B. SPEER,	Defendants.	)	

JOURNAL ENTRY OF JUDGMENT

Now on this 30th day of June, 1939, this cause comes on for hearing: the plaintiff appeared in person and by his counsel, Seaton & Simms, and the defendant appeared by their counsel, Hudson & Hudson.

And both parties having announced ready for trial and having waived a jury, the court proceeded to the trial of said cause upon its merits. The plaintiff then introduced his evidence and rested. And the clerk being fully advised in the premises, upon consideration thereof, finds that plaintiff is entitled to recover Three Hundred and Fifty (\$350.00) Dollars on his first cause of action herein, and the sum of Three Hundred (\$300.00) Dollars on his second cause of action herein, together with costs.



Before Honorable Robert E. Lewis and Honorable Orle L. Phillips,  
Circuit Judges.

Charles Mashunkashey, an Incompetent Person, by Fred S. Clinton, as the Guardian of his person and estate and his prochein ami,	)	
	)	
	)	
1927	)	Appeal from the District Court of the United States for the Northern District of Oklahoma
vs.	)	
	)	
United States of America, et al.,	)	Appellees.

It having been represented to the court that appellant has failed to comply with the rule of this court respecting the docketing of the case and the filing of the record in this cause,

It is now here ordered by the court that said appealbe and the same is hereby dismissed out of this court, all clerk's costs to be paid by appellant.

It is further ordered by the court that the clerk of this court forthwith transmit to the Clerk of the United States District Court for the Northern District of Oklahoma a certified copy of this order.

A True copy as of record,

TESTE:

ALBERT TREGO  
Clerk.

(SEAL)

Costs of appellant's:	
Clerk,	\$9.00
attorney	--
Paid in full by	\$9.00
Appellant	

ENDORSED: Filed Jun 30 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,	Complainant,	)
		)
-vs-		)
		)
ROSA MASHUNKASHEY, LUCILLE STAFFORD, alias		)
LUCILLE WHITE, THEODORE (TED) MORTON, SAMUAL		)
BLAIR, RALPH A. BARNEY, MISSOURI STATE LIFE		)
INSURANCE COMPANY, a corporation, JESSE L. WARREN,		)
CLAYTON N. SMITH, D. C. HOWARD, M. O. STEPHENSON,		)
AND TRESSA M. STEPHENSON, husband and wife, KENNETH		)
TROUGH, IDA WARREN, alias IDA L. WARREN, J. B. TALBUTT,		)
AND MAGGIE TALBUTT, husband and wife, and EXCHONAGE		)
NATIONAL BANK OF TULSA, OKLAHOMA,	Respondents.	)

NO. 674 Equity

ORDER EXONERATING BOND

Now on this 30th day of June, 1939, the same being a regular juridical day of this

SPECIAL MARCH 1939 TERM

TULSA, OKLAHOMA

FRIDAY, JUNE 30, 1939

Court, it having been made to appear to the satisfaction of this Court, that, as appears by a certified copy filed with the Clerk of this Court of an order entered June 27, 1939, in case No. 1,927 in that Court, Charles Mashunkashey, etc., appellant, vs. United States of America, et al, appellees in the United States Circuit Court of Appeals for the Tenth Judicial Circuit, that the appeal heretofore taken in the cause in which this order is entitled by Charles Mashunkashey, an incompetent person, by Fred S. Clinton, as the guardian of his person and estate, and as his prochein ami and which appeal was allowed by this Court on June 18, 1932, has been dismissed by said United States Circuit Court of Appeals for the Tenth Judicial Circuit; and it further being made to appear to the satisfaction of this Court that all costs of said appeal have been paid in full and that all the obligations of the bond on appeal given by said appellant, with Hartford Accident & Indemnity Company, a corporation, as surety thereon, have been performed and that said bond should be exonerated, it is, therefore

ORDERED, that said bond on appeal given by the aforesaid appellant, which is dated June 18, 1932, and is in the sum of \$100.00 be and the same is exonerated, and the principal obligor, or obligors, thereon and his or their successors, and the said Hartford Accident & Indemnity Company, a corporation, as surety thereon, be and they hereby are fully discharged from any and all liability upon or in connection with said bond.

F. E. KENAMER  
UNITED STATES JUDGE

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

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Court adjourned to July 5, 1939

SPECIAL MARCH 1939 TERM

TULSA, OKLAHOMA

WEDNESDAY, JULY 5, 1939

On this 5th day of July, 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 DISTRICT COURT OF THE UNITED STATES 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.

O R D E R

Now on this 5th day of July, A. D. 1939, the Court's attention being called to the fact that the appointment of Conciliation Commissioners has expired on this date, it is

THEREFORE ORDERED that





IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the bond above referred to and provided for is in lieu of all cost bonds and supersedeas bonds provided for by the rules governing proceedings in this Court.

DONE IN OPEN COURT this 5th day of July, 1939.

F. E. KENNAMER  
JUDGE

Copy mailed to  
B. A. Hamilton, Thompson Building, Tulsa  
H. E. Chambers, Mayo Building, Tulsa.

Received copy - Green & Farmer, Attorneys for Defendant

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

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

ANNA HOLT,	Plaintiff,	)
		)
vs.		) No. 81 Civil
		)
TRI-STATE MOTOR TRANSPORT, INC.,		)
a corporation,	Defendant.	)

ORDER ALLOWING SUPERSEDEAS

On this 5th day of July, 1939, this matter comes on for hearing on the Application of the defendant, Tri-State Motor Transport, Inc., for terms of supersedeas in this cause and the Court having examined the Application finds that the defendant is entitled to have the judgment entered in said cause superseded and this Court finds that in lieu of the cost bond provided for by the rules and as a supersedeas bond in this cause that a bond for the sum of \$3500.00 shall be filed by this defendant.

BE IT, THEREFORE, ORDERED, ADJUDGED AND DECREED that the defendant be and is hereby allowed and permitted to file a supersedeas bond in the sum of \$3500.00 and upon filing said bond in said sum that all proceedings to enforce the judgment herein be stayed until the expiration of the time for appeal in this cause, if the defendant perfects its appeal all proceedings be further stayed until the final determination of this cause on appeal and that said defendant be granted until July 15, 1939 in which to file said bond, and that all proceedings be stayed pending filing of said bond.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the bond above referred to and provided for is in lieu of all cost bonds and supersedeas bonds provided for by the rules governing proceedings in this Court.

DONE IN OPEN COURT this 5th day of July, 1939.

Copy mailed to B. A. Hamilton, Thompson Building, Tulsa, and  
H. E. Chambers, Mayo Building, Tulsa.

F. E. KENNAMER  
JUDGE

Rec'd copy - Green & Farmer, Attorneys for Defendant  
Service acknowledged of copies mailed parties.

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

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

UNITED STATES OF AMERICA,	Petitioner,	)	
		)	
vs.		)	No. 98 - Civil
		)	
119.62 acres of land, more or less,		)	
in Delaware County, State of Oklahoma;		)	
E. Keith Smith, Assignee for the Benefit		)	
of Creditors of Charles Price, et al.,	Respondents.	)	

J U D G M E N T

This day comes the petitioner, the United States of America, by Whit Y. Mauzy, United States Attorney for the Northern District of Oklahoma, and Curtis P. Harris, Special Attorney for the Department of Justice, and move this Court to enter Judgment approving the Report of Commissioners filed herein. Thereupon, the Court proceeded to hear and pass upon the Motion, the Petition for Condemnation, Report of Commissioners, and all other matters herein, and finds that;

(1) Each and all of the allegations in said Petition for Condemnation are true, and that the United States of America is entitled to acquire property by eminent domain for the purposes set forth in said Petition.

(2) In said Petition for Condemnation a statement of the authority under which and the public use for which said lands were taken was set forth.

(3) The Petition for Condemnation was filed at the request of Henry A. Wallace, Secretary of Agriculture, the person duly authorized by law to acquire the lands described in said document for the purposes therein set forth, and at the direction of the Attorney General of the United States, the person authorized by law to direct the institution of such proceedings;

(4) A proper description of the lands sought to be taken, sufficient for the identification thereof, is set out in said Petition for Condemnation, a statement of the estate or interest in said lands taken for said public use is set out therein, and a plat showing the lands taken is attached thereto;

(5) Due, proper, and legal notice of the application of the United States of America for the appointment of commissioners herein was served upon each and all of the defendants named in said Petition for Condemnation, as required by law. The Court finds that the returns as filed by the United States Marshals are true and correct, and that same are in accordance with law and the orders of this Court.

(6) The Court finds that after due and legal notice, as required by law, commissioners to appraise and fix the value of the real estate involved in these proceedings, were duly appointed on the 10th day of April, 1939, and said commissioners duly qualified on the 27th day of April, 1939, by filing herein their oath of office as such.

(7) Said duly qualified commissioners, after inspection of the premises, and consideration of the value thereof, filed their report herein on the 27th day of April, 1939, and said report and proceedings are in all respects regular and in accordance with law.

(8) More than sixty days have elapsed since the filing of the Report of Commissioners, and no written exceptions thereto have been filed by either party, and the Demand for Jury Trial filed herein by the petitioner has been withdrawn. The Report of Commissioners filed herein should therefore be confirmed and approved in all respects.

(9) The United States of America did on the 25th day of May, 1939, file its Declaration of Taking herein, and this Court did on the 1st day of June, 1939, enter its Judgment on said Declaration of Taking, vesting title in the United States of America. At the time of filing said Declaration of Taking, the United States of America did deposit the sum of Four Hundred Eighty and no/100 Dollars (\$480.00) for the use and benefit of the persons entitled thereto.

The Court having fully considered the Petition for Condemnation, and all proceedings had herein, Title II of an Act of Congress approved June 16, 1933 (48 Stat. 200), an Act of Congress approved April 8, 1935, (49 Stat. 115), Executive Order No. 6252 dated August 19, 1933, Executive Order No. 6983 dated March 6, 1935, Executive Order No. 7027 dated April 30, 1935, Executive Order No. 7028 dated April 30, 1935, Executive Order No. 7064 dated June 7, 1935, Executive Order No. 7530 dated December 31, 1936, Executive Order No. 7557 dated February 19, 1937, and Public Resolution No. 47 - 75th Congress (Chapter 401 - First Session), approved June 29, 1937, Weeks Law (36 Stat. 961) and the Clarke-McNary Act (43 Stat. 653, and all statutes supplemental or amendatory thereof, and all other statutes in such cases made and provided, and all executive orders and other delegations of authority made pursuant to these statutes, as more particularly set out in the petition filed herein, is of the opinion that the United States of America was and is entitled to take said property and have the title thereto vested in it, and that the alleged public purposes and uses, as set out in the Petition for Condemnation, are hereby adjudged to be in truth and in fact public purposes and uses within the meaning and purport of the above designated Acts of Congress and Executive Orders.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Report of Commissioners filed herein, fixing the fair cash market value of the real estate involved herein at Six Hundred and no/100 Dollars (\$600.00), is hereby confirmed and approved in all respects, and title in fee simple absolute, subject to and excepting all existing public roads, public utility easements, and rights-of-way, to the following described lands, was vested in the United States of America upon depositing with the Clerk or Registry of this Court the sum of Four Hundred Eighty and no/100 Dollars (\$480.00) and the filing of the Declaration of Taking herein, and said lands are deemed to be condemned and taken for the use of the United States of America and the right to just compensation in the amount of Six Hundred and no/100 Dollars (\$600.00) for same is hereby vested in the persons lawfully entitled thereto. The Report of Commissioners filed herein on the 27th day of April, 1939, fixing the value of the real estate being taken by these proceedings at the sum of Six Hundred and no/100 Dollars is final in all respects, and the amount awarded therein as just compensation or damages, or as the true, fair, cash market value of the real estate being taken is just compensation for said lands and the estate therein taken.

The petitioner shall therefore pay into the registry of this Court an additional sum of One Hundred Twenty and no/100 Dollars (\$120.00).

The lands are described as follows:

Tract No. 9, being and comprising that certain tract, parcel or lot of land in Delaware County, Oklahoma, bounded and described as follows:

Lots One (1) and Two (2), and the Southeast Quarter (SE $\frac{1}{4}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) of Section One (1), Township Twenty-One (21) North, Range Twenty-Two (22) East of the Indian Meridian, containing 119.62 acres of land, more or less.

Entered this 5th day of June, 1939.

F. E. KENNAMER

JUDGE

SERVICE OF COPY ACKNOWLEDGED  
CHESTER A. BREWER Asst. U. S. Atty.

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

----- Court adjourned to July 6, 1939





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

United States of America, Libelant, )  
 )  
 vs. )  
 )  
 One 1939 Model Ford V-8 Standard Coupe )  
 Automobile, Motor No. 18-4,966,188 and approximately )  
 156 gallons of assorted tax paid intoxicating )  
 liquor seized therein; James O. (Bud) Watson, )  
 George H. Watson, and the Oklahoma Auto )  
 Supply Company, a Corporation, Claimants. )

CIVIL FILE NO. 185

ORDER FOR MONITION

Now on this 6th day of July, 1939, it appearing to the Court that the said 1939 MODEL FORD V-8 STANDARD COUPE AUTOMOBILE, MOTOR NO. 18-4,966,188, with approximately One Hundred Fifty-Six (156) gallons of intoxicating liquor containing more than four per centum (4%) of alcohol by volume, was seized at a point on U. S. Highway No. 66, about one and one-half miles southwest of the city of Miami, in Ottawa County, State of Oklahoma, Northern District of Oklahoma, and within the jurisdiction of this court, on May 24, 1939, by John W. Sawyer and James V. Gaylor, 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 James O. (Bud) Watson, and George H. Watson, for transportation of such intoxicating liquors from Pittsburg, 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 James O. (Bud) Watson, George H. Watson, and the Oklahoma Auto Supply Company, 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 James O. (Bud) Watson, George H. Watson, and the Oklahoma Auto Supply Company, 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 Jul 6 1939  
 H. P. Warfield, Clerk  
 U. S. District Court B

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

UNITED STATES OF AMERICA,	Plaintiff,	)
		)
vs.		) No. 2568 LAW
		)
STANOLIND PIPE LINE COMPANY, a		)
corporation,	Defendant.	)

ORDER OVERRULING MOTION TO DISMISS

On consideration of defendant's motion to dismiss,

IT IS HEREBY ORDERED that motion to dismiss of Stanolind Pipe Line Company be, and the same is hereby, overruled, to which action of the court defendant excepted, and exceptions are allowed. Defendant is granted twenty days from this date in which to answer.

DATED this 7th day of June, 1939.

F. E. KENNAMER  
UNITED STATES DISTRICT JUDGE

O.K. and service of copy acknowledged:

H. R. YOUNG, Attorneys for Plaintiff

O.K. RAY S. FELLOWS, Attorneys for Defendant

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

IN THE UNITED STATES COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,	Plaintiff,	)
		)
vs.		) No. 2570 LAW
		)
STANOLIND CRUDE OIL PURCHASING COMPANY,		)
a corporation,	Defendant.	)

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 elects to stand upon its amended complaint and refuses to plead further, and said complaint and this action is 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, A. D. 1939.

F. E. KENNAMER  
United States District Judge

O.K. and service of copy acknowledged:

H. R. YOUNG, Attorneys for Plaintiff

O.K. RAY S. FELLOWS Attorneys for Defendant

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

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

SILVA C. ROBINSON, )  
Plaintiff, )  
)  
vs. )  
) No. 1287 - E.  
)  
THE EXCHANGE NATIONAL BANK OF TULSA, Oklahoma, a )  
Corporation, and the NATIONAL BANK OF TULSA, )  
Oklahoma, a corporation, and R. M. MOODY, Defendants. )

FINAL DECREE

This cause came on to be heard on January 23, 1939, plaintiff appearing in person and by her solicitors, Ladner & Livingston, and S. C. Edmister, the defendants, The Exchange National Bank of Tulsa, and National Bank of Tulsa, appearing by their solicitors, Jos L. Hull, and Jas. E. Bush, and the defendant and cross-petitioner, R. M. Moody, appearing in person and by his solicitors Settle & Clammer, and after hearing the evidence offered in said cause, and the argument of counsel, the Court took the matter under advisement upon briefs filed by the parties herein; and the Court having duly considered the same and having rendered and filed its opinion herein finding the facts specially and separately stating its conclusions of law thereon;

IT WAS THEREUPON, in open court, on this day, being one of the regular days of the Special March Term, ORDERED, ADJUDGED AND DECREED that the plaintiff take nothing by her Bill of Complaint herein filed as against the defendants, or any of them, and that the Bill of Complaint be dismissed and that all costs herein be taxed to the plaintiff, to all of which plaintiff excepted, which exception was by the Court allowed.

IT WAS FURTHER ORDERED, ADJUDGED, AND DECREED that the defendant, R. M. Moody, take nothing as against the defendants, The Exchange National Bank of Tulsa, and National Bank of Tulsa, by his cross-complaint herein, and that the same, as against said defendants, be dismissed.

F. E. KENNAMER  
UNITED STATES DISTRICT JUDGE

Dated:  
July 6th, 1939

O.K. FRANK SETTLE and SAM CLAMMER, Attorneys for R. M. Moody

O.K. as to form  
S. C. EDMISTER, Atty for Plaintiff,

LADNER & LIVINGSTON, By Carl H. Livingston

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

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Court adjourned to July 7, 1939

SPECIAL MARCH 1939 TERM

TULSA, OKLAHOMA

FRIDAY, JULY 7, 1939

On this 7th day of July, 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, out of District.

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,		)	No. 178 Civil.
Lincoln National Life Insurance Company, a		)	
corporation, General American Life Insurance		)	
Company, a corporation, Pearl T. King, Tom King,		)	
Jr., Margaret King, and Pacific Mutual Life		)	
Insurance Company, a corporation,	Defendants.	)	

O R D E R

Now on this 5th day of July, 1939, the above-entitled matter comes on for hearing on the application of the plaintiff for a temporary restraining order pursuant to notice served on the defendants. The plaintiff appeared in person and by counsel; the defendant Pearl T. King appeared in person and by counsel; and the defendant General American Life Insurance Company appeared by counsel. Thereupon the matter is continued until the following day, to-wit: July 6th, 1939, for further proceedings.

Now on this 6th day of July, 1939, this matter coming on for further hearing, and the plaintiff and the defendant Pearl T. King appearing in person and by counsel, and it appearing



to have awarded to it all of the life insurance funds owing under the original policies numbered 648,555, and 649,500 and 649,501 and 652,414, later converted into the said supplementary contract No. 831,106, and the court further finds that a trust should be and it is hereby impressed, upon the funds that are to be paid under said contract No. 831,106, in favor of the said H. L. Smith, to the extent of \$50.00 per month so long as funds are required to be paid by said Pacific Mutual Life Insurance Company, under said contract No. 831,106, but not exceeding 22.3 years from November 15, 1932.

And the said H. L. Smith, and the said Pearl T. King, Tom King, Jr., and Margaret King, having in open court in person or by counsel agreed, subject to the approval of the court, that the said defendant Pacific Mutual Life Insurance Company be, and it is hereby freed from all restriction and restraint in this case, as to paying funds to the said Pearl T. King, Tom King, Jr., and Margaret King, over and above the aforesaid \$50.00 per month to be paid to the said H. L. Smith, and having further agreed, subject to the approval of the court, that the said Pacific Mutual Life Insurance Company be ordered and directed by this court to make payment of the said sum of \$50.00 per month to said H. L. Smith until further orders of this court,

IT IS THEREFORE CONSIDERED, ORDERED AND ADJUDGED BY THE COURT as follows:

That the defendant Pacific Mutual Life Insurance Company, a corporation, be not restrained or enjoined until further orders of the court from paying to the said Pearl T. King, Tom King, Jr., and Margaret King, under the provisions of the said contract No. 831,106, any funds becoming due under said contract except the sum of \$50.00 per month, which is to be paid to H. L. Smith, 830 Kennedy Building, Tulsa, Oklahoma,

That of the amounts called for by said contract No. 831,106, the said Pacific Mutual Life Insurance Company, a corporation, be and it is hereby authorized, empowered and directed to forward a check each month in the sum of \$50.00 to the said H. L. Smith, 830 Kennedy Building, Tulsa, Oklahoma, and forward a check for the remaining monthly payment owing under said contract No. 831,106, to Pearl T. King, 4135 University Boulevard, Dallas, Texas.

F. E. KENNAMER  
United States District Judge

O.K. as to form:  
H. L. SMITH,  
H. L. Smith

PEARL T. KING  
Pearl T. King

JAMES W. COSGROVE  
Attorney for Pearl T. King.

ENDORSED: Filed Jul 7 1939  
H. P. Warfield, Clerk  
U. S. District Court B

-----  
Court adjourned to July 10, 1939

On this 10th day of July, 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

James M. Bass, Plaintiff, )  
vs. ) No. 139 Civil.  
United States of America, Defendant. )

O R D E R

Now on this 10th day of July, 1939, this matter coming on before the Court, and it appearing that the answer of the defendant, United States of America, is due on this date; and it further appearing to the Court that the files of the Veterans's Administration have not been received by the defendant, so that its answer may be prepared, and that 30 days additional time should be granted said defendant within which to file its answer in this cause of action;

IT IS THEREFORE THE ORDER of the Court that the United States of America be, and hereby is granted an extension of 30 days from this date within which to file its answer in this cause of action.

F. E. KENNAMER  
JUDGE

O.K. AS TO FORM,  
SERVICE OF COPY ACKNOWLEDGED.

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

CHESTER A. BREWER  
Chester A. Brewer, Assistant United States Attorney  
ATTORNEYS FOR DEFENDANT

A. E. WILLIAMS  
Attorney for Plaintiff

ENDORSED: Filed Jul 10 1939  
H. P. Warfield, Clerk  
U. S. District Court H

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Court adjourned to July 11, 1939

On this 11th day of July, 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 IN AND FOR NORTHERN DISTRICT  
 OF OKLAHOMA

THE LINCOLN NATIONAL LIFE INSURANCE COMPANY,	Plaintiff,	)	
		)	
vs.		)	No. 873 Equity
		)	
EXCHANGE NATIONAL COMPANY,	Defendant.	)	

ORDER AUTHORIZING SALE OF TAX CERTIFICATE

THIS CAUSE COMING on to be heard on this the 11th day of July, 1939, on the verified application of T. P. Farmer, as Receiver for Exchange National Company, for an order authorizing, directing and empowering him to sell

Tax Certificate No. 379, covering 1930 tax sale for 1929 taxes with 1930 taxes endorsed, totalling \$219.04

covering the following described premises:

Northeast Quarter of the Northwest Quarter and East Half of Northwest Quarter of Northwest Quarter of Section 14, Township 4 North, Range 4 West, Garvin County, Oklahoma,

to Edward L. Marshall for the sum of \$219.04, and the court having read said application and finding that it has jurisdiction to entertain the same and enter an order thereon, and being fully advised in the premises, finds that said application should be sustained.

IT IS, THEREFORE, BY THE COURT, ORDERED, ADJUDGED AND DECREED that said application be and it is hereby sustained, and the said T. P. Farmer, as Receiver for Exchange National Company, be and he is hereby directed, authorized and empowered to assign and endorse said Certificate above described to Edward L. Marshall, upon the payment to him of the sum of \$219.04, and to do all other things necessary and proper to transfer the title to said purchaser and to do all other things necessary and proper in order fully and effectually to accomplish the letter and spirit of the application and this order.

F. E. KENNAMER  
 United States District Judge

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

-----  
 Court adjourned to July 12, 1939









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

THE LINCOLN NATIONAL LIFE INSURANCE COMPANY, )  
 Plaintiff, )  
 ) No. 873 Equity  
 )  
 -vs- )  
 )  
 EXCHANGE NATIONAL COMPANY, )  
 Defendant. )

O R D E R

This cause coming on for hearing on this the 12th day of July, 1939, on the application of T. P. Farmer, as Receiver for Exchange National Company for an order nunc pro tunc correcting the name of Edward L. Marshall, to read Edward P. Marshall, inasmuch as the same was a typographical error, and to show that the purchaser at said sale of the tax certificate covering and affecting the

Northeast Quarter of the Northwest Quarter and East Half of Northwest Quarter of Northwest Quarter of Section 14, Township 4 North, Range 4 West, Garvin County, Oklahoma,

was Edward P. Marshall, Trustee for Eva Lela Reynolds Rensch, and the Court having read said application and being fully advised in the premises, finds that said application for an order nunc pro tunc should be sustained, and said Court finding that it has jurisdiction to entertain said application and enter said order nunc pro tunc.

IT IS, THEREFORE, BY THE COURT ORDERED, ADJUDGED AND DECREED that said application for an order nunc pro tunc be and the same is hereby sustained, and said receiver be and he is hereby directed, authorized and empowered to file in this cause an order nunc pro tunc, and when said order is so filed it shall have the same force and effect as said original order authorizing the sale of said certificate and said order nunc pro tunc shall show that Edward P. Marshall, Trustee for Eva Lela Reynolds Rensch is the purchaser of said certificate, rather than Edward L. Marshall, and said Receiver is directed, authorized and empowered to do all other things necessary and proper in order fully and effectually to accomplish the letter and spirit of said application and this order.

F. E. KENNAMER  
United States District Judge

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

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Court adjourned to July 13, 1939.

On this 13th day of July, 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

CORA C. LAWRENCE,	Plaintiff,	)
		)
vs.		) No. 142 Civil
		)
Southwestern Bell Telephone Company, a corporation,	Defendant.	)

ORDER EXTENDING TIME TO TAKE DEPOSITIONS

Now on this 11th day of July, 1939, the above styled and numbered cause came duly on for hearing on the motion of the defendant above named to enlarge the time of taking depositions as more fully set out in that motion, and the plaintiff was present by her attorney, Bailey E. Bell, and the defendant was present by its attorney, Harry Campbell, Jr., and thereupon the said parties by their respective counsel did agree that said depositions should be taken on the 22d day of July instead of on the 12th day of July as specified by the notice served on the defendant by the plaintiff on the 6th day of July, 1939.

IT IS, THEREFORE, ORDERED that the time for taking the depositions as above set out be extended from the 12th day of July, 1939, to the 22d day of July, 1939, by agreement of the parties hereto.

F. E. KENAMER  
JUDGE

APPROVED AND RECEIPT OF COPY ACKNOWLEDGED  
BAILEY E. BELL  
Attorney for Plaintiff.

APPROVED: HARRY CAMPBELL, JR.  
Attorney for Defendant.

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

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Court adjourned to July 17, 1939

On this 17th day of July, 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

Z. ZELMA REYNOLDS, formerly Delacretas, )  
Plaintiff, )  
vs ) No. 82 Civil  
TRI-STATE MOTOR TRANSPORT, INC., a corp, )  
Defendant. )

DECREE VACATING FORMER ORDER AND ENTERING PROPER JUDGMENT

On this the 17th day of July, 1939, this cause comes on for hearing on the motion of the defendant herein to vacate Order Overruling Motion for New Trial and dismissing the case and to render Order Overruling Motion for New Trial and render judgment as per directed verdict.

The plaintiff appeared by counsel B. A. Hamilton and H. E. Chambers and the defendant appeared by its attorneys Green & Farmer, and the Court having heard and considered the motion of the defendant, finds same should be sustained.

BE IT THEREFORE, ORDERED, ADJUDGED AND DECREED that the Order heretofore made in this cause, purporting to overrule the motion for new trial and to dismiss this cause be and the same is hereby vacated, set aside and held for naught and the following Order is hereby entered.

BE IT THEREFORE ORDERED, ADJUDGED AND DECREED that plaintiff's motion for new trial in this cause be and the same is hereby overruled and exception saved to the plaintiff.

BE IT FURTHER ORDERED, ADJUDGED AND DECREED that pursuant to a directed verdict in this case in defendant's favor and against the plaintiff, it is ordered, adjudged and decreed that the plaintiff herein take nothing as against the defendant herein, and that the defendant have judgment against the plaintiff in this case. To which action of the Court in rendering said judgment, plaintiff is granted an exception.

DONE and dated, in open court, this the 17th day of July, 1939.

F. E. KENNAMER  
J U D G E

O.K. as to form:  
B. A. HAMILTON and  
H. E. CHAMBERS, by H. E. Chambers  
Attorneys for plaintiff

GREEN & FARMER By W. E. Green  
Attorney for Defendant

ENDORSED: Filed Jul 17 1939  
H. P. Warfield, Clerk  
U. S. District Court AC

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

United States of America,	Plaintiff,	)
		)
vs.		) NO. 99 CIVIL
		)
Tulsa Milk Producers, Inc., et al,	Defendant.	)

O R D E R

Now on this 17th day of July, 1939, upon the application of Joe W. Howard, as attorney of record herein for plaintiff, and the receiver, and it appearing to the court that the appraisers have rendered unusual and extraordinary services in the appraisal of the property herein and being otherwise fully advised in the premises finds that this order should issue.

IT IS, THEREFORE, ORDERED that the receiver herein be, and he is hereby authorized and directed to pay J. O. Campbell, Fred Fink and J. B. Porter Fifteen Dollars (\$15.00) each as fees for making appraisal herein.

F. E. KENNAMER  
JUDGE

O.K. JOE W. HOWARD  
Assistant United States Attorney

ENDORSED: Filed Jul 17 1939  
H. P. Warfield, Clerk  
U. S. District Court EA

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

Lee Howell, Guardian of the person and estate	)
of Leona Fox, nee Richard, Incompetent,	) Plaintiff,
	)
vs.	)
	) No. 175 Civil
Jno. W. Porter, W. F. Session, Ivan	)
Sessions, B. A. Marlin and Elsie	)
Fox,	) Defendants.
	)
United States of America,	) Intervener.

O R D E R

Now on this 17th day of July, 1939, this matter coming on before the court upon motion for permission to intervene in this cause of action, and it appearing to the Court that this action involves lands allotted to restricted Creek Indians, and that the United States of America has been served with notice and a certified copy of the pleadings from the District Court of Creek County Oklahoma, pursuant to the provisions of the Act of Congress of April 12, 1926, and has removed this action to this court, and should be a part of this action.

SPECIAL MARCH 1939 TERM

DISTRICT OF OKLAHOMA  
TULSA, OKLAHOMA

MONDAY, JULY 17, 1939

IT IS, THEREFORE, THE ORDER OF THE COURT that the United States of America be, and it hereby is granted permission to intervene in this cause of action.

F. E. KENNAMER  
JUDGE

OK AS TO FORM;  
WHIT Y. MAUZY  
Whit Y. Mauzy, United States Attorney

CHESTER A. BREWER  
Chester A. Brewer, Assistant U. S. Attorney

ENDORSED: Filed Jul 17 1939  
H. P. Warfield, Clerk  
U. S. District Court B

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

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

O R D E R

Now on this 17th day of July, 1939, this matter coming on before the Court upon a motion for permission to intervene in this cause of action; and it appearing to the Court that this action involves land allotted to a restricted member of the Creek Tribe of Indians, and that the United States of America has been served with notice and certified copy of the pleadings from the District Court of Creek County, Oklahoma, in accordance with the provisions of the Act of Congress of April 12, 1926, and has removed said cause to this Court, and should be a party to this action;

IT IS THEREFORE THE ORDER of the Court that the United States of America be, and hereby is granted permission to intervene in this cause of action, to which order proponent Leona Sewell excepts and exceptions are allowed.

F. E. KENNAMER  
JUDGE

O.K. AS TO FORM, SERVICE OF COPY ACKNOWLEDGED.  
WHIT Y. MAUZY  
Whit Y. Mauzy, United States Attorney

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

ENDORSED: Filed Jul 17 1939  
H. P. Warfield, Clerk  
U. S. District Court B

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

H. C. JONES Collector of Internal Revenue  
for the District of Oklahoma, )  
Plaintiff, )  
vs. )  
A. M. Busler, Doing Business as Skell Lunch, )  
Defendant. )

No. 193 CIVIL

O R D E R

Now on this 19th day of July, 1939, this matter coming on before the court on July 17, 1939, on the application of the plaintiff for an order directing the above named defendant, A. M. Busler, to appear before Internal Revenue Agent, W. H. DeBolt, at 508 National Bank of Commerce Building, Tulsa, Oklahoma, to testify concerning facts within his knowledge with reference to Social Security Tax returns, and produce all books, papers and records bearing on such Social Security Tax returns, the plaintiff, H. C. Jones, Collector of Internal Revenue for the District of Oklahoma, 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 defendant, A. M. Busler, doing business as Skelly Lunch, appearing in person, and the Court, after hearing the statements of counsel, and being fully advised in the premises, finds that said order should be made.

IT IS THEREFORE THE ORDER of the Court that the defendant, A. M. Busler, doing business as Skelly Lunch, be, and he hereby is ordered to appear before Internal Revenue Agent, W. H. DeBolt, at 508 National Bank of Commerce Building, Tulsa, Oklahoma, on or before Monday, July 24, 1939, and testify concerning any facts within his knowledge relating to matters required to be included in the returns of employe taxes and employer taxes under the Social Security Act, as amended (c.9, sub chapter A, Internal Revenue Code) and the regulations promulgated pursuant thereto; and said defendant is further ordered then and there to produce all books, papers, records and memoranda in his possession or under his control, bearing upon said Social Security tax returns for the years and periods from January 1, 1937, to this date.

F. E. KENNAMER  
JUDGE

O.K. AS TO FORM, SERVICE OF COPY ACKNOWLEDGED.  
WHIT Y. MAUZY  
Whit Y. Mauzy, United States Attorney.

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

ENDORSED: Filed Jul 19 1939  
H. P. Warfield, Clerk  
U. S. District Court DC

ATLAS LIFE INSURANCE CO., a Corp., )  
Plaintiff, )  
-vs- )  
W. I. SOUTHERN, INC., a Corp., )  
Defendant. )

No. 1272 - Equity

Now on this 17th day of July, A. D. 1939, it is ordered by the Court that the Clerk file and spread of record the Mandate in the above entitled and numbered cause, same being in words and figures as follows:

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 Atlas Life Insurance Company, a corporation, plaintiff, and W. I. Souther, Incorporated, a corporation, defendant, No. 1272, Equity, the decree of the said District Court in said cause entered on May 9, 1938, was in the following words, viz:

\*\*\*\*\*

"It is therefore, by the court considered, ordered, adjudged and decreed that the restraining order, asked by the plaintiff, restraining the defendant, W. I. Souther, Incorporated, a corporation, from further proceeding in the state court, be and it is hereby denied, to which action of the court the plaintiff excepted and excepts and asks that its exceptions be allowed and noted of record, which is accordingly done; and it is by the court further ordered, adjudged and decreed that the injunction prayed for by the plaintiff, asking that the defendant, W. I. Souther, Incorporated, a corporation, be enjoined from further proceeding in the state court, as asked for in said application, be and the same is hereby denied, to which action the plaintiff excepted and excepts and asks that its exceptions be allowed and noted of record, which is accordingly done.

"It is further by the court considered, ordered, adjudged and decreed that the motion of the defendant, W. I. Southern, Incorporated, for a dismissal of the complaint be, and it is hereby granted, and said bill of complaint herein is dismissed, and plaintiff elects not to plead further, and therefore the cause is dismissed with costs; to all of which action of the court in granting the motion of the defendant for a dismissal, in dismissing the bill of complaint and in dismissing said cause, and in denying the application of the plaintiff for a restraining order, the plaintiff excepted and excepts, and asks that its exceptions be allowed and noted of record, which is accordingly done."

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 Atlas Life Insurance Company 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 transcript of the record from the said District Court and was argued by counsel.

On consideration whereof, it is now here ordered, adjudged and decreed by this Court that the decree of the said District Court in this cause be and the same is hereby affirmed, and that W. I. Southern, Incorporated, a corporation, appellee, have and recover of and from Atlas Life Insurance Company, a corporation, appellant, its costs herein.

--May 1, 1939.

And thereafter the following order was entered:

SPECIAL MARCH 1939 TERM

MONDAY, JULY 17, 1939

This cause came on to be heard on the petition of appellant for a rehearing herein and was submitted to the court.

On consideration whereof, it is now here ordered by the Court that the decree of the trial court in this cause be and the same is hereby modified to provide that the bill be dismissed but that said court retain jurisdiction of the cause without further proceedings until disposition has been made of the case pending in the state court; and that, as so modified, the decree of the trial court be and the same is hereby affirmed.

--June 27, 1939.

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

WITNESS, the Honorable CHARLES E. HUGHES, Chief Justice of the United States, the 13th day of July, in the year of our Lord one thousand nine hundred and thirty-nine.

COSTS OF	Appellee:
Clerk,	\$(Paid by
Printing Record	\$ appellant)
Attorney,	\$20.00
	<u>\$20.00</u>

ALBERT TREGO  
Clerk of the United States Circuit Court of Appeals, Tenth Circuit.

ENDORSED: Filed Jul 17 1939  
H. P. Warfield, Clerk  
U. S. District CourtME

ATLAS LIFE INSURANCE COMPANY,

Plaintiff, )

-vs-

) No. 1278 - Equity

RUSO DRILLING CO.,

Defendant. )

Now on this 17th day of July, A. D. 1939, it is ordered by the Court that the Clerk file and spread Mandate of record in the above cause, same 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 Atlas Life Insurance Company, a corporation, plaintiff, and Ruso Drilling Company, a corporation, defendant, No. 1278 Equity, the decree of the said District Court in said cause entered on May 9, 1938, was in the following words, viz:

\* \* \* \* \*

"It is, therefore, by the court considered, ordered, adjudged and decreed

that the restraining order, asked by the plaintiff, restraining the defendant, Ruso Drilling Company, a corporation, from further proceeding in the state court, be and it is hereby denied, to which action of the court the plaintiff excepted and excepts and asks that its exceptions be allowed and noted of record, which is accordingly done; and it is by the court further ordered, adjudged and decreed that the injunction prayed for by the plaintiff, asking that the defendant, Ruso Drilling Company, a corporation, be enjoined from further proceeding in the state court, as asked for in said application, be and the same is hereby denied, to which action the plaintiff excepted and excepts and asks that its exceptions be allowed and noted of record, which is accordingly done.

"It is further by the court considered, ordered, adjudged and decreed that the motion of the defendant, Ruso Drilling Company, a corporation, for a dismissal of the complaint be, and it is hereby granted, and said bill of complaint herein is dismissed and plaintiff elects not to plead further, and therefore the cause is dismissed with costs; to all of which action of the court in granting the motion of the defendant for a dismissal, in dismissing the bill of complaint and in dismissing said cause, and in denying the application of the plaintiff for a restraining order, the plaintiff excepted and excepts, and asks that its exceptions be allowed and noted of record, which is accordingly done."

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 Atlas Life Insurance Company 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 transcript of the record from the said District Court and was argued by counsel.

On consideration whereof, it is now here ordered, adjudged and decreed by this Court that the decree of the said District Court in this cause be and the same is hereby affirmed; and that Ruso Drilling Company, a corporation, appellee, have and recover of and from Atlas Life Insurance Company, a corporation, appellant, its costs herein.

-- May 1, 1939.

And thereafter the following order was entered:

This cause came on to be heard on the petition of appellant for a rehearing herein and was submitted to the court.

On consideration whereof, it is now here ordered by the court that the decree of the trial court in this cause be and the same is hereby modified to provide that the bill be dismissed but that said court retain jurisdiction of the cause without further proceedings until disposition has been made of the case pending in the state court; and that, as so modified, the decree of the trial court be and the same is hereby affirmed.

-- June 27, 1939.

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

SPECIAL MARCH 1939 TERM

MONDAY, JULY 17, 1939

WITNESS, the Honorable CHARLES E. HUGHES, Chief Justice of the United States, the  
13th day of July, in the year of our Lord one thousand nine hundred and thirty-nine.

COSTS OF	Appellee:
Clerk,	\$(Paid by appellant)
Printing Record	\$
Attorney	\$20.00
	<u>\$20.00</u>

ALBERT TREGO  
Clerk of the United States Circuit Court of  
Appeals, Tenth Circuit

ENDORSED: Filed Jul 17 1939  
H. P. Warfield, Clerk  
U. S. District Court ME

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Court adjourned to July 19, 1939

SPECIAL MARCH 1939 TERM

TULSA, OKLAHOMA

WEDNESDAY, JULY 19, 1939

On this 19th day of July, 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

It having been made to appear to me by the Clerk that there are now on deposit in  
the Registry of the Court certain undistributed balances which have remained on deposit for more than  
five years;

IT IS ORDERED that said balances, as shown by the itemized list attached hereto,  
amounting in the aggregate to \$438.60, be and the same hereby are transferred and deposited to the  
credit of the United States Treasurer less the statutory 1% impounding fee.

DATED this 19th day of July, 1939.

F. E. KENNAMER  
UNITED STATES DISTRICT JUDGE

<u>DATE OF DEPOSIT</u>	<u>FROM WHOM</u>	<u>AMOUNT</u>
May 12, 1933	Undistributed balance in Equity Case No. 592, Phoenix Bldg. & Loan Assn. vs. Jno. R. Ketchum, et al,	\$ .35
Feb. 9, 1934	Undistributed balance received from the U. S. Marshal in Equity Case No. 4246, pending in Eastern District of Oklahoma, Jackson vs. Carter Oil Company.	3.00

	Law Case No. 609, United States Fidelity & Guaranty Company vs. Ward,	.30
	Equity Case No. 716, Callison vs. Dean,	.50
Feb. 1, 1933	Undistributed Dividends in Equity Case No. 284, Mississippi Bridge & Iron Company vs. J. H. Middleton, et al,	3.92
Jan. 7, 1933	Undistributed balance in Bankruptcy Cases:	
	Bankruptcy Case No. 1397, Jno. V. Searcy, Bankrupt,	.41
Jan. 10, 1933	Bankruptcy Case No. 1422, Clifford R. Williams, Bankrupt,	5.00
Jan. 10, 1933	Bankruptcy Case No. 882, Elmer G. Lindberg, Bankrupt,	5.00
Jan. 10, 1933	Bankruptcy Case No. 854, Hugo M. Nichols,	1.58
Jan. 19, 1933	Bankruptcy Case No. 779, City Drug Store, Bankrupt,	16.09
Jan. 19, 1933	Bankruptcy Case No. 1370, Theodore Kahlmeyer, Bankrupt,	.62
Jan. 19, 1933	Bankruptcy Case No. 1262, Bartlett Oil & Gas Company, Bankrupt	49.09
Feb. 8, 1933	Bankruptcy Case No. 1316, J. A. Jarrett Motor Co., Bankrupt,	7.92
Feb. 15, 1933	Bankruptcy Case No. 1472, E. M. Brown, Bankrupt,	47.81
Mch. 17, 1933	Bankruptcy Case No. 947, Sam J. Allison, Bankrupt,	8.18
Mch. 17, 1933	Bankruptcy Case No. 1026, Chas. H. Parker, Bankrupt,	16.07
Mch. 17, 1933	Bankruptcy Case No. 1417, Tulsa Stove & Fdg. Co., Bankrupt	8.20
Mch. 17, 1933	Bankruptcy Case No. 1631, Harry Deagen Bargain Store, Bankrupt,	.88
Mch. 17, 1933	Bankruptcy Case No. 141, J. L. Lothenore, Bankrupt,	50.00
Mch. 18, 1933	Bankruptcy Case No. 268, T. S. & Victor Mount, Bankrupts	.20
Mch. 18, 1933	Bankruptcy Case No. 300, B. F. Watkins, Bankrupt,	2.34
Mch. 18, 1933	Bankruptcy Case No. 750, Means Novelty Store, Bankrupt,	12.02
Mch. 18, 1933	Bankruptcy Case No. 796, Nimmer Zammer, Bankrupt,	40.14
Mch. 18, 1933	Bankruptcy Case No. 808, Homer D. Bashore, Bankrupt,	1.58
Mch. 18, 1933	Bankruptcy Case No. 828, Frank L. Smith, Bankrupt,	4.23
Mch. 18, 1933	Bankruptcy Case No. 859, O. A. Gilbert, Bankrupt,	.47
Mch. 18, 1933	Bankruptcy Case No. 924, American Ldy, & Dry Cleaning Co., Bankrupt,	2.14





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

O. C. HULL, )  
 Plaintiff, )  
 vs. ) No. 155 Civil  
 Dewey Clark, )  
 Defendant. )

O R D E R

On application of the defendant in open Court for good cause shown, the time within which said defendant is required to answer is hereby enlarged and the defendant is hereby given to and including July 19th within which to file his answer and cross-complaint.

Done in open court this 19 day of July, 1939.

F. E. KENNAMER  
 JUDGE

ENDORSED: Filed Jul 19 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, )  
 Petitioner, )  
 vs. )  
 1299.24 acres of land, more or less, in Delaware )  
 County, State of Oklahoma; Annie Steeler, et al., ) No. 174 Civil  
 Respondents. )

JUDGMENT ON THE DECLARATION OF TAKING

This day comes the United States of America, petitioner herein, by Whit Y. Mauzy, United States Attorney in andfor the Northern District of Oklahoma, and Curtis P. Harris, Special Attorney, Department of Justice, and moves this Court to enter judgment vesting title in fee simple, subject to and excepting all existing public roads, public utility easements, and rights-of-way, in the United States of America in and to the property described in the Declarations of Taking and in the Petition for Condemnation filed herein.

Thereupon, the Court proceeded to hear and pass upon said Motion, Petition for Condemnation, and Declarations of Taking, and finds that:

(1) That each and all of the allegations in said Petition and Declarations of Taking are true, and the United States of America is entitled to acquire property by eminent domain for the purposes set forth in said Petition;

(2) In said Petition and Declarations of Taking, a statement of the authority under which the the public use for which said lands were taken was set forth;

(3) The Petition for Condemnation and the Declarations of Taking were filed at the request of Henry A. Wallace, Secretary of Agriculture, the person duly authorized by law to acquire the lands described in said documents for the purposes therein set forth, and at the direction of the

United States, the person authorized by law to direct the institution of such proceeding;

(4) Proper descriptions of the lands sought to be taken, sufficient for the identification thereof, are set out in the said Declarations of Taking; a statement of the estate or interest in said lands taken for said public use is set out therein; and plate showing the lands taken are attached thereto;

(5) Statements are contained in said Declarations of Taking of the sums of money estimated by the acquiring agency to be just compensation for the lands taken, in the total amount of Three thousand, Six Hundred Thirty-Eight and 40/100 Dollars (\$3,638.40), and said sum has been deposited in the Registry of the Court for the use of the persons entitled thereto, upon, and at the time of the filing of said Declarations of Taking;

(6) A statement is contained in said Declarations of Taking that the estimated amount of compensation for the taking of said property, in the opinion of Henry A. Wallace, Secretary of Agriculture, will probably be within any limits prescribed by Congress on the price to be paid therefor.

And the Court having fully considered the Petition for Condemnation, the Declarations of Taking, Title II of the Act of Congress approved June 16, 1933 (48 Stat. 200); an Act of Congress approved April 8, 1935 (49 Stat. 115); Executive Order No. 6252 dated August 19, 1933; Executive Order No. 6983, dated March 6, 1935; Executive Order No. 7027 dated April 30, 1935; Executive Order No. 7028 dated April 30, 1935; Executive Order No. 7064, dated June 7, 1935; Executive Order No. 7530 dated December 31, 1936; Executive Order No. 7557 dated February 19, 1937; the Act of August 1, 1888 (25 Stat. 357), as amended; the Act of February 26, 1931 (46 Stat. 1421); the Weeks Law (36 Stat. 961); and the Clarke-McNary Act (43 Stat. 653), and all other statutes in such cases made and provided, and all other Executive Orders and other delegations of authority made pursuant to these statutes, is of the opinion that the United States of America was and is entitled to take said property and have the title thereto vested in it.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT that the title in fee simple to the following described lands was vested in the United States of America upon the filing of the Declarations of Taking and the deposit in the Registry of this Court as hereinabove recited of the said total sum of Three Thousand, Six Hundred and Thirty-Eight and 40/100 Dollars (\$3,638.40), and said lands are deemed to have been condemned and taken for the use of the United States of America, and the right for just compensation for the same hereby vested in the persons entitled thereto, the amount of said compensation to be ascertained and awarded in this proceeding and established by Judgment herein pursuant to law.

The lands are described as follows:

Tract No. 27a, being and comprising the Southeast Quarter of the Southwest Quarter of the Southeast Quarter ( $SE\frac{1}{4} SE\frac{1}{4} SE\frac{1}{4}$ ) of Section 2, Township 21 North, Range 22 East, Delaware County, Oklahoma, containing 10 acres of land,

Tract No. 37, being and comprising the South Half of Southwest Quarter of Northwest Quarter ( $S\frac{1}{2} SW\frac{1}{4} NW\frac{1}{4}$ ) Section 14, Northeast Quarter of Northeast Quarter ( $NE\frac{1}{4} NE\frac{1}{4}$ ) and East Half of Southeast Quarter of Northeast Quarter ( $E\frac{1}{2} SE\frac{1}{4} NE\frac{1}{4}$ ), Section 15, all in Township 21 North, Range 22 East of the Indian Meridian, Delaware County, State of Oklahoma, containing 80 acres of land,

Tract No. 37a, being and comprising the South Half of Southwest Quarter of Southwest Quarter ( $S\frac{1}{2} SW\frac{1}{4} SW\frac{1}{4}$ ), Section 11, Township 21 North, Range 22 East of the Indian Meridian, Delaware County, Oklahoma, containing 20 acres of land,

Tract No. 27, being and comprising Lot 3; South 20 acres Lot 4, being South Half of the Northwest Quarter of the Northwest Quarter ( $S\frac{1}{2} NW\frac{1}{4} NW\frac{1}{4}$ ); Southwest

SPECIAL MARCH 1939 TERM

TULSA, OKLAHOMA

WEDNESDAY, JULY 19, 1939

Quarter of the Northwest Quarter ( $SW\frac{1}{4}NW\frac{1}{4}$ ); West half of the Southeast Quarter of the Northwest quarter ( $W\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$ ), Section 1, Township 21 North, Range 22 East, Delaware County, Oklahoma, containing 119.53 acres of land;

Tract No. 80, being and comprising the Northeast 10 acres Lot 1; Northwest 9.99 acres Lot 1, Section 30, Township 21 North, Range 23 East in Delaware County, Oklahoma, containing 19.99 acres of land;

Tract no. 80A, being and comprising the Northwest Quarter of the Northeast Quarter of the Northwest Quarter ( $NW\frac{1}{4}NE\frac{1}{4}NW\frac{1}{4}$ ), Section 30, Township 21 North, Range 23 East, in Delaware County, Oklahoma, containing 10 acres of land;

Tract No. 80B, being and comprising the Southeast 10 acres Lot 1; Southwest Quarter of the Northeast Quarter of the Northwest Quarter ( $SW\frac{1}{4}NE\frac{1}{4}NW\frac{1}{4}$ ) Section 30, Township 21 North, Range 23 East in Delaware County, Oklahoma, containing 20 acres of land;

Tract No. 80C, being and comprising the East Half of the Southeast Quarter of the Northeast Quarter ( $E\frac{1}{2}SE\frac{1}{4}NE\frac{1}{4}$ ); Southwest Quarter of the Southeast Quarter of the Northeast Quarter ( $SW\frac{1}{4}SE\frac{1}{4}NE\frac{1}{4}$ ), Section 24, Township 21 North, Range 22 East, in Delaware County, Oklahoma, containing 30 acres of land;

Tract No. 80D, being and comprising the Southeast Quarter of the Southwest Quarter of the Southwest Quarter, ( $SE\frac{1}{4}SW\frac{1}{4}SW\frac{1}{4}$ ) (Southeast 10 Acres of Lot 4); Northwest Quarter of the Southeast Quarter of the Southwest Quarter ( $NW\frac{1}{4}SE\frac{1}{4}SW\frac{1}{4}$ ); Southeast Quarter of the Northeast Quarter of the Southwest Quarter ( $SE\frac{1}{4}NE\frac{1}{4}SW\frac{1}{4}$ ), Section 19, Township 21 North, Range 23 East, Delaware County, Oklahoma, containing 30 acres;

Tract No. 80E, being and comprising Lot 2; Northeast 10 acres Lot 3; Southwest Quarter of the Northeast Quarter of the Southwest Quarter ( $SW\frac{1}{4}NE\frac{1}{4}SW\frac{1}{4}$ ) Section 19, Township 21 North, Range 23 East, in Delaware County, Oklahoma, containing 59.66 acres;

Tract No. 80F, being and comprising the Southwest Quarter of the Southwest Quarter of the Southwest Quarter ( $SW\frac{1}{4}SW\frac{1}{4}SW\frac{1}{4}$ ) (or Southwest 9.96 acres Lot 4), Section 19, Township 21 North, Range 23 East in Delaware County, Oklahoma, containing 9.96 acres of land;

Tract No. 46, being and comprising the Southwest Quarter of the Southeast Quarter ( $SW\frac{1}{4}SE\frac{1}{4}$ ); the West Half of the Southeast Quarter of the Southeast Quarter, ( $W\frac{1}{2}SE\frac{1}{4}SE\frac{1}{4}$ ); the Southeast Quarter of the Southwest Quarter of the Southeast Quarter ( $SE\frac{1}{4}SE\frac{1}{4}SE\frac{1}{4}$ ); of

Section 21; the Northeast Quarter of the Northeast quarter, ( $NE\frac{1}{4} NE\frac{1}{4}$ ); the South Half of the Northeast Quarter ( $S\frac{1}{2} NE\frac{1}{4}$ ); Section 28; all in Township 21 North, Range 23 East, Delaware County, Oklahoma; containing 190 acres of land;

Tract No. 35, being and comprising the South Half of the Southeast Quarter ( $S\frac{1}{2} SE\frac{1}{4}$ ), Section 22; the South Half of the Southwest Quarter ( $S\frac{1}{2} SW\frac{1}{4}$ ), Section 23; the North Half of the Northwest Quarter of the Northwest Quarter ( $N\frac{1}{2} NW\frac{1}{4} NW\frac{1}{4}$ ), the Southwest Quarter of the Northwest Quarter of the Northwest Quarter ( $SW\frac{1}{4} NW\frac{1}{4} NW\frac{1}{4}$ ), Section 26, the Northeast Quarter of the Northeast Quarter ( $NE\frac{1}{4} NE\frac{1}{4}$ ), the Northeast Quarter of the Northwest Quarter of the Northeast Quarter ( $NE\frac{1}{4} NW\frac{1}{4} NE\frac{1}{4}$ ), Section 27; Township 21 North, Range 22 East, Delaware County, Oklahoma, containing 240 acres of land;

Tract No. 35A, being and comprising the Southwest Quarter of the Northwest Quarter of the Northwest Quarter ( $SW\frac{1}{4} NW\frac{1}{4} NW\frac{1}{4}$ ), Section 23, Township 21 North, Range 22 East, Delaware County, Oklahoma, containing 10 acres of land;

Tract No. 66, being and comprising the South Half of the Northeast Quarter ( $S\frac{1}{2} NE\frac{1}{4}$ ), the Southeast Quarter of the Southeast Quarter of the Northwest Quarter ( $SE\frac{1}{4} SE\frac{1}{4} NW\frac{1}{4}$ ), the East Half of the Southwest Quarter ( $E\frac{1}{2} SW\frac{1}{4}$ ), Section 13; the Northeast Quarter of the Northwest Quarter ( $NE\frac{1}{4} NW\frac{1}{4}$ ), Section 24; Township 21 North, Range 22 East, Delaware County, Oklahoma, containing

Tract No. 33, being and comprising all that certain piece, parcel or tract of land situate in Delaware County, Oklahoma, more particularly described as follows: Lot 2, and the Southwest Quarter of the Northeast Quarter ( $SW\frac{1}{4} NE\frac{1}{4}$ ), and the Southeast Quarter ( $SE\frac{1}{4}$ ) Section 4, Township 21 North, Range 23 East, Delaware County, Oklahoma, containing 240.10 acres of land;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that any and all persons now in possession of claiming possession of said real estate shall deliver exclusive possession of the same to the United States of America on or before the 21st day of July, 1939.

This cause is held open for the entering of such other and further orders, judgments, or decrees as may be necessary.

Entered this 19th day of July, 1939.

F. E. KENNAMER  
JUDGE

ENDORSED: Filed Jul 19 1939

H. P. Warfield, Clerk  
U.S. District Court EA

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

CONSOLIDATED CEMENT COMPANY, A Delaware Corporation,	Plaintiff,	) No. 201 Civil
vs.	)	
BUILDERS' SUPPLY COMPANY, a Corporation,	Defendant.	

ORDER APPOINTING RECEIVER

This cause coming on for hearing on application of plaintiff for the appointment of a receiver to take charge of all the property, assets and business of the said defendant, Builders' Supply Company, a corporation, plaintiff appearing by H. A. Tallman, its attorney, and the defendant appearing by J. T. Lynch, Vice President and General Manager of the defendant corporation, and it appearing to the court that the defendant, Builders' Supply Company, a corporation, has property and assets in the state of Oklahoma, and that the said company is insolvent and is indebted in a large amount to various parties within and without this state, and that the assets of said company are insufficient to pay said claims; and it further appearing that the said assets are in danger of being entirely lost and dissipated, and that said company is not being managed to the best interests of the creditors thereof;

It is therefore ordered and adjudged that J. M. Chandler of the City and County of Tulsa, State of Oklahoma, be and he is hereby appointed receiver of the said Builders' Supply Company, a corporation, without compensation, to which appointment the said J. T. Lynch, representing the defendant corporation, agrees, and said receiver is hereby ordered to immediately take into his possession and under his control all of the property, business and assets of the said defendant, within the state of Oklahoma, and to collect, hold, manage and protect the same, pending the further order of this court.

It is further ordered that said receiver, before entering upon the discharge of his duties, execute and undertaking in the sum of (\$5000.00) Dollars, conditioned as required by law, and also file herein his oath as such receiver.

It is further ordered that after said receiver shall duly qualify as aforesaid he shall proceed to inventory said estate, making due report thereof to this court.

Said receiver is further authorized to employ competent accountants to make an audit of said defendant corporation and to pay therefor out of the assets of the estate, a sum not to exceed (\$250.00) Dollars.

F. E. KENNAMER  
JUDGE

ENDORSED: Filed Jul 19 1939  
H. P. Warfield, Clerk  
U. S. District Court EA

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

Sinclair Prairie Oil Company, a corporation,	Plaintiff,	) No. 2652 - Law
-vs-	)	
Missouri-Kansas-Texas Railroad Company, a corporation,	Defendant.)	

O R D E R





On this 21st day of July, 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

Lula Flannigan, Plaintiff, )  
vs. ) No. 181 CIVIL  
Phillips Petroleum Company, a Corporation, and )  
Otis Ball, Defendants. )

O R D E R

Now on this 21st day of July, 1939, this matter coming on before the Court upon a motion for permission to intervene in this cause of action, and it appearing to the Court that this action involves lands allotted to a restricted Cherokee Indian, and that the United States has been served with notice and a certified copy of the pleadings from the District Court of Osage County, Oklahoma, pursuant to the provisions of the Act of Congress of April 12, 1926, and has removed this action to this court and should be a party to said action;

IT IS THEREFORE THE ORDER of the Court that the United States of America be, and hereby is granted permission to intervene in this cause of action.

F. E. KENNAMER  
JUDGE

O.K. AS TO FORM,  
SERVICE OF COPY ACKNOWLEDGED.

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

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

ENDORSED: Filed Jul 21 1939  
H. P. Warfield, Clerk  
U. S. District Court B.

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Court adjourned to July 24, 1939



filed herein on May 9, 1939, and it appearing to the Court that the property involved in this cause of action is erroneously described in said petition for condemnation and judgment on declaration of taking;

IT IS THEREFORE THE ORDER of the Court that plaintiff, the United States of America, be, and hereby is granted leave to file an amended petition for condemnation and an amended judgment on declaration of taking in this cause of action.

F. E. KENNAMER  
JUDGE

O.K. AS TO FORM,  
SERVICE OF COPY ACKNOWLEDGED.

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

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

ENDORSED: Filed Jul 24 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, Petitioner for	)	
Condemnation, Plaintiff,	)	
	)	
vs.	)	NO. 138 CIVIL
	)	
Certain Parcels of Land in the Town of Drum-	)	
right, County of Creek, State of Oklahoma, The	)	
Long-Bell Lumber Company, a Corporation organized	)	
and existing under the laws of the State of	)	
Missouri, Edna I. Metz, et al, Defendants.	)	

AMENDED JUDGMENT ON DECLARATION OF TAKING

Now on this 24th day of July, 1939, this matter coming on before the Court, and it appearing to the Court that on May 9, 1939, the United States of America, petitioner for condemnation, filed its petition for condemnation of certain lands hereinafter described; and it further appearing to the Court that the United States of America has filed in this action a declaration of taking, and has deposited in the registry of the court a sum of money estimated by the acquiring authority to be a just compensation for the lands hereinafter described, in the sum of \$3,500.00.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the fee simple title to the following described land is vested in the United States of America, to-wit:

PARCEL 1: Beginning at a point being the intersection of the easterly side of Ohio Avenue with the northerly side of a 20-foot public alley; running thence in a northward-

ly direction along the easterly side of Ohio Avenue, a distance of 36.50 feet to a point being the southwesterly corner of lands now or formerly of W. D. Tharel, hereinafter described as Parcel II; thence in an eastwardly direction along the southerly side of said Parcel II, a distance of 125 feet to a point in the westerly side of a 20-foot public alley bounding the land on the east; thence in a southwardly direction along the westerly side of said 20-foot public alley, a distance of 36.50 feet to a point in the northerly side of the 20-foot public alley bounding the land on the south; thence in a westwardly direction along the northerly side of said public alley, on a line forming an interior angle of 89 degrees 49 minutes with the last-mentioned course, a distance of 125 feet to the point or place of beginning, the last course forming at the point of its intersection with the first course an interior angle of 90 degrees 11 minutes, being all of Lot 17 and the South 1.50 feet of Lot 16, Block 1, Fulkerson's Second Addition to the Town of Drumright, Oklahoma, as shown by plat "Land proposed to be acquired through condemnation proceedings as a Post Office site at Drumright, Oklahoma", blueprint of which is attached hereto and by reference made a part hereof; together with the improvements thereon except the two-story frame building. . . . . \$2,500.00

PARCEL II: Beginning at a point in the easterly side of Ohio Avenue which point is distant northwardly 36.50 feet from the intersection of the easterly side of Ohio Avenue with the northerly side of a 20-foot public alley bounding the land on the south, and which point is the northwesterly corner of lands now or formerly of Edna I. and W. H. Metz, hereinbefore described as Parcel I; running thence in a northwardly direction along the easterly side of Ohio Avenue a distance of 48.50 feet to a point in lands now or formerly of The Long Bell Lumber Company, hereinafter described as Parcel III; thence in an eastwardly direction along the southerly side of said Parcel III, on a line forming an interior angle of 89 degrees 49 minutes with the last mentioned course, a distance of 125 feet to a point in the westerly side of a 20-foot public alley bounding the land on the east; thence in a southwardly direction along the westerly side of said 20-foot public alley, on a line forming an interior angle of 90 degrees 11 minutes with the last-mentioned

course, a distance of 48.50 feet to a point, being the northeasterly corner of said Parcel I; thence in a westwardly direction along the northerly side of said Parcel I a distance of 125 feet to the point or place of beginning, being all of Lot 15 and the North 23.50 feet of Lot 16, Block 1, Fulkerson's Second Addition to the Town of Drumright, Oklahoma, as shown by plat "Land proposed to be acquired through condemnation proceedings as a Post Office site at Drumright, Oklahoma", blueprint of which is attached hereto and by reference made a part hereof; together with the improvements thereon. . . . . \$1,000.00

**PARCEL III:** Beginning at a point in the easterly side of Ohio Avenue which point is distant northwardly 85 feet from the intersection of the easterly side of Ohio Avenue with the northerly side of a 20-foot public alley bounding the site on the south, and which point is the northwesterly corner of lands now or formerly of W. D. "harel, hereinbefore described as Parcel II; running thence in a northwardly direction along the easterly side of Ohio Avenue a distance of 18 feet to a point in other lands of The Long-Bell Lumber Company; thence in an eastwardly direction along other lands of The LongBell Lumber Company a distance of 125 feet to a point in the westerly side of a 20-foot public alley bounding the land on theeast; thence in a southwardly direction along the westerly side of said 20-foot public alley a distance of 18 feet to a point, being the northeasterly corner of Parcel II aforesaid; thence in a westwardly direction along the northerly side of said Parcel II a distance of 125 feet to the point or place of beginning, being the South 18 feet of Lot 14, block 1, Fulkerson's Second Addition to the Town of Drumright, Oklahoma, subject to the reservation to The LongBell Lumber Company, its successors and assigns, of all of the following described structures attached to the two-story building and twostory shed located on land of The Long-Bell Lumber Company north of the premises herein described:

- (a). Roof of said building and shed, having a South eave 5 feet 9 inches in width at the West end thereof and 6 feet in width at the East end thereof, overhanging said 18-foot strip not more than 4 feet;
- (b). Stair from ground to second story floor level of said building, 3 feet 9 inches in width over area 12 feet in length, on and overhanging said 18-foot strip not more than 1½ feet;

- (c). Landing at second story floor level of building, 5 feet 4 inches in width by 10 feet in length, over-hanging said 18 foot strip not more than 3 feet;
- (d). Stair from ground to catwalk at second floor level of shed, 3 feet 3 inches in width, on and overhanging said 18-foot strip not more than 1 foot;
- (e). Catwalk at and along second story floor level of shed, 4 feet 0 inches in width, overhanging said 18-foot strip not more than 2 feet;
- (f). Loading platform at first floor level, 3 feet in width and 22 feet in length, on and over said 18-foot strip not more than 1 foot;

IT IS THE FURTHER JUDGMENT AND DECREE OF THE COURT that possession of the above described land be delivered to the United States of America on the 9th day of May, 1939.

IT IS THE FURTHER JUDGMENT OF THE COURT that notice of entry of this judgment, and as to the date provided therein for delivery of possession be served upon the defendants, Long-Bell Lumber Company, a Corporation, organized under the laws of the State of Missouri, and Edna I. Metz, by mailing a copy of said notice to said defendants.

F. E. KENAMER  
JUDGE

O.K. AS TO FORM, SERVICE OF COPY ACKNOWLEDGED.

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

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

ENDORSED: Filed Jul 24 1939  
H. P. Warfield, Clerk  
U. S. District Court B

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

H. A. DECKER,	Plaintiff,	)	
		)	
vs.		)	
		)	No. 202 Civil
J. M. Kurn and John G. Lonsdale, Trustees		)	
of and for the St. Louis-San Francisco		)	
Railroad Company, a corporation, et al.,		)	
Defendants.		)	

JOURNAL ENTRY

This cause coming on to be heard this 24th day of July, 1939 pursuant to regular assignment for trial, plaintiff being present by his attorney, A. E. Montgomery, and the defendants being present by their attorney, Harold C. Stuart, and both parties announced ready for trial and a jury being waived in open Court, the Court proceeded to hear the evidence of witnesses and argument of counsel and the Court being fully advised, on consideration, finds that the St. Louis- San Francisco Railroad Company, a corporation, is operated and maintained by the Trustees, J. M. Kurn and John G.

Lonsdale, the duly appointed and acting Trustees, and as such they maintain a line of railroad through the State of Oklahoma, in and through Tulsa County, Oklahoma.

The Court further finds that the plaintiff, H. A. Decker, was injured on March 24, 1938 at about the hour of 10:30 o'clock A.M. while assisting in loading or unloading automobiles from flat car No. SF 95105 and SF 152776, which was located at the auto dock which is just East of Elgin Street, Tulsa, Oklahoma.

The Court further finds that the loading rack or dock was improper and inadequate that the cars above named were improperly spotted for loading, that the facilities used by the defendant railroad company were improper, that the defendants failed to inspect the aforesaid flat cars, the defendants wholly failed to inspect the flooring of said flat car No. SF 95105, that the same was old, worn and defective and that the timbers constituting the flooring of the same were old, rotten, thin, cracked and broken, that all this was known to the defendants and unknown to this plaintiff, that the defendants failed to warn this plaintiff of the dangerous conditions of the flooring and failed wholly to furnish adequate loading facilities and adequate access to the cars and loading dock, which negligence caused the plaintiff to fall or break through the flooring of the aforesaid flat car No. SF 95103, causing severe injury to his right ankle resulting in a severe sprain and twist.

The Court further finds that the nerves, ligaments and fibers of his ankle were ruptured and distended, that the wrists of both his hands were sprained, twisted and severely injured, that his back was severely sprained, twisted and injured causing injury to the lumbar vertebra of his spine, that he suffered a sacro iliac sprain and that his back, nerves, internal organs, head, neck, arms, legs, and muscles were further severely injured, twisted and sprained, that he suffered severe paralysis and has been totally and permanently disabled and his condition is permanent and incurable, all due to the negligence as aforesaid of this defendant, but for which the same would not have occurred.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by this Court that the plaintiff, H. A. Decker, have and recover of the defendants the sum of EIGHTEEN HUNDRED DOLLARS (\$1,800.00) with interest thereon at the rate of six per cent (6%) per annum from the 24th day of July, 1939 and for costs of this action, for all of which let execution issue. To which findings and judgment the defendants then and there duly excepted.

F. E. KENNAMER  
JUDGE

OK S. J. MONTGOMERY  
Attorney for Plaintiff

OK HAROLD C. STUART  
Attorney for Defendants.

Acknowledgment of service of copy of above,  
journal entry this 24th day of July, 1939  
S. J. MONTGOMERY  
Atty for Pltf.  
HAROLD C. STUART  
Atty for Deft.

ENDORSED: Filed Jul 24 1939  
H. P. Warfield, Clerk  
U. S. District Court B



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

SPECIAL MARCH 1939 TERM

TULSA, OKLAHOMA

TUESDAY, JULY 25, 1939

On this 25th day of July, 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. Mausy, 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

UNITED STATES OF AMERICA, Petitioner,
vs. No. 174 - Civil.
1299.24 acres of land, more or less, in Delaware County, State of Oklahoma; Annie Steeler, et al., Respondents.

ORDER ALLOWING PETITIONER TO AMEND ITS PETITION

Now, on this 25th day of July, 1939, the above matter coming on for hearing on the application of petitioner for permission of the Court to amend its petition filed herein by adding the names of additional parties respondent, and it appearing to the Court that:

Rufus Sixkiller,
J. W. Dunham,
T. R. Graves,
Edmund Gwartney
Roscoe Russell
Tom Russell
Gaw-ye-na-ey Scott, now Budder,
Willie Scott,
Felix Proctor
Lila Proctor,

claim some right, title or interest in and to the real estate sought to be taken by eminent domain in the above entitled action and that it is proper that said parties should be made parties respondent in this cause.

NOW, THEREFORE, permission is hereby granted to the petitioner to amend its petition by adding the names of:

Rufus Sixkiller,
J. W. Dunham,
T. R. Graves,
Edmund Gwartney,
Roscoe Russell,
Tom Russell,
Gaw-ye-na-ey Scott, now Budder,
Willie Scott,
Felix Proctor,
Lila Proctor,





SPECIAL MARCH 1939 TERM

TULSA, OKLAHOMA

FRIDAY, JULY 28, 1939

On this 28th day of July, 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 CIRCUIT COURT OF APPEALS FOR THE TENTH JUDICIAL CIRCUIT SITTING AT DENVER, COLORADO.

THIRTY-SEVENTH DAY, APRIL TERM, TUESDAY, JULY 25th, A. D. 1939

PRESENT: Honorable Robert E. Lewis, Senior Circuit Judge,  
Honorable Orie L. Phillips, Circuit Judge,

And other officers as noted on the twenty-fifth day of April, 1939

BEFORE Honorable Robert E. Lewis and Honorable Orie L. Phillips, Circuit Judges.

UNITED STATES OF AMERICA,	Appellant,	)	
		)	Appeal from the District Court of the United
1945 vs.		)	States for the Northern District of
		)	Oklahoma
George B. Cox et al.,	Appellees.	)	

This cause came on to be heard on the motion of appellant to dismiss the appeal herein and was submitted to the court.

On consideration whereof, it is now here ordered by the court that said motion be and the same is hereby granted and that the appeal in this cause be and the same is hereby dismissed out of this court.

It is further ordered by the court that the clerk of this court forthwith transmit to the clerk of the United States District Court for the Northern District of Oklahoma a certified copy of this order.

A true copy as of record,  
teste;

ALBERT TREGO  
Clerk

(SEAL)

ENDORSED: Filed Jul 28 1939  
H. P. Warfield, Clerk  
U. S. District Court ME

-----  
Court adjourned to July 29, 1939



SPECIAL MARCH 1939 TERM

TULSA, OKLAHOMA

MONDAY, JULY 31, 1939

I, C. E. Baldwin, 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.

C. E. BALDWIN

Sworn to and subscribed before me this 27 day of July, 1939.

BETTY HOWARD  
Notary Public

My commission expires 4-6-42

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

MISCELLANEOUS - BOND OF CONCILIATION COMMISSIONER.

FORM NO. 69

BOND OF CONCILIATION COMMISSIONER

Know all men by these presents: That we C. E. Baldwin of Tulsa, Oklahoma, as principal, and James E. Laughlin and E. N. Holmes of Tulsa, Okla., 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, exedutors, and administrators, jointly and severally, by these presents:

Signed and sealed this 27 day of July, A. D. 1939.

The condition of this obligation is such that whereas the said C. E. Baldwin has been on the 2nd day of July, 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 Tulsa in said District:

Now, therefore, if the said C. E. Baldwin 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 effect.

Signed and sealed in the presence of,

C. E. BALDWIN (Principal)  
JAMES E. LAUGHLIN (L.S.)  
D. H. HOLMES (L.S.)

APPROVED, this 31 day of July, 1939.

F. E. KENNAMEE  
DISTRICT JUDGE

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

MISCELLANEOUS - OATH OF GLENN H. CHAPPELL, CONCILIATION COMMISSIONER

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

OATH OF OFFICE

I, Glenn H. Chappell, 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.

GLENN H. CHAPPELL

Sworn to and subscribed before me this 28 day of July, 1939.

LEONS M. TEMPLE  
Notary Public

(SEAL)

My commission expires - July 25, 1940.

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

MISCELLANEOUS - BOND OF CONCILIATION COMMISSIONER.

FORM NO. 69

BOND OF CONCILIATION COMMISSIONER

Know all men by these presents: That we Glenn H. Chappell of Nowata, Okla., as principal and J. Wood Glass and Roy E. Cobbs, of Nowata, Okla., 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 28 day of July, A. D. 1939.

The condition of this obligation is such that whereas the said Glenn H. Chappell has been on the 2nd day of July, 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 Nowata in said District;

Now, therefore, if the said Glenn H. Chappell, 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

GLENN H. CHAPPELL (L.S.)  
J. WOOD GLASS (L.S.)  
ROY E. COBBS (L.S.)

APPROVED, this 31st day of July, 1939.

F. E. KENNAMER  
DISTRICT JUDGE

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

MISCELLANEOUS - OATH OF ROLLIE C. CLARK, CONCILIATION COMMISSIONER.

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

OATH OF OFFICE

I, Rollie C. Clark, 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.

ROLLIE C. CLARK

Sworn to and subscribed before me this 29th day of July, 1939.

NADINE BERRY  
Notary Public

(SEAL)

My commission expires - Aug 30 1942

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

MISCELLANEOUS - BOND OF CONCILIATION COMMISSIONER.

FORM NO. 69

BOND OF CONCILIATION COMMISSIONER

Know all men by these presents: That we Rollie C. Clark of Vinita, Oklahoma as principal and S. E. Wallen and W. M. Simms, of Vinita, 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 29th day of July, A. D. 1939.

The condition of this obligation is such that whereas the said Rollie C. Clark has been on the 2nd day of July, 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 Craig in said District;

Now, therefore, if the said Rollie C. Clark 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,

ROLLIE C. CLARK (L.S.)  
S. E. WALLEN (L.S.)  
W. M. SIMMS (L.S.)

APPROVED this 31st day of July, 1939.

F. E. KENNAMER  
DISTRICT JUDGE

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

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

GAR WOOD INDUSTRIES, INC., Plaintiff, )  
)  
)  
-vs- ) Civil No. 71  
)  
BRADEN WINCH COMPANY, THOMAS J. SCHUETZ, )  
WILLIAM R. BRADEN, MRS. WILLIAM R. BRADEN, )  
and WILLIAM H. EMMONS, Defendants. )

ORDER REQUIRING DEFENDANTS TO SPECIFY PRIOR ART PATENTS WHICH WILL BE RELIED UPON AT THE TIME OF TRIAL.

Plaintiff's motion to order Defendants to specify the particular patent or patents which they will rely upon at the time of trial as anticipations of the patents in suit, and to specify the particular patent or patents which they will rely upon at the time of trial as showing the prior state of the art having been heard the 5th day of July, 1939, and counsel for Defendants being present at the hearing thereof,

IT IS ORDERED that the Plaintiff within ten (10) days of said hearing file a Bill of Particulars setting forth the dates of invention of the patents in suit, and that within fifteen (15) days thereafter Defendants shall file a Bill of Particulars specifying the particular patent or patents which will be relied upon at the time of trial as anticipations of the patents in suit,

SPECIAL MARCH 1939 TERM

DISTRICT OF OKLAHOMA  
TULSA, OKLAHOMA

MONDAY, JULY 31, 1939

and specify the particular patent or patents which will be relied upon at the time of trial as showing the prior state of the art.

F. E. KENNAMER  
JUDGE

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

O.K. as to form and copy acknowledged:  
Y MALLET PREVOST J. R. COLE  
DAVID R. MILSTEN  
Attorneys for Defendants,  
807 Tulsa Loan Bldg.,  
Tulsa, Okla.

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

GAR WOOD INDUSTRIES, INC., Plaintiff, )  
-vs- ) Civil No. 71  
BRADEN WINCH COMPANY, THOMAS J. SCHUETZ, )  
WILLIAM R. BRADEN, MRS. WILLIAM R. BRADEN, )  
and WILLIAM H. EMMONS, Defendants. )

ORDER REQUIRING DEFENDANTS TO FURNISH NAMES OF PERSONS  
HAVING PRIOR PUBLIC USE

Plaintiff's Motion to require Defendants to furnish the names and addresses of persons having knowledge of prior public use set up in the Answer having been heard the 5th day of July, 1939, and counsel for Defendants being present at the hearing thereof,

IT IS ORDERED that the Defendants within fifteen (15) days from the date hereof furnish to Plaintiff the names and addresses of those persons having knowledge of prior public use set up in the Answer as being the Foote Bros. Gear and Machine Company, at Chicago, Illinois, as well as to produce the catalogs and price lists of the Foote Bros. Company set up in the Answer for the purpose of having photostated by Plaintiff that portion thereof which will be relied upon by Defendants at the time of trial.

F. E. KENNAMER  
JUDGE

O.K. as to form and copy acknowledged:  
G. MALLET PREVOST J. R. COLE  
DAVID R. MILSTEN, Attorneys for Defendants 807 Tulsa Loan Bldg., Tulsa, Okla.

ENDORSED: Filed Jul 31 1939  
H. P. Warfield, Clerk  
U. S. District Court EA  
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On this 1st 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

Clyde Alexander, Plaintiff, )  
vs. ) No. 159 CIVIL  
Phillips Petroleum Company, a corporation, )  
and Reda Pump Company, a corporation, Defendants. )

ORDER BRINGING IN THIRD PARTY DEFENDANTS

On application of Reda Pump Company, defendant herein, and for good cause shown:

IT IS HEREBY ORDERED that C. C. Brown, and The First National Bank in Bartlesville, a corporation, be and they are hereby made parties to this action as third party defendants.

DATED this 31st day of July, 1939.

F. E. KENNAMER  
United States District Judge

ENDORSED: Filed Aug 1 1939  
H. P. Warfield, Clerk  
U. S. District Court H

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

S. N. VAN WERT, Plaintiff, )  
vs. ) No. 160 CIVIL  
Phillips Petroleum Company, a corporation, )  
and Reda Pump Company, a corporation, Defendants. )

ORDER BRINGING IN THIRD PARTY DEFENDANTS

On application of Reda Pump Company, defendant herein, and for good cause shown:

IT IS HEREBY ORDERED that C. C. Brown, and The First National Bank in Bartlesville, a corporation, be and they are hereby made parties to this action as third party defendants.

DATED this 31st day of July, 1939.

F. E. KENNAMER  
UNITED STATES DISTRICT JUDGE.

ENDORSED: Filed Aug 1 1939  
H. P. Warfield, Clerk  
U. S. District Court

Court adjourned to August 3, 1939

On this 3rd 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:

MISCELLANEOUS - OATH OF A. G. CRONINGER, CONCILIATION COMMISSIONER.

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

OATH OF OFFICE

I, A. G. Croninger, 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.

A. G. CRONINGER

Sworn to and subscribed before me this 28 day of July, 1939.

OLLIE LONGACRE

Notary Public

My commission expires - Feb 2, 1943

(SEAL)

ENDORSED: Filed Aug 3 1939  
H. P. Warfield, Clerk  
U. S. District Court

BOND OF CONCILIATION COMMISSIONER.

FORM NO. 69

BOND OF CONCILIATION COMMISSIONER

Know all men by these presents: That we A. G. Croninger of Miami, Okla., as principal and R. J. Tuthill and Wm. Williams, of Miami, Okla., 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 28th day of July, A. D. 1939.

The condition of this obligation is such that whereas the said A. G. Croninger has been on the 2nd day of July, 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 Ottawa in said District:

Now, therefore, if the said A. G. Croninger, 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.

A. G. CRONINGER (L.S.)
R. J. TUTHILL (L.S.)
WM. WILLIAMS (L.S.)

APPROVED, this 3 day of August, 1939.

F. E. KENNAMER
DISTRICT JUDGE

ENDORSED: Filed Aug 3 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. 2574 Law.
THE TEXAS COMPANY, a corporation, Defendant. )

ORDER SUSTAINING MOTION TO DISMISS

Defendant's consolidated motion for more definite statement, to separately state and number causes of action, and to dismiss coming on for hearing herein 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.

Pursuant to the direction of the Court, hearing upon, consideration and determination of defendant's said motion for more definite statement and motion to separately state and number causes of Action was postponed and deferred until the hearing upon, consideration and determination of defendant's said motion to dismiss, which motion to dismiss was on the bround and for the reason that the amended complaint of the plaintiff herein 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, United States of America, 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 said Motion for a More definite statement and said Motion to separately state and number alleged causes of action herein.

DATED this 7th day of June, 1939.

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

APPROVED: Service of copy acknowledged:

H. R. YOUNG  
 Attorneys for Plaintiff, United States of America.

JOHN R. RAMSEY By G  
B. W. GRIFFITH  
 Attorneys for Defendant, The Texas Company.

ENDORSED: Filed Aug 3 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

UNITED STATES OF AMERICA,	Plaintiff,	)
		)
-vs-		) No. 2574 Law.
		)
THE TEXAS 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 its order herein sustaining the motion of the defendant, The Texas Company, a corporation, to dismiss this cause and 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, defendant, and in Cause No. 2570 Law, entitled, United States of America, Plaintiff, vs. Stanolind Crude Oil Purchasing Company, a corporation, defendant, and in Cause No. 1171, Equity, entitled, United States of America, Plaintiff, vs. Gulf Oil Corporation, a corporation, defendant, all pending in this Court, and that the plaintiff in said case intends to prosecute an appeal from said orders in said last three mentioned causes, to the United States Circuit Court of Appeals for the Tenth Circuit, and that said appeals may have a bearing upon or 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 this cause allowed to remain pending herein on the defendant's consolidated motion hereinafter referred to until the determination of the aforesaid three appeals;





of the defendant more definite statement and motion to dismiss the amended complaint of the plaintiff until after the final determination of the appeal in said cause No. 2570 Law.

DATED this 31st day of July, 1939.

F. E. KENNA MER  
JUDGE

APPROVED: SERVICE OF COPY ACKNOWLEDGED:  
H. R. YOUNG  
Attorneys for the plaintiff

ALVIN F. MALONEY  
Attorneys for the defendant

ENDORSED: Filed Aug 3 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

GLADYS MOORE, )  
Plaintiff, )  
vs ) No. 106  
MISSOURI KANSAS & TEXAS RAILROAD, A )  
Corporation, )  
Defendant. )

ASSIGNMENT

WHEREAS, on the twenty-fifth day of January, 1939, Roy V. Lewis, Attorney at Law, of Tulsa, Oklahoma, entered into a contingent fee contract with Gladys Moore and F. F. Moore, by the terms of which said Roy V. Lewis was to receive one-half of any judgment recovered on account of a cause of action occurring on the twenty-fourth day of January, 1939, in which Gladys Moore sustained injuries by the alleged negligence of the Missouri Kansas & Texas Railroad Company, a corporation, and, whereas, on the twenty-first day of June, 1939, in the above entitled cause of action, plaintiff recovered judgment of and from said Missouri Kansas & Texas Railroad Company for the sum of \$40,000.00, and, whereas, said Roy V. Lewis is at this time the owner of two-thirds of one-half of such judgment, now, therefore, in consideration of the sum of \$1.00 and other good and valuable considerations, including the services of Robert W. Gibbs, Attorney at Law, of Tulsa County, Oklahoma, in the further conducting of said litigation, the said Roy V. Lewis does hereby assign, transfer, and set over to the said Robert W. Gibbs the sum of \$2,000.00 of the amount now due him under his contract of employment in the above entitled cause, which particular sum of money is protected by attorney's lien filed in the United States District Court for the Northern District of the State of Oklahoma.

ROY V. LEWIS

WITNESS: DOROTHY SPAHN

STATE OF OKLAHOMA )  
COUNTY OF TULSA ) SS

Before me, the undersigned, a notary public in and for said County and State on this third day of August, 1939, personally appeared R. V. Lewis, to me well known to be the identical person who executed the within foregoing instrument and acknowledged to me that he executed the same

SPECIAL MARCH 1939 TERM

DISTRICT OF OKLAHOMA  
TULSA, OKLAHOMA

THURSDAY, AUGUST 3, 1939

as his free and voluntary act and deed for the use and purposes therein set forth.

In witness whereof, I have hereunto affixed my hand and official seal the day and year last above written.

CLARENCE CAMPBELL  
Notary Public

(SEAL)

My Comm. Expires:  
4/11/41

ENDORSED: Filed Aug 3 1939  
H. P. Warfield, Clerk  
U. S. District Court H

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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

Now on this 3rd day of August, 1939, it is ordered by the Court that any and all persons, firms and corporations having unsecured claims against Builders' Supply Company, a corporation, defendant herein, shall file such claim, duly itemized and verified by the affidavit of the claimant, with J. M. Chandler, Receiver herein, at this office, 827 East Admiral Street, Tulsa, Oklahoma, on or before November 1, 1939.

It is further ordered that such Receiver shall give notice of this order by mailing a copy hereof to each creditor, as shown by the list of creditors in his possession, as Receiver, to the last known post office address, and also by publishing copy hereof for three successive weeks in the Tulsa Daily Legal News, a new paper published at Tulsa, Oklahoma, and unless so filed, such claims shall be barred unless otherwise ordered by this Court.

F. E. KENAMER  
JUDGE

ENDORSED: Filed Aug 3 1939  
H. P. Warfield, Clerk  
U. S. District Court ME

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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 5th day of September, 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 said notice as the Judge of this Court may prescribed, to such defendants.

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

ENDORSED: Filed Aug 3 1939  
 H. P. Warfield, Clerk  
 U. S. District Court B

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

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

ORDER AUTHORIZING TRUSTEE TO SELL REAL ESTATE

On this 3rd day of August, 1939, upon the application of J. H. McBirney, Successor Trustee, for authority to sell real estate; and it appearing that J. H. McBirney, Successor Trustee, is the owner of title to the real estate hereinafter described; and it further appearing that the said trustee acquired said title by virtue of foreclosure proceedings instituted against S. W. Mitchell, Myra Mitchell, R. K. Hughes, Margaret C. Hughes, R. E. Owens, and Marie Owens, in cause No. 60274, District Court of Tulsa County, Oklahoma, wherein judgment in the amount of One Thousand Five Hundred Dollars (\$1,500.00) principal, One Thousand Two & 94/100 Dollars (\$1,002.94) interest, and Fifty Eight & 45/100 Dollars (\$58.45) advanced for insurance and taxes, plus an attorney's fee of One Hundred Fifty Dollars (\$150.00), was rendered, and in pursuance of which the said real estate hereinafter described was sold by virtue of the foreclosure of mortgage, and said real estate having been purchased by J. H. McBirney, Successor Trustee, judgment creditor, and the sum bid therefor being credited upon said judgment; and it further appearing that the said real estate stands at a cost in the amount of One Thousand Seven Hundred Forty Eight & 80/100 Dollars (\$1,748.80) to said trust; and it further appearing that the said real estate hereinafter described is improved by a one-story dwelling, single roof and cement block foundation, containing four rooms, with closets and bath; and it further appearing that the said trustee has an offer from Arthur B. Bertalot and Sylvia Bertalot, his wife, for the purchase of said real estate for the sum of One Thousand Five Hundred Dollars (\$1,500.00), payable Four Hundred Dollars (\$400.00) in cash, and the balance of One Thousand One Hundred Dollars (\$1,100.00) at the rate of Fifteen Dollars (\$15.00) per month on principal

and six per cent (6%) interest on the unpaid balance, payable monthly, all of said unpaid balance to be payable within two (2) Years, but purchasers to have the option to pay the entire unpaid balance at any time; and it further appearing that the said sum offered for the purchase of said real estate represents the fair and reasonable value of said real estate; that the said trustee has not received a higher or better offer for said real estate, and it further appearing that the said sale of said real estate was arranged by the North Syde Realty Company, real estate brokers, who are entitled to compensation for their said services; and that said Seventy Five Dollars (\$75.00) is reasonable compensation for said services; and it further appearing that the members of the Advisory Committee, appointed and designated by this court, upon whom notice of proposed sales of real estate shall be given, and who shall counsel and advise with said trustee with respect to said sales, have been duly notified of the offer for the purchase of said real estate, and have considered the same, and have approved the said offer and recommended that the said trustee sell said real estate for said consideration and upon said terms; and it further appearing that said trust estate is in liquidation and that it is to the best interest of said trust to sell said real estate for said consideration and upon said terms, and that the said trustee has recommended the sale of said real estate for said consideration and upon said terms, and for other good cause,

IT IS ORDERED that J. H. McBirney, Successor Trustee, be and he is hereby authorized to sell to Arthur B. Bertalot and Sylvia Bertalot, his wife, the following described real estate, to-wit:

Lot Eight (8) in Block Seven (7) in Meadowbrook Second Addition to Tulsa, Oklahoma, the same being a re-subdivision of all of Blocks Six (6) and Seven (7), Acre Gardens Addition to Tulsa, Oklahoma, according to the recorded plat thereof,

for the sum of One Thousand Five Hundred Dollars (\$1500.00), payable Four Hundred Dollars (\$400.00) in cash upon the delivery of deed, and the balance of One Thousand One Hundred Dollars (\$1,100.00) at the rate of Fifteen Dollars (\$15.00) per month upon the unpaid principal, and six per cent (6%) interest on the unpaid balance, payable monthly, all of said unpaid balance to become due within two (2) years, but the purchasers to have the option to pay the entire unpaid balance at any time.

IT IS FURTHER ORDERED that the sale of said real estate above described, by J. H. McBirney, Successor Trustee, to Arthur B. Bertalot and Sylvia Bertalot, his wife, be and the same is hereby ratified, confirmed and approved.

IT IS FURTHER ORDERED that J. H. McBirney, Successor Trustee, execute and deliver to Arthur B. Bertalot and Sylvia Bertalot, his wife, trustee's special warranty deed, transferring and conveying said real estate above described, upon receipt by him of the sum of Four Hundred Dollars (\$400.00) and note evidencing indebtedness of One Thousand One Hundred Dollars (\$1,100.00) payable as above described, and first and prior real estate mortgage covering the real estate above described, securing said note.

IT IS FURTHER ORDERED that J. H. McBirney, Successor Trustee, be and he is hereby authorized to pay to North Syde Realty Company the sum of Seventy Five Dollars (\$75.00) as commission for the sale of said real estate, upon completion of said sale.

F. E. KENNAMER

United States District Judge

ENDORSED: Filed Aug 3 1939  
H. P. Warfield, Clerk  
U. S. District Court H

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Court adjourned to August 4, 1939

On this 4th 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:

MISCELLANEOUS - DESIGNATION OF JUDGES.

UNITED STATES OF AMERICA TENTH JUDICIAL CIRCUIT

In my judgment the public interest requires the designation and appointment of a Judge of this Circuit to hold and assist in holding the District Court of the United States for the Western District of Oklahoma, in place or in aid of the District Judges of that District:

I do, therefore, by these presents designate and appoint the Honorable Franklin E. Kennamer, United States District Judge for the Northern District of Oklahoma, to hold or assist in holding the District Court of the United States in and for the several divisions of the Western District of Oklahoma, at the time and places appointed by law for holding said Court, on and from August 2, 1939, until September 15, 1939, both inclusive, in place or in aid of the Honorable Edgar S. Vaught and the Honorable Alfred P. Murrah, United States District Judges for the said Western District of Oklahoma.

Witness my hand this 2nd day of August, A. D. 1939.

ROBERT E. LEWIS  
Senior Circuit Judge

ENDORSED: Filed Aug 4 1939  
H. P. Warfield, Clerk  
U. S. District Court

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Court adjourned to August 5, 1939

SPECIAL MARCH 1939 TERM

TULSA, OKLAHOMA

SATURDAY, AUGUST 5, 1939

On this 5th 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 the Matter of the Re-Appointment of Conciliation Commissioner for  
the Various Counties in the Northern District of  
Oklahoma

O R D E R

Now on this 5th day of August, A. D. 1939, the Court's attention being called to the fact that the appointment of J. Douglas Lane, as Conciliation Commissioner of Washington County having expired on this date, it is therefore

ORDERED that J. Douglas Lane be and he is hereby re-appointed Conciliation Commissioner of Washington 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 Aug 5 1939  
H. P. Warfield, Clerk  
U. S. District Court

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Court adjourned to August 7, 1939

SPECIAL MARCH 1939 TERM

TULSA, OKLAHOMA

MONDAY, AUGUST 7, 1939

On this 7th 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:

MISCELLANEOUS - ADMISSION TO BAR.

Now on this 7th day of August, A. D. 1939, it being made satisfactorily to appear that William L. Meyer is duly qualified for admission to the Bar of the Court, the oath prescribed by law is administered and said attorney is declared admitted to the Bar of the Court.

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

UNITED STATES OF AMERICA, PLAINTIFF, )  
VS. ) No. 140 - Civil  
GYPSY OIL COMPANY, a Corporation, Defendant. )

O R D E R

On this 7th day of August, 1939, on application of INGRAM D. HOOK and HENRY R. DUNCAN and for good cause, it is

ORDERED that said INGRAM D. HOOK and HENRY R. DUNCAN be, and they are hereby, authorized to appear of counsel herein, and as attorneys for the Osage Tribe of Indians.

F. E. KENNAMER  
JUDGE

ENDORSED: Filed Aug 8 1939  
H. P. Warfield, Clerk  
U. S. District Court M

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

LOUIS KURTZ, Plaintiff, )  
vs. )  
JOE HODGES, MACK HITCHCOCK and ) No. 190 - Civil  
CASUALTY RECIPROCAL EXCHANGE, Defendants. )  
vs )  
WILCOX OIL & GAS CO., a corp., and )  
B. T. SCOTT, Defendants. )

ORDER BRINGING IN THIRD PARTY DEFENDANTS

NOW on this 7th day of August, 1939, this cause comes on to be heard on motion of the defendants Joe Hodges and Mack Hitchcock to bring in Third Party Defendants, and having considered said Motion the Court finds that Wilcox Oil & Gas Company, a corporation, and B. T. Scott should be made Third Party Defendants in said cause.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Wilcox Oil & Gas Company, a corporation, and B. T. Scott, be and they are hereby made Third Party defendants in said cause.

F. E. KENNAMER  
J U D G E

ENDORSED: Filed Aug 7 1939  
H. P. Warfield, Clerk  
U. S. District Court H

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

Emma M. Mercer, Administratrix of the )  
 Estate of W. R. Mercer, deceased, Plaintiff, )  
 vs ) No. 195  
 )  
 The Texas Company, a corporation, Defendant. )

ORDER EXTENDING TIME TO PLEAD

Now on this the 5th day of August, 1939, for good cause shown, it is hereby ordered that the defendant, The Texas Company, be and it is hereby allowed an extension of time to and including the 17th day of August, 1939, within which to file its pleading, motion or answer to the plaintiff's complaint on file herein.

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

Service of copy acknowledged. Aug 4, 1939  
B. A. HAMILTON  
 Attorney for Plaintiff,

BY Eben L. Taylor

ENDORSED: Filed Aug 7 1939  
 H. P. Warfield, Clerk  
 U. S. District Court DC

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

Lilia (Quapaw) Hanson, Plaintiff, )  
 vs. )  
 ) Civil Action No. 198.  
 )  
 Agnes Quapaw Hoffman, Jean Ann Quapaw )  
 Hoffman, an infant, Henry E. Hoffman, )  
 as Guardian of Jean Ann Quapaw Hoffman, )  
 an infant, and Henry E. Hoffman, )  
 Defendants. )

ORDER TO TAKE DEPOSITIONS BEFORE ANSWER FILED

Now on this 7th day of August, 1939, the above matter coming on to be considered on the application filed herein by Vern. E. Thompson, one of counsel for Defendants, for permission to take the deposition of A. Scott Thompson, a material witness in said case, in which application the defendants reserve all objections made to the jurisdiction of this Court, and for other grounds set forth in said Motion; and it appearing to the Court that there is good reason assigned in said Motion for the taking of the deposition of A. Scott Thompson, it is by the Court ordered that the Defendants in said cause be, and they are hereby, granted permission to take said deposition on Thursday, August 10th, 1939, at the office of Scott Thompson in Miami, Oklahoma.

This order made and entered on this 7th day of August, 1939.

ENDORSED: Filed Aug 8 1939  
 H. P. Warfield, Clerk  
 U. S. District Court ME

F. E. KENNAMER  
 JUDGE

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

Workers Alliance of America, Local C-110	)	
Through Their Officers and Executive Board	)	
Members; Fred Fuller, President, James E.	)	
McCraw, Vice President, Albert Floyd, Recording	)	
Secretary, Archie Potter, Financial Secretary	)	
Charles Bittle, Chairman of Grievance Committee	)	
Bill Hixon, Individually and as State	)	
Organizer of Workers Alliance of Oklahoma	)	No. 214 - Civil
Plaintiffs,	)	
	)	
J. M. Davis as Mayor of City of Claremore,	)	
Oklahoma, and Individually John Thurman,	)	
Chief Of Police and Individually H. Tom Kight,	)	
Jr. City Attorney of City of Claremore, and	)	
Individually City Council of Claremore, Oklahoma,	)	
Defendants.	)	

O R D E R

This cause coming on for hearing on application of the plaintiff for an order appointing special agent to serve summons in the case, it appearing to the court for good cause shown that such an order should be made.

It is therefore ordered, judged, and decreed that George Croom be and he is hereby appointed by this Court and given authority to serve summons in the above entitled cause.

F. E. KENNAMER  
District Judge

ENDORSED: Filed Aug 7 1939  
H. P. Warfield, Clerk  
U. S. District Court H

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Court adjourned to August 8, 1939

On this 8th 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:



be for the best interest of said receivership for the Court to make an order directing the Receivers to release said property and deliver the same to the intervener. The personal property on which intervener has a lien by virtue of said chattel mortgage is described as follows:

Oil well drilling tools consisting of stems, bits, jars, socket, elevators, spider and slips in sizes from 15" down to 5 3/16" tools including two boilers, two 12 x 12 steam engines, water pump, steam turbine, electric generators, all hand tools and accessories used in drilling wells, also tanks, control heads.

The above property located on Wilson Hopping Leases in Section 21, Township 12 North, Range 11 East in Okfuskee County, Oklahoma,

and said tools having been removed from said location to Tulsa County, and being now in possession of the Receivers. Said mortgage covers also one #2 National Machine complete with all attachments and drilling tools which was formerly located in Section 13, in Township 18 North of Range 11 in Creek County, but by order of the Court the National Machine has heretofore been released.

It is therefore, ORDERED, ADJUDGED and DECREED by the Court that the Petition in Intervention filed by Iverson Tool Company praying for possession of said machinery under its mortgage be and the same is hereby granted, and it is further ORDERED, ADJUDGED and DECREED by the Court that the said Receivers be and they are hereby authorized and directed to deliver to Iverson Tool Company, the intervener, all of said personal property which is now in the hands of said Receivers and take the receipt of Iverson Tool Company for said property showing the delivery thereon under the terms of this order.

F. E. KENNAMER

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

O.K: DUFF & MANATT

Attorneys for Intervener

ENDORSED: Filed Aug 8 1939  
H. P. Warfield, Clerk  
U. S. District Court H

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Court adjourned to August 10, 1939

SPECIAL MARCH 1939 TERM

TULSA, OKLAHOMA

THURSDAY, AUGUST 10, 1939

On this 10th day of August, 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:

MISCELLANEOUS

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

OATH OF OFFICE

I, John R. Miller, 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.

JOHN R. MILLER

Sworn to and subscribed before me this 8th day of August, 1939.

O. W. HARRIS  
Notary Public

(SEAL)

ENDORSED: Filed Aug 10 1939  
H. P. Warfield, Clerk  
U. S. District Court

-----  
FORM NO. 69

BOND OF CONCILIATION COMMISSIONER

Know all men by these presents: That we John R. Miller of Sapulpa, Oklahoma as principal, and Roy T. Wildman and L. O. Lytle, of Sapulpa, 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 8th day of August, A. D. 1939.

The condition of this obligation is such that whereas the said John R. Miller has been on the 2nd day of July, 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 Creek in said District:

Now, therefore, if the said John R. Miller 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:

JOHN R. MILLER (L.S.)  
ROY T. WILDMAN (L.S.)  
L. O. LYTLE (L.S.)

APPROVED, this 10th day of Aug., 1939.

F. E. KENNAMER  
DISTRICT JUDGE

ENDORSED: Filed Aug 10 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 Appointment of )  
 )  
Probation Clerk )

O R D E R

¶ hereby appoint ROBERTA SEATON of Tulsa, Oklahoma, Probation Clerk for the Northern  
Judicial District of the State of Oklahoma, for a period of one year, beginning August 14, 1939.

F. E. KENNAMER  
UNITED STATES DISTRICT JUDGE

ENDORSED: Filed Aug 10 1939  
H. P. Warfield, Clerk  
U. S. District Court

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

James Albert Wilkinson, a minor, by his )  
father and next friend, James Arthur )  
Wilkinson, Plaintiff, )  
 ) No. 137 Civil  
vs. )  
 )  
Fred A. Anderson, Defendant. )

J U D G M E N T

This cause coming on to be heard this the 10th day of August, 1939, the plaintiff  
being present by his father and next friend, James Arthur Wilkinson, and one of his attorneys,  
Ben L. Murdock, and the defendant being present by his attorney, Wilbur J. Holleman; the court  
having heard the statement of the respective attorneys and the evidence, finds that judgment should  
be entered in favor of the plaintiff and against the defendant for the sum of Fifteen Hundred  
Dollars (\$1,500.00).

IT IS THEREFORE CONSIDERED, ORDERED AND ADJUDGED by the court that the plaintiff have  
and recover judgment against the defendant Fred A. Anderson for the sum of \$1,500.00; for all of  
which let execution issue.

F. E. KENNAMER  
United States District Judge

8/10/39

Service acknowledged on us  
LEE CHAMBERS BEN L. MURDOCK  
Attorneys for Plaintiff

WILBUR J. HOLLEMAN, Atty for Defendant

ENDORSED: Filed Aug 10 1939  
H. P. Warfield, Clerk  
U. S. District Court ME

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

United States of America,	Plaintiff,	)	
		)	
vs.		)	No. 138 Civil
		)	
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.	)	

O R D E R

Now on this 10th day of August, 1939, this matter coming on before the Court on plaintiff's motion for an order permitting plaintiff to amend its petition for condemnation filed herein on May 9, 1939, and its amended petition for condemnation filed herein on July 24, 1939, and its judgment on declaration of taking filed on May 9, 1939, and its amended judgment on declaration of taking filed herein on July 24, 1939; and it appearing to the Court that the property involved in this cause is not sufficiently described in the above mentioned pleadings and that plaintiff should be allowed to further amend said pleadings;

IT IS THEREFORE THE ORDER OF THE COURT that plaintiff, the United States of America be, and hereby is granted leave to file a second amended petition for condemnation and a second amended judgment on declaration of taking in this cause of action.

F. E. KENNAMER  
JUDGE

O.K. as to form,  
SERVICE OF COPY ACKNOWLEDGED.  
WHIT Y. MAUZY  
Whit Y. Mauzy, United States Attorney

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

ENDORSED: Filed Aug 10 1939  
H. P. Warfield, Clerk  
U. S. District Court DC

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

Consolidated Cement Company,	Plaintiff,	)	
		)	
vs.		)	No. 201 Civil
		)	
Builders Supply Company,	Defendant.	)	

O R D E R

For good cause shown it is hereby ordered that the defendant Builders Supply Company be and it is hereby granted 20 days from the date of this order within which to prepare and serve answer to the petition of the plaintiff.

Dated at Tulsa, Oklahoma this 8th day of August, 1939.

ENDORSED: Filed Aug 19 1939

H. P. Warfield, Clerk, U. S. District Court

F. E. KENNAMER  
UNITED STATES DISTRICT JUDGE

Court adjourned to August 12, 1939



3. I. E. Nelson, Trustee, is the owner of the physical properties that were formerly of Sapulpa Gas Company for the use and benefit of the holders and owners of Five Per Cent Gold Bonds of Sapulpa Gas Company, but without franchise to operate the same in the City of Sapulpa and free of the burden of public service and rate schedules, by reason of the certain decree made and entered heretofore by this court in Action No. 1266 Equity. The court further finds that gas now being furnished the former customers of the Sapulpa Gas Company is being furnished by John F. Hayden, Trustee, under the orders of this court, and that such gas is being so furnished for the public convenience and necessity pending other connections by such customers with available gas service.

4. The court further finds that heretofore in Action No. 1266 Equity upon appropriate application it was adjudged and decreed that the said properties of Sapulpa Gas Company did not and could not be operated profitably as a going concern and accordingly the plaintiff trustee was granted permission to suspend service and dispose of the said properties as salvage material.

5. The court further finds that the plaintiff, I. E. Nelson, Trustee, has diligently sought a purchaser for the physical properties so held in trust by him and that the best and highest offer for the same was that of the defendant Oklahoma Natural Gas Company as of September 23, 1938 in the amount of One Hundred Eighty Thousand Dollars (\$180,000.00), for said properties free and clear of all lien or encumbrance and free of all burden of public service. The court further finds that the next highest offer for said properties was tendered at the Special Master's sale made and had in Action No. 1266 Equity and was that of L. B. Jackson, in the amount of Eighty Seven Thousand Dollars (\$87,000.00).

6. The court further finds that except as herein set forth said I. E. Nelson, Trustee, has never had or received any other bona fide offer for the purchase of said properties.

7. The court further finds that there is an actual controversy existing between the plaintiff and the defendants concerning the applicability to said sale of Section 8 of Article IX of the Constitution of Oklahoma, and other laws of the State of Oklahoma, and that by reason of said controversy the plaintiff and the defendant Oklahoma Natural Gas Company are prevented of consummation of their said sale without or unless the court shall declare the law with relation thereto.

8. The court further finds that if the plaintiff I. E. Nelson, Trustee, be prevented of consummation of his proposed sale to the defendant Oklahoma Natural Gas Company the said plaintiff and his beneficiaries will suffer loss in a sum in excess of Fifty Thousand Dollars (\$50,000.00).

Upon the foregoing findings of fact upon the evidence and arguments of counsel, the court concludes as a matter of law:

1. That this court has jurisdiction of the parties and of the subject of this action.

2. The court concludes that the defendant T. L. Blakemore is charged with no duty as City Attorney of the City of Sapulpa, and is without authority to invoke or enforce Section 8 of Article IX of the Constitution of the State of Oklahoma, and that this cause should be dismissed as to the said defendant T. L. Blakemore, City Attorney.

3. That the plaintiff, I. E. Nelson, Trustee, is entitled in this proceeding to have declaratory judgment entered defining and declaring the applicability of Section 8 of Article IX of the Constitution of the State of Oklahoma to the proposed sale of the properties involved herein to the defendant Oklahoma Natural Gas Company.

SPECIAL MARCH 1939 TERM

DISTRICT OF OKLAHOMA  
TULSA, OKLAHOMA

SATURDAY, AUGUST 12, 1939

4. The court concludes that neither Section 8 of Article IX or any other section or provision of the Constitution or any provision of the statutes of the State of Oklahoma apply to or prohibit the certain sale proposed to be made by the plaintiff to the Oklahoma Natural Gas Company.

IT IS THEREFORE BY THE COURT CONSIDERED, ORDERED AND ADJUDGED that this action be and the same is hereby dismissed as to the defendant T. L. Blakemore, City Attorney, and that said defendant have and recover his costs herein expended, to which judgment of the court the plaintiff duly excepts and the exception is noted.

IT IS FURTHER BY THE COURT CONSIDERED, ORDERED, ADJUDGED AND DECREED that Section 8 of Article IX of the Constitution of the State of Oklahoma is inapplicable to the certain sale of the physical properties formerly of Sapulpa Gas Company proposed to be made by I. E. Nelson, Trustee unto the defendant Oklahoma Natural Gas Company and that said sale by the plaintiff and purchased by the defendant Oklahoma Natural Gas Company is not prohibited thereby, and is in all things ratified, confirmed and approved by this court.

IT IS FURTHER ORDERED AND ADJUDGED as between all parties to this action that the purchase of said properties upon the terms set forth by the pleadings in this cause by Oklahoma Natural Gas Company is not prohibited by the said section and article of the Constitution of the State of Oklahoma, and will not violate the Constitution or any other law of the State of Oklahoma.

IT IS FURTHER ORDERED that each and every party to this action be and he is hereby forever enjoined and prohibited from hereafter questioning, challenging or inquiring into the validity of such sale when consummated and further from commencing, beginning or prosecuting any action at law or in equity to prevent or punish said sale or any party thereto upon account thereof, or to interfere with the possession and enjoyment of the properties so sold by the purchaser thereof. Exceptions to all defendants allowed.

Dated at Tulsa, Oklahoma this 10th day of August, 1939.

F. E. KENNAMER

United States District Judge

FORM OK SERVICE ACKNOWLEDGED  
HARRY O. GLASSER HARRY O. JANICKE  
Attorneys for Plaintiff

FORM OK: SERVICE ACKNOWLEDGED  
EVERETT S. COLLINS, County Attorney  
Creek County, Okla.

FORM OK: SERVICE ACKNOWLEDGED  
MAC Q. WILLIAMSON, Attorney General of Okla.

FORM OK: SERVICE ACKNOWLEDGED: I. J. UNDERWOOD, Atty for Oklahoma Natural Gas Co.

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

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

I. E. Nelson, et al,	Complainants,	)	
		)	
vs.		)	No. 1266 Equity
		)	
Sapulpa Gas Company, et al,	Respondents.	)	

O R D E R

This cause came on to be heard upon the petition of I. E. Nelson, Trustee, for approval of sale heretofore filed herein and upon consideration thereof it is hereby ordered that said I. E. Nelson, Trustee, forthwith execute and deliver his acceptance of the offer of Oklahoma Natural Gas Company to purchase the physical properties that were formerly of Sapulpa Gas Company and now held by I. E. Nelson, Trustee, exclusive of franchises, and free of burdens of public service, and further free and clear of all liens including taxes, costs and other charges heretofore accrued and accruing against said properties of whatsoever kind or nature for the sum of One Hundred Eighty Thousand Dollars (\$180,000.00) cash in hand upon completion of said sale and delivery of appropriate conveyance evidencing the same.

Said I. E. Nelson, Trustee, is further ordered altogether to cease the service and supply and gas to customers through the said properties within sixty (60) days after September 1, 1939 at such time as shall be convenient and upon and after at least thirty days notice in writing to each customer presently connected to the said lines and thereafter to proceed with all diligence and speed to make conveyance of each and every of the said properties to the said purchaser and to receive from him the consideration undertaken by said offer to be paid for the same.

Said I. E. Nelson, Trustee, is further ordered to make return of his proceedings under this order promptly upon compliance herewith and to return the consideration paid for said property to this court for distribution under the prior and further orders of this court made and entered herein.

It is further ordered that the purchaser of said properties, Oklahoma Natural Gas Company, promptly upon suspension of service pursuant to this order and transfer of the properties as directed herein, shall with reasonable diligence make available its regular utility service and facilities to any former customers of Sapulpa Gas Company, within the corporate limits of the City of Sapulpa, applying for the same in the manner and upon the conditions usually attendant upon connection of new customers to the service lines of said purchaser.

Dated at Tulsa, Oklahoma, this 10th day of August, 1939.

F. E. KENNAMER  
United States District Judge

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

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Court adjourned to August 14, 1939



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

United States of America,	)	
Petitioner for Condemnation,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. 138 Civil
	)	
Certain Parcels of Land in the Town of Drumright,	)	
County of Creek, State of Oklahoma, The Long-	)	
Bell Lumber Company, a Corporation organized	)	
under the laws of the State of Missouri,	)	
Edna I. Metz, et al,	)	
Defendants.	)	

SECOND AMENDED JUDGMENT ON DECLARATION OF TAKING

Now on this 14th day of August, 1939, this matter coming on before the Court, and it appearing to the Court that on May 9, 1939, the United States of America, petitioner for condemnation, filed its petition for condemnation of certain lands hereinafter described; and it further appearing to the Court that the United States of America has filed in this action a declaration of taking, and has deposited in the registry of the court a sum of money estimated by the acquiring authority to be a just compensation for the lands hereinafter described, in the sum of \$3,500.00;

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the fee simple title to the following described land is vested in the United States of America, to-wit:

PARCEL I: Beginning at a point being the intersection of the easterly side of Ohio Avenue with the northerly side of a 20-foot public alley; running thence in a northwardly direction along the easterly side of Ohio Avenue, a distance of 36.50 feet to a point being the southwesterly corner of lands now or formerly of W. D. Tharel, hereinafter described as Parcel II; thence in an eastwardly direction along the southerly side of said Parcel II, a distance of 125 feet to a point in the westerly side of a 20-foot public alley bounding the land on the east; thence in a southwardly direction along the westerly side of said 20 foot public alley, a distance of 36.50 feet to a point in the northerly side of the 20-foot public alley bounding the land on the south; thence in a westwardly direction along the northerly side of said public alley, on a line forming an interior angle of 89 degrees 49 minutes with the last-mentioned course, a distance of 125 feet to the point or place of beginning, the last course forming at the point of its intersection with the first course an interior angle of 90 degrees 11 minutes, being all of Lot 17 and the South 1.50 feet of Lot 16, Block 1, Fulkerson's Second Addition to the Town of Drumright, Oklahoma, as shown by plat "Land proposed to be acquired through condemnation proceedings as a Post Office site at Drumright, Oklahoma", blueprint of which is attached hereto and by reference

made a part hereof; together with the improvements thereon except the two-story frame building. . . . . \$2,500.00

PARCEL II: Beginning at a point in the easterly side of Ohio Avenue which point is distant northwardly 36.50 feet from the intersection of the easterly side of Ohio Avenue with the northerly side of a 20-foot public alley bounding the land on the south, and which point is thenorthwesterly corner of lands now or formerly of Edna I. and W. H. Metz, hereinbefore described as Parcel I; running thence in a Northwardly direction along the easterly side of Ohio Avenue a distance of 48.50 feet to a point in lands now or formerly of The Long Bell Lumber Company, hereinafter described as Parcel III; thence in an eastwardly direction along the southerly side of said Parcel III, on a line forming an interior angle of 89 degrees 49 minutes with the last mentioned course, a distance of 125 feet to a point in the westerly side of a 20-foot public alley bounding the land on the east; thence in a southwardly direction along the westerly side of said 20-foot public alley, on a line forming an interior angle of 90 degrees 11 minutes with the last-mentioned course, a distance of 48.50 feet to a point being the northeasterly corner of said Parcel I; thence in a westwardly direction along the northerly side of said Parcel I a distance of 125 feet to the point or place of beginning, being all of Lot 15 and the North 23.50 feet of Lot 16, Block 1, Fulkerson's Second Addition to the Town of Drumright, Oklahoma, as shown by plat "Land proposed to be acquired through condemnation proceedings as a Post Office site at Drumright, Oklahoma", blueprint of which is attached hereto and by reference made a part hereof; together with the improvements thereon . . . . . \$1,000.00

PARCEL III: Beginning at a point in the easterly side of Ohio Avenue which point is distant northwardly 85 feet from the intersection of the easterly side of Ohio Avenue with the northerly side of a 20-foot public alley bounding the site on the south, and which point is the northwesterly corner of lands now or formerly of W. D. Tharel, hereinbefore described as Parcel II; running thence in a northwardly direction along theeasterly side of Ohio Avenue a distance of 18 feet to a point in other lands of The Long- Bell Lumber Company;

thence in an eastwardly direction along other lands of The Long- Bell Lumber Company a distance of 125 feet to a point in the westerly side of a 20-foot public alley bounding the land on the east; thence in a southwardly direction along the westerly side of said 20-foot public alley a distance of 18 feet to a point, being the northeasterly corner of Parcel II aforesaid; thence in a westwardly direction along the northerly side of said Parcel II a distance of 125 feet to the point or place of beginning, being the South 18 feet of Lot 14, Block 1, Fulkerson's Second Addition to the Town of Drumright, Oklahoma, subject to the reservation of The Long-Bell Lumber Company, its successors and assigns, of all of the following described structures attached to the two-story building and two-story shed located on land of The Long-Bell Lumber Company north of the premises herein described;

(a). Roof of said building and shed, having a South eave 5 feet 9 inches in width at the West end thereof and 6 feet in width at the East end thereof, overhanging said 18-foot strip not more than 4 feet;

(b). Stair from ground to second story floor level of said building, 3 feet 9 inches in width over area 12 feet in length, on and overhanging said 18-foot strip not more than 1½ feet;

(c). Landing at second story floor level of building, 5 feet 4 inches in width by 10 feet in length, overhanging said 18-foot strip not more than 3 feet;

(d). Stair from ground to catwalk at second floor level of shed, 3 feet 3 inches in width, on and overhanging said 18-foot strip not more than 1 foot;

(e). Catwalk at and along second story floor level of shed, 4 feet 0 inches in width, overhanging said 18-foot strip not more than 2 feet;

(f). Loading platform at first floor level, 3 feet in width and 22 feet in length, on and over said 18-foot strip

not more than 1 foot;

as shown by plat "Land proposed to be acquired through condemnation proceedings as a Post Office site at Drumright, Oklahoma", blueprint of which is attached hereto and made a part hereof; and subject further to perpetual easements appurtenant to the lands of The Long- Bell Lumber Company, its successors and assigns, to use, maintain, repair, and replace the said existing structures and improvements on the land being acquired by the United States, and a fence to be hereafter erected to enclose the said premises, and for light, air and prospect, obstructed only by the existing structures and improvements and the fence to be so constructed or any renewals and/or replacements of said improvements, and to exclusively use the said premises as a passageway and for loading and unloading vehicles . . . . . Donation.

The sum of money estimated by the acquiring authority to be just compensation for the aforesaid land in this proceeding and hereby taken is \$3,500.00.

IT IS THE FURTHER JUDGMENT AND DECREE OF THE COURT that possession of the above described land be delivered to the United States of America on the 9th day of May, 1939.

IT IS THE FURTHER JUDGMENT OF THE COURT that notice of entry of this judgment, and as to the date provided therein for delivery of possession be served upon the defendants, Long-Bell Lumber Company, a Corporation, organized under the laws of the State of Missouri, and Edna I. Metz, by mailing a copy of said notice to said defendants.

F. E. KENNAMER  
JUDGE

O.K. AS TO FORM, SERVICE OF COPY ACKNOWLEDGED.  
WHIT Y. MAUZY  
United States Attorney

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

ENDORSED: Filed Aug 14 1939  
H. P. Warfield, Clerk  
U. S. District Court DC

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SPECIAL MARCH 1939 TERM

MONDAY, AUGUST 14, 1939

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

THE LINCOLN NATIONAL LIFE INSURANCE COMPANY,	)	
	Plaintiff,	)
vs.	)	No. 873 Equity
	)	)
EXCHANGE NATIONAL COMPANY,	Defendant.	)

ORDER AUTHORIZING ASSIGNMENT OF TAX CERTIFICATE

THIS CAUSE COMING on to be heard on this the 14th day of August, 1939, on the verified application of T. P. Farmer, as receiver of Exchange National Company, for an order authorizing the said receiver to assign a tax certificate covering lands in Cherokee County, Oklahoma, owned by a person by the name of McCreary, upon the payment to your receiver of the sum of \$25.00, and the Court having read said application and being fully advised in the premises, and finding that it has jurisdiction to entertain said application and enter an order thereon, finds that said application should be sustained.

IT IS, THEREFORE, BY THE COURT, ORDERED, ADJUDGED AND DECREED, that said application of T. P. Farmer, be and the same is hereby sustained, and the said T. P. Farmer, be and he is hereby directed, authorized and empowered to assign that certain tax certificate now held as one of the assets of the Exchange National Company covering lands in Cherokee County, to Mr. Ketcham, upon the payment to the said T. P. Farmer, as receiver of Exchange National Company, of the sum of \$25.00; and the said T. P. Farmer, as such receiver, be and he is hereby directed, authorized and empowered to do all other things necessary and proper in order fully and effectually to accomplish the letter and spirit of the application and this order.

F. E. KENNAMER  
United States District Judge

Service of the above waived this 14th day of August, 1939.

T. AUSTIN GAVIN  
Attorney for Receiver

ENDORSED: Filed Aug 14 1939  
H. P. Warfield, Clerk  
U. S. District Court DC

EAGLE OIL CO. A CORP.,	Plaintiff,	)
	)	)
-vs-	)	No. 1251 - Equity
	)	)
SINCLAIR PRAIRIE OIL CO. A CORP; ET AL,	Defendants.	)

Now on this 14th day of August, A. D. 1939, it is ordered by the Court that the Clerk file and spread of record the Mandate in the above cause, same being in words and figures as follows:

UNITED STATES OF AMERICA, ss:

THE PRESIDENT OF THE UNITED STATES OF AMERICA

(SEAL)

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

GREETING;

WHEREAS, lately in the District Court of the United States for the Northern District of Oklahoma, before you, or some of you in a cause between Eagle Oil Company, a corporation, et al., plaintiffs, and Sinclair Prairie Oil Company, a corporation, et al., defendants, Nos. 1251 Equity, the decree of the said district court in said cause, entered on October 3, 1938, was in the following words, viz:

\* \* \* \* \*

"Now, on this 3rd day of October, 1938, it is considered, ordered and decreed by the court, pursuant to said findings of fact and conclusions of law thereon, that the plaintiffs, Elda Audrey Haskell and Eagle Oil Company, take nothing by their respective petitions, and that their prays for relief be and each of them are hereby denied.

"It is further ordered, adjudged and decreed that the defendant Sinclair Prairie Oil Company has a good and valid oil and gas mining leasehold estate in and to

The south half of the southwest quarter and the south half of the northeast quarter of the southwest quarter of Section 10, Township 17 North, Range 12 East, Tulsa County, Oklahoma,

entitling it to operate the same for oil and gas mining purposes so long as the production of oil, gas, and casinghead gas, or either of them, therefrom is profitable, and that its title and estate, and its right to produce said products, or either of them, from said land so long as the same can be profitably produced be, and the same is hereby, quieted as against all claims of the said plaintiffs, and each of them, and the plaintiffs, Elda Audrey Haskell and Eagle Oil Company, and each of them, and any one claiming by, through or under them, or either of them, are hereby perpetually enjoined from in any manner interfering with the right of Sinclair Prairie Oil Company to operate said lands for oil, gas, and casinghead gas, so long as the same may be profitable."

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 Eagle Oil Company, a corporation, and Elda Audrey Haskell, 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 transcript of the record from the said district court and was argued by counsel.

On consideration whereof, it is now here ordered, adjudged and decreed by this court that the decree of the said district court in this cause be and the same is hereby affirmed; and that Sinclair Prairie Oil Company, a corporation, appellee, have and recover of and from Eagle Oil Company, a corporation, et al., appellants, its costs herein.

-- June 29, 1939.

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

SPECIAL MARCH 1939 TERM

MONDAY, AUGUST 14, 1939

WITNESS, the Honorable CHARLES E. HUGHES, Chief Justice of the United States, the 12th day of August, in the year of our Lord one thousand nine hundred and thirty-nine.

COSTS OF	Appellee:
Clerk,	\$Paid by appellants.
Printing Record,	\$None
Attorney,	\$20.00
	<u>\$20.00</u>

ALBERT TREGO  
Clerk of the United States Circuit Court of Appeals, Tenth Circuit

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

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Court adjourned to August 17, 1939

SPECIAL MARCH 1939 TERM

TULSA, OKLAHOMA

THURSDAY, AUGUST 17, 1939

On this 17th 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, out of District.

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

United States of America,	Plaintiff,	)	
		)	
vs.		)	No. 1215 Equity
		)	
Chas. A. Nichols, et al.,	Defendants.	)	

O R D E R

Now, on this 14th day of August, 1939, this matter coming on before the court on application of John P. Logan, Receiver herein, for an order of court authorizing him to pay for fire insurance on the building located on the land involved in the above-entitled action, and it being shown to the court that the insurance has expired on the said building and that it is necessary, for the protection of the parties hereto, that additional insurance be purchased for a period of one year at a cost not to exceed the sum of \$62.35.

IT IS THEREFORE ORDERED that John P. Logan, Receiver in this cause, be, and he hereby is, authorized to pay for fire insurance on the building located on the land involved in this cause of action, for a period of one year, the sum of \$62.35 from any funds said Receiver may have in his hands collected from the property involved herein.

F. E. KENNAMER  
JUDGE

ENDORSED: Filed Aug 17 1939  
H. P. Warfield, Clerk,  
U. S. District Court H

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Court adjourned to August 21, 1939

On this 21st day of August, A. D. 1939, the District Court of the United States for the Northern District of Oklanoma, sitting in Special March 1939 Term at Tulsa, met pursuant to adjournment, Hon. F. E. Kennamer, Judge, out of District.

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

Public proclamat ion 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

United States of America,	Petitioner,	)	
		)	
vs.		)	No. 143 - Civil
		)	
140 acres of land in Delaware County,		)	
State of Oklahoma; George B. Schwabe, et al.,		)	
	Respondents.	)	

ORDER APPOINTING COMMISSIONERS

On this 21st day of August, 1939, the above cause came on for hearing upon the Petition of the United States of America for an order appointing commissioners in said cause, and it appearing to the Court that the United States has the power to acquire by eminent domain the lands hereinafter described, in that the acquisition of said lands is necessary for the United States of America in carrying on for public purposes and uses the Delaware County Rehabilitation of Indians, Subsistence Farming Project of the Department of Agriculture, under and by virtue of Section 202, of Title 2 of the Emergency Relief Appropriation Act of 1935 (49 Stat. 115), and Executive Order No. 7027, issued pursuant thereto, all other Acts of Congress and Executive Orders supplementary and amendatory thereof and made in pursuance of said Acts of Congress and Executive Orders, and all other Acts of Congress and Executive Orders as more particularly set out in the petition filed herein.

Said lands are described as follows:

Tract No. 88a, the South Half ( $S\frac{1}{2}$ ) of the Southeast Quarter ( $SE\frac{1}{4}$ ) of the Northeast Quarter ( $NE\frac{1}{4}$ ), and the Northeast Quarter ( $NE\frac{1}{4}$ ) of the Southeast Quarter ( $SE\frac{1}{4}$ ) of the Northeast Quarter ( $NE\frac{1}{4}$ ) of Section 22, Township 21 North, Range 22 East of the Indian Meridian, containing 30 acres, more or less, situate in Delaware County, State of Oklahoma;

Tract No. 88b, the North Half ( $N\frac{1}{2}$ ) of the Northwest Quarter ( $NW\frac{1}{4}$ ) of the Northwest Quarter ( $NW\frac{1}{4}$ ), and the Southeast Quarter ( $SE\frac{1}{4}$ ) of the Northwest Quarter ( $NW\frac{1}{4}$ ) of the Northwest Quarter ( $NW\frac{1}{4}$ ), of Section Twenty-three (23), Township Twenty-One (21) North, Range Twenty-Two (22) East of the Indian Meridian, containing 30 acres, more or less, situate in Delaware County, State of Oklahoma;

Tract No. 88c, The Southeast Quarter ( $SE\frac{1}{4}$ ) of the Southeast Quarter ( $SE\frac{1}{4}$ ) of the Southeast Quarter ( $SE\frac{1}{4}$ ) of Section Twenty-four (24), Township Twenty-one (21) North, Range Twenty-two (22) East of the Indian Meridian, containing 10 acres, more or less, situate in Delaware County, State of Oklahoma;

Tract No. 88i, The Northwest Quarter (N W $\frac{1}{4}$ ) of the Southwest Quarter (SW $\frac{1}{4}$ ) of the Northwest Quarter (N W $\frac{1}{4}$ ) of Section Twenty-three (23), Township Twenty-one (21) North, Range Twenty-three (23) East of the Indian Meridian, containing 10 acres, more or less, situate in Delaware County, State of Oklahoma;

Tract No. 88m, The Southeast Quarter (SE $\frac{1}{4}$ ) of the Northwest Quarter (NW $\frac{1}{4}$ ) and the East Half (E $\frac{1}{2}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) of the Southwest Quarter (SW $\frac{1}{4}$ ) of Section Twenty-three (23), Township Twenty-One (21) North, Range Twenty-three (23) East of the Indian Meridian, containing 60 acres, more or less, situate in Delaware County, State of Oklahoma;

The petitioner has been unable to acquire said property by a private purchase and has heretofore instituted the above entitled proceedings for the taking of said lands by eminent domain. It further appears that all those persons who are now living and claim any interest in said lands adverse to the United States, and which persons are respondents in this proceeding, have been duly served according to law with notice of the hearing on the petition for the appointment of the commissioners. And it is proper at this time for the Court to enter his order appointing commissioners in this cause.

The Court finds that the respondents named in the petition filed herein are the heirs, administrators, successors, executors and assigns of the owners of said premises, and that these persons, named have certain interests in and to the properties involved herein.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that R. E. Crow, Lester Jordan and Lee Capehart disinterested freeholders of the County of Delaware, State of Oklahoma, and not interested in any like question, be, and they are hereby appointed as commissioners to inspect said real property hereinabove described, and consider the fair cash market value of the estate therein taken, and award such fair cash market value to the respondents in this cause as the former owners of said lands.

The estate taken for said public uses and purposes is the full fee simple title thereto, subject to and excepting all existing public roads, public utility easements and rights-of-way.

Said commissioners are hereby authorized, empowered, and directed to forthwith take the oath prescribed by law, and to immediately inspect said property and make their report as provided by law.

IT IS FURTHER ORDERED that two representatives of the joint respondents, and two representatives of the United States be allowed to be present with the said commissioners at the time the premises involved are viewed, for the sole purpose of answering any questions that may be asked said persons by the commissioners.

ALFRED P. MURRAH  
JUDGE

ENDORSED: Filed Aug 21 1939  
H. P. Warfield, Clerk  
U. S. District Court H

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Court adjourned to August 23, 1939



hearing upon the application of respondents and claimants, Geo. B. Schwabe and Delaware County, for distribution of the condemnation money heretofore deposited with the Clerk of this Court by the petitioner; and, upon examination of the files, and after hearing the evidence offered in support of the claims of said respondents, and being fully advised in the premises, the court finds:

That the United States of America has filed its petition herein seeking condemnation of the following described lands situated in the County of Delaware, State of Oklahoma, to-wit:

The  $S\frac{1}{2}$  of the  $SE\frac{1}{4}$  of the  $NE\frac{1}{4}$  and the  $N\frac{1}{2}$  of the  $SE\frac{1}{4}$  of the  $NW\frac{1}{4}$  of Section 22, Township 21 North, Range 22 East of the Indian Meridian;

The  $N\frac{1}{2}$  of the  $NW\frac{1}{4}$  of the  $NW\frac{1}{4}$  and the  $SE\frac{1}{4}$  of the  $NW\frac{1}{4}$  of the  $NW\frac{1}{4}$  of Section 23, Township 21 North, Range 22 East of the Indian Meridian;

The  $SE\frac{1}{4}$  of the  $SE\frac{1}{4}$  of the  $SE\frac{1}{4}$  of Section 24, Township 21 North, Range 22 East of the Indian Meridian;

The  $NW\frac{1}{4}$  of the  $SE\frac{1}{4}$  of the  $NW\frac{1}{4}$  of Section 23, Township 21 North, Range 23 East of the Indian Meridian;

The  $SE\frac{1}{4}$  of the  $NW\frac{1}{4}$  and the  $E\frac{1}{2}$  of the  $N\frac{1}{2}$  of the  $SW\frac{1}{4}$  of Section 23, Township 21 North, Range 23 East of the Indian Meridian.

That the United States of America, petitioner herein, heretofore deposited with the Clerk of this Court the sum of \$280.00 as condemnation money to be paid to the owners of the lands involved and claimants to the said funds. That the respondent Geo. B. Schwabe is the owner of the lands in question and entitled to distribution of the funds so deposited as condemnation money herein, less any valid claim thereto on the part of the County of Delaware, State of Oklahoma, for unpaid taxes against said lands. That the respondent Geo. B. Schwabe has filed herein his claim for said condemnation money and the respondent County of Delaware, State of Oklahoma, and the Board of County Commissioners and County Treasurer of the County of Delaware, State of Oklahoma, as joint respondents herein, have, through the duly elected, qualified and acting County Attorney of the County of Delaware, State of Oklahoma, entered their appearance herein and stipulated that said funds may be disbursed and distributed as follows:

To the County Treasurer of Delaware County, State of Oklahoma,	\$80.00
To respondent Geo. B. Schwabe,	200.00

The court further finds that said stipulation should be approved and an order of distribution of said funds made in accordance with the stipulation of the parties and particularly of the County of Delaware, State of Oklahoma, as set forth in said entry of appearance and stipulation of the County of Delaware, State of Oklahoma, duly filed herein.

It is therefore ordered, adjudged and decreed by the court that the condemnation money heretofore deposited in this cause with the Clerk of this Court by the United States of America, petitioner herein, be and the same hereby is ordered distributed and disbursed to the respondents as follows:

To the County Treasurer of Delaware County, Oklahoma, for and on behalf of the County of Delaware, State of Oklahoma, the sum of	\$80.00
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To Geo. B. Schwabe, the sum of 200.00

It is further ordered that the Clerk of this Court make distribution accordingly; and it is further ordered, adjudged and decreed that by reason of the law made and provided in such cases, the Clerk of this Court shall make no charge as compensation or poundage for handling and distribution of said funds.

It is further ordered, adjudged and decreed by the court that the County Treasurer of the County of Delaware, State of Oklahoma, be and he hereby is authorized, ordered and directed, pursuant to the resolution of the Board of County Commissioners of Delaware County, Oklahoma, adopted on the 7th day of August, 1939, and pursuant to the entry of appearance and stipulation hereinabove referred to and authorized to be filed herein on behalf of the County of Delaware, State of Oklahoma, to enter on his records in the office of the County Treasurer of the County of Delaware, State of Oklahoma, a proper notation of the cancellation of all the taxes, penalties, interest and costs that may appear on said record against or as liens upon the above described lands, and each and every part thereof.

F. E. KENNAMER
JUDGE

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

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

Grand River Dam Authority, a public corporation, Petitioner,

-vs-

Joseph S. Owsley, Ada M. Owsley, Harry Seaton, C. F. Tucker, Elsie B. Tucker, David E. Shartel, Joel Meadows, Perry Meadows, G. W. Hale, Earl Needham, Mrs. Earl Needham, J. W. Huss, Mrs. J. W. Huss, H. J. Allison, Jr., Joe Weaver, Annie L. Allison, H. J. Allison, G. W. Sharp, Nellie Sharp, Gilbert Jones, H. S. Rodecape, Pansy M. Cooper, nee Amos, A. L. Cooper, Commissioners of the Land Office of the State of Oklahoma, Board of County Commissioners of Delaware County, Oklahoma, T. H. Cantrell, Ella L. Cantrell, Bill Baker, The Shartel Mortgage Company, a corporation, Albert Handcock, Maile Lee Handcock, Charlotte B. Browning, J. E. Browning, A. N. Roberts, Cena Roberts, The Federal Land Bank of Wichita, Wichita, Kansas, a corporation, Land Bank Commissioner of Wichita, Wichita, Kansas, 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 of Wichita, Wichita, Kansas and Federal Farm Mortgage Corporation, a corporation, W. D. Phelps, Willie Wilson, and John Curtis, County Treasurer of Delaware County, Oklahoma, M. R. Schrantz and Lina E. Schrantz, Defendants.

CIVIL NO. 226

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

SPECIAL MARCH 1939 TERM

TULSA, OKLAHOMA

WEDNESDAY, AUGUST 23, 1939

NOW, on this the 23 day of August, 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 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 attorney 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 12th day of Sept., 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 services 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 said notice as the Judge of this Court may prescribe to such defendants.

F. E. KENNAMER

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

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

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

Grand River Dam Authority, a public corporation,	Petitioner,	)	
		)	
		)	CIVIL NO. 226
-vs-		)	
		)	
Joseph S. Owsley, et al.,	Defendants,	)	

ORDER AUTHORIZING PUBLICATION NOTICE

NOW, on this 23rd 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; Land Bank Commissioner of Wichita, Wichita, Kansas; 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 of Wichita, Wichita, Kansas, and Federal Farm Mortgage Corporation, a corporation; The Shartel Mortgage Company, a corporation; and David E. Shartel, 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 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 5th 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 free 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 of Wichita, Wichita, Kansas; 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 of Wichita, Wichita, Kansas, and Federal Farm Mortgage Corporation, a corporation; The Shartel Mortgage Company, a corporation; and David E. Shartel, are not within the State of Oklahoma, 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 of Wichita, Wichita, Kansas; 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 of Wichita, Wichita, Kansas, and Federal Farm Mortgage Corporation, a corporation; The Shartel Mortgage Company, a corporation; and David E. Shartel, by publication, 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 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

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

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

United States of America, Libelant, )  
 )  
vs. )  
 ) CIVIL FILE NO. 227  
One 1939 Model Standard Ford V-8 Coupe, )  
Motor No. 18-5,051,469, and )  
approximately 234 gallons of assorted )  
taxpaid intoxicating liquors seized )  
therein; Wayne C. Carroll, Claimant, )

ORDER FOR MONITION

Now on this 23 day of August, 1939, it appearing to the court that the said 1939 Model Standard Ford V-8 Coupe, Motor No. 18-5,051,469, with approximately Two Hundred Thirty-four (234) gallons of intoxicating liquors containing more than four per centum (4%) of alcohol by volume, was seized at a point in the northern portion of the City of Tulsa, in the vicinity of the residence of Wayne C. Carroll located at 1540 North Union Street, Tulsa, Oklahoma, in Osage County, Oklahoma, State of Oklahoma, Northern District of Oklahoma, and within the jurisdiction of this court, on August 4, 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 Wayne C. Carroll, 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, Wayne C. Carroll, 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 Wayne C. Carroll, 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 Aug 23 1939  
H. P. Warfield, Clerk  
U. S. District Court H

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

United States of America,	Libelant,	)	
		)	
vs.		)	CIVIL FILE NO. 228
		)	
One 1939 Model Ford DeLuxe Coupe,		)	
Motor No. 18-5,150,319 and Approximately		)	
150 Gallons of Assorted Taxpaid Liquors		)	
Seized Therein; Richard E. Blythe,	Claimant.	)	

ORDER FOR MONITION

Now on this 23 day of August, 1939, it appearing to the court that the said 1939 Model Ford DeLuxe Coupe, Motor No. 18-5,150,319 with approximately One Hundred Fifty (150) 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 two miles West of the City of Locust Grove, Mayes County, State of Oklahoma, Northern District of Oklahoma, and within the jurisdiction of this court, on August 8th 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 Richard E. Blythe, 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, Richard E. Blythe, 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 Richard E. Blythe, 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 Aug 23 1939  
H. P. Warfield, Clerk  
U. S. District Court H