

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

AURILLA CORBRAY WILLIAMS, Plaintiff,)
vs.) Civil Action File No. 180
SINCLAIR PRAIRIE OIL COMPANY, et al, Defendants.)

O R D E R

NOW on this 5th day of September, 1939, on plaintiff's motion, IT IS ORDERED that plaintiff be permitted to amend her complaint within fifteen days from this date and that in default of such amendment the action be dismissed.

IT IS FURTHER ORDERED that the defendants, Sinclair Prairie Oil Company and Gulf Oil Corporation, be granted leave to withdraw the motions to dismiss heretofore served and filed herein and to plead within ten days or answer within twenty days after service of plaintiff's amended complaint upon them.

F. E. KENNAMER
J U D G E

APPROVED: EDWARD H. CHANDLER
PAUL B. MASON
Attorney for Defendant,
Sinclair Prairie Oil Company

JAMES B. DIGGS, JR.
Attorney for Defendant, Gulf Oil Corporation

ENTERED: Filed Oct 4 1939
H. P. Warfield, Clerk
U. S. District Court E

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

AURILLA CORBRAY WILLIAMS, Plaintiff,)
vs.) Civil Action File No. 180
SINCLAIR PRAIRIE OIL COMPANY, ET AL., Defendants.)

O R D E R

NOW on this 4th day of October, 1939, plaintiff having filed her second amended complaint in this action and served the same on the defendants, Sinclair Prairie Oil Company and Gulf Oil Corporation,

IT IS ORDERED that the defendants, Sinclair Prairie Oil Company and Gulf Oil Corporation, be granted leave to withdraw the motions to dismiss and for a more definite statement heretofore served and filed herein and to plead to plaintiff's second amended complaint within ten days or answer within twenty days from this date.

F. EL KENNAMER
J U D G E

APPROVED: EDWARD H. CHANDLER
PAUL B. MASON
Attorney for Defendant,
Sinclair Prairie Oil Company

JAMES B. DIGGS, JR.
Attorney for Defendant,
Gulf Oil Corporation.

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

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

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

ORDER SUSTAINING MOTION TO DISMISS

Now on this 4th day of October, 1939, this matter comes on to be heard upon the motion to dismiss thirty party complaint; the third party plaintiffs, Joe Hodges and Mack Hitchcock, being present by their counsel, Green & Farmer and Robert J. Woolsey, and the third party defendants, Wilcox Oil & Gas Company, a corporation, and B. T. Scott, being present by their counsel, Hudson & Hudson and Norma Wheaton.

And the court having heard argument of counsel for both sides, and being fully advised in the premises, finds that the motion of the Wilcox Oil & Gas Company and B. T. Scott to dismiss third party complaint, should be sustained.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by this court that the motion of the Wilcox Oil & Gas Company and B. T. Scott to dismiss the third party complaint filed herein against them by Joe Hodges and Mack Hitchcock, be, and the same is hereby sustained.

To which ruling of this court the defendants, Joe Hodges & Mack Hitchcock then and there excepted, which exception was by the court allowed.

F. E. KENAMER
U. S. DISTRICT JUDGE

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

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

EMMA M. MERCER, Administratrix of the Estate of W. R. Mercer, deceased,	Plaintiff,)	
)	
vs.		)	No. 195-Civil
)	
THE TEXAS COMPANY, a corporation,	Defendant.)	

O R D E R

Now on this 4th day of October, 1939, the above matters comes on for hearing on the motion of the defendant for a more definite statement; the plaintiff being present by her attorney, B. A. Hamilton; the defendant being present by its attorney, Fisher Ames, and it being stated in open court that by agreement the motion for a more definite statement be considered complied with, and Mr. Hamilton having agreed in open court to attach a copy of the final order of the State Industrial Commission to his amended complaint, and it being further agreed that the defendant should be considered to have filed a motion to dismiss and that that motion might therefore be presented, and the court having indicated its approval of that procedure, the matter was thereupon heard on the motion of the defendant to dismiss, and the court having heard the evidence of counsel and being fully advised in the premises, finds that the motion to dismiss as to the first cause of action should be overruled; that the motion to dismiss as to the second cause of action should be sustained and that the motion to dismiss as to the third cause of action should be overruled.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the motion of the defendant to dismiss as to the second cause of action should be and is sustained, with an exception allowed plaintiff, and that the motion to dismiss as to the first and third cause of action is overruled, with exceptions allowed to defendant.

IT IS FURTHER ORDERED that the defendant shall be granted to and including October 24, 1939 to answer.

F. E. KENNAMEY
(F.E. Kennamer)
United States District Judge

OK FISHER AMES, Atty for Defendant
OK B. A. HAMILTON, Attorney for Plaintiff

ENDORSED: Filed Oct 9 1939
H. P. Warfield, Clerk
U. S. District Court B

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

Lilla (Quapaw) Hanson,)
 Plaintiff,)
)
 vs.)
)
 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.)

Civil Action File No. 198

D E C R E E

This cause came on to be heard in this court on the complaint of the plaintiff and the motion to dismiss of the defendants. The plaintiff appeared by Dick Rice, her attorney, and the defendants appeared by Vern. E. Thompson and Loyd E. Roberts, comprising the law firm of Thompson and Roberts, and Byron B. Hoffman, their attorneys. The cause was argued by counsel, and briefs were submitted by both sides.

Now on this 4th day of October, 1939, the matter coming on for final determination, upon the consideration of said complaint, the motion to dismiss, and the arguments of briefs of the counsel, the court finds that:

As to the admittedly restricted allotment and restricted lands inherited by the deceased, Benjamin Quapaw, and the proceeds therefrom under the supervision of the Secretary of the Interior, and all questions as to the validity of the last will and testament of the said Benjamin Quapaw, and the actions and proceedings of the Secretary of the Interior thereunder, including the approval of the said last will and testament of the said Benjamin Quapaw, and the administration of the restricted estate involved therein by the Secretary of the Interior including all royalties received therefrom, and originally under the control or over which the Secretary of the Interior subsequently assumed control, and all questions involving heirship, and all matters and things in said complaint alleged and incident thereto are matters within the exclusive jurisdiction of the Secretary of the Interior, over which this court has no jurisdiction under the issues presented herein.

It is therefore ordered, adjudged and decreed that the first ground of defendants' motion to dismiss this cause for the reason that this court has no jurisdiction of the subject matter thereof is herein sustained and said cause as to all said matters and things is dismissed, to which ruling of the court the plaintiff is allowed an exception.

The court finds that it affirmatively appears from the petition filed herein that the real estate described as the Kansas and Oklahoma properties were all purchased from royalties received by Benjamin Quapaw, a restricted and incompetent Quapaw Indian, from his allotment and restricted Quapaw inherited estates, and held by him under restrictions, and that on the 31st day of December, 1917, and prior to the making of his last will and testament on the 28th day of October, 1924, the Secretary of the Interior declared him incompetent under the Act of Congress of June 7, 1897 (30 Stats. L. 62-72), and that thereafter, the entire supervision of his said property affairs had been legally assumed by the Secretary of the Interior under this court's interpretation of said Act of Congress, and the inherent authority of the Secretary of the Interior appertaining thereto, and that all his investments in said property, while in his possession or in the possession of his estate, and the beneficiaries under his last will and testament, were still held under Federal restrictions and subject to the supervision and control of the Secretary of the Interior, and that for that reason this court has no jurisdiction over said property, and that jurisdiction thereover vests solely in the Secretary of the Interior, and that said complaint as to all of said property should be dismissed, and that the first ground of defendant's motion to dismiss should be and the same is hereby sustained as to said property, and it is accordingly considered, ordered and decreed that said cause should be and the same hereby is dismissed for lack of jurisdiction thereover.

IT IS ORDERED that C. T. Thompson, Trustee, be, and he is hereby directed by this Court to perfect and prosecute an appeal of said cause to the Supreme Court of Oklahoma.

F. E. KENNAMER
JUDGE

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

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

ANNA B. BLAKE,	Plaintiff,)	
)	
-versus-)	
		)	No. 212 Civil
WHEATLEY BROTHERS PUMP & VALVE)	
MANUFACTURERS, a corporation,)	
and FRANK WHEATLEY,	Defendants.)	

JOURNAL ENTRY

On this 4th day of October, 1939, there coming on for hearing the motion of plaintiff for further and better statement in the answer of the defendants, and both parties appearing by their attorneys of record, the court, being sufficiently advised in the premises, upon due consideration thereof finds that said motion should be overruled in part and sustained in part.

It is ordered that defendants set out in their answer whether or not the gate and check valve manufactured as referred to in paragraph 4 of said answer is patented; and if so the date thereof, and that the number of the letters patent be set out; and that defendants be further required to state, in connection with paragraph 5 of their answer, the reasons, if any, why the contract referred to in plaintiff's bill of complaint as Exhibit "A" is not in full force and effect at all the times referred to in said bill of complaint. Said motion is otherwise overruled, to which ruling of the court the plaintiff and the defendants both except and exceptions are allowed.

It is ordered that defendants have and they are given ten days from this date in which to file amended answer.

F. E. KENNAMER
JUDGE

APPROVED: MARVIN T. JOHNSON & MARION BLAKE
Attorneys for Plaintiff.

S. J. CLENDINNING
Attorney for Defendants.

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

trustee sell said real estate for said sum; and it further appearing that the said trust is in liquidation, and it is to the best interest of said trust and its beneficiaries that said real estate be sold; and it further appearing that the said trustee has recommended the sale of said real estate for said consideration; and it further appearing that one W. H. Maudlin, a real estate broker in the City of Tulsa, arranged the sale of said real estate and is entitled to compensation therefor, and that five per cent (5%) of the said purchase price is reasonable compensation for said services, and for other good cause,

IT IS ORDERED that J. H. McBirney, Successor Trustee, be and he is hereby authorized to sell to James N. Woodard the real estate described as follows, to-wit:

The North Forty-five (45) feet of the West Half ($W\frac{1}{2}$) of Lot Eleven (11), and the North Forty-five (45) feet of Lots Twelve (12), Thirteen (13), Fourteen (14), and Fifteen (15), of Block Three (3) of Tulsa Square Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof,

for the sum of Three Thousand One Hundred Fifty Dollars (\$3,150.00), which sum shall be payable upon delivery of deed.

IT IS FURTHER ORDERED that J. H. McBirney, Successor Trustee, be and he is hereby authorized to deliver to James N. Woodard a Trustee's special warranty deed, transferring and conveying the above described real estate to James N. Woodard, upon payment of said sum of Three Thousand and One Hundred Fifty Dollars (\$3,150.00).

IT IS FURTHER ORDERED that the sale by J. H. McBirney, Successor Trustee, of the real estate above described, to James N. Woodard, for the sum of Three Thousand One Hundred Fifty Dollars, (\$3,150.00), be and the same is hereby ratified, approved and confirmed.

IT IS FURTHER ORDERED that J. H. McBirney, Successor Trustee, be and he is hereby authorized to pay seventy-five per cent (75%) of the ad valorem taxes levied and assessed for the year 1939 against the real estate and improvements above described, and that all rentals from the premises above described, from and after October 1, 1939, be payable to the said purchaser.

IT IS FURTHER ORDERED that J. H. McBirney, Successor Trustee, be and he is hereby authorized to pay to W. H. Maudlin a real estate brokerage commission of One Hundred Fifty Seven & 50/100 Dollars (\$157.50), being five per cent (5%) upon the purchase price of said real estate, as compensation in full for his services as real estate broker in arranging the sale of said real estate.

F. E. KENNAMER

United States District Judge.

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

Court adjourned to October 9, 1939

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

Grand River Dam Authority, a public corporation,	Petitioner,)	
		)	No. 211 - Civil
VS.)	
)	
J. L. Going, et al.,	Respondents.)	

JUDGMENT

It is therefore ordered, adjudged and decreed by the court that the respondents' motion to dismiss for want of jurisdiction be and the same is overruled and denied.

F. E. KENNAMER
JUDGE

ENDORSED: Filed Oct 9 1939
H. P. Warfield, Clerk
U. S. District Court E

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

Grand River Dam Authority, a public corporation,	Petitioner,)	
		)	No. 226 - Civil
vs.)	
)	
Joseph S. Owsley, et al.,	Respondents.)	

JUDGMENT

It is therefore ordered, adjudged and decreed by the court that the respondents' motion to dismiss for want of jurisdiction be and the same is overruled and denied.

F. E. KENNAMER
JUDGE

ENDORSED: Filed Oct 9 1939
H. P. Warfield, Clerk
U. S. District Court E

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

Grand River Dam Authority, a public corporation,	Petitioner,)	
		)	No. 232 - Civil
vs.)	
)	
L. L. Browning, et al.,	Respondents.)	

JUDGMENT

It is therefore ordered, adjudged and decreed by the court that the respondents'

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motion to dismiss for want of jurisdiction be and the same is overruled and denied.

F. E. KENNAMER
JUDGE

ENDORSED: Filed Oct 9 1939
H. P. Warfield, Clerk
U. S. District Court E

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

Grand River Dam Authority, a public corporation,	Petitioner,)	
		)	Civil No. 244.
vs.)	
E. E. Hinds, et al.,	Defendants.)	

ORDER APPOINTING COMMISSIONERS

Now on this 9 day of October, 1939, comes on for hearing petitioner's application as embodied in its petition for condemnation, for an order appointing commissioners to ascertain the injury and assess the damages sustained by the above named defendants by the appropriation of their lands for the uses and purposes set out and described in said petition.

The Court having examined the files in said cause and being well and sufficiently advised in the premises, finds:

THAT notice of hearing said application has been given in the manner and form, for the length of time, and in all respects as required by law;

THAT petitioner is a public corporation organized under laws of the State of Oklahoma for the uses and purposes and to perform the duties and functions as alleged in its petition and it is necessary that it acquire, and it has the right to acquire, the absolute, unencumbered, entire fee simple title of the real estate described in said petition for the purposes therein stated.

THAT the real estate to be appropriated, the fee simple title to which petitioner must acquire in this action, is the following, situated in Delaware County, Oklahoma, to-wit:

TRACT NO. 1 - 3 GR-D 74

All the following described land situated in Delaware County, Oklahoma, to-wit:

The S $\frac{1}{2}$ NE $\frac{1}{4}$ of Sec. 7, containing 80.0 acres, more or less; and that part of the N $\frac{1}{2}$ SE $\frac{1}{4}$ of Sec. 7 particularly described as follows, to-wit:

Beginning at the SW corner of said N $\frac{1}{2}$ SE $\frac{1}{4}$, thence Northerly along the West boundary of said N $\frac{1}{2}$ SE $\frac{1}{4}$ to the NW corner thereof; thence Easterly along the North boundary of said N $\frac{1}{2}$ SE $\frac{1}{4}$ to the NE corner thereof; thence Southerly along the East boundary of said N $\frac{1}{2}$ SE $\frac{1}{4}$ to the SE corner thereof; thence S. 89° 54' W. along the South boundary of said N $\frac{1}{2}$ SE $\frac{1}{4}$ a distance of 538.7 feet; thence N. 9° 00' E. 317.1 feet; thence N. 0° 55'

E. 260.3 feet; thence N. 36° 20' W. 152.1 feet; thence N. 83° 28' W. 146.9 feet; thence S. 56° 34' W. 233.6 feet; thence S. 34° 06' W. 233.6 feet; thence S. 39° 55' W. 214.2 feet; thence S. 12° 03' E. 232.5 feet to a point in the South boundary of said N $\frac{1}{2}$ SE $\frac{1}{4}$ and 1185.9 feet West of the SE corner thereof; thence S. 89° 54' W. 1496.3 feet to the point of beginning, containing 71.3 acres, more or less;

All in T 23 N - R 22 E of the Indian Base and Meridian; the whole tract containing in all 151.3 acres, more or less.

SAID TRACT NO. 1, containing in all 151.3 acres, more or less.

TRACT no. 2 - GR-D 419
17 - GR-D 773

All that certain tract of land situated in Delaware County, Oklahoma, described as follows, to-wit:

The E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ and the E $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 24, T. 24 N - R 22 E of the Indian Base and Meridian, containing forty (40.0) acres, more or less,

AND

All the following described land situated in Delaware County, Oklahoma, to-wit:

The West 19.30 acres of Lot 1, Sec. 19; and all that part of the West 19.61 acres of Lot 2, the SE 10.0 acres of Lot 2, and Lot 3, of Sec. 19, particularly described as follows, to-wit:

Beginning at the NE corner of said West 19.61 acres of Lot 2, thence Easterly along the North boundary of said West 19.61 acres of Lot 2 to the NE corner thereof; thence Southerly along the East boundary of said West 19.61 acres of Lot 2 to the NW corner of said SE 10.0 acres of Lot 2; thence S. 89° 38' E. along the North boundary of said SE 10.0 acres of Lot 2 a distance of 131.4 feet to a point 528.3 feet West of the NE corner thereof; thence S. 5° 13' E. 32.9 feet; thence S. 79° 28' W. 285.5 feet; thence S. 5° 02' W. 255.8 feet; thence S. 7° 21' W. 238.0 feet; thence S. 7° 37' W. 189.0 feet; thence S. 0° 21' W. 190.5 feet; thence S. 7° 26' W. 246.4 feet; thence N. 41° 36' W. 435.0 feet; thence N. 11° 24' E. 245.3 feet; thence S. 37° 40' W. 249.8 feet to a point in the West boundary of said Lot 3 and 1144.6 feet North of the SW corner thereof; thence N. 0° 14' E. along the West boundary of said Lot 3 and Lot 2 a distance of 1494.8 feet to the point of beginning, containing 20.44 acres, more or less;

All in T 24 N - R 23 E of the Indian Base and Meridian; the whole tract containing in all 39.74 acres, more or less.

SAID TRACT NO. 2, containing a total of 79.74 acres, more or less.

TRACT NO. 3 - 10 GR-D 491
17 GR-D 770

All that certain tract of land situated in Delaware County, Oklahoma, described as follows, to-wit:

The $W\frac{1}{2}$ $NE\frac{1}{4}$ $NE\frac{1}{4}$ and the $SE\frac{1}{4}$ $NE\frac{1}{4}$ of Sec. 13, T. 24 N - R. 22 E of the Indian Base and Meridian, containing sixty (60.0) acres, more or less;

AND

All that certain tract of land situated in Delaware County, Oklahoma, described as follows, to-wit:

Lot 4 and the West 19.24 acres of Lot 3, Sec. 18, T. 24 N - R. 23 E of the Indian Base and Meridian, containing fifty eight and forty-one one hundredths (58.41) acres, more or less.

SAID TRACT NO. 3, containing a total of 118.41 acres, more or less.

TRACT NO. 4 - 10 GR-D 469
11 GR-D 530
11 GR-D 531

All that certain tract of land situated in Delaware County, Oklahoma, described as follows, to-wit:

The $NW\frac{1}{4}$ $NW\frac{1}{4}$ of Sec. 12, T. 24 N - R. 22 E of the Indian Base and Meridian, containing forty (40.0) acres, more or less;

AND

All that certain tract of land situated in Delaware County, Oklahoma, described as follows, to-wit:

The $SW\frac{1}{4}$ $SW\frac{1}{4}$ of Sec. 1, T. 24 N - R. 22 E of the Indian Base and Meridian, containing forty (40.0) acres, more or less;

AND

All that certain tract of land situated in Delaware County, Oklahoma, described as follows, to-wit:

The $S\frac{1}{2}$ $NW\frac{1}{4}$ $SW\frac{1}{4}$ of Sec. 1, T. 24 N - R. 22 E of the Indian Base and Meridian, containing twenty (20.0) acres, more or less.

SAID TRACT NO. 4 containing a total of one hundred (100.0) acres, more or less.

TRACT NO. 5. - 24 GR-D 1275

24 GR-D 1278

29 GR-D 1546

Two tracts of land, all lying the N. E $\frac{1}{4}$ NW $\frac{1}{4}$ and N $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ and the SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 36, T 25 N - R 23 E, Delaware County, Oklahoma, more particularly described as follows:

TRACT A:

Beginning at the NE corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, thence S. 0° 07' E. along the East boundary of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, and the N $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, a distance of 974.2 feet; thence N. 81° 56' W. 172.6 feet; thence S. 88° 09' W. 120.0 feet; thence N. 52° 43' W. 128.2 feet; thence N. 66° 21' W. 276.2 feet; thence N. 76° 19' W. 321.0 feet; thence S. 86° 23' W. 76.0 feet; thence N. 44° 46' W. 52.3 feet to a point in the North boundary of the N $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$; thence S. 89° 51' E. along the North boundary of the N $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ a distance of 409.3 feet; to the SW corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$; thence northerly along the West boundary of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ to the NW corner thereof; thence Easterly along the North boundary of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ to the point of beginning, containing 13.7 acres, more or less.

TRACT B:

Beginning at the NE corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$, thence S. 0° 07' E. along the East boundary of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ a distance of 1195.4 feet; thence N. 71° 16' W. 217.0 feet; thence N. 62° 21' W. 168.9 feet; thence N. 72° 08' W. 178.0 feet; thence N. 69° 16' W. 141.6 feet; thence N. 62° 26' W. 229.0 feet; thence N. 53° 55' W. 196.2 feet; thence N. 60° 27' W. 91.7 feet; thence N. 85° 49' W. 224.1 feet to a point in the West boundary of the NE $\frac{1}{4}$ NW $\frac{1}{4}$; thence N. 0° 08' W. along said West boundary a distance of 663.1 feet to the NW corner thereof; thence Easterly along the North boundary of the N E $\frac{1}{4}$ NW $\frac{1}{4}$ to the point of beginning, containing 27.1 acres, more or less.

AND

A tract of land, all lying the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 36, T 25 N - R 23 E, Delaware County, Oklahoma, more particularly described as follows:

Beginning at a point in the East boundary of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 140.0 feet South of the NE corner thereof; thence N. 21° 38' W. 54 feet; thence N. 56° 41' W. 155.4 feet; thence N. 13° 06' W. 4.9 feet to a point in the North boundary of the NE $\frac{1}{4}$ SE $\frac{1}{4}$; thence S. 89° 51' E. along said North boundary a distance of 149.2 feet to the NE corner thereof; thence S. 0° 06' E. along the East boundary of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ to the point of beginning, containing 0.2 acres, more or less;

AND

A tract of land, all lying in the West 19.70 acres of Lot 3

and the $N\frac{1}{2}$ of Lot 4, Sec. 31, T 25 N - R 24 E, Delaware County, Oklahoma, more particularly described as follows:

Beginning at the SE corner of the $N\frac{1}{2}$ of Lot 4, thence Northerly along the East boundary of the $N\frac{1}{2}$ of Lot 4 to the NE corner thereof; thence Westerly along the North boundary of the $N\frac{1}{2}$ of Lot 4 to the SE corner of the W. 19.70 acres of Lot 3; thence Northerly along the East boundary of the W. 19.70 acres of Lot 3 to the NE corner thereof; thence Westerly along the North boundary of the West 19.70 acres of Lot 3 to the NW corner thereof; thence S. $0^{\circ} 02' E.$ along the West boundary of the West 19.70 acres of Lot 3 a distance of 165.7 feet to a point 1809.7 feet North of the SW corner of the $N\frac{1}{2}$ of Lot 4; thence S. $48^{\circ} 48' E.$ 94.0 feet; thence S. $23^{\circ} 29' E.$ 189.1 feet; thence S. $1^{\circ} 31' W.$ 181.4 feet; thence S. $34^{\circ} 40' W.$ 216.0 feet; thence S. $3^{\circ} 25' E.$ 191.2 feet; thence S. $37^{\circ} 55' W.$ 46.3 feet to a point in the West boundary of the West 19.70 acres of Lot 3 and 987.4 feet South of the NW corner thereof; thence S. $0^{\circ} 02' E.$ along said West boundary a distance of 184.8 feet; thence S. $54^{\circ} 39' E.$ 291.7 feet; thence S. $55^{\circ} 49' W.$ 150.5 feet; thence S. $1^{\circ} 54' E.$ 209.5 feet; thence S. $66^{\circ} 14' E.$ 267.1 feet; thence N. $77^{\circ} 26' E.$ 505.7 feet; thence S. $10^{\circ} 50' E.$ 353.4 feet to a point in the South boundary of the $N\frac{1}{2}$ of Lot 4 and 924.3 feet East of the SW corner thereof; thence S. $89^{\circ} 44' E.$ along said South Boundary a distance of 392.4 feet to the point of beginning, containing 30.2 acres, more or less.

SAID TRACT NO. 5, containing a total of 71.12 acres, more or less.

TRACT NO. 6 - 27 GR-D 1449

All that part of the $E\frac{1}{2} NE\frac{1}{4} NW\frac{1}{4}$, and the $N\frac{1}{2} NE\frac{1}{4}$ of Sec. 18, T. 24 N - R 24 E of the Indian Base and Meridian, in Delaware County, Oklahoma, particularly described as follows, to-wit:

TRACT A:

Beginning at the SE corner of the $N\frac{1}{2} N E\frac{1}{4}$; thence Northerly along the East boundary of the $N\frac{1}{2} NE\frac{1}{4}$ to the NE corner thereof; thence Westerly along the North boundary of said $N\frac{1}{2} NE\frac{1}{4}$ to the NE corner of the $NW\frac{1}{4} NE\frac{1}{4} NE\frac{1}{4}$; thence Southerly along the East boundary of said $NW\frac{1}{4} NE\frac{1}{4} NE\frac{1}{4}$ to the SE corner thereof; thence Westerly along the South boundary of said $NW\frac{1}{4} NE\frac{1}{4} NE\frac{1}{4}$ to the SW corner thereof; thence Northerly along the West boundary of said $NW\frac{1}{4} NE\frac{1}{4} NE\frac{1}{4}$ to the NW corner thereof; thence Westerly along the North boundary of said $N\frac{1}{2} NE\frac{1}{4}$ and said $E\frac{1}{2} NE\frac{1}{4} NW\frac{1}{4}$ to the NW corner thereof; thence Southerly along the West boundary of said $E\frac{1}{2} NE\frac{1}{4} NW\frac{1}{4}$ to the SW corner thereof; thence Easterly along the South boundary of said $E\frac{1}{2} NE\frac{1}{4} NW\frac{1}{4}$ a distance of 245.0 feet to a point 416.8 feet West of the SE corner thereof; thence N. $16^{\circ} 06' E.$ 4.4 feet; thence N. $10^{\circ} 49' E.$ 186.9 feet; thence N. $27^{\circ} 32' E.$ 141.1 feet; thence N. $57^{\circ} 53' E.$ 112.8 feet; thence N. $80^{\circ} 27' E.$ 156.1 feet; thence S. $84^{\circ} 20' E.$ 174.9 feet; thence S. $69^{\circ} 57' E.$ 142.0 feet; thence S. $55^{\circ} 33' E.$ 157.1 feet; thence S. $41^{\circ} 09' E.$ 97.9 feet; thence S. $24^{\circ} 21' E.$ 90.7 feet; thence S. $2^{\circ} 33' E.$ 77.0 feet; to a point in the South boundary of the $N\frac{1}{2} NE\frac{1}{4}$ and 476.6 feet East of the SW corner thereof; thence Easterly

along said South Boundary a distance of 298.3 feet; thence N. 17° 15' E. 105.3 feet; thence N. 55° 29' E. 162.3 feet; thence N. 82° 12' E. 161.0 feet; thence S. 64° 59' E. 170.0 feet; thence N. 23° 10' E. 97.4 feet; thence N. 87° 31' E. 97.4 feet; thence S. 78° 02' E. 08.9 feet; thence S. 70° 34' E. 149.3 feet; thence S. 61° 31' E. 292.2 feet; thence S. 37° 55' E. 17.0 feet; to a point in the South boundary of the $N\frac{1}{2}$ $NE\frac{1}{4}$ and 1893.8 feet East of the SW corner thereof; thence N. 89° 19' E. along said South boundary a distance of 753.2 feet to the point of beginning, containing 79.1 acres, more or less,

TRACT B:

All that part of the $NW\frac{1}{4}$ $NE\frac{1}{4}$ of Sec. 18, T 24 N - R 24 E. Delaware County, Oklahoma, lying South of Honey Creek and described as follows, to-wit:

Beginning at the Southwest corner of the said $NW\frac{1}{4}$ $NE\frac{1}{4}$ $NE\frac{1}{4}$; thence in a Northerly direction along the West boundary of the said $NW\frac{1}{4}$ $NE\frac{1}{4}$ $NE\frac{1}{4}$ to the meander line of Honey Creek; thence Southeasterly to a point in the East boundary line of the said $NW\frac{1}{4}$ $NE\frac{1}{4}$ $NE\frac{1}{4}$; thence in a Southerly direction along the East boundary line of the said $NW\frac{1}{4}$ $NE\frac{1}{4}$ $NE\frac{1}{4}$ to the Southeast corner thereof; thence in a Westerly direction along the South boundary line of the said $NW\frac{1}{4}$ $NE\frac{1}{4}$ $NE\frac{1}{4}$ to the point of beginning, containing 7.0 acres, more or less.

The two tracts containing in all 86.1 acres, more or less.

SAID TRACT NO. 6, containing a total of 86.1 acres, more or less.

That the facts and conditions of title alleged and plead in petitioner's petition are tantamount, so far as affects petitioner and its necessities, to a refusal on defendants' part to grant and convey said real estate.

AND THAT such commissioners ought to be appointed.

IT IS, THEREFORE, ORDERED THAT HENRY E. HOFFMAN, DAN BISHOP, and EDWARD SOPH, they being disinterested freeholders selected by me from the regular jury list for the Northern District of Oklahoma, and not interested in any like question, be, and they are, appointed as commissioners to be sworn to perform their duties justly and impartially, according to law, to inspect each tract of said real estate separately, and consider the injury which the owner or owners of each separate tract of real estate above described may sustain by reason of the taking and appropriation and acquisition by petitioner of the absolute, entire and unencumbered fee simple title of each of said tracts of real estate, and assess the damages which said owner or owners will sustain, directly or indirectly, by such appropriation and acquisition of his, or their, land, irrespective of any improvements proposed.

Said Commissioners will forthwith file their report in writing with the Clerk of this Court, setting forth the quantities and value of each of the above tracts of land, separately and individually, and assess the injury and damages to be sustained, directly or indirectly, by the owner or owners thereof, as above directed.

Before commencing their duties, each of said Commissioners will take and subscribe to an oath before the Clerk of this Court to perform their duties justly and impartially.

Lot 3, the $W\frac{1}{2}$ of Lot 2, and the W. 9.1 acres of Lot 6 of Sec. 4, T 24 N - R 23 E of the Indian Base and Meridian, containing 68.31 acres, more or less;

And any and all right, title and interest in and to the bed and banks of Grand River, incident to the ownership of the above described land;

AND

$W\frac{1}{2}$ $SW\frac{1}{4}$ $SW\frac{1}{4}$ Sec. 33 T 25 N - R 23 E of the Indian Base and Meridian, Delaware County, Oklahoma, containing 20.0 acres, more or less;

AND

$SE\frac{1}{4}$ $SE\frac{1}{4}$, Lot 5, Lot 6 and 7, Sec. 32, T 25 N - R 23 E of the Indian Base and Meridian, Delaware County, Oklahoma, containing 98.98 acres, more or less;

And any and all right, title and interest in and to the bed and banks of Grand River, incident to the ownership of the above described lands;

SAID TRACT NO. 1, containing a total of 187.29 acres, more or less.

TRACT NO. 2 (5 GR-D 170
9 GR-D 371)

All that certain tract of land situated in Delaware County, Oklahoma, described as follows, to-wit:

Lot 4 of Sec. 21, containing 8.90 acres more or less, and the $NW\frac{1}{4}$ 4.60 acres of Lot 1 of Sec. 28, T 24 N - R 22 E of the Indian Base and Meridian, containing 13.50 acres, more or less;

And any and all right, title and interest in and to the bed and banks of Grand River, incident to the ownership of the above described lands;

AND

All the following described land, situated in Delaware County, Oklahoma, to-wit:

Lot 3, Lot 5, Lot 7, Lot 8, Lot 9, and the $SE\frac{1}{4}$ $SW\frac{1}{4}$ of Sec. 22, and the $NE\frac{1}{4}$ $NW\frac{1}{4}$, and the $NW\frac{1}{4}$ $NE\frac{1}{4}$ of Sec. 27, containing 225.37 acres, more or less; and all that part of the $NW\frac{1}{4}$ $SE\frac{1}{4}$ $NE\frac{1}{4}$ of Sec. 27, particularly described as follows:

Beginning at the NE corner of said $NW\frac{1}{4}$ $SE\frac{1}{4}$ $NE\frac{1}{4}$, thence Westerly along the North boundary of said $NW\frac{1}{4}$ $SE\frac{1}{4}$ $NE\frac{1}{4}$ to the NW corner thereof; thence S. 0° $50'$ W. along the West boundary of said $NW\frac{1}{4}$ $SE\frac{1}{4}$ $NE\frac{1}{4}$ a distance of 88.4 feet to a point 566.6 feet North of the SW corner thereof; thence S. 83° $22'$ E. 9.8 feet; thence S 80° $35'$ E. 229.0 feet; thence S. 66° $07'$ E. 181.0 feet; thence

S. 76° 98' E. 248 feet; thence S. 35° 10' E. 22.4 feet to a point in the East boundary of said NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ and 384.2 feet North of the SE corner thereof; thence N. 0° 51' E. along said East boundary a distance of 270.7 feet to the point of beginning. All in T 24 N - R 22 E of the Indian Base and Meridian; the whole tract containing in all 228.37 acres, more or less;

And any and all right, title and interest in and to the bed and banks of Grand River, incident to the ownership of the above described lands;

SAID TRACT NO. 2, containing a total of 241.87 acres, more or less.

TRACT NO. 3 (17 GR-D 736
18 GR-D 882
22 GR-D 1073)

All that certain tract of land situated in Delaware County, Oklahoma, described as follows, to-wit:

The SW $\frac{1}{4}$ NW $\frac{1}{4}$ and Lot 1, Section 16, T 24 N - R 23 E of the Indian Base and Meridian, containing 79.5 acres, more or less.

And any and all right, title and interest in and to the bed and banks of Grand River, incident to the ownership of the above described lands;

AND

All that certain tract of land situated in Delaware County, Oklahoma, described as follows, to-wit:

Lot 1, Lot 2, and the North 14.60 acres of Lot 6, Sec. 17, T 24 N - R 23 E of the Indian Base and Meridian, containing 61.40 acres, more or less;

And any and all right, title and interest in and to the bed and banks of Grand River, incident to the ownership of the above described lands;

AND

A tract of land, all lying in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, the NE $\frac{1}{4}$ SW $\frac{1}{4}$, the SW $\frac{1}{4}$ SW $\frac{1}{4}$, the SE $\frac{1}{4}$ SW $\frac{1}{4}$, the W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, and the W $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 9, T 24 N - R 23 E, Delaware County, Oklahoma, more particularly described as follows:

Beginning at the SW corner of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ thence N. 89° 37' W. along the North boundary of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ a distance of 681.8 feet; thence S. 74° 59' W. 83.0 feet; thence N. 57° 55' W. 41.7 feet to a point in the North boundary of the SW $\frac{1}{4}$ SW $\frac{1}{4}$; thence N. 89° 37' W. along said North boundary a distance of 522.0 feet to the NW corner thereof; thence Southerly along the West boundary of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ to the SW corner thereof; thence S. 89° 36' E. along the South boundary of the SW $\frac{1}{4}$ SW $\frac{1}{4}$, the SE $\frac{1}{4}$ SW $\frac{1}{4}$, and the W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ a distance of 2845.1 feet; thence N. 80° 50' E. 45.6 feet; thence N. 73° 58' E. 107.0 feet; thence N. 27° 33' E. 62.6 feet; thence N. 58° 47' E. 239.0 feet; thence N. 72° 08' E. 65.8 feet;

thence N. 80° 19' E. 13.7 feet to a point in the East boundary of the W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 241.9 feet North of the SE corner thereof; thence N. 0° 10' W. along said East boundary a distance of 323.2 feet; thence N. 89° 26' W. 135.4 feet; thence S. 81° 05' W. 272.1 feet; thence N. 81° 19' W. 122.0 feet; thence S. 17° 18' W. 34.2 feet; thence S. 68° 18' W. 175.3 feet; thence S. 74° 29' W. 240.5 feet; thence S. 81° 54' W. 232.5 feet; thence N. 56° 12' W. 185.1 feet; thence N. 41° 43' W. 34.4 feet; thence S. 53° 54' W. 191.2 feet; thence S. 52° 25' W. 152.8 feet; thence S. 73° 40' W. 98.4 feet; thence N. 84° 27' W. 168.5 feet; thence N. 71° 48' W. 96.0 feet; thence N. 61° 26' W. 70.8 feet; thence N. 32° 55' W. 114.8 feet; thence N. 2° 04' W. 85.5 feet; thence N. 55° 39' E. 105.9 feet; thence N. 48° 01' E. 50.0 feet; thence N. 36° 41' E. 67.2 feet; thence N. 13° 57' E. 154.0 feet; thence N. 47° 47' E. 255.3 feet; thence N. 59° 24' E. 130.4 feet; thence N. 78° 18' E. 182.7 feet; thence S. 85° 36' E. 100.3 feet; thence N. 71° 03' E. 43.1 feet; thence N. 43° 04' E. 75.5 feet; thence S. 86° 54' E. 65.2 feet; thence S. 69° 23' E. 145.5 feet; thence N. 87° 16' E. 23.7 feet; thence N. 20° 15' E. 35.9 feet; thence N. 11° 33' W. 149.5 feet; thence N. 37° 47' E. 104.5 feet; thence N. 89° 54' W. 140.4 feet; thence S. 81° 17' E. 173.4 feet; thence N. 73° 50' E. 49.6 feet; thence N. 5° 15' W. 12.7 feet; thence N. 30° 10' W. 200.5 feet; thence N. 26° 07' W. 98.0 feet; thence N. 61° 05' E. 181.7 feet; thence N. 74° 27' E. 183.7 feet; thence N. 45° 25' E. 137.6 feet; thence N. 69° 07' E. 102.5 feet; thence N. 82° 50' W. 159.8 feet; thence N. 73° 09' W. 200.8 feet; thence N. 8° 14' W. 79.1 feet; thence N. 17° 54' E. 135.7 feet; thence N. 6° 43' W. 66.5 feet; thence N. 33° 41' W. 159.7 feet; thence S. 80° 06' W. 27.1 feet; thence S. 22° 11' W. 178.9 feet; thence S. 32° 14' W. 208.5 feet; thence S. 39° 50' W. 108.3 feet; thence S. 49° 34' W. 140.4 feet; thence S. 56° 10' W. 237.6 feet; thence S. 60° 33' W. 197.6 feet; thence S. 73° 39' W. 135.2 feet; thence S. 84° 48' W. 193.6 feet; thence N. 38° 18' W. 104.8 feet; thence N. 16° 46' E. 124.9 feet; thence N. 19° 19' E. 137.1 feet; thence N. 10° 39' E. 275.3 feet; thence N. 10° 44' E. 247.6 feet; thence N. 36° 26' E. 93.8 feet; thence N. 9° 26' W. 185.8 feet; thence N. 14° 19' E. 256.1 feet; thence N. 59° 45' E. 104.9 feet; thence N. 72° 38' E. 96.3 feet; to a point in the east boundary of the SW $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$; thence N. 0° 05' W. along said East boundary a distance of 243.8 feet; thence N. 27° 44' W. 42.3 feet; thence N. 13° 17' E. 41.6 feet to a point in the North boundary of the SW $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ and 9.9 feet West of the NE corner thereof; thence N. 89° 39' W. along said North boundary a distance of 631.3 feet; thence S 36° 47' E. 66.0 feet; thence S. 15° 13' E. 143.0 feet; thence S. 12° 44' W. 118.7 feet; thence S. 29° 39' W. 113.2 feet; thence S. 31° 16' W. 23.1 feet to a point in the West boundary of the SW $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$; thence S. 0° 03' E. along the west boundary of the SW $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, and the NE $\frac{1}{4}$ SW $\frac{1}{4}$ a distance of 1551.4 feet to the point of beginning, containing 95.2 acres, more or less;

AND

The SW $\frac{1}{4}$ SE $\frac{1}{4}$ and Lot 7 of Sec. 15, T 24 N - R 23 E of the Indian Base and Meridian, Delaware County, Oklahoma, containing 49.90 acres, more or less;

And any and all right, title and interest in and to the bed and banks of Grand River, incident to the ownership of the above described lands;

AND

NW $\frac{1}{4}$ NE $\frac{1}{4}$ and Lots 2, 5 and 6 of Sec. 22, T 24 N - R 23 E of the Indian Base and Meridian, Delaware County, Oklahoma, containing 92.1 acres, more or less;

And any and all right, title and interest in and to the bed and banks of Grand River, incident to the ownership of the above described lands;

SAID TRACT NO. 3, containing 378.10 acres, more or less.

TRACT NO. 4 (22 GR-D 1071)

Lot 1, Sec. 15 T 24 N - R 23 E of the Indian Base and Meridian, Delaware County, Oklahoma, containing 36.90 acres, more or less;

And any and all right, title and interest in and to the bed and banks of Grand River, incident to the ownership of the above described lands;

AND

The whole of the NW $\frac{1}{4}$ NW $\frac{1}{4}$, and a tract of land all lying the W $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 14, T. 24 N - R 23 E of the Indian Base and Meridian, Delaware County, Oklahoma, more particularly described as follows:

Beginning at the SE corner of the W $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, thence Westerly along the South boundary of the W $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ to the SW corner thereof thence Northerly along the West boundary of the W $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ to the NW corner thereof; thence S. 89° 49' E. along the North boundary of the W $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ a distance of 329.8 feet; thence S 10° 23' E. 39.3 feet; thence S. 8° 48' E. 621.0 feet; thence S. 15° 15' E. 168.0 feet; thence S. 30° 05' E. 144.0 feet; thence S 56° 49' E. 79.0 feet; thence N. 72° 26' E. 47.9 feet; to a point in the East boundary of the W $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 966.7 feet south of the NE corner thereof; thence S. 0° 02' E. along said East boundary to the point of beginning, containing 14.5 acres more or less. Aggregate acreage to be acquired 54.5 acres, more or less.

SAID TRACT NO. 4, containing 91.40 acres, more or less.

TRACT NO. 5 (26 GR-D 29
 31 GR-O 54
 31 GR-O 54A)

All that part of Lot 1 and the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 1, T 25 N - R 23 E of the Indian Base and Meridian, Cherokee Survey in Ottawa County, Oklahoma, particularly described as follows, to-wit:

Beginning at the NE corner of said Lot 1, thence Southerly along the East boundary of said Lot 1 and SE $\frac{1}{4}$ NE $\frac{1}{4}$ to the SE corner of said SE $\frac{1}{4}$ NE $\frac{1}{4}$, thence S. 89° 00' W. along the South boundary of said SE $\frac{1}{4}$ NE $\frac{1}{4}$ a distance of 271.2 feet; thence N. 7° 44' W. 86.9 feet; thence N. 13° 52' E. 117.5 feet; thence N. 6° 40' E. 283.8 feet; thence N. 5° 06' E. 259.7 feet; thence N. 6° 41' E. 223.4 feet; thence N. 5° 49' W. 295.4 feet; thence N. 6° 43' W. 207.6 feet; thence N. 12° 03' W. 273.2 feet; thence N. 16° 35' W. 224.0 feet; thence N. 23° 39' W. 130.7 feet; thence N. 28° 16' E. 38.0 feet; thence N. 2° 20' W. 199.6 feet; thence N. 29° 11' W. 153.0 feet; thence N. 0° 13' E. 167.9 feet; thence N. 14° 29' E. 23.7 feet; to a point in the North boundary of said Lot 1;

thence N. 89° 16' E. along said North boundary a distance of 411.4 feet to the point of beginning, containing 15.3 acres, more or less.

AND

All that certain tract of land situated in Ottawa County, Oklahoma, described as follows, to-wit:

Lot 6, Lot 7, and Lot 8 and Lot 9, of Sec. 6, T 25 N - R 24 E of the Indian Base and Meridian, Cherokee Survey, containing 122.12 acres more or less;

And any and all right, title and interest in and to the bed and banks of Grand River, incident to the ownership of the above described lands;

AND

All that certain tract of land situated in Ottawa County, Oklahoma, described as follows, to-wit:

The North 9.60 acres of Lot 10, Sec. 6, T 25 N - R 24 E of the Indian Base and Meridian, Cherokee Survey;

And any and all right, title and interest in and to the bed and banks of Grand River, incident to the ownership of the above described lands;

SAID TRACT NO. 5, containing 147.02 acres, more or less.

TRACT NO. 6 (31 GR-D 1635
33 GR-D 1678)

All the following described land, situated in Delaware County, Oklahoma, to-wit:

The NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 7, containing 40.0 acres, more or less; and that part of the W $\frac{1}{2}$ SE $\frac{1}{4}$ of Sec. 7, particularly described as follows, to-wit:

Beginning at the SE corner of said W $\frac{1}{2}$ SE $\frac{1}{4}$, thence Northerly along the East boundary of said W $\frac{1}{2}$ SE $\frac{1}{4}$ to the NE corner thereof; thence Westerly along the North boundary of said W $\frac{1}{2}$ SE $\frac{1}{4}$ to the NW corner thereof; thence S. 0° 06' W. along the West boundary of said W $\frac{1}{2}$ SE $\frac{1}{4}$ to a point 1362.4 feet North of the SW corner thereof; thence S. 16° 26' E. 279.7 feet; thence S. 23° 27' E. 306.6 feet; thence S. 26° 42' E. 519.2 feet; thence S. 28° 43' E. 238.2 feet; thence S. 26° 53' E. 146.9 feet; thence S. 33° 39' E. 16.2 feet to a point in the South boundary of said W $\frac{1}{2}$ SE $\frac{1}{4}$ and 624.8 feet East of the SW corner thereof; thence S. 89° 29' E. along said South boundary to the point of beginning, containing 71.6 acres, more or less;

All in T 25 N - R 24 E of the Indian Base and Meridian, Seneca Survey; the whole tract containing 111.6 acres, more or less;

AND

All that part of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 16, T 25 N - R 24 E of the Indian Base and Meridian, Seneca Survey, in Delaware County, Oklahoma, particularly described as follows, to-wit:

Beginning at the N E corner of said SW $\frac{1}{4}$ NW $\frac{1}{4}$, thence N. 89° 40' W. along the North boundary of said SW $\frac{1}{4}$ NW $\frac{1}{4}$ a distance of 656.4 feet to a point 669.2 feet East of the NW corner thereof; thence S. 27° 47' E. 29.3 feet; thence S. 13° 58' W. 184.1 feet; thence S. 46° 10' W. 203.5 feet; thence S. 70° 16' W. 227.6 feet; thence S. 26° 36' W. 153. feet; thence S. 30° 04' W. 371.7 feet; thence N. 87° 42' E. 331.8 feet; thence N. 54° 20' E. 237.8 feet; thence N. 38° 19' E. 113.9 feet; thence N. 63° 13' E. 282.1 feet; thence S. 88° 41' E. 356.9 feet; thence S. 16° 26' E. 147.1 feet; thence N. 20° 09' E. 171.0 feet to a point in the East boundary of said SW $\frac{1}{4}$ NW $\frac{1}{4}$ and 836.5 feet North of the SE corner thereof; thence N. 0° 23' W. along said East boundary a distance of 497.4 feet to the point of beginning, containing 13.7 acres, more or less;

SAID TRACT NO. 6, containing 125.3 acres more or less.

AND

TRACT NO. 7 (19 GR-D 909
 19 GR-D 912
 19 GR-D 959
 20 GR-D 1008)

S $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$ less NW 1 Ac. and NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 28, T 25 N - R 23 E of the Indian Base and Meridian, in Delaware County, Oklahoma, containing 129.0 acres, more or less;

AND

E $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ and a tract of land beginning at the N E corner SE $\frac{1}{4}$ SE $\frac{1}{4}$ thence Westerly along the north boundary of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ a distance of 210.0 feet; thence South 840.0 feet; thence East 210.0 feet to a point in the east boundary of the SE $\frac{1}{4}$ SE $\frac{1}{4}$, thence Northerly along said east boundary a distance of 840.0 feet to the point of beginning, containing 4.0 acres, of Sec. 29, T 25 N - R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, containing a total acreage of 114 acres, more or less;

AND

All that certain tract of land situated in Delaware County, Oklahoma, described as follows, to-wit:

The SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 28, T 25 N - R 23 E of the Indian Base and Meridian, containing 40.0 acres, more or less;

AND

All that certain tract of land situated in Delaware County, Oklahoma, described as follows, to-wit:

The NW 10 acres of Lot 1 and the E 13.80 acres of Lot 1, of Sec. 32, T 25 N - R 23 E of the Indian Base and Meridian, containing 23.80 acres, more or less;

And any and all right, title and interest in and to the bed and banks of Grand River, incident to the ownership of the above described lands;

AND

The whole of the SE $\frac{1}{4}$ SW $\frac{1}{4}$, and a tract of land all lying in the N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 20, T 25 N - R 23 E, Delaware County, Oklahoma, more particularly described as follows:

Beginning at the SE corner of the N $\frac{1}{2}$ SE $\frac{1}{4}$, thence Westerly along the South boundary of the N $\frac{1}{2}$ SE $\frac{1}{4}$ to the SW corner thereof; thence Northerly along the West boundary of the N $\frac{1}{2}$ SE $\frac{1}{4}$ to the NW corner thereof; thence S 89° 51' E. along the North boundary of the N $\frac{1}{2}$ SE $\frac{1}{4}$ a distance of 425.5 feet to a point 2201.2 feet West of the NE corner thereof; thence S. 4° 36' W. 122.1 feet; thence S. 13° 58' E. 561.0 feet; thence S. 86° 55' E. 465.0 feet; thence S. 87° 32' E. 477.0 feet; thence N. 88° 55' E. 491.0 feet; thence S. 80° 21' E. 220.0 feet; thence N. 26° 25' E. 185.4 feet; thence N. 12° 53' E. 560.0 feet; thence S. 77° 04' E. 220.2 feet to a point in the East boundary of the N $\frac{1}{2}$ SE $\frac{1}{4}$ and 62.5 feet South of the NE corner thereof; thence S. 0° 13' W. along said East boundary a distance of 1255.6 feet to the point of beginning, containing 49.20 acres more or less; Aggregate acreage to be acquired: 89.20 acres, more or less.

SAID TRACT NO. 7, containing 396 acres, more or less.

THAT the facts and conditions of title alleged and plead in petitioner's petition are tantamount, so far as affects petitioner and its necessities, to a refusal on defendants' part to grant and convey said real estate.

AND THAT such commissioners ought to be appointed.

IT IS, THEREFORE, ORDERED THAT HENRY E. HOFFMAN, DAN BISHOP, and EDWARD SOPH, they being disinterested freeholders selected by me from the regular jury list for the Northern District of Oklahoma, and not interested in any like question, be, and they are, appointed as commissioners to be sworn to perform their duties justly and impartially, according to law, to inspect each tract of said real estate separately, and consider the injury which the owner or owners of each separate tract of real estate above described may sustain by reason of the taking and appropriation and acquisition by petitioner of the absolute, entire and unencumbered fee simple title of each of said tracts of real estate, and assess the damages which said owner or owners will sustain, directly or indirectly, by such appropriation and acquisition of his, or their, land, irrespective of any improvements proposed.

Said Commissioners will forthwith file their report in writing with the Clerk of this Court, setting forth the quantities and value of each of the above tracts of land, separately and individually, and assess the injury and damages to be sustained, directly or indirectly, by the owner or owners thereof, as above directed.

Before commencing their duties, each of said Commissioners will take and subscribe to an oath before the Clerk of this Court to perform their duties justly and impartially.

IT IS FURTHER ORDERED that the Marshal for the Northern District of Oklahoma immediately summon said commissioners to the performance of their duties by reporting to the Clerk of this court on the 12 day of Oct., 1939, taking the oath, and receiving instructions, each summons to be made by delivering to each of them a certified copy of this order.

WITNESS my hand and the seal of this court this 9 day of October, 1939.

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

ENDORSED: Filed Oct 9 1939
H. P. Warfield, Clerk
U. S. District Court H

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

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

ORDER EXTENDING TIME TO DOCKET APPEAL

Now on this the 9th day of October, 1939, for good cause shown, plaintiff is granted twenty days additional time in addition to that heretofore granted in which to prepare, file and settle the record on appeal and docket this cause in the Circuit Court of Appeals for the Tenth Circuit.

F. E. KENNAMER
JUDGE

ENDORSED: Filed Oct 9 1939
H. P. Warfield, Clerk
U. S. District Court H

Court adjourned to October 10, 1939

On this 10th day of October, 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 adjournment, Hon. F. E. Kennamer, Judge, Present and presiding.

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

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

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

JAMES T. SPENCER, Administrator of the)
ESTATE OF JACKSON BARNETT, Deceased, Plaintiff,)
vs.) No. 39 Civil
GULF OIL CORPORATION, et al, Defendants.)

O R D E R

IT IS HEREBY ORDERED that the time in which the defendant, F. A. Gillespie may answer is extended from the 13th day of October, 1939 to the 23rd day of October, 1939.

Dated this 9th day of October, 1939.

ALFRED P. MURRAH
Alfred P. Murrah, U. S. District Judge.

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

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

FRED O. TAYLOR, Plaintiff,)
v.) NO. 131.
GULF OIL CORPORATION, ET AL, Defendants.)

O R D E R

Now, on this fourth day of October, 1939, this matter came on to be heard on the motion to dismiss filed herein by Shell Petroleum Corporation, Tidewater Associated Oil Company and The Texas Company, and the Court, having been fully advised, finds that the several motions presented should be denied, to which ruling of the Court the defendants Shell Petroleum Corporation, Tidewater Associated Oil Company and The Texas Company excepted.

It is, therefore, ORDERED, ADJUDGED and DECREED that the separate motion to dismiss on behalf of Shell Petroleum Corporation, Tidewater Associated Oil Company and The Texas Company be and the same are hereby denied and each of said defendants be and they are hereby granted an exception to such ruling of the Court.

F. E. KENNAMER
JUDGE

OK: B. A. HAMILTON, Attorney for the Plaintiff
OK: W. D. SIMMS, Attorney for the Defendants

Service of copy of above order made this ___ day of October, 1939.
B. A. HAMILTON, Attorney for the Plaintiff

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

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

GILBERT A. MONFORTE,	Plaintiff,)	
)	
v.		)	NO. 132
)	
GULF OIL CORPORATION, ET AL.,	DEFENDANTS,)	

O R D E R

Now, on this fourth day of October, 1939, this matter came on to be heard on the motion to dismiss filed herein by Shell Petroleum Corporation, Tidewater Associated Oil Company and The Texas Company, and the Court, having been fully advised, finds that the several motions presented should be denied, to which ruling of the Court the defendants Shell Petroleum Corporation, Tidewater Associated Oil Company and The Texas Company excepted.

It is, therefore, ORDERED, ADJUDGED and DECREED that the separate motion to dismiss on behalf of Shell Petroleum Corporation, Tidewater Associated Oil Company and The Texas Company be and the same are hereby denied and each of the said defendants be and they are hereby granted an exception to such ruling of the Court.

F. E. KENNER
JUDGE

OK: B. A. HAMILTON, Attorney for the Plaintiff
OK: W. D. SILMS, Attorney for the Defendants

Service of copy of above order made this ___ day of October, 1939.
B. A. HAMILTON, Attorney for the Plaintiff

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

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

ANNA B. BLAKE,	Plaintiff,)	
)	
-versus-		)	No. 212 Civil
)	
WHEATLEY BROTHERS PUMP & VALVE MANUFACTURERS, a corporation,	Defendants.)	

JOURNAL ENTRY

On this 6th day of September, 1939, there coming on for hearing the motion of the defendants for further and better statement in the bill of complaint in the above-entitled cause, and the parties appearing by their attorneys of record, the court, being sufficiently advised in the premises, permitted plaintiff to amend by interlineation, instanter, whereupon the court found that said motion should be and the same is hereby overruled, to which ruling of the court defendants except and exceptions are allowed.

It is ordered that defendants be given ten days from this date in which to

answer.

F. E. KENNAMER
JUDGE

APPROVED: MARVIN T. JOHNSON and MARION J. BLAKE
Attorneys for Plaintiff

S. J. CLENDINNING
Attorney for Defendants

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

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

United States of America, Libelant,)
)
)
vs.)
) 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.)

JOURNAL ENTRY OF JUDGMENT

Now on this 10th day of October, 1939, this cause coming on to be heard in open court before Honorable Franklin E. Kennamer, United States Judge for the Northern District of Oklahoma Judge presiding, pursuant to regular assignment, libelant appearing by Whit Y. Mauzy, United States Attorney for the Northern District of Oklahoma, and Wm. Knight Powers, Assistant United States Attorney for said district, and claimant Wayne C. Carroll, having failed to file any claims or pleadings herein, or make any appearance or claim herein at this time although having personal and reasonable notice of the time and place of this hearing by personal service had on the 24th day of August, 1939, thereupon the libelant presents its evidence and rests, and the court being fully advised in the premises finds:

That the said 1939 Model Standard Ford V-8 Coupe, Motor No. 18-5,051,469, was lawfully seized from Wayne C. Carroll on August 4, 1939, 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, and that said intoxicating liquors were then and there seized while thus being unlawfully conveyed in said automobile as alleged in the libel of information .

The court further finds that the United States of America is entitled to forfeiture of said intoxicating liquors and is further entitled to forfeiture of said automobile.

IT IS, THEREFORE, THE ORDER AND JUDGMENT OF THE COURT, that the forfeiture herein be, and the same is hereby allowed as to said approximate 234 gallons of assorted taxpaid intoxicating liquors defined in the libel of information on file herein, which intoxicating liquors are ordered delivered over to the Secretary of the Treasury of the United States for proper and lawful disposition.

IT IS FURTHER ORDERED AND DECREED BY THE COURT that a forfeiture herein be,

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and the same is hereby allowed of the herein described 1939 model Standard Ford V-8 Coupe, Motor No. 18-5,051,469, and the same is ordered delivered to the Treasury Department for use of the Bureau of Internal Revenue in the enforcement of the Internal Revenue Laws pursuant to Section 304, of the Liquor Law Repeal and Enforcement Act, together with all of its equipment and accessories.

F. E. KENNAMER

JUDGE

OK AS TO FORM:

SERVICE OF COPY ACKNOWLEDGED:

WM. KNIGHT POWERS

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

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

United States of America,	Libelant,)
)
vs.)
)
One 1938 Model Ford V-8)
DeLuxe Tudor Sedan, Motor)
No. 18-4,233,782, and)
approximately 104 gallons)
of Assorted Taxpaid In-)
toxicating Liquors seized)
therein; Loring D. Davis,)
	Claimant.)

NO. 229-Civil

JOURNAL ENTRY OF JUDGMENT

Now on this 10th day of October, 1939, this cause coming on to be heard in open court before Honorable Franklin E. Kennamer, United States Judge for the Northern District of Oklahoma Judge presiding, pursuant to regular assignment, Libelant appearing by Whit Y. Mauzy, United States Attorney for the Northern District of Oklahoma, and Wm. Knight Powers, Assistant United States Attorney for said District, and Claimant, Loring D. Davis, having failed to file any claims or pleadings herein, or make any appearance or claim herein at this time although having personal and reasonable notice of the time and place of this hearing by personal service had on the 24th day of August, 1939, whereupon the Libelant presents its evidence and rests, and the court being fully advised in the premises finds;

That the said 1938 Model Ford V-8 DeLuxe Tudor Sedan, Motor No. 18,4,233,782, was lawfully seized from Loring D. Davis on August 1, 1939, at a point on Oklahoma State Route No. 33, about eighteen miles east of Tulsa, Oklahoma, in Rogers County, Oklahoma, and that said intoxicating liquors were then and there seized while thus being unlawfully conveyed in said automobile as alleged in the Libel of Information.

The court further finds that the United States of America is entitled to forfeiture of said intoxicating liquors and is further entitled to a forfeiture of said automobile.

IT IS, THEREFORE, THE ORDER AND JUDGMENT OF THE COURT that forfeiture herein be, and the same is hereby allowed as to said approximately 104 gallons of assorted taxpaid intoxicating liquors defined in the Libel of Information on file herein, which intoxicating liquors are ordered delivered over to the Secretary of the Treasury of the United States for proper and lawful disposition.

IT IS THE FURTHER ORDERED AND DECREEED BY THE COURT that a forfeiture herein be, and the same is hereby allowed of the herein described 1938 Model Ford V-8 DeLuxe Tudor Sedan, Motor No. 18-4,233,782, and the same is ordered delivered to the Treasury Department for use of the Internal Revenue in the enforcement of the Internal Revenue Laws pursuant to Sect on 304 of the Liquor Law Repeal and Enforcement Act, together with all of its equipment and accessories.

F. E. KENNA MER
JUDGE

OK AS TO FORM:
SERVICE OF COPY ACKNOWLEDGED:

WM. KNIGHT POWERS

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

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 REAL
ESTATE

THIS CAUSE COMING on to be heard on this the 10th day of October, 1939, on the verified application of T. P. Farmer, as receiver of Exchange National Company, for authorization to sell the following described premises:

Southeast Quarter of the Northeast Quarter of Section
Twenty-five, Township Ten North, Range Two East of the
I. B. & M., containing 40 acres more or less

after advertising the same according to law, to the highest bidder, and said price not to be less than \$750.00, inasmuch as W. E. Ayres has offered to purchase the same for said amount, and the Court having read said application and being fully advised in the premises, and finding that it has jurisdiction to entertain the same and enter an order thereon, find that said application should be sustained.

IT IS, THEREFORE, BY THE COURT, ORDERED, ADJUDGED AND DECREEED that said application be and it is hereby sustained, and said T. P. Farmer be and he is hereby directed, authorized and empowered to advertise and sell said premises according to law, and if the said W. E. Ayres is the highest and best bidder to sell said premises to him for the sum of \$750.00, accepting \$250.00 in cash and three notes, in equal amounts, payable annually, drawing 6% interest, the last note to become due three years from the date of the sale, 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.

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

F. E. KENNA MER
United States District Judge

Court adjourned to October 11, 1939

On this 11th day of October, 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

Workers Alliance of America, Local G-110)	
Through Their Officers and Executive)	
Board Members:)	
Fred Fuller, President, James E. McGraw,)	
Vice President, Albert Flloyd, Recording)	
Secretary, Archie Potter, Financial Secre-)	
tary, Charles Bittle, Chairman of Grievance)	
Committee, Bill Hixon, Individually and as)	
State Organizer of Workers Alliance of)	
Oklahoma, Plaintiffs.	)	CIVIL NO. 214
)	
)	
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

It appearing to the court on examination of the record in this case that heretofore on the 30 day of August, 1939, an order was made allowing the confession of themotion of the defendants to require the plaintiffs to attach certain copies and make complaint more definite and certain. And it further appearing that said amendments have been made to the original complaint and that thirty days have elapsed since the filing of the amended petition.

It is therefore ordered that the defendants be and they are hereby given 10 days to plead or 15 days to answer; and upon the failure of said pleadings or answer being filed, the defendants will be adjudged in default.

F. E. KENNAMER
 DISTRICT JUDGE

A service of the within order made on the defendants by mailing a copy of the same to thd r attorneys of record Kight and Kight at Claremore, Oklahoma and H. B. Holtzendorf at Claremore, Okla.

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

IN THE UNITED STATES DISTRICT FOR THE NORTHERN DISTRICT OF OKLAHOMA

C. D. Klingensmith, Sr., Fred Klingensmith and C. D. Klingensmith, Jr., a co-partnership doing business under the name and style of Klingensmith Oil Company, Plaintiffs,

-vs-

S. W. Anthony, Frank A. Anthony, Veva Naoma Lindsey, Ruby Franklin Anthony, and Ruby Franklin Anthony, Trustee for Warren Victor Swanson, Bettie Lou Swanson and Franklin Edward Swanson, and The Texas Company, a corporation, Defendants.

No. 258 Civil

O R D E R

Upon presentation of transcript of record from the District Court of Creek County, Oklahoma, in open court, before filing the same with the Clerk, and upon application for permission to file the same and apply for temporary relief, such permission is granted; and thereupon, upon application orally made therefor, it is ORDERED that the restraining order issued in the above entitled cause by the District Court of Creek County, Oklahoma, on the 29th day of September 1939, be, and the same is, hereby continued in full force and effect until the further order of the Court, with the right in any party to apply upon notice for modification of said restraining order.

The above acts and order are without prejudice to plaintiff's right, if any they have, for a remand of said cause to the District Court of Creek County, Oklahoma, upon motion for such purpose.

Dated this 9th day of October, 1939.

F. E. KENNAMER
JUDGE

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

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

C. D. Klingensmith, Sr., Fred Klingensmith, and C. D. Klingensmith, Jr., a co-partnership doing business under the name and style of Klingensmith Oil Company, Plaintiffs,

-vs-

S. W. Anthony, Frank A. Anthony, Veva Naoma Lindsey, Ruby Franklin Anthony, and Ruby Franklin Anthony, Trustee for Warren Victor Swanson, Bettie Lou Swanson and Franklin Edward Swanson, and The Texas Company, a corporation Defendants.

No. 258 Civil

O R D E R

It appearing to the Court from an examination of the answer filed herein by The Texas Company that said company holds certain monies mentioned therein, and by its answer offers to pay the same into court or otherwise dispose of the same as the Court shall direct, and it further appearing from the verified petition of the plaintiffs proper so to do, it is by the Court upon application of the plaintiffs, after notice, ORDERED that said defendant, The Texas Company, hold said funds subject to the further order of this Court; and it is further ORDERED that any party hereto may, upon five (5) days notice, apply for a modification of such order.

Dated this 11th day of October, 1939.

F. E. KENNAMER
JUDGE

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

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

UNITED STATES OF AMERICA,	Plaintiff,)
)
vs.		) NO. 2575 Law
)
SINCLAIR REFINING COMPANY, a Corporation,	Defendant.)

O R D E R

Now on this 4th day of October 1939, comes on to be heard motion of defendant, Sinclair Refining Company to order a trial by jury of all the issues herein and the objections of the plaintiff to the granting of said motion. The Court after hearing said motion and the objections of plaintiff to the granting of same, doth overrule said objections and sustain said motion.

IT IS THEREFORE ORDERED, that a trial by jury of all the issues in this action be granted, to which action of the Court plaintiff excepts.

F. E. KENNAMER
J U D G E

O.K. AS TO FORM
A. F. MOSS
H. R. YOUNG WHIT Y. MAUZY
Attorneys for Plaintiff

O.K. SUMMERS HARDY
Attorneys for Defendant.

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

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

WITNESS, the Honorable CHARLES E. HUGHES, Chief Justice of the United States, the 5th day of October, in the year of our Lord one thousand nine hundred and thirty-nine.

COSTS OF	Appellee	
Clerk,	\$37.15	ALBERT TREGO
Printing Record	\$35.60	Clerk of the United States Circuit Court of
Attorney,	\$20.00	Appeals, Tenth Circuit.
	<u>\$92.75</u>	

UNITED STATES CIRCUIT COURT OF APPEALS
TENTH CIRCUIT

Costs taxed in favor of appellee, in the case of Western Union Telegraph Company, a corporation, vs. Florence Dismang, No. 1855

Filing record and docketing cause,	5.00
Filing copies of printed record,	
Filing and entering 1 appearance for appellant	-.50
Filing and entering 1 appearance for appellee	-.50
Clerk, preparing record for printer, etc.,	5.50
Printer, for printing record,	35.60
Filing 13 papers,	3.25
Entering 2 orders, 2 folios,	-.40
Filing briefs for appellant	10.00
Filing briefs for appellee	5.00
Filing opinion	.25
Filing and entering judgment or decree,	1.25
Filing petition for a rehearing,	
Issuing Mandate to District Court,	5.00
Filing receipt for mandate,	-.25
Filing receipt for balance of deposit,	-.25
Attorney's docket fee	20.00
	<u>\$92.75</u>

attest:

ALBERT TREGO
Clerk U. S. Circuit Court of Appeals,
Tenth Circuit

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

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

Fred W. Seymour, Trustee, Plaintiff,)
vs.) No. 1277 - Equity
Gilmort Oil Company, Defendant.)

O R D E R

It appearing to the Court that the Receivers of the Gilmort Oil Company in the above cause filed their application for permission to enter into a contract with J. K. Putnam, an independent contractor, and Tom Wallace for the pulling of casing and pipe and plugging the wells on the following described property, located in Tulsa County, Oklahoma;

South Half of the Northeast Quarter and
Northwest Quarter of the Northeast Quarter,
Section 26, Township 19 North, Range 11 East,

sometimes known as the Davis Farm or Creekmore Wallace Lease.

IT IS HEREBY ORDERED that the Receivers enter into a contract with Tom Wallace of Sapulpa, Oklahoma and J. K. Putnam of Tulsa, Oklahoma, an independent contractor, for the pulling and salvaging all of the casing, pipe and oil and gas equipment, said casing pipe and equipment being located on the hereinabove described property, that under the terms of said contract there shall be a provision providing for the plugging of the wells on said property in accordance with the conservation laws of the State of Oklahoma and that, as consideration for this contract, the Receivers of the Gilmort Oil Company receive twenty-five per cent (25%) of the casing, pipe and oil and gas equipment salvaged from the above described property.

Dated at Tulsa, Oklahoma, this 11th day of October, 1939.

F. E. KENNAMER
DISTRICT JUDGE

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

Court adjourned to October 12, 1939

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

UNITED STATES OF AMERICA, Plaintiff,)

vs.)

No. 252 Civil)

Seventy (70) Pounds Imitation Bologna
Labeled (Stamped on Casing) "4X Brand
Imitation Artificially Colored U. S.
Inspected and Passed 17H", Defendant.)

JOURNAL ENTRY OF JUDGMENT

Now on this 12th day of October, 1939, this matter coming on before the Court, and it appearing to the Court that heretofore, and on September 26, 1939, plaintiff filed its complaint against Seventy (70) Pounds Imitation Bologna Labeled (Stamped on Casing) "4X Brand Imitation Artificially Colored U. S. Inspected and Passed 17H", alleging that said Imitation Bologna was shipped on or about September 6, 1939, by John Morrell & Company, from Topeka, Kansas, by way of McCarter Truck Lines, and delivered to the Tulsa Beef & Provision Company, Tulsa, Oklahoma.

That said merchandise was shipped in interstate commerce, and was being held by the Tulsa Beef & Provision Company, Tulsa, Oklahoma. That said Imitation Bologna was shipped, and is now in an adulterated condition, in that it bears and contains added ground glass, a substance which renders said article injurious to health. That said produce was shipped and was held in violation of Title 21, U.S.C., Section 342 (A) (1).

It further appearing to the Court that on September 26, 1939, a motion was issued out of this Court, and served upon the Tulsa Beef & Provision Company, commanding said company to appear in the United States District Court room at Tulsa, Oklahoma, on or about October 10, 1939, to plead or show cause, if any there be, why said article should not be confiscated and destroyed in accordance with the order of the Court.

It further appearing to the Court that the Tulsa Beef & Provision Company did not appear on October 9, 1939, and that said company has not pleaded in this action, or show any reason why said merchandise above described should not be destroyed in accordance with the order of the Court; and the Court, after hearing the statements of counsel and being fully advised in the premises, finds that Seventy (70) Pounds Imitation Bologna Labeled (Stamped on Casing) "4X Brand Imitation Artificially Colored U. S. Inspected and Passed 17H" was shipped in interstate commerce by McCarter Truck Lines, from Topeka, Kansas, to Tulsa, Oklahoma, on or about September 6, 1939. That said merchandise was then and is now in an adulterated condition, containing added ground glass and that said product is harmful to health.

The Court further finds that said Seventy (70) Pounds Imitation Bologna Labeled (Stamped on Casing) "4X Brand Imitation Artificially Colored U. S. Inspected and Passed 17H" is now held by Jno. P. Logan, United States Marshal for the Northern District of Oklahoma, pursuant to the order of this Court.

IT IS THEREFORE THE ORDER AND JUDGMENT of the Court that said Seventy (70) Pounds Imitation Bologna Labeled (Stamped on Casing) "4X Brand Imitation Artificially Colored U. S. Inspected and Passed 17H" be destroyed, and that Jno. P. Logan, United States Marshal for the Northern District of Oklahoma, be, and he hereby is instructed and directed to destroy said Seventy (70) Pounds Imitation Bologna Labeled (Stamped on Casing) "4X Brand Imitation Artificially Colored U. S. Inspected and Passed 17H", and report to this Court within ten days from this date.

plaintiff's reply thereto are in favor of the plaintiff and against the defendant.

3. That on the 31st day of March, 1931, the Great Southern Petroleum Company and Jas. S. Wilson (Defendant herein) as parties of the first part, and Helmerich & Payne, Inc. (Plaintiff herein) as party of the second part made and entered into a written drilling contract by the terms of which the plaintiff agreed to drill an oil well as a turn-key job in the Oklahoma City field for the consideration to be paid as follows:

Sixty Thousand Dollars (\$60,000.00) in cash "and the further sum of Sixty-five Thousand Dollars (\$65,000.00) to be paid out of two-thirds (2/3rds) of the seven-eighths (7/8ths) working interest of oil, gas or casinghead gas, if, as and when produced from said well and not otherwise, said payment of Sixty-five Thousand Dollars (\$65,000.00) out of oil, gas and casinghead gas to be subject to a prior payment of Sixteen Thousand Eight Hundred Dollars (\$16,800.00) due to Leo G. Mann and others, lessors of Blocks 1 and "B" of Weesner's Addition to Oklahoma City, Oklahoma, out of one-fourth (1/4th) of the gross oil produced from said premises."

4. That said well was drilled by plaintiff herein and all the cash consideration above mentioned was paid to the plaintiff by the defendant as agreed; and that said well was a producer of oil in paying quantities and said well was produced from June 5, 1931, to and including July 31, 1935.

5. That before any of the parties were paid any of the proceeds from the sale of any of the oil produced, saved and sold from said well, the parties hereto and Jas. S. Wilson as trustee for Helmerich & Payne, Inc. under Sinclair Refining Company division order, and Jas. S. Wilson as operating trustee and Jas. W. Wilson trustee and/or attorney in fact for the owners of unit interest in and to the oil and gas leasehold estate and working interest made and entered into two separate written contracts which were supplementary to, and amendatory of, said drilling contract of March 31, 1931, by the terms of which supplementary and amendatory contracts said parties agreed that the plaintiff herein should have and receive from Jas. S. Wilson, trustee, 15,000/31,500ths of the proceeds of the 7/8ths W. I. oil produced, saved and sold from said well prior to June 1, 1932, and that the plaintiff should have and receive 12,000/31,500ths of the proceeds of the 7/8ths W. I. oil produced, saved and sold from said well after June 1, 1932, all of which was to be applied on the \$65,000.00 payment out of oil mentioned in paragraph 3 hereinabove.

6. That on the 6th day of September, 1932, the plaintiff herein filed in the District Court of Oklahoma County, Oklahoma, its petition in cause No. 76072, entitled Helmerich & Payne, Inc., plaintiff, vs. The Great Southern Petroleum Company, Jas. S. Wilson, et al., defendants, seeking a personal judgment for certain operating expenses on said well and the foreclosure of its mechanics' and materialmen's lien and for the appointment of a receiver to take charge of and to operate said well on said leasehold estate and thereby to preserve it; that on the same date the District Court of Oklahoma County, Oklahoma, sustained the plaintiff's application for a receiver and appointed co-receivers for said well, leasehold estate, and 7/8ths W. I.; that the defendant herein agreed and consented to the filing of said suit and the appointment of said co-receivers.

7. That from their said appointment to the 8th day of April, 1936, said co-receivers had charge of the management, operation and production of said well and leasehold estate, the sale of the oil, gas and casinghead gas produced and saved therefrom and received from the purchasers of said oil, gas and casinghead gas, the proceeds derived from the sale of said 7/8ths W. I. oil during said period of time; that during said time said co-receivers expended all the proceeds derived from the sale of said 7/8ths W. I. oil to the parties hereto and for the costs and expenses of said receivership estate, including the operation of said well, all pursuant to the valid orders and judgment of the District Court of Oklahoma County, Oklahoma, in said case.

8. That after said well ceased to produce oil and gas and after said well was sold and all the proceeds received by said co-receivers, both from the sale of the oil, gas and casinghead gas during receivership and from the sale of said well, were duly distributed by said

receivers pursuant to said orders of the Court, said co-receivers made a final report to the District Court of Oklahoma County, Oklahoma, showing the management and conduct of said receivership estate and the receipt and expenditure of all the income consisting of, and derived from, the sale of the 7/8ths W. I. oil, gas and casinghead gas produced, saved and sold from said well and the sale of said well; that after due and sufficient legal notice of hearing of said final report, said final report was heard by the Court and duly approved in all things as set forth therein and said receivers ordered discharged and released and completely exonerated.

9. That no objection was made to either or any of said orders or judgments of the Court in said receivership suit, that no effort was made by either party to set aside or vacate said orders or judgments and that no appeal was taken therefrom by either or any of the parties thereto and hereto.

And the Court, from the evidence in the case and the findings of fact, draws the following conclusions of law:

1. That the right of the plaintiff herein to receive Sixty-five Thousand Dollars (\$65,000.00) out of two-thirds (2/3rds) of the seven-eighths (7/8ths) W. I. oil, gas and casinghead gas produced, saved and sold from said well, as set forth in said drilling contract of March 31, 1931, constitutes an oil payment and does not create a personal obligation on the defendant herein, Jas. S. Wilson.

2. That the right of the plaintiff herein to receive the 15,000/31,500ths of said 7/8ths W. I. proceeds produced prior to June 1, 1932, and the 12,000/31,500ths of said 7/8ths W. I. proceeds produced after June 1, 1932, does not create or constitute any personal obligation or liability on the defendant herein, Jas. S. Wilson.

3. That the plaintiff herein could and should have litigated the matters herein sought to be litigated with reference to said drilling contract of March 31, 1931, in cause No. 76072 in the District Court of Oklahoma County, Oklahoma, entitled Helmerich & Payne, Inc., plaintiff vs. The Great Southern Petroleum Company, Jas. S. Wilson, et al., defendants; that in said cause said District Court of Oklahoma County, Oklahoma, had jurisdiction of the subject matter involved herein and of the parties hereto; that said orders and judgments of said court made in said cause dealt completely with said subject-matter with the knowledge of the plaintiff; that said orders and judgments became final and unappealed from; that, since the plaintiff did not set up and assert in said cause the rights and claims herein asserted, said plaintiff is now estopped so to do or to maintain the instant suit herein as set forth in its second amended petition heretofore filed herein.

4. That the orders and judgment of the District Court of Oklahoma County, Oklahoma, in said cause No. 76072 preclude each of the plaintiff and defendant herein from litigating herein the rights and claims asserted in the second amended petition and counter claim, respectively, and therefore constitute a complete bar to the maintenance of the instant action by the plaintiff and of the counterclaim by the defendant; that all the matters raised by said second amended petition and counter-claim have become res adjudicata by virtue of said orders and judgment.

5. That the plaintiff is not entitled to any relief whatsoever against the defendant herein and said second amended petition should be dismissed.

6. That the defendant is not entitled to any relief whatsoever against the plaintiff and said counterclaim should be dismissed.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the plaintiff is not entitled to recover anything as against the defendant herein and the plaintiff's second amended petition should be, and the same hereby is, dismissed.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that each of said motions for new trial above mentioned should be, and it hereby is, overruled.

ALFRED P. MURRAH
United States District Judge

O.K. EUGENE O. MONNET
Attorney for Plaintiff

J. H. JARMAN
THOMAS W. CAFFEY
Attorneys for Defendant

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

Court adjourned to October 13, 1939

SPECIAL MARCH 1939 TERM

TULSA, OKLAHOMA

FRIDAY, OCTOBER 13, 1939

On this 13th day of October, 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

TO THE HONORABLE H. P. WARFIELD, CLERK OF THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA:

You are hereby ordered and directed to issue subpoenas duces tecum in case No. 9653, entitled "English and Bagby, Inc., a corporation, Plaintiff, vs. Phelps Dodge Refining Corporation, a corporation, Defendant", now pending in the District Court of the United States for the Western Division of the Western District of Missouri, to the following named persons:

1. H. W. Harrison
2. H. C. Hampton
3. H. H. Hartzell
4. Elmer Isern
5. Floyd Gooch
6. George Cochran
7. Charles A. Neal

commanding them to appear before Lessie Connolly, a notary public, at the offices of Moody R. Tidwell, Jr., 226 Tidwell Building, 15 $\frac{1}{2}$ East Central Street, in the City of Miami, County of Ottawa, State of Oklahoma, on Tuesday, the 24th day of October, 1939, and to bring with them such books, records, papers, documents, correspondence, contracts and other information set forth after their respective names in the affidavit executed by Claude A. Ferguson, one of the attorneys for

defendant corporation, to which is attached notice to take depositions; and that said subpoenas be delivered promptly to the attorneys for the defendant, Phelps Dodge Refining Corporation.

Dated at Tulsa, Oklahoma this 13th day of October, 1939.

F. E. KENNAMER
DISTRICT JUDGE

ENDORSED: Filed Oct 13 1939
H. P. Warfield, Clerk
U. S. District Court ME

Court adjourned to October 16, 1939

On this 16th day of October, A. D. 1939, the District Court of the United States for the Northern District of Oklahoma, sitting in Special March 1939 Term at Tulsa, met pursuant to adjournment, Hon. F. E. Kennamer, Judge, present and presiding.

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

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

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

JAMES T. SPENCER, Administrator of the)
ESTATE OF JACKSON BARNETT, Deceased,)
Plaintiff,) No. 39 Civil
vs.)
GULF OIL CORPORATION, et al,)
Defendants.)

JOURNAL ENTRY

Now on this 18th day of September, 1939, this cause coming on to be heard for the purpose of amending the journal entry heretofore filed on July 11, 1939, bearing the date of July 5, 1939, and purporting to overrule the motions of the defendant, F. A. Gillespie and Sons Company as to the lack of jurisdiction of the court and insufficiency of process and motion to make more certain, on the ground that the court did not have jurisdiction to hear the cause for the reason set forth in said motions, and the court, after hearing and considering the same finds that said journal entry, insofar as it disposes of the above named motions of F. A. Gillespie and Sons Company should be and the same here is vacated and set aside on the ground that no notice of said proposed journal entry or a copy thereof was served either on the defendant or the attorney for the defendant before the filing thereof;

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED, as of July 5, 1939, as follows:

The motion of F. A. Gillespie and Sons Company to dismiss the complaint of the plaintiff on the ground of lack of jurisdiction of this court to hear said cause, and the motion of F. A. Gillespie and Sons Company to dismiss the intervening complaint of the United States for the reason that the court does not have jurisdiction to hear said cause and that there was an insufficiency of process, and motion to make more certain, be and the same are hereby each overruled without prejudice to said defendant presenting any defense that it has or may have to the complaint of the plaintiff herein and to the intervening complaint of the United States by way of answering, and leave is hereby given so to do.

THEREUPON, F. A. Gillespie and Sons Company did in open court object and except to the order of the court insofar as it overrules the motions of said defendant, each of which objections was by the court overruled and the defendant allowed an exception to each.

IT WAS THEREUPON FURTHER ORDERED by the Court that F. A. Gillespie and Sons Company have leave to withdraw the answers of said defendant in heretofore filed in this cause and such answers are in open court withdrawn and leave is hereby given to said F. A. Gillespie and Sons Company to refile such withdrawn amended answers within three days after the approval and filing of this journal entry.

ALFRED P. MURRAH
U. S. District Judge

APPROVED: AS TO FORM;
UNITED STATES OF AMERICA,
By WHIT Y. MAUZY
U. S. District Attorney

JAMES T. SPENCER, ADM.,
By: CHAS. B. ROGERS
Attorney

F. A. GILLESPIE AND SONS COMPANY
By: HAROLD E. RORSCHACH
Attorney

ENDORSED: Filed Oct 16 1939
H. P. Warfield, Clerk
U. S. District Court H

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

JAMES T. SPENCER, Administrator of the
ESTATE OF JACKSON BARNETT, Deceased, Plaintiff,

vs.

GULF OIL CORPORATION, et al, Defendants.

No. 39 Civil

JOURNAL ENTRY

Now on this 18th day of September, 1939, this cause coming on to be heard before the Honorable Alfred P. Murrah, Judge, on the motions of F. A. Gillespie to quash service of summons and to dismiss the complaint of the plaintiff on the ground of failure of said complaint to state a claim upon which relief can be granted, and the motions of F. A. Gillespie as to lack of jurisdiction and insufficiency of process, and motion to make more certain, and motion to dismiss

SPECIAL MARCH 1939 TERM

TULSA, OKLAHOMA

MONDAY, OCTOBER 16, 1939

the intervening complaint of the United States of America for failure to state a claim on which relief can be granted, and the same are each hereby overruled without prejudice to defendant, F. A. Gillespie, presenting any defense that he has or may have to the complaint of the plaintiff herein and to the intervening complaint of the United States by way of answer, and leave is hereby given so to do.

The United States of America is entitled by interlineation to amend its intervening complaint in Paragraph (6), Page 6, at Line 16, to show the assignment of an interest in the oil and gas lease therein under consideration by F. A. Gillespie on May 22nd, 1924.

THEREUPON F. A. Gillespie, did in open court object and except to the order of the Court in so far as it overruled the motions of said defendant, each of which said objections is by the court overruled and the defendant allowed exceptions.

IT IS THEREUPON further ordered by the Court that the defendant, F. A. Gillespie, file his answer to the complaint of the plaintiff and to the intervening complaint of the United States on or before October 13, 1939.

DONE in open court this 18th day of September, 1939, at Tulsa, Oklahoma.

ALFRED P. MURRAH
Alfred P. Murrah, District Judge

APPROVED AS TO FORM:
UNITED STATES OF AMERICA
By WHITE Y. MAUZY, U. S. Atty

JAMES T. SPENCER, Administrator of the
ESTATE OF JACKSON BARNETT, Deceased
By CHAS. B. ROBERS

F. A. GILLESPIE
By HAROLD ROBSCHACH

ENDORSED: Filed Oct 16 1939
H. P. Warfield, Clerk
U. S. District Court H

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

MARY COLLINS, Administratrix of the Estate of
Melvin E. Collins, deceased, Plaintiff,)

vs.)

ALLIED STEEL PRODUCTS CORPORATION, a
corporation, Defendant.)

and)

SINCLAIR REFINING COMPANY, a
corporation, Defendant and Third Party Plaintiff,)

vs.)

KANSAS CITY STRUCTURAL STEEL COMPANY,
a corporation, Third Party defendant.)

NO. 95 CIVIL

O R D E R

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 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 23 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 $\frac{1}{4}$) (the 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 Southeast 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 North east 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 210 acres of land;

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;

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.

The Court finds that the petitioner has been unable to acquire title to said property by private purchase and has heretofore instituted the above entitled proceedings for the taking of said lands by eminent domain.

It further appears that all of those persons who are now living and claim interests in the said lands adverse to the United States of America, and which said persons are respondents in this proceeding, have been duly served according to law with notice of the hearing of the application for the appointment of commissioners by this Court.

The Court hears evidence and specifically finds that the returns of the marshals filed herein, showing service of the notice of the hearing on the application for the appointment of commissioners, are true and correct and service was had as stated in said returns.

The Court further specifically finds that publication service was had according to law made and provided in such cases, and the Affidavit of the publisher as filed herein is hereby accepted and approved by this Court.

The Court further finds that the respondents named in the caption of the petition filed herein are the heirs, executors, administrators, trustees, devisees, successors and assigns of the owners of said premises and that said persons have been served according to law with notice of this hearing, and it is now proper for this Court to enter its order appointing commissioners in this cause as prayed for by the petitioner.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Lester Jordan, R.E. Crow and Lee Capehart, being disinterested freeholders of Delaware County, State of Oklahoma, whose names are on the regular jury list of this court, be, and they are hereby appointed as commissioners to inspect and view said real property hereinabove described and consider the fair, cash, market value and the damages the respondents in this cause, as owners thereof, will sustain by the appropriation of said lands and estate therein as hereinabove described.

Said commissioners are hereby authorized, empowered and directed to forthwith take the oath prescribed by law and to immediately inspect, view and appraise said real property and file their report in this Court as provided by law.

F. E. KENNAMER

JUDGE

ENDORSED: Filed Oct 16 1939
H. P. Warfield, Clerk
U. S. District Court ME

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

JESSIE F. HOLT,	PLAINTIFF,)
)
VS.		) No. 207 CIVIL
)
GUY A. THOMPSON, TRUSTEE FOR THE MISSOURI PACIFIC RAILROAD COMPANY, A BANKRUPTCY REPTOR.	DEFENDANT.)

O R D E R

Now on this the 16th day of October, 1939, the Court having heretofore had under consideration the motion of the defendant to dismiss plaintiff's petition, and after being well and sufficiently advised in the premises, doth overrule and deny said motion, to which action of the Court, the defendant excepts, and caused said exceptions to be allowed and noted.

It is further ordered that the defendant be granted fifteen days from this date in which to file answer.

F. E. KENNAMER
UNITED STATES DISTRICT JUDGE
NORTHERN DISTRICT OF OKLAHOMA

I hereby certify that I have on this the 17th day of October, 1939 transmitted by United States mail a copy of the above order to Messrs. Mills & Cohen, Ritz Building, Tulsa, Oklahoma, who are attorneys of record for the plaintiff.

W. L. CURTIS
Attorney for Defendant,
Ft. Smith, Ark.

ENDORSED: Filed Oct 18 1939
H. P. Warfield, Clerk
U. S. District Court E

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

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

ORDER APPOINTING COMMISSIONERS

On this 16th day of Oct., 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 the Interior, under and by virtue of Congressional Act of June 18, 1934, (48 Stat. 984), Congressional Act of June 26, 1936, (49 Stat. 1967), Congressional Act of May 9, 1938, (52 Stat. 309) and Act of Congress approved August 1, 1888, (25 Stat. 357), 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 34, Northeast Quarter (NE $\frac{1}{4}$) and the Northwest Quarter (NW $\frac{1}{4}$) of Section Five (5), Township Twenty-one (21) North, Range Twenty-three (23) East of the Indian Meridian, containing 319.96 acres, more or less, situate in Delaware County, State of Oklahoma.

Tract No. 34a, the Southeast Quarter (SE $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$), and the Northwest Quarter (NW $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section Fourteen (14), Township Twenty-one (21) North, Range Twenty-three (23) East of the Indian Meridian, containing 20 acres, more or less, situate in Delaware County, State of Oklahoma;

Tract No. 34b, the West Half (W $\frac{1}{2}$) of Section Fifteen (15), and the Northeast Quarter (NE $\frac{1}{4}$) and the East Half (E $\frac{1}{2}$) of the Northeast Quarter (NE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$), and East Half (E $\frac{1}{2}$) of the Southeast Quarter (SE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section Sixteen (16), Township Twenty-one (21) North, Range Twenty-three (23) East of the Indian Meridian, containing 520 acres of land, more or less, situate in Delaware County, State of Oklahoma;

Tract No. 34d, 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 Southeast Quarter (SE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$), and the North Half (N $\frac{1}{2}$) of the Northeast Quarter (NE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section Twenty-nine (29), Township Twenty-one (21) North, Range Twenty-three (23) East of the Indian Meridian, containing 50 acres, more or less, situate in Delaware County, State of Oklahoma;

Tract No. 34e, Lots Three (3) and Four (4), and the Southwest Quarter (SW $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of Section Four (4), Township Twenty-one (21) North, Range Twenty-two (22) East of the Indian Meridian, containing 118.91 acres, more or less, situate in Delaware County, State of Oklahoma;

Tract No. 34f. North Half ($N\frac{1}{2}$) of Lot Four (4), of Section One (1), Township Twenty-one (21) North, Range Twenty-two (22) East of the Indian Meridian, containing 19.33 acres of land, more or less, situate in Delaware county, State of Oklahoma;

Tract 34g. The North Half ($N\frac{1}{2}$) of the Northwest Quarter ($NW\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) ($N\frac{1}{2}$ of Lot 4); Southwest Quarter ($SW\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) (SW 10 acres of Lot 4); the Northwest Quarter ($NW\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) (NW 10 acres of Lot 5); in Section Six (6), Township Twenty-one (21) North, Range Twenty-two East of the Indian Meridian, containing 34.55 acres, more or less, situate in Delaware County, State of Oklahoma;

Tract No. 34j. The Northwest Quarter ($NW\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$), and the Northeast Quarter ($NE\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) of Section Twenty-four (24), Township Twenty-one (21) North, Range Twenty-two (22) East of the Indian Meridian, containing 20 acres, more or less, situate in Delaware County, State of Oklahoma;

Tract No. 30. The Northeast Quarter ($NE\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) of Section Fourteen (14), 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. 30a. The West Half ($W\frac{1}{2}$) 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 Fourteen (14), Township Twenty-one (21) North, Range Twenty-three (23) East of the Indian Meridian, containing 30 acres, more or less, situate in Delaware County, State of Oklahoma;

Tract No. 92. 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 Northeast Quarter ($NE\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) of Section Two (2), Township Twenty-one (21) North, Range Twenty-two (22) East of the Indian Meridian, containing 50 acres, more or less, situate in Delaware County, State of Oklahoma;

Tract No. 111. The Northeast Quarter ($NE\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$); and the Southwest Quarter ($SW\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) of Section Three (3), Township Twenty-one (21) North, Range Twenty-two (22) East of the Indian Meridian, containing 20 acres, more or less, situate in Delaware County, State of Oklahoma;

SPECIAL MARCH 1939 TERM

TULSA, OKLAHOMA

MONDAY, OCTOBER 16, 1939

Tract No. 122a, the Southeast Quarter (SE $\frac{1}{4}$) of the Southwest Quarter (SE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section Twenty-six (26) of 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. 56a, The Northeast Quarter (NE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of Section Twenty-four (24), Township Twenty-one (21) North, Range Twenty-three (23) East of the Indian Meridian, containing 10 acres of land, more or less, situate in Delaware County, State of Oklahoma;

Tract No. 56b, The North Half (N $\frac{1}{2}$) of the Northeast Quarter (NE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section Twenty-four (24), Township Twenty-one (21) North, Range Twenty-three (23) East of the Indian Meridian, containing 20 acres, more or less, situate in Delaware County, state of Oklahoma;

Tract No. 56c, The Northwest Quarter (NW $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of Section Thirty-two (32), 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;

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 the persons named have certain interests ~~in and~~ to the properties involved herein.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Lester Jordan, R. E. Crow, 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 absolute, fee simple title thereto.

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.

F. E. KENNAMER
JUDGE

ENDORSED: Filed Oct 16 1939
H. P. Warfield, Clerk
U. S. District Court ME

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

Florence Dismang,	Plaintiff,	) No. 2630 Law
vs.)	
The Western Union Telegraph Company, a corporation,	Defendant.)

ORDER ON MANDATE

In compliance with the Mandate of the United States Circuit Court of Appeals for the Tenth Circuit,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the order of this court entered on October 19, 1938, vacating the judgment of this court entered on October 11, 1938, which said judgment sustained the motion of the defendant for a directed verdict; vacated and set aside the verdict of the jury, and entered judgment for the defendant, be, and the same is hereby vacated, set aside and held for naught, and judgment is hereby entered in favor of the defendant and against the plaintiff.

Dated this 16th day of October, 1939.

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

ENDORSED: Filed Oct 16 1939
H. P. Warfield, Clerk
U. S. District Court H

HARTFORD ACCIDENT & INDEMNITY CO.,	Plaintiff,	) No. 1064 - Equity
-vs-)	
PETROLEUM ROYALTIES CO. ET AL.	Defendants.)

Now on this 16th day of October, A. D. 1939, it is ordered by the Court that the Clerk file and spread the 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 Hartford Accident and Indemnity Company, a corporation, plaintiff, and Petroleum Royalties Company of Oklahoma, a corporation, et al., defendants, No. 1064 Equity, the judgment of the said district court in said cause entered on October 6, 1938, was in the following words, viz:

* * * * "it is ordered, adjudged and decreed as follows, to-wit:

"I. That the defendant, Petroleum Royalties Company, a Trust Estate, is indebted to the plaintiff, Hartford Accident and Indemnity Company in the sum of \$24,213.18, with interest thereon at the rate of six per cent. (6%) per annum from August 26, 1935, until paid, and all the costs of this action, and in the sum of \$1,500.00 attorneys' fee, and which amounts the said defendant is directed to pay forthwith to the said plaintiff, and if the same be not done let execution issue therefor.

"II. That the defendant, Petroleum Royalties Company of Oklahoma, a corporation, is likewise indebted to said plaintiff in the same principal amount, with interest as aforesaid, costs and attorneys' fee, and is directed to pay the same forthwith to the said plaintiff, and if the same be not done let execution issue therefor."

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 Petroleum Royalties Company, a Trust Estate, et al., 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 and adjudged by this court that the judgment of the said District Court in this cause be and the same is hereby modified by limiting recovery of the Indemnity Company to two dollars and sixty-one cents; that, as so modified, the judgment of the said district court be and the same is hereby affirmed; and that Petroleum Royalties Company, a trust estate, and R. H. Hays, J. G. Catlett and Richard Hughes, Trustees of Petroleum Royalties Company, a trust estate, appellants, have and recover of and from Hartford Accident and Indemnity Company, a corporation, appellee, their costs herein and have execution therefor as at law.

- - September 6, 1939.

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

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

COSTS OF	APPELLANTS.
Clerk,	\$80.10
Printing record,	\$269.20
Attorney,	\$ 20.00
	<u>\$369.30</u>

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

UNITED STATES CIRCUIT COURT OF APPEALS
TENTH CIRCUIT

Costs taxed in favor of appellants in the case of Petroleum Royalties Company, a Trust Estate, et al., vs. Hartford Accident and Indemnity Company, a corporation, No. 1841

Filing record and docketing cause,	\$ 5 00
Filing copies of printed record,	- -

Filing and entering 2 appearances for appellants	1 00
Filing and entering 2 appearance for appellee	1 00
Clerk, preparing record for printer, etc.,	50 75
Printer, for printing record,	269 20
Filing 19 papers	4 75
Entering 3 orders, 3 folios	- 60
Filing briefs for appellants	5 00
Filing briefs for	5 00
Filing opinion,	- 25
Filing and entering degree,	1 25
Filing petition for a rehearing,	- --
Issuing mandate to District Court	5 00
Filing receipt for mandate	- 25
Filing receipt for balance of deposit,	- 25
Attorney's docket fee,	20 00
	<hr/>
	369 30

Attest:

ALBERT TREGO

Clerk, U. S. Circuit Court of Appeals,
Tenth Circuit

ENDORSED: Filed Oct 16 1939
H. P. Warfield, Clerk
U. S. District CourtME

Court adjourned to October 17, 1939

On this 17th day of October, A. D. 1939, the District Court of the United States for the Northern District of Oklahoma, sitting in Special March 1939 Term at Tulsa, met pursuant to adjournment, Hon. F. E. Kennamer, Judge, present and presiding.

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

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

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

United States of America, Plaintiff,)

vs.)

Frank Wooten, Defendant.)

No. 75 CIVIL

ORDER APPROVING RECEIVER'S REPORT AND DISCHARGING RECEIVER.

Now on this 12th day of Oct., 1939, this matter coming on before the Court on the report of O. A. Farrell, Receiver, and it being shown to the court that the said O. A. Farrell was appointed Receiver of the livestock involved in this action on June 16, 1939, for the purpose of selling said property and impounding the proceeds from such sale to await the termination of this litigation, and it further appearing that said Receiver has filed his report showing that the defendant, Frank Wooten, sold such cattle and turned over to him a Cashier's check for the sum of Four Hundred Ninety Dollars (\$490.00) as the price received from such sale, and that said Four Hundred Ninety Dollars (\$490.00) is now in the Receivership account awaiting the further order of this Court, and it further appearing that there has been no other collections, and the disbursements consisting of the following, to-wit:

and the court having examined and inquired into the sale by said defendant Wooten of such cattle, find that said sum of Four Hundred Ninety Dollars (\$490.00) is equivalent to the value of said cattle, and the court being otherwise advised, finds that said report should, in all things be approved, allowed and accepted.

IT IS, THEREFORE, THE ORDER of the court that said Receiver's Report be and the same is hereby approved, allowed and accepted, and said Receiver is directed to pay his disbursements in the amount of \$ None and deposit the sum of \$35.70 with the Clerk of this court to defray the cost of this litigation and pay the remaining balance from said Four Hundred Ninety Dollars (\$490.00) to the Treasury of the United States for its proper disbursement.

IT IS THE FURTHER ORDER of the court that said Receiver, O. A. Farrell, be and he is hereby discharged as such Receiver upon fulfillment of the requirements of him under this order.

F. E. KENNAMER
JUDGE

O.K. WHIT Y. MAUZY, United States Attorney
JOE W. HOWARD, Assistant United States Attorney

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

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

LEE HOWELL, Guardian of the person and estate of Leona Fox, nee Richard, Incompetent, Plaintiff,)

vs.)

JNO. W. PORTER, W. F. SESSIONS, IVAN SESSIONS, B. A. MARLIN AND ELSIE FOX, Defendant.)

UNITED STATES OF AMERICA, Intervenor.)

NO. 175 CIVIL

O R D E R

NOW, on this 20th day of October, 1939, the defendants motion having come on for hearing before the court on October 17, 1939 and the plaintiffs appearing by Milan M. King and the defendants appearing by George H. Jennings and Claude A. Niles and the intervenor, the United States of America, appearing by Whit Y. Mauzy, United States Attorney for the Northern District of Oklahoma and Chester A. Brewer, Assistant United States Attorney for said district, and the court after hearing arguments of counsel, instructed the parties to file briefs in support of their contentions and said briefs having been filed and the court being fully advised in the premises finds that said motion to remand should be overruled.

IT IS, THEREFORE, THE ORDER OF THE COURT that said motion to remand be and the same hereby is overruled to which ruling of the court, defendants except and exceptions are allowed

F. E. KENNAMER
United States District Judge

O.K. AS TO FORM

Service of copy acknowledged.

Milan M. King, Attorney for Plaintiffs.

GEORGE H. JENNINGS

Claude A. Niles, Attorneys for Defendants.

WHIT Y. MAUZY, United States Attorney
CHESTER A. BREWER, Assistant U. S. Attorney
ATTORNEYS FOR INTERVENOR.

ENDORSED: Filed Oct. 20 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. 263

-vs-

A. O. Kephart, et al.,

Defendants.

ORDER FIXING TIME FOR THE APPOINTMENT OF COMMISSIONERS AND PRE-
SCRIBING FORM OF NOTICE

NOW, on this the 17 day of October, 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. D. Boydstun, 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 land described in the petition for condemnation heretofore filed, for use in connection with the construction, equipment, operation and maintenance of the Pensacola Dam and hydroelectric power plant on Grand River, and for the purpose of developing and generating electric energy for sale and distribution.

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

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

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

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Judge of this Court that in the event the petitioner is unable to obtain personal 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 AND FOR THE NORTHERN
DISTRICT OF OKLAHOMA

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