

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

F. F. Moore,	Plaintiff,)
)
vs.)
)
Missouri, Kansas & Texas)
Railroad, a corporation,)
	Defendant.)

No. 251 - Civil

JOURNAL ENTRY

Now on this 17th day of November, 1939, the same being one of the Judicial Days of the Special March 1939 Term of this Court, come the parties hereto and file and present stipulation by the terms of which it appears that all matters and things in controversy in the above entitled and numbered cause having been finally and fully settled, and that this cause should be dismissed, with prejudice, at the costs of the defendant;

And the Court having seen said stipulation and being fully advised in the premises,

IT IS, THEREFORE, CONSIDERED, ORDERED, AND ADJUDGED BY THE COURT, that this cause be and it is hereby dismissed, with prejudice, at the costs of the defendant.

F. E. KENHAMER
JUDGE

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

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

THE CHAUTAUQUA COUNTY MACHINE SHOP)
COMPANY, a corporation,)
)
vs.)
)
A. D. SIMON, et al.,)
)
ELIZABETH BORRUM, and CANEY)
VALLEY NATIONAL BANK of Caney, Kansas,)

No. 1229 - Equity

Plaintiff,
Defendants,
Interveners.

JOURNAL ENTRY OF JUDGMENT ON STIPULATION

This cause having heretofore been decided upon the various claims of the parties hereto, with judgments rendered according to the findings of fact and conclusions of law as determined by the court herein, without decree of foreclosure of any of the property involved; and this cause coming on now to be heard by consent of all parties upon the written stipulation of the parties entered into and filed herein on September 26, 1939, after having been approved by the court; and upon motion of said parties for approval of the report of the receiver heretofore appointed herein, and for his discharge;

Said matters having been duly presented by respective counsel; and the court being fully advised in the premises, finds:

That all matters involved in this suit have been by the parties fully adjusted and settled by agreement and written stipulation, with the cash consideration thereof fully paid to the defendant, Pearl B. Whitescarver; that the judgments rendered herein have been satisfied and released, and releases thereof filed in this court discharging said judgments; that the receiver has duly performed his services as such, with compensation therefor paid; that all costs have been paid and satisfied, and the moneys collected and received by the receiver disbursed in accordance with the settlement and stipulation of the parties; and that said receiver should be discharged and the property involved in this suit as described in the pleadings turned over with full ownership and possession to the defendant, A. D. Simon, together with the oil runs therefrom.

IT IS, by the court, THEREFORE, ORDERED, ADJUDGED and DECREED that all judgments herein be satisfied and of record; that the oil and gas mining leases covering

The Northeast Quarter of Section Thirty-six, Township Twenty-nine North Range Eleven East;

and the Northwest Quarter of Section Thirty-one, Township Twenty-nine North Twelve East, Osage County, Oklahoma,

together with all running tools and equipment, including oil runs, be and remain the property of A. D. Simon, with possession in him; that said receiver be, and he is hereby discharged, and together with his bondsmen released from any further duties or obligations, and that said partnership affairs of the firm of Simon and Whitescarver are closed and settled in full.

Done and entered this 17th day of November, 1939.

F. E. KENNAMER
U. S. District Judge

11-16-39 Service - receipt of copy hereof and hereby acknowledged by undersigned

O.K. D. F. RAINY and EBEN L. TAYLOR By Eben L. Taylor,
Attorneys for PEARLE B. WHITESCARVER, individually, and as
Executrix of the estate of J. S. Whitescarver, Deceased.

SANDS & CAMPBELL
By A. S. SANDS GEORGE H. WARK
Attorneys for A. D. Simon, Elizabeth Borroum, and
Caney Valley National Bank of Caney, Kansas.

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

Court adjourned to November 21, 1939

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

Addie Moomau,	Plaintiff,)
)
vs.		) No. 225 Civil
Gordon W. Lillie and Nellie)
Kenney,	Defendants.)

JOURNAL ENTRY

NOW on this the 14th day of November, 1938, this cause was submitted to the court on agreed journal entry of judgment on the motion to quash, motion to strike and demurrer of the defendant filed in said cause, and the court, being sufficiently advised, orders that said motion to quash be, and the same is hereby overruled.

It is further ordered that the defendants' motion to strike from plaintiff's petition the following allegation on page two numerical paragraph five, the following language:

"and that the said Dodge automobile continued on its way without stopping and without retarding its speed"

be, and the same is hereby, sustained.

It is further ordered that defendants' motion to strike numerical paragraph seven page two, of plaintiff's petition be overruled and exception allowed.

It is further ordered by the court that the defendants' demurrer be overruled and exception allowed.

Defendants are allowed 20 days from this date in which to answer.

O.K. G. C. McBRIDE
Attorney for Plaintiff

F. E. KENNAMER
JUDGE

JARMAN, BROWN, LOONEY & WATTS
By NED LOONEY
Attorneys for Defendants

ENDORSED: Filed Nov 21 1938
H. P. Warfield, Clerk
U. S. District Court E

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

Lone C. Dowell,	Plaintiff,)
)
vs.		) No. Civil 270
Brown-Strauss Company, a)
corporation,	Defendant.)

ORDER EXTENDING TIME TO PLEAD

For good cause shown, and with consent of the plaintiff, the defendant herein,

Brown-Strauss Company, a corporation, is hereby granted and allowed fifteen days additional time from November 22, 1939, within which to plead to the complaint of plaintiff, and

IT IS SO ORDERED, this 21 day of November, 1939.

F. E. KENNAMER
UNITED STATES DISTRICT JUDGE

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

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

Sam Cooper, John Cooper, Kizzie Kelly,)
John R. Miller, L. O. Lytle and Roy T.)
Wildman, a co-partnership doing business)
under the name of Miller, Lytle & Wildman)
and George H. Jennings, Plaintiffs,)

vs.

No. 273 CIVIL.

Edward Tecumseh, Effie Tecumseh, Mable)
Tecumseh, Ida Tecumseh, Mary Tecumseh,)
Israel Tecumseh, Rosella Charles, nee)
Kelly, Amos Tiger, Josephine Tiger and)
William Tiger, a minor, Defendants.)

O R D E R

Now on this 21st day of November, 1939, this matter coming on before the Court on the motion of the United States of America for permission to intervene in the above mentioned cause, and it appearing to the Court that this action involves lands allotted to a restricted Creek Indian, and that some of the parties involved in this action are restricted Creek Indians, and that the United States of America should be a party to this action;

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

F. E. KENNAMER
JUDGE

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

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

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

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

THE LINCOLN NATIONAL LIFE INSURANCE
COMPANY,

Plaintiff,

No. 373 Equity

vs.

EXCHANGE NATIONAL COMPANY,

Defendant.

ORDER FOR AUTHORITY TO EXECUTE QUIT CLAIM DEED

THIS CAUSE COMING on to be heard on this the 21st day of November, 1939, on the application of T. P. Farmer as Receiver for Exchange National Company for an order authorizing, directing and empowering him to make, execute and deliver a quit claim deed to J. W. Ogburn covering Lots 7 and 8 in Block 32, Prague, Oklahoma, upon the payment to him of the sum of \$20.00 and the court having read said application and being fully advised in the premises and finding that it has jurisdiction to entertain said application,

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that said application be and it is hereby directed, authorized, and empowered to make, execute and deliver to J. W. Ogburn a quit claim deed covering the above described premises upon the payment to him of the sum of \$20.00.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED to make the said T. P. Farmer as Receiver for Exchange National Company be and he is hereby directed, authorized and empowered to do all things necessary and proper to accomplish the letter and spirit of the application and this order.

F. E. KENNAMER

United States District Judge

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

Court adjourned to November 24, 1939

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

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

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

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

Grand River Dam Authority, a
public corporation,

Petitioner,

CIVIL NO. 282

-vs-

J. B. Wise, et al.,

Defendants.

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

NOW, on this 24 day of November, 1939, the above entitled and numbered cause coming on to be heard, upon the application of the petitioner herein for an order of the Judge of this Court fixing the date for the appointment of three disinterested freeholders of said Northern District of Oklahoma, as commissioners, to inspect said real property involved herein and consider the injuries sustained by reason of the condemnation and appropriation of the absolute, entire and unencumbered fee simple title to said lands, for public use and benefit, as alleged in the petition for condemnation filed herein, and for an order of the Judge of this Court, prescribing notice to be given said defendants in said cause, of the time and place when the Judge of this Court will appoint said commissioners; the petitioner appearing by R. L. Davidson, General Counsel and Q. B. Boydston and Gayle M. Pickens, Assistant Counsels.

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

It appearing to the Judge of this Court that under the law applicable in such cases, it is necessary that the Judge of this Court appoint three (3) 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 the condemnation and appropriation of said lands described in the petition for condemnation filed herein, for public use and benefit.

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

IT IS THEREFORE, ADJUDGED AND DECREED by the Judge of this Court that notice be given said defendants, and each of them, and all persons claiming any right, title, interest or possession in and to the lands involved, personally, by serving a copy of said notice upon said defendants, and each of them, said notice to be served by the United States Marshal of the District and State in which said defendants, and each of them, may reside, and said notice to be signed by the attorneys for the petitioner, Grand River Dam Authority, a public corporation, and duly attested by the Clerk of this Court, notifying said defendants, and each of them, that the application of the petitioner for the appointment of three disinterested freeholders in the Northern District of Oklahoma, as commissioners to inspect said real property and consider the injuries which the owners thereof, or persons having some right, title or interest therein, may have sustained or will sustain by reason of the condemnation and appropriation of said property for public use, will be heard before the Judge of this Court, at Tulsa, Oklahoma, on the 12 day of December, 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.

To the above and foregoing Judgment, and each and every part thereof, the defendants, and each of them, except, and their exceptions are allowed.

F. E. KENNAMER
JUDGE

O.K. as to Form:

B. A. HAMILTON
Attorney for Plaintiff

I. L. LOCKEWITZ
Attorney for Defendants

ENDORSED: Filed Dec 15 1939
H. P. Warfield, Clerk
U. S. District Court E

IN THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE TENTH
JUDICIAL CIRCUIT
SITTING AT DENVER, COLORADO
THIRTY-SIXTH DAY, SEPTEMBER TERM, FRIDAY, NOVEMBER 24th, A. D. 1939.

PRESENT: Honorable Robert E. Lewis, Senior Circuit Judge,
Honorable Orle L. Phillips, Circuit Judge,
And other officers as noted on the fifth day of
September 1939.

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

Missouri-Kansas-Texas Railroad Company, Appellant,)
1971 vs.) Appeal from the District Court of the
Gladys Moore, Appellee.) United States for the Northern District
) of Oklahoma
)

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

On consideration whereof, and pursuant to a written stipulation of counsel for the parties hereto herein filed, it is now here ordered by the court that said motion be and the same is hereby granted and that the appeal in this cause be and the same is hereby dismissed out of this court at the costs of appellant.

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

A true copy as of record,

(SEAL)

Costs of Appellee:
Attorney's fee \$20.00

TESTE:
ALBERT TREGO, CLERK,
By George A. Pease
Deputy Clerk

ENDORSED: Filed Nov 27 1939
H. P. Warfield, Clerk
U. S. District Court E

known post office address.

F. E. KENNAMER
United States District Judge.

ENDORSED: Filed Nov 27 1939
H. P. Warfield, Clerk
U. S. District Court B

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

Fred O. Taylor,

vs.

Plaintiff,)

) No. 131 Civil

Gulf Oil Corporation; Sinclair Prairie Oil
Company, Minnehoma Oil & Gas Company, Tide-
water Associated Oil Company, Shell Petroleum
Company AND The Texas Company, Defendants.)

J U D G M E N T

NOW on this the 27th day of November, 1939, this cause coming on regularly to be heard by agreement of the parties before me the undersigned Judge, and it being made to appear that the parties hereto have agreed upon the amount of damages, if any, which have been sustained or will be sustained by the complainant as the owner of

The North Half (N/2) of the Northwest Quarter
(NW/4) of Section 12, Township 20 North, Range
8 East, Pawnee County, Oklahoma,

and that said damage totals Seven Hundred Dollars (\$700.00), the Court finds that the complainant is entitled to judgment against the respondent in said amount.

IT IS THEREFORE by the Court Ordered and Adjudged that the complainant as the owner of said lands recover from the respondents, Gulf Oil Corporation, Sinclair Prairie Oil Company, Minnehoma Oil and Gas Company, Tidewater Associated Oil Company, Shell Petroleum Company and The Texas Company, and each of them jointly, the sum of \$700.00 and the costs of this action, taxed at \$60.10, said judgment being in full of all damages, both past and prospective, sustained by complainant to his lands, trees, vegetation, crops, wells, water, both surface and subterranean, stock and other property rights, growing out of the wrongs complained of in the complaint and amended complaint filed herein.

F. E. KENNAMER
J U D G E

O.K. B. A. HAMILTON
For Complainant

O.K. REDMOND S. COLE
For Respondents

ENDORSED: Filed Nov 27 1939
H. P. Warfield, Clerk
U. S. District Court ME

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

Gilbert A. Monforte,	Plaintiff,)	
)	
-vs-)	
		)	No. 132 Civil
Gulf Oil Corporation, Sinclair Prairie Oil)	
Company, Minnehoma Oil & Gas Company, Tide-)	
water Associated Oil Co., Shell Petroleum)	
Company, and The Texas Company,	Defendants.)	

J U D G M E N T

NOW on this the 27th day of November, 1939, this cause coming on regularly to be heard by agreement of the parties before me the undersigned Judge, and it being made to appear that the parties hereto have agreed upon the amount of damages, if any, which have been sustained or will be sustained by the complainant as the owner of

The Southwest Quarter (SW/4) of Section One,
Township 20 North, Range 8 East, Pawnee County, Oklahoma,

and that said damage totals Five Hundred Dollars (\$500.00), the Court finds that the complainant is entitled to judgment against the respondent in said amount.

IT IS THEREFORE by the Court Ordered and Adjudged that the complainant as the owner of said lands recover from the respondents, Gulf Oil Corporation, Sinclair Prairie Oil Company, Minnehoma Oil and Gas Company, Tidewater Associated Oil Company, Shell Petroleum Company and The Texas Company, and each of them jointly in the sum of \$500.00 and the cost of this action, taxed at \$59.80, said judgment being in full of all damages, both past and prospective sustained by complainant to his lands, trees, vegetation, crops, wells, water, both surface and subterranean, stock and other property rights, growing out of the wrongs complained of in the complaint and amended complaint filed herein.

F. E. KENNAMER
J U D G E

O.K. B. A. HAMILTON, For Complainant
REDMOND S. COLE, For Respondents

ENDORSED: Filed Nov 27 1939
H. P. Warfield, Clerk
U. S. District Court ME

Court adjourned to November 28, 1939

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

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

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

MISCELLANEOUS - ADMISSION TO BAR.

Now on this 28th day of November, A. D. 1939, it being made satisfactorily to appear that Heber Finch, Jr., is qualified for admission to the Bar of the Court, the oath prescribed by law is administered and said attorney is declared admitted to the Bar of this Court.

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

United States of America,	Libelant,)	
)	
vs.		)	No. 177 CIVIL
)	
One 1938 Model DeLuxe Ford Coupe)	
Automobile, Motor No. 18-4,305,181, and)	
approximately 123 gallons of Assorted Tax-)	
paid Intoxicating Liquors Seized Therein;)	
William M. Tucker,	Claimant.)	

JOURNAL ENTRY OF JUDGMENT

Now on this 27th day of November, 1939, this cause of action having come on befo the Court, pursuant to regular assignment, Libelant appearing by Whit Y. Mauzy, United States Attor ney for the Northern District of Oklahoma, and Joe W. Howard, Assistant United States Attorney for said District, and the Claimant, William M. Tucker, appearing by Carl H. Ravis, his attorney, and the Libelant and said Claimant having stipulated and agreed as to the facts in this case, an the court, after hearing the argument of counsels and being fully advised in the premises, finds in favor of the Libelant and against the Claimant.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED BY THE COURT that a forfeiture herein be, and the same is hereby allowed as to the said described 1938 Model DeLuxe Ford Coupe Automobile, Motor No. 18-4,305,181, and said automobile is ordered delivered to the Treasury Department for theuse of the Bureau of Internal Revenue in the enforcement of the Internal Reve- nue Laws, pursuant to Section 304 of the Liquor Law Repeal and Enforcement Act, together with all of its equipment and accessories.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT that forfeiture herein be, and the same is hereby allowed as to the said approximate 123 gallons of assorted taxpaid intoxicating liquors seized in and with said described automobile, 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, ADJUDGED AND DECREED BY THE COURT that all storage charge incident to the seizures herein be, and the same are hereby ordered paid by the Treasury Department

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

F. E. KENNAMER
JUDGE

JOE W. HOWARD, Assistant United States Attorney

CARL H. RAVIS, Attorney for William M. Tucker, Claimant.

ENDORSED: Filed Nov 28 1939
H. P. Warfield, Clerk
U. S. District Court E

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

C. J. LAURISCH, TRUSTEE,	Plaintiff,)	
)	
vs.		)	No. 205 Civil
)	
C. T. THOMPSON, A. M. THOMPSON and)	
E. S. WILLIAMS, TRUSTEES OF SEMINOLE)	
PROVIDENT TRUST, a trust estate,	Defendants.)	

ORDER AUTHORIZING TRUSTEES OF SEMINOLE PROVIDENT TRUST TO SETTLE DISPUTE WITH E. W. JONES, INC. REGARDING OPERATING EXPENSES

Now on this the 28th day of November, A. D. 1939, same being a regular judicial day of the Special March Term of the above court, the application of the Trustees of Seminole Provident Trust for leave to settle a dispute between the trust estate and E. W. Jones, Inc. in regard to operating expenses of certain jointly owned producing oil and gas mining leases coming on regularly for hearing, and the court having examined the same, being fully advised in the premises and finding that said applications should be granted, NOW, THEREFORE,

IT IS HEREBY ORDERED that Noble Hood and W. W. McClure, Trustees of Seminole Provident Trust, an Oklahoma Trust Estate, are hereby authorized and directed to enter into a settlement agreement with E. W. Jones, Inc. whereby said trust estate will pay unto said E. W. Jones, Inc. the sum of \$2,223.59, in full and complete settlement of all claims and charges of said E. W. Jones, Inc. against said trust estate for its share of the operating and other expenses incurred in operating what is commonly known as the Lucas, Banta, Brandenburg and Ferguson Leases in Seminole and Pottawatomie Counties, Oklahoma, for the months of February, March, April, May, June, July and August, 1939.

DATED this 28th day of November, 1939.

O.K. EUGENE O. MONNET
Attorneys for Plaintiff

F. E. KENNAMER
United States District Judge

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

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

MARGUERITE MALES, a widow, et al,	Plaintiff,)	
)	
vs.		)	NO. 280 CIVIL
)	
ROBERT HAGENS and JACK ABRAMS,	Defendants.)	

O R D E R

Now, on this 28th day of November, 1939, the above coming on for hearing upon the application of plaintiffs' attorneys to take the depositions of the defendants on Thursday, November 30, 1939, and upon the further application of plaintiffs to require defendants to furnish and produce at said time the policy of insurance, if any, carried upon the automobile involved in the accident herein involved, and plaintiffs appearing not but make default, and defendants appearing by their attorney, Hal Crouch, and after statement of counsel and being advised in the premises, the Court finds as follows:

That plaintiffs should be permitted to take the depositions of defendants on Friday, December 1, 1939, at 10:00 o'clock A.M., before J. Forrest McCutcheon, 800 Perrine Building, in the City of Oklahoma City, instead of on November 30, 1939 which is Thanksgiving and a legal holiday.

The Court further finds that no insurance company is a party to this cause and th the application of plaintiffs to require defendants to produce a policy of insurance, should be deni

IT IS THEREFORE ORDERED that the defendant and each of them appear in the office of J. Forrest McCutcheon, 800 Perrine Building; in the City of Oklahoma City, Oklahoma, at 10:00 o'clock A.M., on December 1, 1939, to give their oral depositions in this cause.

IT IS FURTHER ORDERED that defendants will not be required to furnish to plaintiff at said time and place any policy or policies of insurance, if any, which they or either of them may own, and that inquiry upon the subject of insurance be not made by plaintiffs in the taking of said depositions, and that defendants shall not be required to answer any questions pertaining to the subject of liability insurance, if any, which may be held or owned by them or either of them.

F. E. KENNAMER
JUDGE

ENDORSED: Filed Nov 28 1939
H. P. Warfield, Clerk
U. S. District Court E

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

M. P. PERRY, TRUSTEE,	Plaintiff,)	
)	
vs.		)	No. 285 Civil
)	
ASSOCIATED PETROLEUM PROPERTIES, a Trust)	
Estate, PROVIDENT TRUST, a Trust Estate,)	
E. R. PERRY and S. L. DEDMAN,	Defendants.)	

O R D E R

On this 28th day of November, 1939, the above entitled matter comes on before me.

the undersigned Judge of this Court, upon application of M. P. Perry, plaintiff, for the appointment of a Receiver for Associated Petroleum Properties, a Trust Estate, and Provident Trust, a Trust Estate, and the Court having heard the argument of counsel, and being sufficiently advised in the premises, is of the opinion that a Receiver should be appointed for said Trust Estates.

IT IS, THEREFORE, BY THE COURT ORDERED, ADJUDGED AND DECREED that Joseph R. McGraw, of Tulsa, Oklahoma, be, and he is hereby, appointed Receiver of the assets, properties and effects of said Associated Petroleum Properties, a Trust Estate, and Provident Trust, a Trust Estate.

IT IS FURTHER ORDERED that the said Joseph R. McGraw, as Receiver, should qualify by filing forthwith his Oath and a Bond, executed by some solvent surety company, in the amount of \$5000.00, the cost of which said Bond to be taxed as costs in this Estate.

IT IS FURTHER ORDERED that the Receiver should take charge of the books, records papers, properties, cash and all other assets of said Trust Estates, and should continue the operation thereof.

IT IS FURTHER ORDERED that said Receiver shall, as soon as possible, file with this Court an inventory and appraisal of the assets of said Trust Estates and should present his recommendation as soon as practicable as to whether the operation of said Trusts should be continued or whether same should be liquidated.

IT IS FURTHER ORDERED that the plaintiff and defendants shall promptly and forthwith deliver all properties, assets and effects of said Trust Estates to the said Joseph R. McGraw Receiver, and that all of such persons, their servants, agents, employees, and all creditors, Sheriffs, Marshals, Constables and other officers, are hereby restrained and enjoined from in any wise interfering with the possession of said Receiver in and to the properties of said Trusts.

IT IS FURTHER ORDERED that the said Receiver shall promptly notify the unit holders of said Trusts of the fact of his appointment as Receiver thereof, and give such unit holder information from time to time as to the progress of the matter and the condition of their investments, as may be justified under the circumstances.

F. E. KENNAMER
JUDGE OF THIS COURT

ENDORSED: Filed Nov 28 1939
H. P. Warfield, Clerk
U. S. District Court B

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

Grand River Dam Authority, a)
public corporation,)
) Petitioner,)
vs.)) CIVIL NO. 286.
))
))
Claudy W. Frazier, et al.,)
) Defendants.)

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

NOW, on this 28 day of November, 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 the Court fixing the date for the appointment of three disinterested freeholders of said Northern District

Oklahoma, as commissioners, to inspect said real property involved herein and consider the injuries sustained by reason of the condemnation and appropriation of the absolute, entire and unencumbered fee simple title to said lands, for public use and benefit, as alleged in the petition for condemnation filed herein, and for an order of the Judge of this Court prescribing notice to be given said defendants in said cause, of the time and place when the Judge of this Court will appoint said commissioners; the petitioner appearing by R. L. Davidson, General Counsel, and Q. B. Boydston and Gayle M. Pickens, Assistant Counsels.

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

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

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

IT IS, THEREFORE, ADJUDGED AND DECREED by the Judge of this Court that notice be given said defendants, and each of them, and all persons claiming any right, title, interest or possession in and to the lands involved, personally, by serving a copy of said notice upon said defendants, and each of them, said notice to be served by the United States Marshal of the District and State in which said defendants, and each of them, may reside, and said notice to be signed by the attorneys for the petitioner, Grand River Dam Authority, a public corporation, and duly attested by the Clerk of this Court, notifying said defendants, and each of them, that the application of the petitioner for the appointment of three disinterested freeholders in the Northern District of Oklahoma, as commissioners to inspect said real property and consider the injuries which the owners thereof, or persons having some right, title or interest therein, may have sustained or will sustain by reason of the condemnation and appropriation of said property for public use, will be heard before the Judge of this Court, at Tulsa, Oklahoma, on the 12 day of December, 1939, at the hour of Ten o'clock A.M., or as soon thereafter as counsel may be heard, and that said defendants, and each of them, may appear if they so desire.

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

F. E. KENNAMER

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

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

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT
OF OKLAHOMAGrand River Dam Authority, a
public corporation,

Petitioner,

vs

The Public Service Company of Oklahoma,
a corporation, et al,

Defendants.

CIVIL NO. 287

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

NOW on this 28 day of November, 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 whereby the Judge of this Court will appoint said commissioners; the petitioner appearing by R. L. Davidson, General Counsel and Q. B. Boydston, and Gayle M. Pickens, Assistant Counsels.

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

It appearing to the Judge of this Court that under the law applicable in such cases, it is necessary that the Judge of this Court appoint three (3) disinterested freeholders, of the Northern District of Oklahoma, as commissioners to be selected by the Judge of this Court, according to law, to inspect the lands and consider the injuries sustained by reason of the condemnation and appropriation of said lands described in the petition for condemnation filed herein, for public use and benefit.

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

IT IS THEREFORE, ADJUDGED AND DECREED by the Judge of this Court that notice be given said defendants, and each of them, and all persons claiming any right, title, interest or possession in and to the lands involved, personally, by serving a copy of said notice upon said defendants, and each of them, said notice to be served by the United States Marshal of the District and State in which said defendants, and each of them, may reside, and said notice to be signed by the attorneys for the petitioner, Grand River Dam Authority, a public corporation, and duly attested by the Clerk of this Court, notifying said defendants, and each of them, that the application of the petitioner for the appointment of three disinterested freeholders in the Northern District of Oklahoma, as commissioners to inspect said real property and consider the injuries which the owners thereof, or persons having some right, title or interest therein, may have sustained or will sustain by reason of the condemnation and appropriation of said property for public use, will be heard before the Judge of this Court, at Tulsa, Oklahoma, on the 12 day of December, 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.

SPECIAL MARCH 1939 TERM

23/100 Dollars (\$493.23); and it further appearing that the value of said real estate is probably less than the said indebtedness; and it further appearing that Donald Witten and Margaret E. Witten, his wife, have proposed to transfer and convey said real estate to J. H. McBirney, Successor Trustee, as well as to execute and deliver their note for the principal sum of Three Hundred Dollars (\$300.00), payable Thirty Dollars (\$30.00) monthly, in satisfaction of said indebtedness and the discharge of said mortgage lien, and that by the acceptance thereof said trustee will avoid the cost and expense of foreclosure proceedings; that the value of said real estate, together with the sum of Three Hundred Dollars (\$300.00), probably equals the amount of said indebtedness and that the said trustee is probably unable to enforce the collection of any deficiency, if any should exist after the sale of said real estate; and it further appearing that the acceptance of said deed and said note is for the best interest of said trust estate, and for other good cause,

IT IS ORDERED that J. H. McBirney, Successor Trustee, be and he is hereby authorized and empowered to accept a warranty deed from Donald Witten and Margaret E. Witten, for the transfer and conveyance to him as Successor Trustee, of the following described real estate, to-wit:

Lots Twenty Three (23) and Twenty Four (24)
of Block Eight (8) of Park Hill Addition to the
City of Tulsa, Tulsa County, Oklahoma, according
to the recorded plat thereof,

and to accept from the said Donald Witten and Margaret E. Witten, a promissory note for the principal sum of Three Hundred Dollars (\$300.00), payable Thirty Dollars (\$30.00) monthly, all in satisfaction of said mortgage indebtedness.

IT IS FURTHER ORDERED that upon the delivery of said warranty deed and promissory note by Donald Witten and Margaret E. Witten, to J. H. McBirney, Successor Trustee, that the said J. H. McBirney, Successor Trustee, be authorized to release and discharge the said mortgage of record covering said real estate above described, and to surrender and cancel the said note evidencing the said indebtedness secured by said real estate mortgage.

F. E. KENNAMER
United States District Judge

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

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

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

ORDER AUTHORIZING TRUSTEE TO EXECUTE LEASE CONTRACT

On this 28th day of November, 1939, upon the application of J. H. McBirney, Successor Trustee, for authority to enter into a lease contract covering the North store room and basement thereunder, in a building located upon

Lots Sixteen (16), Seventeen (17), Eighteen (18), and Nineteen (19), in Block Forty-two (42) of the Original Town of Bristow, Oklahoma, according to the recorded plat thereof;

and it appearing that among the assets coming into the hands of said trustee were notes executed by H. E. Kennedy, Morris Kohlman and Claude A. Sturgeon, as trustees for R. M. House, Rachel Ball, nee House, and Viola D. House, and by Viola D. House, Elizabeth M. House and Rachel Ball, nee House, upon the principal sum of Eighty Five Thousand Dollars (\$85,000.00) was due, as well as a real estate mortgage covering the said land above described and the improvements thereon, to secure the payment thereof; and it further appearing that the said J. H. McBirney, Successor Trustee has instituted cause No. 21897 in the District Court of Creek County, Oklahoma, for the recovery of judgment upon said notes and for the foreclosure of said real estate mortgage, and that judgment was entered in said cause on the 6th day of September, 1939, for the sum of One Hundred Thousand Five Hundred Sixty Four & 82/100 Dollars (\$100,564.82), together with an attorney's fee of Eight Thousand Five Hundred Dollars (\$8,500.00), and together with interest at the rate of six and one-half per cent (6½%) from the date of judgment until paid, and for the foreclosure of said real estate mortgage, but that the said real estate is not to be sold until the expiration of six months from and after the date of said judgment, if the defendants do not pay the same; and it further appearing that T. P. Farmer is the duly appointed, qualified and acting receiver in charge, control and possession of said real estate and improvements, by virtue of an order of the District Court of Creek County, Oklahoma, in said cause No. 21897, and that said real estate is improved by a brick building containing store rooms, basements and floors above, and that the said receiver is now obtaining a rental of One Hundred Dollars (\$100.00) per month for the North store room, being a room 43' x 120' and being numbered 305 and 307 North Main Street in the City of Bristow, Oklahoma; and it further appearing that the said T. P. Farmer has an offer from Grimes & Company, a corporation, organized under the laws of the State of Oklahoma, for the rental of said North store room and the basement thereunder, at One Hundred Twenty Five Dollars (\$125.00) per month, but for a term of five (5) years; and it further appearing that the said receiver can lease said real estate and improvements only during the term of said receivership, and that said receiver is agreeable thereto; and it further appearing that Grimes & Company required that J. H. McBirney, Successor Trustee, adopt said lease and contract upon condition that he, the said J. H. McBirney, Successor Trustee, becomes the purchaser of said real estate and improvements upon the sale thereof; and it further appearing that it is to the advantage of said receivership and to this trust estate that an increased rental be obtained for said store room, and it further appearing that the said J. H. McBirney, Successor Trustee has reserved the right to terminate said lease upon giving ninety (90) days notice, upon his selling said real estate and improvements, and that the entering into said lease contract is without prejudice to the said trustee and said trust estate in the event the said J. H. McBirney, Successor Trustee, does not become the purchaser of said real estate and improvements at Sheriff's sale, and is without prejudice to any sale that the said trustee may undertake to make of said real estate and improvements, because of the reservation of the right to terminate said lease, but that the said lease may be of advantage in the sale of said real estate and improvements; and it further appearing that it is of advantage to said trust estate to have said store room rented; and it further appearing that a form of the said lease and contract is annexed to the trustee's application on file herein, and that the form of said lease is satisfactory and proper, and for other good cause,

IT IS ORDERED that J. H. McBirney, Successor Trustee, be and he is hereby authorized to execute and deliver a lease contract, by adopting the same, subject to the terms and conditions therein contained, wherein T. P. Farmer, receiver, is lessor, and Grimes & Company, a corporation, is lessee, and S. R. Grimes is guarantor.

IT IS FURTHER ORDERED that the form of said contract, as well as the terms and conditions therein, be as set forth in a copy thereof annexed to the application of J. H. McBirney, Successor Trustee, on file herein.

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

F. E. KENNAMER
United States District Judge

Court adjourned to December 4, 1939

On this 4th day of December, 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, and Hon. Alfred P. Murrah, Judge, present and presiding.

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

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

MISCELLANEOUS - ADMISSION TO BAR.

Now on this 4th day of December, A. D. 1939, it being made satisfactorily to appear that Stewart W. Mark is qualified for admission to the Bar of the Court, the oath prescribed by law is administered and said attorney is declared admitted to the Bar of the Court.

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

Lizzie Brink, nee Gibbs, now Frank, and Seymour, Frank,	Plaintiffs,	)	No. 92 CIVIL
)	
vs.)	
)	
A.G. Sutton and Mattie Sutton,	Defendants.)	
)	
UNITED STATES OF AMERICA,	Intervener.)	

D E C R E E

Now on this 27th day of November, 1939, this cause coming on before the Court, pursuant to regular assignment, the plaintiffs, Lizzie Brink, nee Gibbs, now Frank, and Seymour Frank, her husband, appearing by their attorney, James J. Mars; the defendants, A. G. Sutton and Mattie Sutton, appearing by their attorney, Streeter Speakman; and 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; the Court finds that the defendants, A. G. Sutton and Mattie Sutton have been duly and regularly served with summons in this cause and have filed their answer herein; the Court further finds that the Superintendent of the Five Civilized Tribes was duly and regularly served with notice and a certified copy of the pleadings in this cause, pursuant to the provisions of the Act of Congress of April 12, 1926, and that this cause, which was originally filed in the District Court of Creek County, Oklahoma, was, by the United States of America, removed to this court. The Court further finds that the United States of America intervened herein in behalf of the plaintiffs.

The Court, after hearing the arguments of counsel, and being fully advised in the premises, finds that Lizzie Brink, nee Gibbs, now Frank, is a full-blood, restricted Creek Indian, appearing opposite Roll No. 750. That on July 27, 1928, there was purchased out of the restricted funds of Lizzie Brink, nee Gibbs, now Frank, for a consideration of \$4,680.00, with the approval of the Secretary of the Interior of the United States of America, the following described land, to-wit:

Northwest Quarter of Southeast Quarter and
Northeast Quarter of Southeast Quarter of

Section 28, Township 18 North, Range 11 East, less two acres in the southeast corner of said Northeast Quarter of Southeast Quarter, containing 78 acres, more or less, said two acres being located on the east side of Rock Creek, excluded from said purchase, said land being located in Creek County, Oklahoma,

That the conveyance of the above described land was on a special form of deed, containing in the habendum clause the following language:

"Subject to the condition that no lease, deed, mortgage, power of attorney, contract to sell, or other instrument affecting the land herein described, or the title thereto, executed during the lifetime of said grantee, or at any time prior to April 26, 1941, shall be of any force or effect, or capable of confirmation unless made by the consent of and approval of the Secretary of the Interior."

That on May 11, 1934, the said Lizzie Brink, nee Gibbs, now Frank, joined by her husband, Seymour Frank, executed and delivered to H. G. Sutton and Mattie Sutton a purported warranty deed conveying the above described land. That said deed was placed of record in the office of the County Clerk of Creek County, Oklahoma, on May 18, 1934, and recorded in Book 415, at Page 504. That said deed above mentioned is void and of no force and effect by reason of the fact that the land attempted to be conveyed thereby was restricted against alienation prior to April 26, 1941.

The Court further finds that on September 4, 1935, the said Lizzie Brink, nee Gibbs, now Frank, and Seymour Frank, her husband, made, executed and delivered to the defendants, A. G. Sutton and Mattie Sutton, a lease contract covering the above described premises, which lease contract was placed of record in the office of the County Clerk of Creek County, Oklahoma, on September 6, 1935, and recorded in Book 433, at Page 560, said lease being for a term of Five Years. The Court further finds that said lease contract is a valid, subsisting and binding lease contract.

IT IS THEREFORE THE DECREE of the Court that the purported warranty deed dated May 11, 1934, from Lizzie Brink, nee Gibbs, now Frank, and Seymour Frank, her husband, executed and delivered to A. G. Sutton and Mattie Sutton, purporting to convey the above described land, which purported deed was placed of record in the office of the County Clerk of Creek County, Oklahoma, on May 18, 1934, and recorded in Book 415, at Page 504, be, and the same hereby is decreed to be void and of no force and effect, and is hereby canceled of record.

IT IS THE FURTHER DECREE of the Court that the lease contract dated September 4, 1935, from Lizzie Brink, nee Gibbs, now Frank, and her husband, Seymour Frank, to A. G. Sutton and Mattie Sutton, which lease contract was placed of record in the office of the County Clerk of Creek County, Oklahoma, on September 6, 1935, and recorded in Book 433, at Page 560, is a valid and binding lease contract, and said defendants, A. G. Sutton and Mattie Sutton shall remain in possession of the above described land during the term of said lease contract.

IT IS THE FURTHER DECREE of the Court that said defendants, A. G. Sutton and Mattie Sutton, are hereby ordered and directed, upon the expiration of said lease contract, to deliver possession of the above described premises to the plaintiff, Lizzie Brink, nee Gibbs, now Frank.

IT IS THE FURTHER DECREE of the Court that the title to the following described land, located in Creek County, ~~Oklahoma~~, to-wit:

by Noble C. Hood and W. W. McClure, as successor trustees of Seminole Provident Trust, a trust estate, and it appearing to the Court that said persons are proper parties to this proceeding and should be made parties hereto and should be permitted to file their intervening petition therein in order to have a complete determination of the issues involved therein;

NOW, THEREFORE, IT IS BY THE COURT ORDERED that the said Noble C. Hoff and W. W. McClure, as trustees of Seminole Provident Trust, a trust estate, be and they hereby are added as parties to this suit, and they are permitted to file instanter their intervening complaint herein, a copy of which is attached to their motion filed herein; and

IT IS FURTHER ORDERED that all other parties to this suit shall have ten days from the date of this order in which to plead to said intervening petition, if they desire to do so.

F. E. KENNAMER
JUDGE

ENDORSED: Filed Dec 4 1939
E. P. Warfield, Clerk
U. S. District Court B

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

NATIONAL LIFE COMPANY OF DES)
MOINES, IOWA,) PLAINIFF,)
) NO. 230 CIVIL
VS.)
)
AUGUSTA NORMAN AND MRS. P. D. SIKES,) DEFENDANTS.)

JOURNAL ENTRY OF JUDGMENT

NOW, on this 4th day of December, 1939, this cause comes on for hearing upon its merits, the defendant Augusta Norman appearing in person and by her counsel, S. J. Clendinning, and the defendant Mrs. P. D. Sikes appearing by her counsel, R. E. Rosenstein.

And both sides having announced ready for trial, and having waived a jury, the court proceeded to the trial of said cause upon its merits. The parties hereto stipulated as to the facts and rested. And the court being fully advised in the premises finds that the defendant Augusta Norman is entitled to judgment of and against the plaintiff and the defendant Mrs. P. D. Sikes, and each of them, for \$1,000, less the attorney fees and expenses heretofore allowed by the court and court costs, said money being in the hands of the Clerk of this Court.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the court that the defendant Augusta Norman have and recover judgment of and from the plaintiff herein, National Life Company of Des Moines, Iowa, and the defendant Mrs. P. D. Sikes, for the sum of \$1,000, less the attorney fees heretofore allowed by this court and the court costs incurred herein, and the Clerk of this Court is hereby directed to pay the defendant Augusta Norman the sum of \$1,000 heretofore paid said Clerk by the plaintiff herein, less said attorney fees and court costs.

Service of a copy of Journal Entry of Judgment acknowledged:
R. E. ROSENSTEIN, Attorney for defendant, Mrs.
P. D. Sikes

F. E. KENNAMER
UNITED STATES DISTRICT JUDGE

ENDORSED: Filed In Open Court
Dec 4 1939
H. P. Warfield, Clerk U. S. District Court B

IN THE UNITED STATES COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

TURNER BRATTON,	Plaintiff,)
)
vs		) No. 242 Civil
)
MISSOURI, KANSAS AND TEXAS RAILROAD COMPANY,	Defendant.)

JOURNAL ENTRY

Now, on this 4th day of December, 1939, the same being one of the regular court days of the Special March 1939 Term of this court, the above entitled cause comes on regularly for trial, the plaintiff appearing in person and by his attorney, Karl E. Jones, and the defendant appearing by its attorneys, John E. M. Taylor, Joe T. Dewberry, and C. S. Walker, and the case being regularly called for trial, and the plaintiff through his counsel announces that he is not ready to proceed with the trial of same, and the defendant, by its counsel, announces ready for trial, whereupon the case is by the court passed until 1:30 o'clock A.M., of this date.

And now, on the same day, and after the noon adjournment of the court, and after 1:30 o'clock P.M., the case is again called for trial; whereupon plaintiff's said attorney above named, announces that he is not ready to proceed with the trial of said case, and further advises the court that the above named plaintiff is not now present in court, and that he has been unable to communicate with plaintiff, as ascertain his whereabouts, although the plaintiff was personally present in court this morning, and when he left the court room was definitely advised and instructed by his counsel to return to the court room at 1:30 o'clock P.M., and that this said attorney has not since seen the plaintiff. The defendant having announced ready for trial, and plaintiff failing to appear or to furnish any reason or excuse therefor,

IT IS, THEREFORE, BY THE COURT, CONSIDERED, ORDERED AND ADJUDGED that the plaintiff's petition and cause of action herein be, and the same is hereby dismissed with prejudice at the costs of plaintiff.

APPROVED AS TO FORM:

F. E. KENNAMER

JUDGE

Attorney for Plaintiff

M. D. GREEN, JOHN E. M. TAYLOR
JOE T. DEWBERRY, C. S. WALKER

Attorneys for Defendant

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

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

D. Schmidt,	Plaintiff,)
)
vs.		) No. 253 Civil
)
Board of Education of the Town of Broken Arrow, Oklahoma,	Defendant.)

O R D E R

NOW, on this the 4th day of December, 1939, by agreement of counsel as evidenced by the approval of counsel for both plaintiff and defendant endorsed herein, and for good cause shown,

IT IS BY THE COURT ORDERED that the defendant be and it is hereby given 30 days from this date within which to answer herein.

F. E. KENNAMER
JUDGE

O.K. AND SERVICE COPY ACKNOWLEDGED.
JAMES S. TWYFORD
SOLON W. SMITH
Attorneys for Plaintiff

O.K. AND SERVICE OF COPY ACKNOWLEDGED
Z. I. J. HOLT
Attorney for Defendant

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

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

Grand River Dam Authority, a public corporation,	Petitioner,)
)
-vs-		) No. 277
)
C. D. Mitchell, et al.,	Defendants,)

ORDER APPOINTING COMMISSIONERS

Now on this 4 day of December, 1939, comes on for hearing petitioners application as embodied in its petition for condemnation, for an order appointing commissioners to ascertain the injury and assess the damages 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 the 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 to 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 petitioners must acquire in this action, is the following, situate in Delaware and Ottawa Counties, to-wit:

TRACT NO. 1 - (31 GR-O 41
31 GR-O 43
31 GR-O 56):

All the following land situated in Ottawa County, Oklahoma, to-wit: Lot 2, Lot 3, Lot 4, Lot 5, and all that part of Lot 6 lying North of the center of the channel of Elk River, the $N\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, and the NW $\frac{1}{4}$ SE $\frac{1}{4}$, of Sec. 1, T 25 N - R 23 E of the Indian Base and Meridian, Quapaw Survey, containing 164.37 acres, more or less; and that part of Lot 1, the SE $\frac{1}{4}$ NE $\frac{1}{4}$, and the NE $\frac{1}{4}$ SE $\frac{1}{4}$, and the N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 1, T 25 N - R 23 E of the Indian Base and Meridian, Quapaw Survey, and that part of Lot 1, Lot 2, Lot 3, Lot 4, of Sec. 6, T 25 N - R 24 E of the Indian Base and Meridian, Quapaw Survey, particularly described as follows, to-wit:

Beginning at the SW corner of said Lot 4, of Sec. 6, T 25 N R 24 E, thence Easterly along the South boundary of said Lot 4 to the SE corner thereof; thence Northerly along the East boundary of said Lot 4, a distance of 522.8 feet; thence N. 66° 02' W. 10.6 feet; thence N. 52° 06' W. 192.6 feet; thence N. 35° 07' W. 76.0 feet; thence N. 43° 36' E. 85.5 feet; thence N. 63° 44' W. 188.1 feet; thence N. 14° 54' E. 83.4 feet; thence N. 70° 24' W. 140.5 feet; thence N. 24° 11' E. 92.4 feet; thence N. 88° 16' W. 201.5 feet; thence N. 3° 05' W. 97.9 feet; thence N. 48° 02' E. 193.8 feet; thence S. 86° 47' W. 207.3 feet; thence N. 28° 16' W. 136.7 feet; thence N. 75° 08' E. 150.1 feet; thence N. 33° 07' E. 69.2 feet; thence N. 44° 00' W. 66.4 feet; thence S. 80° 46' W. 179.2 feet; thence N. 19° 17' W. 99.9 feet; thence N. 8° 50' E. 174.0 feet; thence N. 73° 27' E. 199.8 feet; thence N. 77° 08' E. 157.1 feet; thence N. 51° 22' E. 373.5 feet; thence N. 40° 54' E. 46.7 feet; thence S. 71° 10' W. 87.5 feet; thence S. 58° 01' W. 339.1 feet; thence N. 85° 10' W. 297.8 feet; thence N. 12° 38' E. 345.2 feet; thence N. 44° 48' E. 125.2 feet; thence N. 10° 39' E. 220.5 feet; thence N. 80° 46' E. 113.5 feet; thence N. 50° 44' E. 113.6 feet; thence N. 35° 12' E. 285.0 feet; thence N. 53° 15' E. 228.3 feet; thence N. 79° 39' W. 76.9 feet; thence S. 58° 46' W. 205.0 feet; thence S. 29° 50' W. 224.6 feet; thence S. 66° 00' W. 102.5 feet; thence N. 77° 26' W. 102.6 feet; thence N. 83° 18' W. 106.8 feet; thence S. 29° 01' W. 84.0 feet; thence S. 0° 27' W. 84.3 feet; thence S. 11° 14' E. 71.6 feet; thence S. 49° 04' W. 289.8 feet; thence S. 18° 11' W. 216.4 feet; thence S. 13° 08' W. 108.3 feet; thence S. 27° 30' W. 137.2 feet; thence N. 44° 21' W. 147.4 feet; thence S. 4° 51' W. 364.2 feet; thence S. 43° 48' W. 154.1 feet; thence S. 2° 48' W. 131.3 feet; thence S. 28° 36' W. 19.2 feet to a point in the West boundary of said Lot 3 of Sec. 6 and 1228.7 feet South of the NW corner thereof and 82.1 feet North of the SW corner thereof; thence S. 28° 36' W. 133.9 feet; thence N. 72° 33' W. 234.6 feet; thence N. 2° 42' E. 137.2 feet; thence S. 76° 32' W. 135.0

feet; thence N. 49° 16' W. 72.1 feet; thence N. 45° 53' E. 304.2 feet; thence N. 78° 51' W. 243.8 feet; thence S. 50° 05' W. 229.6 feet; thence N. 19° 07' E. 394.5 feet; thence S. 69° 00' W. 261.4 feet; thence N. 58° 38' W. 203.3 feet; thence N. 14° 25' E. 194.8 feet; thence N. 88° 10' W. 191.3 feet; thence N. 12° 39' W. 365.5 feet; thence N. 74° 31' E. 125.9 feet; thence N. 89° 09' E. 583.5 feet; thence N. 79° 49' E. 321.1 feet; thence N. 84° 50' E. 158.2 feet to a point in the East boundary of said SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Sec. 1 and 37.9 feet North of the SE corner thereof; thence N. 84° 50' E. 27.4 feet; thence N. 66° 22' E. 213.7 feet; thence N. 22° 32' W. 132.3 feet; thence N. 71° 26' W. 173.2 feet; thence S. 81° 51' W. 7.8 feet to a point in the East boundary of said SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Sec. 1 and 301.4 feet North of the SE corner thereof and 1020.7 feet South of the NE corner thereof; thence S. 81° 51' W. 136.5 feet; thence S. 78° 31' W. 159.0 feet; thence N. 88° 23' W. 129.2 feet; thence N. 14° 57' W. 147.7 feet; thence S. 29° 34' W. 164.0 feet; thence N. 71° 46' W. 307.6 feet; thence N. 0° 27' E. 111.3 feet; thence S. 45° 55' W. 167.2 feet; thence S. 69° 34' W. 91.9 feet; thence N. 24° 12' W. 163.3 feet; thence N. 55° 48' E. 213.7 feet; thence N. 49° 55' W. 197.3 feet; thence N. 56° 25' E. 147.1 feet; thence N. 26° 58' E. 175.5 feet; thence N. 3° 45' W. 143.4 feet; thence N. 42° 14' E. 144.0 feet; thence S. 21° 29' E. 608.8 feet; thence N. 25° 08' E. 109.0 feet; thence N. 12° 10' W. 198.6 feet; thence N. 51° 11' E. 165.5 feet; thence S. 72° 24' E. 174.9 feet; thence S. 60° 47' E. 193.8 feet; thence S. 52° 53' E. 123.5 feet to a point in the East boundary of said SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Sec. 1 and 804.8 feet North of the SE corner thereof; thence S. 52° 53' E. 63.4 feet; thence N. 9° 01' E. 93.6 feet; thence N. 34° 23' W. 134.9 feet; thence N. 50° 50' W. 199.0 feet; thence N. 8° 43' W. 84.5 feet; thence N. 35° 55' E. 198.9 feet; thence N. 62° 34' E. 97.3 feet; thence S. 89° 25' W. 24.2 feet to a point in the East boundary of said Lot 1 of said Sec. 1 and 63.1 feet North of the SE corner thereof; thence S. 89° 25' W. 75.2 feet; thence S. 60° 22' W. 206.3 feet; thence S. 78° 39' W. 118.4 feet; thence N. 47° 09' W. 128.2 feet; thence N. 3° 37' E. 89.5 feet; thence N. 49° 12' W. 108.9 feet; thence N. 40° 26' E. 100.9 feet; thence N. 74° 56' E. 72.6 feet; thence S. 52° 52' E. 200.8 feet; thence N. 1° 27' E. 134.4 feet; thence N. 50° 37' E. 73.0 feet; thence N. 48° 32' E. 207.8 feet; thence N. 59° 30' E. 23.4 feet to a point in the East boundary of said Lot 1 of said Sec. 1 and 491.4 feet North of the SE corner thereof; thence N. 59° 30' E. 166.7 feet; thence N. 62° 24' E. 218.1 feet; thence S. 86° 24' W. 231.6 feet; thence S. 72° 02' W. 241.5 feet; thence N. 31° 52' E. 91.0 feet; thence N. 47° 23' E. 103.7 feet to a point in the East boundary of said Lot 1 of said Sec. 1 and 735.4 feet North of the SE corner thereof; thence N. 47° 23' E. 118.3 feet; thence N. 52° 37' E. 216.2 feet; thence N. 56° 30' E. 377.1 feet; thence N. 56° 12' E. 258.1 feet to a point in the North boundary of said Lot 1 of said Sec. 6 and 520.1 feet West of the NE corner thereof; thence Westerly along said North boundary of said Sec. 6 to the meander line along the left bank of Grand River; thence Southwesterly along said meander line to the west boundary of said Lot 1 of said Sec. 1; thence Southerly along the West boundary of said Lot 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, and N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Sec. 1 to the SW corner of said N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Sec. 1; thence Easterly along the South boundary of said N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ to the SE corner thereof; thence southerly along the west boundary of said Lot 4 of said Sec. 6, to

the point of beginning, containing 149.28 acres, more or less;

The whole tract containing in all 313.65 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 thereof of the above described land,

TRACT NO. 2 (4 GR-D 15
4 GR-D 16)

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

The SW 10.0 acres of Lot 11 of Sec. 5, T 23 N - R 22 E of the Indian Base and Meridian, containing ten (10.0) acres, more or less,

AND

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

Lot 7, Lot 12, less the SE 10.0 acres, and Lot 11, less the SW 10 acres, of Sec 5, T 23 N - R 22 E of the Indian Base and Meridian containing eighty-one and fifteen hundredths (81.15) 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 thereof, of the above described land,

TRACT NO. 3 (2 GR-M 101)

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

The SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 1, containing 10.0 acres, more or less; and the NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, the W $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, the NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, the N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, and the NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 12, containing 85.0 acres, more or less;

All in T 23 N - R 21 E of the Indian Base and Meridian; the whole tract containing in all ninety-five (95.0) acres, more or less,

THAT the facts and conditions of title alleged and placed 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 DAN BISHOP, HENRY E. HOFFMAN 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 the taking and appropriation and acquisition by petitioner of the absolute, entire and unencumbered fee simple title of each of said tracts or

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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 of 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 December, 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 4 day of December, 1939.

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

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

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

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

ORDER AUTHORIZING TRUSTEE TO SELL REAL ESTATE

On this 4th day of December, 1939, upon the application of J. H. McBirney, Successor Trustee, for authority to sell real estate; and it appearing that among the assets coming into the possession of the trustee was a note executed by Margaret M. Cunningham and J. A. Cunningham, her husband, and Wilma J. Obermiller and H. G. Obermiller, her husband, upon which the principal sum of Two Thousand One Hundred Twenty Nine Dollars (\$2,129.00) was due, together with interest from July 1, 1932, and that said note was secured by a first real estate mortgage covering:

Lots Forty Three (43) and Forty Four (44), in Block Eight (8)
College View Addition to the City of Tulsa, Tulsa County,
Oklahoma,

and that the said Margaret M. Cunningham and J. A. Cunningham, Wilma J. Obermiller and H. G. Obermiller, executed and delivered their warranty deed, transferring and conveying fee simple title to the real estate above described to J. H. McBirney, Successor Trustee, in satisfaction of said mortgage indebtedness, and that the said J. H. McBirney, Successor Trustee, is the present owner and holder of title to said real estate; and it further appearing that the real estate above described is

improved with a one-story frame dwelling, containing five rooms and bath, shingle roof, hardwood floors and cement block foundation, and a garage 12' x 14'; and that the books and records of said trust reveal a cost or investment of said trust in said real estate of Two Thousand Five Hundred Fifty Seven & 88/100 Dollars (\$2,557.88), less the net amount of rentals collected from said premises of Three Hundred Fourteen & 83/100 Dollars (\$314.83), or a net investment to said trust of Two Thousand Two Hundred Forty Three & 05/100 Dollars (\$2,243.05); and it further appearing that the said trustee has an offer from O. B. Ensign and Grace Ensign for the purchase of said real estate, for a cash consideration of Two Thousand Two Hundred Fifty Dollars (\$2,250.00), and that the members of the Advisory Committee, appointed by the court, upon whom notice shall be given of sales of real estate from said trust, have been duly notified of said offer and have approved the same, and have recommended to the trustee that he sell said real estate for said consideration; and it further appearing that said real estate has been appraised and that the value fixed by said appraisal, approximates the sum offered therefor; and it further appearing that said trust estate is in liquidation and in the opinion of the trustee, it is to the best interest of said trust estate and its beneficiaries that said real estate be sold for said consideration; and it further appearing that the sale of said real estate was arranged by Mrs. W. E. Arthur, a real estate broker in the City of Tulsa, who is entitled to compensation for her said services, and that the reasonable compensation therefor is five per cent (5%) of the said purchase price, or the sum of One Hundred Twelve & 50/100 Dollars (\$112.50), and for other good cause,

IT IS ORDERED that J. H. McBirney, Successor Trustee, be and he is hereby authorized and empowered to sell to O. B. Ensign and Grace Ensign, the following described real estate, for a cash consideration of Two Thousand Two Hundred Fifty Dollars (\$2,250.00), to-wit:

Lots Forty Three (43) and Forty Four (44), in Block Eight (8),
College View Addition to the City of Tulsa, Tulsa County,
Oklahoma.

IT IS FURTHER ORDERED that J. H. McBirney, Successor Trustee, be and he is hereby authorized to execute a trustee's special warranty deed, transferring and conveying said real estate to O. B. Ensign and Grace Ensign, upon their payment to the said J. H. McBirney, Successor Trustee, of the sum of Two Thousand Two Hundred Fifty Dollars (\$2,250.00).

IT IS FURTHER ORDERED that the sale of the real estate above described, by J. H. McBirney, Successor Trustee, to O. B. Ensign and Grace Ensign, be and the same is hereby ratified, confirmed and approved.

IT IS FURTHER ORDERED that J. H. McBirney, Successor Trustee, be and he is hereby authorized to pay to Mrs. W. E. Arthur, a real estate broker, the sum of One Hundred Twelve & 50/100 Dollars (\$112.50), as compensation for her services in arranging the sale of said real estate.

F. E. KENAMER

United States District Judge

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

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

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

ORDER AUTHORIZING TRUSTEE TO SELL REAL ESTATE

On this 4th day of December, 1939, upon the application of J. H. McBirney, Successor Trustee, for authority to sell real estate; and it appearing to the court that among the assets coming into the possession of the trustee was a note executed by John Swartz and Minnie Swartz, to the Exchange National Company, upon which the principal sum of Two Thousand Five Hundred Sixty Two & 22/100 Dollars (\$2,562.22) was unpaid, together with interest, which said note was secured by a first real estate mortgage covering the following described real estate to-wit:

The west forty five (45) feet of the East Ninety Five (95) feet of Lots Eleven (11), Twelve (12), Thirteen (13), Fourteen (14), Fifteen (15) and Sixteen (16), in Block Sixteen (16), Park Hill Addition to the City of Tulsa, Tulsa County, Oklahoma;

and it further appearing that because of the inability of the trustee to collect said note, he instituted cause No. 58578 in the District Court of Tulsa County, Oklahoma, and recovered a judgment thereon on the 16th day of October, 1937, for the principal sum of Two Thousand Five Hundred Sixty Two & 22/100 Dollars (\$2,562.22), and One Thousand Three Hundred Seventy Seven & 86/100 Dollars (\$1,377.86) interest to the date of judgment, and the further sum of Eight Hundred Ninety Nine & 97/100 Dollars (\$899.07) advanced for the payment of taxes and insurance premiums, and the further sum of Two Hundred Sixty Dollars (\$260.00) as attorney's fees, and costs, and for the foreclosure of said real estate mortgage; that pursuant to appropriate proceedings therefor, said real estate was sold by the Sheriff of Tulsa County and purchased by the said trustee, J. H. McBirney, he bidding therefor the sum of Two Thousand Dollars (\$2,000.00), which was credited upon the said judgment, and that the said J. H. McBirney is the present owner of title in and to the said real estate above described; and it further appearing that the said real estate is improved with a one-story frame building, 18' x 36', with composition roof, cement block foundation, and containing five rooms, located at the rear of said lots, and a one-story frame house, 28' x 36', with composition roof, cement block foundation, and containing six rooms, located at the front of said lots; and it appearing that the houses are in need of repairs, and that the approximate sum of Six Hundred Dollars (\$600.00) will be required to put the said improvements in first class condition; and it further appearing that the said trustee, J. H. McBirney, has an offer from J. R. Loyd and Minnie P. Loyd, for the purchase of said real estate and improvements, for the sum of One Thousand Eight Hundred Dollars (\$1,800.00), payable as follows: Four Hundred Fifty Dollars (\$450.00) in cash, and the unpaid balance in payments of Twenty Five Dollars (\$25.00) per month, to include principal and interest, but all of the unpaid balance to become due and payable on or before two (2) years from the date of said transaction, and said deferred payments to bear interest at the rate of six per cent (6%) per annum, and to be secured by a first real estate mortgage covering the real estate above described; and it further appearing that the members of the Advisory Committee have been duly notified of said offer of sale, and have approved the same and recommended that the trustee accept said offer and sell said real estate for the said consideration and upon said terms; and it further appearing that the said real estate above described is of a type and character not easily salable; that the said trust estate is in liquidation and that in the opinion of the trustee it is to the best interest of said trust estate and its beneficiaries to sell said real estate; and it further appearing that the said offer obtained by said trustee is the best offer obtained by said trustee, and is in an amount approximately the appraised value of said real estate; and it further appearing that the North Syde Realty Company, real estate brokers in the City of Tulsa, arranged the sale of said real estate and is entitled to

compensation for said services, and that a five per cent (5%) commission upon the sales price is a reasonable compensation therefor, and for other good cause,

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

The West Forty Five (45) feet of the East Ninety Five (95) feet of Lots Eleven (11), Twelve (12), Thirteen (13), Fourteen (14), Fifteen (15) and Sixteen (16), in Block Sixteen (16), Park Hill Addition to the City of Tulsa, Tulsa County, Oklahoma.

to J. R. Loyd and Minnie P. Loyd, for the sum of One Thousand Eight Hundred Dollars (\$1,800.00), payable as follows, to-wit: Four Hundred Fifty Dollars (\$450.00) in cash, and the balance and remainder payable at the rate of Twenty Five Dollars (\$25.00) per month, to include principal and interest, but all of the unpaid balance to be payable on or before two (2) years from the date of the said transaction, said unpaid balance to bear interest at the rate of six per cent (6%) per annum, and to be secured by a first real estate mortgage covering the property above described.

IT IS FURTHER ORDERED that J. H. McBirney, Successor Trustee, execute and deliver to J. R. Loyd and Minnie P. Loyd a trustee's special warranty deed, transferring and conveying the real estate above described, upon payment to him by J. R. Loyd and Minnie P. Loyd, of the sum of Four Hundred Fifty Dollars (\$450.00), and execution and delivery to him of a promissory note evidencing the indebtedness of the unpaid balance, bearing interest at the rate of six per cent (6%) per annum, and a first real estate mortgage covering the real estate above described.

IT IS FURTHER ORDERED that the sale of the real estate above described by J. H. McBirney, Successor Trustee, to J. R. Loyd and Minnie P. Loyd, be and the same is hereby ratified, confirmed and approved.

IT IS FURTHER ORDERED that J. H. McBirney, Successor Trustee, be and he is hereby authorized to pay to North Syde Realy Company, a real estate brokerage commission of five per cent (5%) upon the purchase price of said real estate, as compensation for services in arranging the sale of the real estate above described.

F. E. KENNAMER
United States District Judge

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

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

United States of America, Libelant,)
vs.)
) No. 228 - Civil
)
One 1939 Model Ford DeLuxe Coupe,)
Motor No. 18-5,150,319, Claimant.)

JOURNAL ENTRY OF JUDGMENT

Now on this 4th day of December, 1939, this cause of action having come on before the court for hearing 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 the Intervener, Portland Finance Company, appearing by Mr. Samuel W. Hayes and Mr. Earl Pruet, of the law firm of Hayes, Richardson, Shartel and Gilliland, its attorneys, the Libelant and said Intervener having stipulated and agreed as to the facts in this case, and that there was no claim for the remission of forfeiture under the remission statute, but that only question for hearing was the applicability of the Liquor Enforcement Act of 1936, to the importation and transportation of liquor into the State of Oklahoma, together with the consideration of the constitutionality of House Bill No. 264 of the Oklahoma 1939 Legislature, and the court after hearing the argument of counsel, and being fully advised in the premises, finds in favor of the libelant and against the Intervener.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT that a forfeiture herein be, and the same is hereby allowed as to the said described 1939 Model Ford Deluxe Coupe, Motor No. 18-5,150,319, and that said automobile is ordered delivered to the Treasury Department for the use of the Bureau of Internal Revenue in the enforcement of internal revenue laws pursuant to Section 304 of the Liquor Law Repeal and Enforcement Act, together with all of its equipment and accessories.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT that a forfeiture herein be, and the same is hereby allowed as to the said approximately 150 gallons of assorted taxpaid liquors seized in and with said described automobile, which intoxicating liquors are ordered delivered to the Secretary of the Treasury of the United States for the proper and lawful disposition thereof.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT that the storage charges incident to the seizures of said automobile to and including December 4, 1939, be, and the same are hereby ordered paid by the Treasury Department of the United States of America, Such storage charges thereafter to be paid by the non-prevailing party herein on appeal.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT that the intervener herein have thirty (30) days from this date in which to file an appeal and supersedeas bond in the amount of Eight Hundred Fifty Dollars (\$850.00) to be approved by the court; that delivery of the automobile, involved herein, to the Treasury Department be stayed pending the filing of such an appeal and supersedeas bond, and upon the filing and approving of such an appeal and supersedeas bond, said appeal shall operate as a supersedeas of said judgment and stay of execution thereof until final judgment on appeal, and said automobile be and remain in the custody of the United States Marshal for the Northern District of Oklahoma until said final judgment on appeal.

Intervener in open court excepted to the judgment of the court and its exceptions were by the court allowed.

ALFRED P. MURRAH

United States District Judge for
the Northern District of Oklahoma

O.K. AS TO FORM:

SERVICE ACKNOWLEDGED:

WHIT Y. MAUZY

Whit Y. Mauzy, United States Attorney 335 Fed. Bldg., Tulsa, Okla.

WM. KNIGHT POWERS, Assistant United States Attorney, ATTORNEYS FOR LIBELANT
HAYES, RICHARDSON, SHARTEL & GILLILAND By Earl Pruet, Attorneys for Intervener.
1133 1st Nat. Bldg., Okla. City, Okla.

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

Court adjourned to December 5, 1939

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

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

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

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

Guaranty Roofing Company, a corporation,)	
	Plaintiff,)
vs.	)	No. 179 - Civil
))
American Savings Life Insurance Company, a corporation,)	
	Defendant.)

JOURNAL ENTRY OF JUDGMENT

This cause came on for trial on this 5th day of December, 1939, pursuant to regular assignment, the plaintiff being present by its attorneys, Hunt and Eagleton, and B. A. Hamilton, and the defendant being present by its attorneys, Cantrell, Savage and McCloud.

Thereupon both parties announced in open court that they had agreed and determined that an equitable adjustment and settlement of said cause would result from an entry of judgment by the court for plaintiff and against the defendant for the sum of \$3,930.79, and the said parties further announced that they would consent to the entry of a judgment for plaintiff for said amount.

The court being fully advised in the premises and upon consideration thereof, finds that the plaintiff should have and recover judgment against the defendant for the sum of \$3,930.79 by agreement and consent of the parties.

IT IS, THEREFORE, HEREBY ORDERED, ADJUDGED AND DECREED BY THE COURT that the plaintiff, Guaranty Roofing Company, have and recover judgment against the defendant, American Savings Life Insurance Company, for the sum of \$3,930.79 and the costs of this action.

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

O.K. HUNT & EAGLETON,
G. A. HAMILTON, Attorneys for Plaintiff

CANTRELL, SAVAGE AND McCLOUD,
Attorneys for Defendant

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

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

HELMERICH & PAYNE, INC., an Oklahoma Corporation,	Plaintiff,)
)
vs.		) No. 197 C.
)
THE NEW BRUNSWICK FIRE INSURANCE COMPANY OF NEW BRUNSWICK, NEW JERSEY, a New Jersey Corporation,	Defendant.)

ORDER OF DISMISSAL WITH PREJUDICE

This matter comes on for hearing on this the 5th day of December, 1939, upon the application of the plaintiff, and the court being fully advised and informed hereby approves the full and complete settlement of this cause of action for and in the sum of \$3,750, with the court costs to be paid by the defendant.

IT IS, THEREFORE, ADJUDGED AND DECREED by the Court that the within case be dismissed with prejudice to the bringing of any further action on this claim.

F. E. KENNAMER
UNITED STATES DISTRICT JUDGE

O.K. EUGENE O. MONNET, Attorney for Plaintiff
GEORGE F. SHORT, Attorneys for Defendant

Receipt of copy ack:

EUGENE O. MONNET, Atty. for Pltf.
GEORGE F. SHORT, Atty for Deft.

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

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

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

ORDER APPROVING TRANSFER OF LIFE INSURANCE POLICY

For good cause shown it is hereby ordered that the transfer, assignment and re-linquishment by J. M. Chandler, receiver appointed herein for the defendant Builders Supply Company, of life insurance policy No. 11,300,442, issued by New York Life Insurance Company upon the life of James T. Lynch to the said James T. Lynch and his beneficiaries, evidenced by writing executed by the said receiver under date of December 1, 1939, pursuant to previous order of this court, be and the same is hereby confirmed and approved.

On this 7th day of December, A.D. 1939, the District Court of the United States for the Northern District of Oklahoma, sitting in Special March 1939 Term at Tulsa, met pursuant to adjournment, Hon. F. E. Kennamer, Judge, present and presiding.

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

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

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

Grand River Dam Authority, a public corporation,	Petitioner,)	
)	
vs.		)	CIVIL NO. 298
)	
Stella Williamson, et al.,	Defendants.)	

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

NOW, on this 7th day of December, 1939, the above entitled and numbered cause coming on to be heard, upon the application of the petitioner herein for an order of the Judge of this Court fixing the date for the appointment of three disinterested freeholders of said Northern District of Oklahoma as commissioners to inspect said real property involved herein and consider the injuries sustained by reason of the condemnation and appropriation of the absolute, entire and unencumbered fee simple title to said lands, for public use and benefit, as alleged in the petition for condemnation filed herein, and for an order of the Judge of this Court prescribing notice to be given said defendants in said cause, of the time and place when the Judge of this Court will appoint said commissioners; the petitioner appearing by R. L. Davidson, General Counsel and Q. B. Boydston and Gyle M. Pickens, Assistant Counsels.

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

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

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

IT IS, THEREFORE, ADJUDGED AND DECREED by the Judge of this Court that notice be given said defendants, and each of them, and all persons claiming any right, title, interest or possession in and to the lands involved, personally, by serving a copy of said notice upon said defendants, and each of them, said notice to be served by the United States Marshal of the district and state in which said defendants, and each of them, may reside, and said notice to be signed by the attorneys for the petitioner, Grand River Dam Authority, a public corporation, and

after as counsel may be heard, apply to the Judge of the United States District Court in and for the Northern District of Oklahoma, for an order determining the right and necessity of the condemnation and appropriation of said lands, and for an order appointing three (3) disinterested freeholders of said Northern District of Oklahoma, as commissioners, to be selected by the Judge of said Court, to inspect said real property involved and consider the injury and assess the damages which said defendants, and each of them, as owners of, or of any right, title or interest therein, may sustain by reason of the condemnation and appropriation of the fee simple title in and to said lands for public use and benefit.

It further appearing that the petitioner herein has filed its affidavit and application, duly verified, setting up that the defendants hereinabove named, James Roscoe Miller; John Schad; Adolph Meister; Verna Roschwitz; and each of them, reside out of the State of Oklahoma, and that they are non-residents of the State of Oklahoma; that said petitioner, after due diligence, has been unable to serve said defendants within the State of Oklahoma; and further that the petitioner, after diligent search and inquiry has been unable to ascertain the residences or whereabouts of the defendants, Lavare Smith, Melinda Smith, Rosa May Smith, Eugene C. Smith, Richard Smith, Luke Smith, Jr., Mamie Moore, Lena Goins, Christine Quigley, Joe Herrod, or Heard, same as William Herrod, or Heard, if living, and if dead, their heirs, devisees, legatees, executors, administrators, trustees, creditors and assigns, immediate and remote, known and unknown, and their spouses if any, and that said defendants cannot be served with notice of condemnation proceedings herein within the State of Oklahoma; that the defendants, the heirs, devisees, legatees, executors, administrators, trustees, creditors and assigns, known and unknown, immediate and remote, and their spouses, if any, of A. M. Meister, deceased; of Emily M. Jones, deceased; and of J. E. Frazier, deceased; cannot, with due diligence, be served with notice of these condemnation proceedings, and of the time and place for the determining of the right and necessity of the condemnation and appropriation of said land, and for the appointment of commissioners; and the Judge of this Court, being fully advised in the premises, finds that the petitioner's application for service by publication upon the defendants hereinabove named, and each of them, should be granted.

IT IS, THEREFORE, CONSIDERED, ORDERED AND ADJUDGED that notice be given to the defendants hereinabove named, and each of them, notifying them of the institution of the condemnation proceedings herein, and of the time and place of the appointment of said commissioners, and that said notice be signed by the attorneys for the petitioner herein, duly attested by the Clerk of this Court, and that said notice be published in the Miami News Record, a newspaper of general circulation in Ottawa County, Oklahoma, for four weeks, and in the Grove Sun, a newspaper of General circulation in Delaware County, Oklahoma, for four weeks, notifying said defendants of the institution of condemnation proceedings, and the application of the petitioner for condemnation and appropriation, and that if the said defendants, and each of them, do not apply to the Judge of the United States District Court in and for the Northern District of Oklahoma, to have the damages assessed by reason of the condemnation and appropriation of said lands by the petitioner on or before the 29th day of January, 1940, the petitioner, Grand River Dam Authority, a public corporation, will, on said 29th day of January, 1940, at the hour of Ten o'clock A.M., or as soon thereafter as counsel may be heard, apply to the Judge of the United States District Court in and for the Northern District of Oklahoma, in the Federal Building, in the City of Tulsa, Oklahoma, for an order determining the right and necessity for the condemnation and appropriation of said lands, and for an order appointing from the regular jury list three (3) disinterested freeholders in said Northern District of Oklahoma, as commissioners, who shall be selected by the Judge of said Court, to inspect said real property and appraise the value of the absolute, entire and unencumbered fee simple title and consider the injury which said defendants, as the owners thereof, or of those having any right, title or interest therein, may sustain by reason of the condemnation and appropriation of said absolute fee simple title for said public use and benefit, and that said defendants, and each of them, may be present, if they so desire.

E. E. KENAMER
JUDGE OF THE UNITED STATES DISTRICT
OF OKLAHOMA

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

To F. W. Sunderwirth, Cashier of the Five Civilized Tribes, for the use and benefit of Coo-wee-scoo-wee Blackbear, a full blood Cherokee citizen, Roll No. 18541. \$34.28

The \$120.00 deposited as just compensation for Tract 84 in the above entitled proceeding, should be distributed and paid out as follows, to-wit:

To the County Treasurer of Delaware County, Oklahoma, in full satisfaction of any and all taxes due or exigible against said real estate. \$52.09

To R. B. Schriver. \$67.91

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the Clerk of this Court issue its drafts as follows, to-wit:

To County Treasurer of Delaware County, Oklahoma, in full satisfaction of any and all taxes due or exigible against Tract 42. \$15.72

To F. W. Sunderwirth, Cashier of the Five Civilized Tribes, for the use and benefit of Coo-wee-scoo-wee Blackbear, a full blood Cherokee citizen, Roll No. 18541, as just compensation for Tract 42, less taxes above set out. 34.28

To County Treasurer of Delaware County, Oklahoma, in full satisfaction of any and all taxes due or exigible against Tract 84. 52.09

To R. B. Schriver, as just compensation for Tract 84, less taxes above set out. 67.91

F. E. KENNAMER
JUDGE

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

I. E. NELSON, TRUSTEE,

-vs-

T. L. BLAKEMORE, CITY ATTORNEY, FOR THE
CITY OF SAPULPA, ET AL.,

Plaintiff,)

Defendants.)

)
)
) No. 97 - Civil
)
)

Now on this 11th day of December, A. D. 1939, it is ordered by the Court that the Clerk file and spread of record the Mandate in the above case, same being in words and figures as follows, to-wit:

UNITED STATES OF AMERICA, ss:

THE PRESIDENT OF THE UNITED STATES OF AMERICA

SPECIAL MARCH 1939 TERM

(SEAL)

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

GREETING:

WHEREAS, lately in the District Court of the United States for the Northern District of Oklahoma, before you, or some of you in a cause between I. E. Nelson, Trustee, plaintiff, and T. L. Blakemore, City Attorney for the City of Sapulpa, Oklahoma, Everett S. Collins, County Attorney of Creek County, Oklahoma, Oklahoma Natural Gas Company, a corporation, Leon C. Phillips, Governor of the State of Oklahoma, and Mac Q. Williamson, Attorney General of the State of Oklahoma, defendants, No. 97, Civil, the decree of the said District Court in said cause entered on August 12, 1939, was in the following words, viz:

"It is therefore by the court considered, ordered and adjudged that this action be and the same is hereby dismissed as to the defendant T. L. Blakemore, City Attorney, and that said defendant have and recover his costs herein expended, to which judgment of the court the plaintiff duly excepts and the exception is noted.

"It is further by the court considered, ordered, adjudged and decreed that Section 8 of Article IX of the Constitution of the State of Oklahoma is inapplicable to the certain sale of the physical properties formerly of Sapulpa Gas Company proposed to be made by I. E. Nelson, Trustee unto the defendant Oklahoma Natural Gas Company and that said sale by the plaintiff and purchased by the defendant Oklahoma Natural Gas Company is not prohibited thereby, and is in all things ratified, confirmed and approved by this court.

"It is further ordered and adjudged as between all parties to this action that the purchase of said properties upon the terms set forth by the pleadings in this cause by Oklahoma Natural Gas Company is not prohibited by the said section and article of the Constitution of the State of Oklahoma, and will not violate the Constitution of or any other law of the State of Oklahoma.

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

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 Leon C. Phillips, Governor of the State of Oklahoma, Mac Q. Williamson, Attorney General of the State of Oklahoma, and Everett S. Collins, County Attorney of Creek County, Oklahoma, agreeably to the act of Congress, in such case made and provided, fully and at large appears:

AND WHEREAS, at the September 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.

This cause having heretofore come on to be heard upon the record on appeal and upon a written stipulation executed by all of the appellants and appellees, either in person or through their counsel, stating and admitting, among other things, that the gas properties owned by I. E. Nelson, Trustee, located in and around the City of Sapulpa, Oklahoma, could not be longer operated by the said I. E. Nelson on account of

- (a) Lack of operating funds;
- (b) Lack of an adequate supply of natural gas;
- (c) Inability to find qualified management for such compensation as the rates allowed to be charged by said I. E. Nelson, Trustee, would justify;
- (d) Lack of a compensatory rate and financial collapse of the business conducted through said gas distribution properties;
- (e) Accumulation of unpaid ad valorem taxes in the amount of \$41,257.36;
- (f) Inability to pay sums due creditors of the Sapulpa Gas Company, now defunct;

and it being agreed that actual service through said gas properties was discontinued, after lawful permission therefor had been obtained, on the 15th day of September, 1939, and said properties have not since said date been used by the said I. E. Nelson, Trustee, to carry on a public service business but said business has been abandoned and suspended by him;

And it further being agreed by all of the appellants and appellees that the Corporation Commission of the State of Oklahoma, the lawful body having jurisdiction over the services and practices of public service businesses in Oklahoma, has by appropriate order directed Oklahoma Natural Gas Company to supply users of natural gas in the City of Sapulpa, Oklahoma, through the lines and facilities comprised in said gas transmission and distribution system in and around the City of Sapulpa, Oklahoma, belonging to appellee, I. E. Nelson, Trustee, and it being further agreed that the injunction entered by the District Court of the United States for the Northern District of Oklahoma in this action against the Governor and the Attorney General of the State of Oklahoma may be vacated and set aside, and that said judgment may in all other particulars and respects be affirmed, at the cost of I. E. Nelson, Trustee;

It is now here ordered, adjudged and decreed by this court that the injunction issued and entered by the District Court of the United States for the Northern District of Oklahoma against Leon C. Phillips, Governor of the State of Oklahoma, and Mac Q. Williamson, Attorney General of the State of Oklahoma, and Mac Q. Williamson, Attorney General of the State of Oklahoma, be and the same hereby is vacated, set aside and held for naught.

It is further ordered, adjudged and decreed by this court that the judgment and decree of the District Court of the United States for the Northern District of Oklahoma entered in said cause and from which this appeal was taken should in all other particulars and respects be approved and affirmed.

It is further ordered, adjudged and decreed by this Court that the appellants, Leon C. Phillips, Governor of the State of Oklahoma, and Mac Q. Williamson, Attorney General of the State of Oklahoma, and Everett Collins, County Attorney of Creek County, Oklahoma, have and recover of and from I. E. Nelson, Trustee, their costs herein and have execution therefor as at law.

It is further ordered, adjudged and decreed that the mandate of this court issue forthwith to said District Court.

-- December 7, 1939.

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

WITNESS, the Honorable CHARLES E. HUGHES, Chief Justice of the United States, the 8th day of December, in the year of our Lord one thousand nine hundred and thirty-nine.

COSTS OF	Appellants	
Clerk,	\$27.50	ALBERT TREGO
Printing Record	\$ None	Clerk of the United States Circuit Court of
Attorney	\$None	Appeals, Tenth Circuit
	<u>\$27.50</u>	

UNITED STATES CIRCUIT COURT OF APPEALS
TENTH CIRCUIT

Costs taxed in favor of appellants, in the case of Leon C. Phillips, Governor of the State of Oklahoma, et al., vs. I. E. Nelson, Trustee, No. 1960

Filing record and docketing cause,	\$5.00
Filing copies of printed record,	- --
Filing and entering 3 appearances for appellants	1.50
Filing and entering 1 appearance for appellee	-.50
Clerk, preparing record for printer, etc.,	- --
Printer, for printing record,	- --
Filing 14 papers,	3.50
Entering 2 orders, 2 folios,	-.40
Filing briefs for	- --
Filing briefs for	- --
Filing opinion,	-.25
Filing and entering judgment	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,	- --
Four certified copies of judgment	9.60
	<u>\$27.50</u>

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

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

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

UNITED STATES OF AMERICA,

Plaintiff,)

vs.)

No. 187 Civil)

Frank V. Shaw, C. R. Musgrove and
John L. Shaw,

Defendants.)

JOURNAL ENTRY OF JUDGMENT

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

IT IS THEREFORE THE ORDER AND JUDGMENT of the Court that plaintiff, in its own behalf, and in behalf of the heirs of Herbert Brokey, deceased Osage Allottee No. 215, have and recover judgment against the defendants, Frank V. Shaw, C. R. Musgrove and John L. Shaw, and each of them in the sum of \$400.00 with interest at the rate of 6% per annum on \$60.00 from March 1, 1932; on \$80.00 from Sept. 1, 1932; on \$80.00 from March 1, 1933; on \$80.00 from Sept. 1, 1933; on \$20.00 from March 1, 1934, and on \$80.00 from Sept. 1, 1934, until paid, and for all costs of this action.

F. E. KENNAMER
JUDGE

O.K. WHIT Y. MAUZY

Whit Y. Mauzy, United States Attorney

CHESTER A. BREWER

Chester A. Brewer, Assistant United States Attorney

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

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

C. J. LAURISCH, TRUSTEE, Plaintiff,)
)
 vs.) Civil No. 205
)
 C. T. THOMPSON, A. M. THOMPSON and)
 R. S. WILLIAMS, TRUSTEES OF SEMINOLE)
 PROVIDENT TRUST, a trust estate, Defendants.)

ORDER AUTHORIZING TRUSTEES TO PAY COST OF PREPARING CASE MADE

Now on this 11th day of December, 1939, the same being a regular judicial days of the Special March Term of said court, the application of Nobel C. Hood and W. W. McClure, Trustees of the Seminole Provident Trust, for directions to pay balance of the cost of preparing case made, came on regularly for hearing, and it appearing to the Court that this court has heretofore entered an order authorizing Clyde T. Thompson to perfect and prosecute an appeal from an adverse judgment of the District Court of Tulsa County, Oklahoma, in the case entitled Seminole Provident Trust Plaintiff, vs. E. W. Jones, Inc., defendant, No. _____, and in accordance with said order G. U. McKinney, court reporter of said District Court, has prepared the case made and it appearing further to the court that your trustees should be authorized and directed to pay to said Court Reporter the sum of \$152.41, which is the balance due unto him for preparing said case made, the sum of \$100 having been heretofore paid to him as an advance on his ultimate fee under order of this court of November 8, 1939.

NOW, THEREFORE, IT IS HEREBY ORDERED that the said Trustees shall pay to said G. U. McKinney, Court Reporter of the District Court of Tulsa County, Oklahoma, the sum of \$152.41, in payment of the balance of the cost of preparing the above described case made.

F. E. KENNAMER
 UNITED STATES DISTRICT JUDGE

OK EUGENE O. MONNET
 Attorneys for Plaintiff

HENRY L. FIST
 Attorneys for Defendant

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

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

MRS. LOICE BERSON, Plaintiff,)
)
 vs.) No. 210 - Civil
)
 MILNER HOTEL COMPANY, INC., a corp., Defendant.)

O R D E R

On this 11th day of December, 1939, it appearing to the Court that the defendant herein has paid into the registry of the Court and to the Clerk thereof the principal amount of

said judgment in the sum of Two Thousand (\$2000.00) Dollars, together with accrued costs.

IT IS THEREFORE ORDERED by the Court that the Clerk of this Court be and he hereby is instructed and directed to pay the amount of said judgment in the sum of Two Thousand (\$2000.00) dollars, as aforesaid, to the plaintiff, Mrs. Loice Berson, and her attorneys of record, B. A. Hamilton and Eben L. Taylor, together with all costs incurred by said plaintiff, and that upon said payment by said Clerk that said judgment be satisfied of record.

F. E. KENNAMER
JUDGE

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

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

Grand River Dam Authority, a
public corporation,

Petitioner,)

vs.)

No. 245 Civil)

William T. Sheldon, et al,

Defendants.)

ORDER REQUIRING APPRAISERS TO MAKE SEPARATE VALUATION
ON A PART OF LANDS IN TRACT NUMBER SEVEN.

Whereas, the defendant, E. H. Beauchamp has filed herein his application, in which he claims to be the sole owner of the South-half of Southwest Quarter of Southeast Quarter, less 2.01 acres for K. O. & G. R. R. right-of-way, of Section 35, Township 25 North, Range 22 East of the Indian Base and Meridian, containing 17.99 acres, more or less, and any and all reversionary interest in and to the right-of-way of said K. O. & G. R. R., which is a part of the lands described as Tract Number Seven in the petition on filed herein, and has further stated in his application that he desires the same appraised as a part and parcel of Tract number Seven, as prayed for by the Grand River Dam Authority, but due to his claim of sole ownership to said lands, has prayed that in addition to appraising the Tract number Seven as prayed for, that the Commissioners in appraisal also indicate a separate valuation as to the lands above described in Section 35, so that the court and all parties to this action may have such knowledge and information as will enable the court to make a proper distribution of the funds paid into court for the condemnation of the lands described in Tract number Seven.

IT IS THEREFORE ordered by this court that the Commissioners in appraisal appointed herein, assess and value the lands in Tract number Seven, as a whole as heretofore ordered and that said Commissioners in appraisal after making such appraisal of tract number Seven as a whole, indicate in their appraisal the valuation placed by them on the South-half of Southwest Quarter of Southeast Quarter, less 2.01 acres K. O. & G. R. R. right-of-way, of Section 35, Township 25 North, Range 22 East of the Indian Base and Meridian, containing 17.99 acres, more or less, and any and all reversionary interest in and to the right-of-way of said K. O. & G. R. R.

OK Q. B. BOYDSTUN, Asst Counsel GRDA

F. E. KENNAMER
United States District Judge

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

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

James T. Regan, Tritos T. Baker, G. C. Hughes, Grant Bowden, George Massad and M. McGrath, if living, or if dead, their unknown heirs, executors administrators, devisees, trustees and assigns, immediate and remote,

Defendants.

No. 276 CIVIL

ORDER FOR SERVICE BY PUBLICATION

Now on this 11th day of December, 1939, on application of the plaintiff, and by proper showing made, it appearing to the undersigned Judge of the United States District Court for the Northern District of Oklahoma, that the above named defendants, James T. Regan, Tritos T. Baker, G. C. Hughes, Grant Bowden, George Massad and M. McGrath, have not been served with summons in this cause; that proper summons has been regularly issued in said cause, directed to said defendants in the Northern District of Oklahoma, and that the United States Marshal for said district has made return showing that said defendants cannot be found in this district, and that proper service by order of this Court should be directed to said defendants, as provided by law, Section 118, Title 28, U. S. C.A directing said defendants to appear on a day certain to plead or answer to the complaint as herein-after ordered;

IT IS THE ORDER of the Court that the defendants, James T. Regan, Tritos T. Baker, G.C. Hughes, Grant Bowden, George Massad and M. McGrath, if living, or if dead, their unknown heirs, executors, administrators, devisees, trustees and assigns, immediate and remote, appear and plead or answer to the complaint in this cause wherein the plaintiff seeks judgment against said defendants quieting the title to the land of George Bosen, restricted Creek allottee No. 6100, said land being described as follows, to-wit:

Northwest Quarter of Southeast Quarter of Section Seven (7), Township Eighteen (18) North, Range Eleven (11) East; and the Northeast Quarter of the Southwest Quarter of Section One (1), Township Eighteen (18) North, Range Ten (10) East, Creek County, Oklahoma.

IT IS FURTHER ORDERED that the order be published once a week for six consecutive weeks, beginning December 12, 1939, and that said defendants, if living, or if dead, their unknown heirs, executors, administrators, devisees, trustees and assigns, immediate and remote, appear and answer or plead to the complaint herein on or before January 23, 1940, or all of the facts, matters and things pleaded therein will be taken as true and confessed, and judgment for the plaintiff will be rendered accordingly, and said defendants will be barred from any right, title, interest, equity or estate in or to the land hereinabove described.

WITNESS, the undersigned Judge of the United States District Court for the Northern District of Oklahoma.

F. E. KENNAMER JUDGE

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

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

UNITED STATES OF AMERICA,

Plaintiff,)

vs.)

No. 288 Civil)

Irvin Duffield,

Defendant.)

ORDER

Now on this 11th day of December, 1939, this matter having come on before the Court on plaintiff's application for a temporary restraining order on December 4, 1939, the defendant having been served with notice of said hearing, and plaintiff appearing by Whit Y. Mauzy, United States Attorney for the Northern District of Oklahoma, and Chester A. Brewer, Assistant United States Attorney for said district, and defendant appearing in person and the Court, after hearing the statements of counsel, finds that said defendant should be temporarily restrained and enjoined from interfering with the possession, management and control of the following described property, to-wit:

Lots Sixteen (16), Seventeen (17) and Eighteen (18) in Block Eight (8) in the original town-site of Pawhuska, Osage County, Oklahoma.

IT IS THEREFORE THE ORDER of the Court that the defendant, Irvin Duffield, be, and he hereby is restrained and enjoined from interfering with the possession, management and control of the above described property by the Superintendent of the Osage Indian Agency.

IT IS THE FURTHER ORDER of the Court that said defendant be, and hereby is granted until January 15, 1940, within which to vacate the above described property.

IT IS THE FURTHER ORDER of the Court that in the event said defendant fails to vacate the above described premises by January 15, 1940, this order is sufficient authority for the United States Marshal for the Northern District of Oklahoma to remove said defendant from said premises.

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

F. E. KENNAMER
JUDGE

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

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

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

United States of America,	Libelant,)	
)	
vs.)	
)	
One 1939 Model Ford Deluxe)	
Coupe Automobile, Motor No.		)	No. 292 CIVIL
18-4,752,618, and approximately)	
150 gallons of assorted taxpaid)	
intoxicating liquors seized therein;)	
Wiley E. King and Bixler Motor Company of)	
Watonga, Oklahoma,	Claimants.)	

ORDER FOR MONITION

Now on this 11th day of December, 1939, it appearing to the court that the said 1939 Model Ford Deluxe Coupe Automobile, Motor No. 18-4,752,618, with approximately One Hundred Fifty (150) gallons of intoxicating liquors containing more than four per centum (4%) of alcohol by volume, was seized at a point near the Northwest edge of the town of Spavinaw, in Mayes County, State of Oklahoma, Northern Judicial District of Oklahoma and within the jurisdiction of this court, on October 27, 1939, by George E. Carver and William B. Grimes, Investigators of the Alcohol Tax Unit, Bureau of Internal Revenue of the United States, by virtue of authority of their said offices, and in accordance with the provisions of law in such case made and provided, while said automobile was being used by Wiley E. King for transportation of such intoxicating liquors from Alton, in the State of Illinois, into and to the aforesaid described point of seizure; it further appearing that thereupon said property was appraised at more than Five Hundred Dollars (\$500.00) whereupon libelant has instituted libel action herein and requests issuance of monition notifying claimants Wiley E. King and Bixler Motor Company of this proceeding, unless notice thereof be waived.

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

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

F. E. KENNAMER
JUDGE

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

GROVER C. McDOWELL,	Plaintiff,)	
)	
-vs-	)	No. 2592 - Law
)	
UNITED STATES OF AMERICA,	Defendant.)	

Now on this 11th day of December, A. D. 1939, it is ordered by the Court that the Clerk file and spread of record the Mandate in the above styled cause, same being in words and figures as follows, to-wit:

UNITED STATES OF AMERICA, ss:

THE PRESIDENT OF THE UNITED STATES OF AMERICA

(SEAL)

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

GREETING:

WHEREAS, lately in the District Court of the United States for the Northern District of Oklahoma before you, or some of you in a cause between Grover C. McDowell, plaintiff, and The United States of America, defendant, No. 2592, Law, the judgment of the said District Court in said cause entered on February 6, 1939, was in the following words, viz:

* * * * *

"It is ordered, adjudged and decreed that defendant's motion to dismiss be and the same is hereby sustained and that plaintiff take nothing by his petition.

"It is the further order of the court that the costs of this action be taxed against the plaintiff and judgment for defendant for costs is awarded accordingly."

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 Grover C. McDowell agreeably to the Act of Congress, in such case made and provided, fully and at large appears;

AND WHEREAS, at the September 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 affirmed; and that the United States of America, appellee, have and recover of and from Grover C. McDowell, appellant, its costs herein.

-- November 2, 1939.

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

WITNESS, the Honorable CHAHES E. HUGHES, Chief Justice of the United States, the

8th day of December, in the year of our Lord one thousand nine hundred and thirty-nine.

COSTS OF APPELLEE

Clerk,	\$ 6.95
Printing record	\$ None
Attorney	\$20.00
	<u>\$26.95</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 appellee, in the case of Grover C. McDowell vs.
United States of America, No. 1908

Filing record and docketing cause,	\$ - --
Filing copies of printed record,	- --
Filing and entering appearance for	- --
Filing and entering 3 appearance for appellee	1 50
Clerk, preparing record for printer, etc.,	- --
Printer, for printing record,	- --
Filing 1 paper	25
Entering 1 order, 1 folio	- 20
Filing briefs for	- --
Filing brief for appellee	5 00
Filing opinion	- --
Filing and entering judgment or decree	- --
Filing petition for a rehearing	- --
Issuing mandate to District Court	- --
Filing receipt for mandate	- --
Filing receipt for balance of deposit	- --
Attorney's docket fee	20 00
(Costs of pauper appellant unpaid, \$22.65)	
	<u>\$26 95</u>

Attest:

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

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

IN THE UNITED STATES DISTRICT COURT IN AND FOR THE 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 11th day of December, 1939, on the
verified application of T. P. Farmer, as receiver for Exchange National Company, for authority to

3. That the purchase agreement, dated February 24, 1937, executed by Curtis F. Bryan, managing trustee, Chas. R. Bostick, and Paul L. Sisk, co-trustees, for Imperial Royalties Company as seller and Toklan Royalty Corporation, by Curtis F. Bryan, President, and Paul L. Sisk, attesting, as purchaser, be and it is hereby annulled, rescinded and decreed utterly void and of no effect, to which the defendants, jointly and severally, except, and exceptions are allowed.
4. That Curtis F. Bryan, be and he is hereby removed as managing trustee of Imperial Royalties Company, a business trust, to which the defendants, jointly and severally, except, and exceptions are allowed.
5. That Chas. R. Bostick and Paul L. Sisk, be and they are hereby removed as co-trustees of Imperial Royalties Company, a business trust, to which the defendants, jointly and severally, except, and exceptions are allowed.
6. That Frank MacKay be and he is hereby appointed as managing trustee of Imperial Royalties Company, a business trust, and Saul A. Yager and Mable I. Tiffany be and they are hereby appointed as co-trustees of Imperial Royalties Company, a business trust to which the defendant jointly and severally, except, and exceptions are allowed.
7. That the managing trustee be and he is hereby required to file a bond for the faithful performance of his said duties as managing trustee to Imperial Royalties Company, in the amount of Twenty-five Thousand Dollars (\$25,000) to which the defendants, jointly and severally, except, and exceptions are allowed.
8. That the co-trustees appointed herein be and they are required to file their separate bonds, each in the sum of Five Thousand Dollars (\$5000) to Imperial Royalties Company, a business trust, for the faithful discharge and performance of their duties as such co-trustees, to which the defendants, jointly and severally except, and exceptions are allowed.
9. That the salary and compensation of the managing trustee of Imperial Royalties Company be and the same is hereby fixed at the sum of Three Hundred Dollars (\$300.00) per month, to which the defendants, jointly and severally, except, and exceptions are allowed.
10. That the salary and compensation of the co-trustees of Imperial Royalties Company be and the same is fixed at Fifty Dollars (\$50.00) each per month, to which the defendants, jointly and severally, except, and exceptions are allowed.
11. that the defendants, Curtis F. Bryan, Chas. R. Bostick, and Paul L. Sisk, be and they are hereby ordered to pay to Imperial Royalties Company the sum of Seven Thousand Eight Hundred Six & 34/100 (\$7,806.34), the amount of funds of Imperial Royalties Company expended by said defendant trustees in the creation and formation of Toklan Royalty Corporation and the proposed transfer of the assets of Imperial Royalties Company to Toklan Royalty Corporation, to which the defendants, jointly and severally, except, and exceptions are allowed.
12. That the defendants, Curtis F. Bryan, Chas. R. Bostick, and Paul L. Sisk be and they are hereby ordered to satisfy, pay and discharge the claims and liabilities of Barrow-Wade-Guthrie & Company, in the amount of One Thousand Four Hundred Fifty & 85/100 Dollars (\$1,450.85) and the claim of Underwood, Canterbury, Pinson & Lupardus, in the amount of One Thousand One Hundred Eighty Nine and 92/100 Dollars (\$1,189.92), and to save and hold Imperial Royalties Company harmless on account of the creation of said liabilities, to which the defendants, jointly and severally, except and exceptions are allowed.
13. That the defendants, Curtis F. Bryan, Chas. R. Bostick and Paul L. Sisk, be and they shall be required to account for all funds, assets, properties, books and records of Imperial Royalties Company, which have come into their hands as such trustees, said trustees to be credited with all legal and proper disbursements and distributions made by them, to which the defendants, jointly and severally, except, and exceptions are allowed.

SPECIAL MARCH 1939 TERM

14. That all funds, assets and properties of Imperial Royalties Company, transferred or set over to Toklan Royalty Corporation, be restored to Imperial Royalties Company by said defendants, Curtis F. Bryan, Chas. R. Bostick and Paul L. Sisk, to which the defendants, jointly and severally, except, and exceptions are allowed.

15. That the defendants, Curtis F. Bryan, Chas. R. Bostick, and Paul L. Sisk be and they are required to deliver, transfer and set over to Frank MacKay, Saul A. Yager, and Mable I. Tiffany, all of the books, records, accounts, assets properties and funds of Imperial Royalties Company, within 10 days from the date hereof, to which the defendants jointly and severally, except, and exceptions are allowed.

16. That the defendants, Curtis F. Bryan, Chas. R. Bostick, and Paul L. Sisk, file their final report and account as trustees of Imperial Royalties Company, within 10 days from the date hereof, with the clerk of this court, to which the defendants, jointly and severally except, and exceptions are allowed.

17. That all questions not hereby disposed of, including the settlement of the accounts of Curtis F. Bryan, Chas. R. Bostick and Paul L. Sisk, and the amounts to be allowed complainants and their solicitors, the application of the funds in the hands of the trustees, as well as the accounting of Curtis F. Bryan, Chas. R. Bostick and Paul L. Sisk, for all sums withdrawn by them from Imperial Royalties Company on account of compensations since the rendition of this decree, as well as all expenses of said trustees in the operation of said trust, since said trustees have signified an intention not to actively conduct the business of said trust pending appeal, are hereby reserved for further adjudication, and any party interested in such reserved accounts may, at any appropriate time, apply to this court for further relief in respect thereto, to which the defendants, jointly and severally, except, and exceptions are allowed.

18. That jurisdiction of this said cause, as well as of the parties hereto, is hereby reserved and retained by this court for a period of one (1) Year and from and after said cause is finally determined, to the end that a supervision may be retained over the management and conduct of the affairs of said trust, to which the defendants, jointly and severally, except and exceptions are allowed.

It is further ordered, adjudged and decreed by the court, that for good cause shown the defendants are hereby given ten (10) days from and after the date hereof within which to make a supersedeas bond and cost bond herein in the sum of Ten Thousand Dollars (\$10,000.00), conditioned as required by law, and to be approved by the judge of this court.

If the said supersedeas bond is made and approved, as herein provided, then the force and effect of this judgment herein, except paragraphs of said judgment numbered 1, 2, and 3 enjoining the transfer of assets of Toklan Royalty Corporation or to any firm, person or corporation, other than in the ordinary course of business, including however, the injunction against the termination of said trust, and the cancellation of said purchase agreement, shall not be superseded, to which the defendants except and exceptions are allowed, but otherwise the judgment herein rendered in all respects shall be stayed and superseded during the pendency of this cause, in the Circuit Court of Appeals for the Tenth Circuit.

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 Curtis F. Bryan, 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.

This cause having heretofore come on to be heard and it now appearing to the court that appellants have duly furnished and filed satisfactory evidence of the amendment of the articles of incorporation of the Toklan Royalty Company in conformity with the opinion of this court and the order entered herein on the 14th day of August, 1939

It is now here ordered, adjudged and decreed by this court that the decree of the District Court of the United States for the Northern District of Oklahoma in this cause be and the same is hereby reversed; that this cause be and the same is hereby remanded to said district court with instructions to dismiss the bill of complaint with prejudice; and that Curtis F. Bryan, Chas. R. Bostick, Paul L. Sisk, individually and as Trustees of Imperial Royalties Company, a Trust, Toklan Royalty Corporation, a corporation, and Imperial Royalties Company, a Trust, appellants, have and recover of and from Lottie Hamrick, L. D. Hamrick and James A. Lull, appellees, their costs herein and have execution therefor as at law.

It is further ordered that the mandate of this court issue forthwith to said district court.

-- September 5, 1939.

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

WITNESS, the Honorable CHARLES E. HUGHES, Chief Justice of the United States, the 8th day of December, in the year of our Lord one thousand nine hundred and thirty-nine.

COSTS OF	Appellants:
Clerk,	\$ 49.95
Printing Record	\$ -- --
Attorney	\$20.00
	<u>\$ 69.95</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 Curtis F. Bryan et al.
vs. Lottie Hamrick, et al, No. 1596

Filing record and docketing cause	\$ 5 00
Filing 24 copies of printed record,	6 00
Filing and entering 2 appearances for appellants	1 00
Filing and entering 3 appearance for appellees	1 50
Clerk, for preparing record for printer, etc.	----
Printer, for printing record,	----
Filing 15 papers,	3 75
Entering 6 orders, 7 folios,	1 40
Filing briefs for appellants	10 00
Filing briefs for appellees	5 00
Filing opinions	- 50
Filing and entering decrees	2 50
Filing petition for a rehearing	5 00
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
(Certified copy of decree	1 40
Certified copy of order recalling mandate	1 40

\$ 69.95

ATTEST:

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

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

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

LOTTIE HAMRICK and L. D. HAMRICK,	Complainants,)	
)	
vs.)	
)	
CURTIS F. BRYAN, CHAS. R. BOSTICK, and PUAL L. SISK, individually and as trustees of IMPERIAL ROYALTIES COMPANY, a trust, TOKLAN ROYALTY COMPANY, a corporation, and IMPERIAL ROYALTIES COMPANY, a trust,	Defendants.	)	In Equity No. 1203
)	
JAMES A. LULL,	Intervenor.)	

ORDER SPREADING MANDATE OF RECORD AND DECREE IN
ACCORDANCE WITH MANDATE

THIS CAUSE coming on for hearing before me, F. E. KENNAMER Judge of said Court, on motion of defendants for an order spreading the mandate of record and entering a decree in accordance with the mandate, and it appearing to the Court that the mandate of the Circuit Court of Appeals has been issued and filed herein and that this Court should make an order directing the Clerk to spread the mandate of record and enter a decree in accordance with the mandate:

IT IS, THEREFORE, CONSIDERED, ORDERED, ADJUDGED AND DECREED BY THE COURT that the Clerk of the Court be and he is hereby ordered to spread the mandate herein of record forthwith;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT that the findings of fact and conclusions of law and decree entered herein on the 28th day of December, 1937, be and the same are hereby vacated, set aside and held for naught;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT that this cause be and the same is hereby dismissed with prejudice at the cost of complainants, Lottie Hamrick, and L. D. Hamrick, and the intervenor, James A. Lull, in the sum of \$583.25. To satisfy said costs let execution issue as at law.

DONE IN OPEN COURT this the 11th day of December, 1939.

F. E. KENNAMER

JUDGE

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

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

UNITED STATES OF AMERICA,	Plaintiff,)
)
vs.		) No. 1280 Equity
)
L. C. SHIMONEK, ET AL,	Defendants.)

O R D E R

Now on this 11th day of December, 1939, this matter coming on before the Court on the application of O. A. Farrell, Receiver herein, for an order of Court authorizing him to pay plate glass insurance premium in the sum of \$8.33 on the building located on the property involved in this cause of action, and it being shown to the Court that said insurance is necessary for the protection of said property, and that said premium should be paid out of money in the hands of said Receiver;

IT IS THEREFORE BY THE COURT ORDERED that O. A. Farrell, Receiver in this cause, be, and he hereby is authorized and directed to pay to Ralph S. Tolson the sum of \$8.33, covering plate glass insurance premium on the building located on the property involved herein from funds in the hands of said Receiver, collected from the property involved herein.

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

F. E. KENNAMER
JUDGE

CHESTER A. BREWER, Assistant United States Attorney

ENDORSED: Filed Dec 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. 1283 - Equity
W. M. Smith, otherwise known as Wesley M.)
Smith, Floyd Myers, Cleve Byrd and O. H.)
Harrington,	Defendants.)

O R D E R

On this, the 11th day of December, 1939, pursuant to stipulation of the parties filed herein, it is by the Court ordered that the defendant Wesley M. Smith be and he is hereby allowed Thirty (30) days additional time to the time heretofore allowed in which to file his supersedeas bond from the judgment entered against him in the above entitled action to the United States Circuit Court of Appeals, Tenth Circuit.

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

F. E. KENNAMER
JUDGE

Court adjourned to December 12, 1939

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

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

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

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

Grand River Dam Authority, a
public corporation,

Petitioner,

CIVIL NO. 264

vs.

C. M. Copeland, et al.,

Defendants.

ORDER APPOINTING COMMISSIONERS

Now on this 12 day of December, 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, it appearing to this Court that this cause was originally set for hearing on the 11th day of December, 1939, and continued until this date.

THAT petitioner is a public corporation organized under the 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 to the real estate described in said petition for the purposes there in stated.

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

TRACT NO. 1 (21 GR-D 1036
21 GR-D 1030)

All that part of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 26 T 24 N - R 23
E of the Indian Base and Meridian in Delaware County,
Oklahoma, particularly described as follows, to-wit:

Beginning at the SE corner of said NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, thence West-
erly along the South boundary of said NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ to the
SW corner thereof; thence N. 0° 16' E along the West bound-
ary of said NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ a distance of 234.0 feet to a point
423.9 feet South of the NW corner thereof; thence N. 38° 02'

E. 135.5 feet; thence N. 38° 51' E. 233.6 feet; thence N. 41° 49' E. 180.2 feet to a point in the North boundary of said NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ and 348.2 feet East of the NW corner thereof; thence S. 89° 51' E. along said North boundary a distance of 167.8 feet to a point 137.5 feet West of the NE corner thereof; thence S. 36° 06' W. 301.8 feet; thence S. 20° 16' W. 198.9 feet; thence S. 8° 06' E. 182.7 feet; thence N. 89° 31' E. 332.0 feet; thence N. 87° 01' E. 23.8 feet to a point in the East boundary of said NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ and 606.9 feet South of the NE corner thereof; thence S. 0° 15' W. along said East boundary a distance of 51.0 feet to the point of beginning, containing 4.0 acres, more or less;

AND

All that part of the S $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, the SW $\frac{1}{4}$ NW $\frac{1}{4}$, the NE $\frac{1}{4}$ NW $\frac{1}{4}$, the N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, the SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, the NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, the S $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, the W $\frac{1}{2}$ SE $\frac{1}{4}$, and the SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 26, T 24 N-R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, particularly described as follows, to-wit:

Beginning at the NW corner of said S $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, thence Easterly along the North boundary of said S $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ to the NE corner thereof; thence N. 0° 13' E. along the West boundary of said NE $\frac{1}{4}$ NW $\frac{1}{4}$ a distance of 364.7 feet to a point 293.1 feet South of the NW corner thereof; thence S. 14° 26' E. 282.9 feet; thence S. 63° 53' E. 462.9 feet; thence S. 66° 20' E. 290.9 feet; thence S. 34° 40' E. 385.7 feet; thence S. 44° 39' E. 178.9 feet; thence S. 23° 23' E. 234.6 feet; thence S. 3° 56' E. 256.6 feet; thence S. 23° 43' E. 212.2 feet; thence S. 30° 34' E. 89.5 feet; thence S. 55° 35' E. 308.2 feet; thence S. 57° 34' E. 182.0 feet; thence S. 70° 39' E. 207.4 feet; thence S. 89° 21' E. 318.6 feet; thence S. 69° 07' E. 204.5 feet; thence N. 87° 01' E. 424.7 feet; thence S. 74° 05' E. 402.9 feet to a point in the East boundary of said SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ and 598.9 feet South of the NE corner thereof; thence S. 0° 06' W. along said East boundary a distance of 25.2 feet to a point 33.6 feet North of the SE corner thereof; thence S. 87° 57' W. 894.8 feet; thence N. 62° 15' W. 219.1 feet; thence S. 68° 23' W. 197.6 feet; thence N. 79° 43' W. 342.6 feet; thence N. 56° 16' W. 179.4 feet; thence S. 45° 32' W. 119.6 feet; thence S. 34° 59' E. 255.9 feet; thence S. 17° 41' E. 310.5 feet; thence S. 15° 20' W. 482.4 feet; thence S. 47° 44' E. 219.7 feet; thence S. 5° 09' E. 284.7 feet; thence S. 1° 50' W. 179.6 feet; thence S. 73° 23' E. 318.0 feet; thence S. 27° 21' E. 312.0 feet; thence S. 77° 16' W. 261.5 feet; thence S. 23° 22' W. 191.8 feet; thence N. 39° 09' W. 71.5 feet; thence N. 30° 37' E. 173.1 feet; thence N. 55° 02' W. 80.2 feet; thence N. 82° 20' W. 180.7 feet; thence N. 22° 27' W. 287.3 feet; thence N. 0° 04' W. 129.5 feet; thence N. 11° 34' W. 387.4 feet; thence N. 74° 48' W. 152.9 feet to a point in the West boundary of said W $\frac{1}{2}$ SE $\frac{1}{4}$ and 1640.2 feet North of the SW corner thereof; thence N. 0° 11' E. along said West boundary a distance of 90.1 feet to a point 900.8 feet South of the NW corner thereof; thence N. 7° 36' 392.8 feet; thence N. 38° 51' W. 231.7 feet; thence N.

30° 44' W. 273.1 feet; thence S. 56° 31' W. 407.5 feet; thence N. 32° 47' E. 424.7 feet; thence N. 16° 22' E. 103.9 feet; thence N. 27° 03' W. 372.2 feet; thence N. 38° 05' W. 311.1 feet; thence N. 49° 45' W. 112.3 feet; thence N. 31° 53' W. 215.6 feet; thence N. 37° 12' W. 267.7 feet; thence S. 79° 51' W. 197.2 feet; thence N. 12° 43' E. 105.6 feet; thence N. 85° 53' W. 115.6 feet; thence N. 64° 03' W. 217.8 feet; thence S. 79° 55' W. 429.4 feet; thence S. 48° 44' W. 238.6 feet; thence N. 88° 45' W. 501.0 feet; to a point in the West boundary of said SW $\frac{1}{4}$ NW $\frac{1}{4}$ and 1127.0 feet; North of the SW corner thereof; thence N. 0° 16' E. along the West boundary of said SW $\frac{1}{4}$ NW $\frac{1}{4}$ and S $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ a distance of 846.7 feet to the point of beginning, containing 78.4 acres, more or less;

SAID TRACT NO. 1, containing a total of 82.4 acres, more or less.

TRACT NO. 2 (17 GR-D 834
18 GR-D 880
18 GR-D 876)

The whole of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and a tract of land all lying in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 16, T 24 N - R 23 E, Delaware County, Oklahoma, more particularly described as follows:

Beginning at the SE corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$, thence N. 0° 16' E. along the East boundary of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ a distance of 634.4 feet; thence S. 55° 24' W. 21.1 feet; thence S. 62° 10' W. 129.7 feet; thence S. 70° 00' W. 65.8 feet; thence N. 87° 51' W. 98.9 feet; thence N. 71° 33' W. 161.9 feet; thence N. 50° 50' W. 128.8 feet; thence N. 43° 57' W. 138.5 feet; thence N. 23° 35' W. 101.9 feet; thence N. 8° 44' E. 92.0 feet; thence N. 72° 28' E. 79.1 feet; thence N. 87° 52' E. 90.5 feet; thence N. 77° 06' E. 75.6 feet; thence N. 70° 44' E. 87.1 feet; thence S. 72° 50' E. 142.0 feet; thence N. 21° 48' E. 102.0 feet; thence N. 22° 35' E. 105.3 feet; thence N. 57° 15' E. 75.0 feet; thence N. 72° 09' E. 60.2 feet to a point in the East boundary of the NE $\frac{1}{4}$ NW $\frac{1}{4}$; thence N. 0° 16' E. along said East boundary a distance of 67.2 feet; to the NE corner thereof; thence Westerly along the North boundary of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ to the NW corner thereof; thence Southerly along the West boundary of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ to the SW corner thereof; thence Easterly along the South boundary of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ to the point of beginning, containing 73.3 acres, more or less;

and

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

Lot 4, and the S $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 3, containing 51.70 acres, more or less; and that part of Lot 3 of Section 8 particularly described as follows, to-wit:

Beginning at the SE corner of Lot 3, thence running along the East side of Lot 3, 950 feet to a point on the massive ledge of limestone on the North Bluff of Grand River, said point being marked by a perpendicular groove 18 inches long;

thence N. about 66° W. with said ledge of limestone to a point 406 feet W. from the East line of said Lot 3; thence S. 9° 15' W. to the meanders of Grand River; thence with said meandersto their intersection with the South line of said Lot 3; thence along the South line of said Lot 3 to the place of beginning, containing 10.0 acres, more or less;

All in T 24 N. - R 23 E of the Indian Base and Meridian, the whole tract containing in all 61.70 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

A tract of land, all lying in the N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, and the NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 8, T 24 N - R 23 E, Delaware County, Oklahoma, more particularly described as follows:

Beginning at a point in the South boundary of the N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 272.9 feet West of the SE corner thereof; thence N. 28° 04' E. 132.2 feet; thence N. 23° 52' E. 125.0 feet; thence N. 51° 29' W. 38.9 feet; thence S. 65° 15' W. 181.7 feet; thence S. 72° 55' W. 114.0 feet; thence N. 70° 59' W. 25.0 feet; thence N. 2° 18' W. 135.0 feet; thence N. 12° 52' E. 204.5 feet; thence N. 16° 08' E. 137.1 feet; thence N. 11° 53' E. 161.8 feet; thence N. 14° 37' W. 124.3 feet; thence N. 16° 16' E. 87.3 feet; thence N. 43° 40' E. 68.1 feet; thence N. 66° 25' E. 30.0 feet; thence N. 67° 19' E. 109.6 feet; thence N. 60° 10' E. 92.1 feet; thence N. 70° 36' W. 82.5 feet; thence N. 54° 34' W. 73.0 feet; thence N. 47° 38' W. 95.0 feet; thence N. 1° 48' W. 64.1 feet; thence N. 28° 05' E. 130.4 feet; thence N. 52° 59' E. 57.9 feet; thence N. 52° 38' E. 105.8 feet; thence N. 59° 25' E. 117.6 feet to a point in the East boundary of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ and 351.9 feet South of the NE corner thereof; thence N. 0° 03' E. along said East boundary a distance of 141.5 feet; thence S. 86° 17' W. 25.8 feet; thence S. 68° 17' W. 106.8 feet; thence S. 78° 09' W. 104.0 feet; thence S. 88° 46' W. 74.0 feet; thence N. 55° 26' W. 62.6 feet; thence N. 31° 53' W. 66.2 feet; thence N. 26° 19' W. 123.4 feet; thence N. 15° 04' W. 75.8 feet to a point in the North boundary of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, thence N. 89° 59' W. along said North boundary a distance of 197.4 feet to the NW corner thereof; thence S. 0° 03' W. along the West boundary of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ to the SW corner thereof; thence N. 89° 59' W. along the North boundary of the S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ a distance of 14.6 feet to a point 644.6 feet East of the NW corner thereof; thence S. 12° 48' W. 43.0 feet; thence S. 25° 16' W. 96.0 feet; thence S. 66° 37' W. 75.8 feet; thence N. 36° 37' W. 198.0 feet; to a point in the North boundary of the S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ and 406.5 feet East of the NW corner thereof; thence N. 89° 59' W. along said North boundary a distance of 173.9 feet; thence S. 7° 24' E. 6.2 feet; thence S. 12° 41' E. 286.2 feet; thence S. 24° 03' E. 279.9 feet; thence S. 8° 13' E. 92.0 feet; thence S. 31° 52' W. 43.0 feet; thence S. 69°

41' W. 139.9 feet; thence S. 4° 57' W. 47.0 feet; thence S. 20° 31' E. 101.0 feet; thence S. 0° 16' E. 85.4 feet; thence S. 24° 47' W. 179.0 feet; thence S. 10° 04' W. 213.3 feet to a point in the South boundary of the $N\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$; thence S. 89° 59' E. along said South boundary a distance of 858.6 feet to the point of beginning, containing 26.0 acres, more or less;

SAID TRACTNO. 2, containing a total of 161.0 acres, more or less.

TRACT NO. 3 (24 GR-D 1232
24 GR-D 1233
19 GR-D 961)

$W\frac{1}{2}$ of Lot 4, Section 25, T 25 N - R 23 E, Cherokee Survey, Delaware County, Oklahoma, containing 10.43 acres, more or less;

AND

The whole of Lot 1; the East Half of Lot 2; the SE $\frac{1}{4}$ NE $\frac{1}{4}$; and a tract of land all lying in the E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 26, T 25 N - R 23 E, Cherokee Survey, Delaware County, Oklahoma, more particularly described as follows:

Beginning at the NE corner of the E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, thence Southerly along the East boundary of the E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ to the SE corner thereof; thence N. 89° 56' W. along the South boundary a distance of 254.2 feet; thence N. 44° 40' W. 55.2 feet; thence N. 46° 47' W. 211.7 feet; thence N. 17° 14' E. 41.5 feet; thence N. 17° 05' W. 175.0 feet; thence N. 28° 35' W. 221.8 feet; thence N. 42° 42' W. 98.3 feet to a point in the West boundary of the E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 657.7 feet North of the SW corner thereof; thence N. 0° 04' W. to the Northwest corner thereof; thence Easterly along the North boundary of the E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ to the point of beginning, containing 17.2 acres, more or less;

Said tract containing a total of 88.6 acres, more or less;

AND

Lot 4, Lot 5, SE $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 23, T 25N - R 23 E, Delaware County, Oklahoma, containing a total of 126.45 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;

SAID TRACT NO. 3, containing a total of 225.48 acres, more or less.

TRACT NO. 4 (11 GR-D 542
10 GR-D 454
19 GR-D 937
19 GR-D 910)

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

The NE $\frac{1}{4}$ SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 2, T 24 N - R 22 E. of the Indian Base and Meridian, containing 50.0 acres, more or less;

AND

All that part of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ and the NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 10 T 24 N - R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, particularly described as follows, to-wit:

Beginning at the NE corner of said NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, thence S. 0° 57' W. along the East boundary of said NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ a distance of 517.5 feet to a point 144.4 feet North of the SE corner thereof; thence S. 67° 45' W. 164.1 feet; thence S. 84° 12' W. 308.4 feet; thence N. 65° 13' W. 316.8 feet; thence N. 39° 29' E. 455.0 feet; thence N. 29° 51' W. 153.8 feet to a point in the North boundary of said NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ and 124.0 feet East of the NE corner thereof; thence S. 89° 18' E. along said North boundary a distance of 542.3 feet to the point of beginning, containing 8.0 acres, more or less;

AND

The whole of the S $\frac{1}{2}$ of Lot 1, the NE 10 acres of Lot 2 and a tract of land all lying in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 31, T 25 N R 23 E Delaware County, Oklahoma, more particularly described as follows:

Beginning at the NE corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$, thence Westerly along the North boundary of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ to the NW corner thereof; thence Southerly along the West boundary of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ to the SW corner thereof; thence S. 89° 50' E. along the South boundary of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ a distance of 440.8 feet to a point 879.2 feet West of the SE corner thereof; thence N. 24° 03' W. 25.2 feet; thence N. 46° 31' W. 116.5 feet; thence N. 26° 52' W. 238.4 feet; thence N. 1° 38' W. 206.7 feet; thence N. 39° 20' E. 294.4 feet; thence S. 82° 29' E. 361.1 feet; thence N. 83° 11' E. 199.0 feet; thence N. 30° 14' E. 282.3 feet; thence N. 58° 53' E. 233.6 feet; thence N. 88° 35' E. 2.9 feet; to a point in the East boundary of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and 1093.8 feet North of the SE corner thereof; thence N. 0° 01' W. along said East boundary a distance of 228.5 feet to the point of beginning, containing 21.2 acres, more or less.

Aggregate acreage to be acquired; 50.9 acres, more or less;

AND

E $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ and E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 28, T 25 N - R 23 E Delaware County, Oklahoma, containing 40.0 acres, more or less;

SAID TRACT NO. 4, containing a total of 148.9 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.

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 the 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 to 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 Ottawa County, Oklahoma, to-wit:

MAPS NO.S. 40 GR-O and 40 GR-O 118;

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

The SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ and the E $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 28, and the N $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ and the SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 33, all in T 26 N - R 24 E of the Indian Base and Meridian, Cherokee Survey, containing sixty (60.0) acres, more or less,

THAT the facts and conditions of title alleged and plead in petitioner's petition are tantamount, so far as affects petition and its necessities, to a refusal on defendant's 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 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 for 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 subscribed to an oath before the Clerk of this Court to perform their duties justly and impartially.

IT IS FURTHER ORDERED that the Marshal of 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 December, 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 12 day of December, 1939.

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

TRACT NO. 2, (40 GR-C 106)

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

Lot 5 and Lot 6 of Section 32, containing 51.55 acres, more or less; and that part of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 32, particularly described as follows, to-wit:

Beginning at the NE corner of said SW $\frac{1}{4}$ NE $\frac{1}{4}$, thence Southerly along the East boundary of said SW $\frac{1}{4}$ NE $\frac{1}{4}$ to the SE corner thereof; thence Westerly along the South boundary of said SW $\frac{1}{4}$ NE $\frac{1}{4}$ to the SW corner thereof; thence N. 0° 42' W. along the West boundary of said SW $\frac{1}{4}$ NE $\frac{1}{4}$ a distance of 1042.4 feet to a point 277.8 feet South of the NW corner thereof; thence N. 48° 03' E. 198.9 feet; thence N. 16° 07' E. 152.7 feet to a point in the North boundary of said SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 194.4 feet East of the NW corner thereof; thence N. 89° 29' E. along said North boundary a distance of 1117.7 feet to the point of beginning, containing 39.2 acres, more or less;

All in T 26 N - R 24 E of the Indian Base and Meridian, Cherokee Survey; the whole tract containing in all 90.75 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 said above described land.

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 grand 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 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 of 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 Dec., 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 12 day of Dec., 1939.

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

SERVICE OF COPY ACKNOWLEDGED:
HENRY E. HOFFMAN
DAN BISHOP
EDWARD SOPH

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

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

Grand River Dam Authority,)
a public corporation,) Petitioner,)
)
-vs-) No. 287 - Civil)
)
The Public Service Company of)
Oklahoma, a corporation, et al.,) Defendants.)

ORDER APPOINTING COMMISSIONERS

NOW, on this 12th day of December, 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 the 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 to 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, situate in Delaware County, Oklahoma, to-wit:

Map No. 17 - GR-D 741

The E. 1.01 acres of the E. 14.10 acres of Lot 5, Sec. 17; and that part of Lot 6 of Sec. 17 particularly described as follows, to-wit:

Beginning at a point in the South boundary of said Lot 8 and 68.0 feet East of the SW corner thereof; thence S. 89° 38' E. along said South boundary a distance of 218.2 feet; thence N. 53° 08' E. 76.1 feet; thence S. 84° 23' E. 88.5 feet; thence S. 21° 42' E. 41.0 feet to a point in the South boundary of said Lot 8 and 450.4 feet East of the SW corner thereof; thence S. 89° 37' E. along said South boundary to the meander line along the left bank of Grand River; thence Northwesterly along said meander line to the point of intersection of said meander line and the North boundary of said Lot 8; thence Westerly along the North boundary of said Lot 8 to the NW corner thereof; thence S. 0° 31' W. along the West boundary of said Lot 8 a distance of 474.4 feet to a point 843.3 feet North of the SW corner thereof; thence S. 71° 57' E. 170.3 feet; thence S. 38° 31' E. 229.8 feet; thence S. 14° 08' E. 247.5 feet; thence S. 46° 12' W. 245.5 feet; thence S. 82° 04' W. 127.2 feet; thence S. 32° 06' E. 54.2 feet; thence S. 13° 02' W. 135.6 feet to the point of beginning, containing 6.99 acres, more or less;

All in T 24 N - R 23 E of the Indian Base and Meridian, the whole tract containing in all 8.00 acres, more or less.

And all right, title and interest in and to the bed and banks of Grand River incident to the ownership of said lands.

Map No. 17 - GR-D 742

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

The South 10.25 acres of Lot 6 and Lot 7, Sec. 17, T 24 N - R 23 E of the Indian Base and Meridian, containing sixteen and seventy-five one-hundredths (16.75) acres, more or less.

And all right, title and interest in and to the bed and banks of Grand River incident to the ownership of said lands.

THAT the facts and conditions of title alleged and plead in petitioner's petition are tantamount, so far as affect 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

have been paid in full, that outside of the necessary operating expenses of said buildings, the only money to be paid out by the said S. H. Tanner is Two Hundred Fifty Dollars (\$250.00) per month to Gertrude P. Daniel.

F. E. KENNAMER
JUDGE

ENDORSED: Filed Dec 15 1939
H. P. Warfield, Clerk
U. S. District Court E

Court adjourned to December 13, 1939

On this 13th day of December, 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 ere had and entered, to-wit:

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

United States of America,	Libelant,)	
)	
vs.)	
)	
One 1939 Model Standard Black Ford		)	No. 234 Civil
Coupe Automobile, Motor No. 18-4,758,254, and)	
approximately 145 gallons of assorted tax-)	
paid intoxicating liquors seized therein;)	
Hiel A. Armitage and Elmer Young,)	
	Claimants.)	

JOURNAL ENTRY OF JUDGMENT

Now on this 4th day of December, 1939, this cause of action having come on for hearing before the court, pursuant to regular assignment, Libelant appearing by Whit Y. Mauzy, United States Attorney for the Northern District of Oklahoma, and Joe W. Howard, Assistant United States Attorney for said District, and the Claimants Hiel A. Armitage and Elmer Young having failed, neglected and refused to appear or file any pleadings contesting this litigation, and because of such default, it, is, by the court, declared to be in default, and the First National Bank and Trust Company of Oklahoma City, Oklahoma, having filed its Plea of Intervention, and appearing by S. W. Hayes and Earl Pruet, its attorneys, and the Libelant and said Claimant, the First National Bank and Trust Company having stipulated and agreed as to the facts in this case, and the court, after hearing the arguments of counsel, and being fully advised in the premises, finds in favor of the Libelant and against said Claimant.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED BY THE COURT that a forfeiture herein be, and the same is hereby allowed as to the said described 1939 Model Standard Black Ford Coupe Automobile, Motor No. 18-4,758,254, and said automobile is ordered delivered to the Treasury Department for the 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.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT that forfeiture herein be, and the same is hereby allowed as to the said approximate One Hundred Forty-five (145) gallons of assorted taxpaid intoxicating liquors seized in and with said described automobile, 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, ADJUDGED AND DECREED BY THE COURT that all storage charges incident to the seizures herein, be, and the same are hereby ordered paid by the Treasury Department.

ALFRED P. MURRAH
Judge

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

WHIT Y. MAUZY, United States Attorney
JOE W. HOWARD, Assistant United States Attorney
S. W. HAYES
EARL PRUET, Attorneys for The First National Bank & Trust Company of Oklahoma City, Oklahoma, Claimant.

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

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

United States of America, Libelant,)
)
vs.)
)
One 1939 Model Pontiac Coupe Automobile,) No. 235 CIVIL
Motor No. 6-538,434 and approximately)
111 gallons of assorted taxpaid intoxi-)
cating liquors seized therein; Verle P.)
Faulk and the First National Bank & Trust)
Company of Oklahoma City, Oklahoma, a)
Corporation, Claimants.)

JOURNAL ENTRY OF JUDGMENT

Now on this 4th day of December, 1939, this cause of action having come on before the court for hearing by regular assignment, Libelant appearing by Whit Y. Mauzy, United States Attorney for the Northern District of Oklahoma, and Joe W. Howard, Assistant United States Attorney for said District, and the Claimant, Verle P. Faulk having failed, neglected and refused to appear or file any pleadings contesting such litigation, is hereby declared to be in default, and the Claimant, The First National Bank and Trust Company of Oklahoma City, Oklahoma, a Corporation, appearing by S. W. Hayes and Earl Pruet, it s attorneys, and the Libelant and said claimant having stipulated and agreed as to the facts in this case and presented evidence concerning good faith in acquiring the lien herein, and the court, after hearing the arguments of counsel, and being fully advised in the premises, finds in favor of the Libelant as to a forfeiture of all right, claim or

interest that the said Verle P. Faulk, the owner thereof, may have therein, but finds in favor of the Claimant, the First National Bank and Trust Company of Oklahoma City, Oklahoma, and sustains its contention to the right of possession to said automobile.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that a forfeiture be and the same is hereby allowed as to the said described 1939 Model Pontiac Coupe Automobile, Motor No. 6-538,434, insofar as the rights, interest and claims of said Verle P. Faulk, Claimant, are concerned.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT that the claim of the First National Bank and Trust Company of Oklahoma City, Oklahoma, a Corporation, be, and the same is hereby sustained, upon its payment of all storage charges and such fees as are attached against the filing of proceedings by it incident to the aforesaid forfeiture proceedings, and the United States Marshal for the Northern District of Oklahoma is hereby directed to deliver said automobile over to said the First National Bank and Trust Company of Oklahoma City, Oklahoma, upon its making such payments.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT that a forfeiture be, and the same is hereby allowed as to the said approximate One Hundred Eleven (111) gallons of assorted taxpaid intoxicating liquors seized in and with said described automobile, which intoxicating liquors are ordered delivered over to the Secretary of the Treasury of the United States for proper and lawful disposition.

ALFRED P. MURRAH
JUDGE

O.K. AS TO FORM AND SERVICE OF COPY ACKNOWLEDGED:
WHIT Y. MAUZY, United States Attorney
JOE W. HOWARD, Assistant United States Attorney
ATTORNEYS FOR LIBELANT

S. W. HAYES EARL PRUETT
Attorneys for The First National Bank & Trust
Company of Oklahoma City, Oklahoma, Claimant.

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

Court adjourned to December 14, 1939

On this 14th day of December, 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

WILLIE L. ROGERS,	Plaintiff,)	
)	
-vs-		)	No. 231 - Civil
)	
H. L. SMITH, et al.,	Defendants.)	

D E C R E E

NOW on this 5th day of December, 1939, the above entitled cause comes regularly on for hearing, pursuant to assignment, and the plaintiff is present in his own proper person and by his attorney, HENRY R. DUNCAN, and the defendants are present in person, and the defendant, J. R. CAUDLE is present by his attorney, CLARENCE CAMPBELL, and the defendant, M. G. BARBER, is present by his attorney, H. L. SMITH, and both the plaintiff and defendants having announced ready for trial, the plaintiff introduces his testimony in support of his complaint and rests, and the defendants failing to present any testimony said cause is submitted to the Court for consideration and the Court finds:

- (1) That each and all of the defendants have judgments against the plaintiff which are based on debts and obligations contracted or incurred prior to the issuance to the plaintiff of a Certificate of Competency on the 23rd day of October, 1939.
- (2) That the lands involved in this action were purchased with funds held in Trust and under the supervision of the United States for the plaintiff, Willie L. Rogers, a restricted Osage Indian, and are described as follows:

(a) Lots Three (3) and Four (4) and the East Half (E $\frac{1}{2}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section eighteen (18), and the East Half (E $\frac{1}{2}$) of the Northwest Quarter (NW $\frac{1}{4}$) and the East Half (E $\frac{1}{2}$) of Lot Two (2) in Section Nineteen (19), all in Township Twenty-one (21) North, Range Twelve (12) East of the I. B. & M. in Osage County, Oklahoma,

acquired by Warranty Deed on the 9th day of December, 1931, by the Secretary of Interior from Mary M. Smith, in which Deed was inserted at the instance and direction of the Secretary of Interior and contains the following provision:

"Subject to the conditions that while the title is in the grantee or his heirs, the lands herein described shall not be alienated or encumbered without the consent of the Secretary of the Interior."

(b) Southwest Quarter (SW $\frac{1}{4}$) and South Half (S $\frac{1}{2}$) of South Half (S $\frac{1}{2}$) of Southeast Quarter (SE $\frac{1}{4}$) of Southeast Quarter (SE $\frac{1}{4}$); North Half (N $\frac{1}{2}$) of Southeast Quarter (SE $\frac{1}{4}$) of Southeast Quarter (SE $\frac{1}{4}$) of Southeast Quarter (SE $\frac{1}{4}$) of Section Five (5); South Half (S $\frac{1}{2}$) of Southeast Quarter (SE $\frac{1}{4}$) of Section Eight (8), Northwest Quarter (NW $\frac{1}{4}$) of Section Nine (9), all in Township Twenty (20), Range Twelve (12), Osage County, Oklahoma,

acquired by Warranty Deed on the 12th day of January, 1933, by the Secretary of Interior from John P. Logan, in which Deed was inserted at the instance and direction of the Secretary of Interior and contains the following provision:

"Subject to the conditions that while the title is in the grantee or his heirs, the lands herein described shall not be alienated or encumbered without the consent of the Secretary of the Interior."

(c) Lots One (1), Two (2), and Three (3), in the H. A. Phillips Subdivision in the Southeast Quarter (SE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section Fourteen (14), Township Twenty-one (21) North, Range Twelve (12) East, being within the corporate limits of Sperry, Oklahoma,

acquired by Warranty Deed on the 12th day of January, 1933, by the Secretary of Interior from Blanche A. Holbert and her husband, G. L. Holbert, in which Deed was inserted at the instance and direction of the Secretary of Interior and contains the following provision:

"Subject to the conditions that while the title is in the grantee or his heirs, the lands herein described shall not be alienated or encumbered without the consent of the Secretary of the Interior."

(d) Lot Twenty-two (22), Block Two (2), Boston Addition in the City of Tulsa, Tulsa County, Oklahoma,

acquired by Warranty Deed on the 30 day of March, 1929, by the Secretary of Interior from Mary M. Smith, in which Deed was inserted at the instance and direction of the Secretary of Interior and contains the following provision:

"Subject to the conditions that while the title is in the grantee or his heirs, the lands herein described shall not be alienated or encumbered without the consent of the Secretary of the Interior."

(3) That by reason of the purchase of the property involved in this action with fund held in trust and under the supervision of the United States for Willie L. Rogers prior to the issuance to him by the Secretary of Interior of a Certificate of Competency on the 23rd day of October, 1939 said lands are not subject to forced sale to satisfy any debt or obligation contracted or incurred prior to the issuance to the plaintiff of a Certificate of Competency.

(4) That the plaintiff, is now the holder of the fee simple legal title in and to the above described lands, free and clear of the judgments of the defendants, and the defendants have no right, title or interest in and to said lands by reason of their said judgments.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT that the plaintiff have and recover judgment against the defendants, and each of them, quieting his title against the judgments of each of the defendants, and

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the defendants have no right, title interest, claim or lien in and to any of the lands involved in this action, and the defendants, and each of them, are perpetually barred and enjoined from asserting any right, claim, interest of lien

in and to said lands.

IT IS FURTHER ORDERED that the plaintiff have judgment for his costs. To all of which the defendants except.

ALFRED P. MURRAH
JUDGE

OK AS TO FORM:
H. L. SMITH, Atty for Himself and for the
Defendant Barber

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

Court adjourned to December 15, 1939

On this 15th day of December, A. D. 1939, the District Court of the United States for the Northern District of Oklahoma, sitting in Special March 1939 Term at Tulsa, met pursuant to adjournment, Hon. F. E. Kennamer, Judge, present and presiding.

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

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

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

Grand River Dam Authority, a public corporation,	Plaintiff,	)	No. 226 Civil
)	
vs.)	
)	
Joseph S. Owsley, et al,	Defendants.)	

C R D E R

The Grand River Dam Authority having heretofore filed condemnation proceedings in this court in the above entitled case, and among the defendants therein named are T. H. Cantrell, Ettie C. Cantrell, Shartel Mortgage Company, David E. Shartel, and the County Treasurer of Delaware County. It is shown by the petition, the notice thereto attached, and the answer and cross petition of the defendants David E. Shartel and Shartel Mortgage Company, that the defendants T. H. Cantrell and Ettie C. Cantrell, are the owners of that tract of land referred to in the said petition, and notice as Tract No. 9 (18GR-D 855) and that the defendants Shartel Mortgage Company and David E. Shartel have mortgages on said property. It is shown by the record in this case that commissioners were appointed by this court to determine the amount of the award to be paid by the taking of said property by the plaintiff in this proceeding.

That said commissioners have heretofore filed and returned and fixed the amount of the award at \$2002.00 and the said plaintiff has paid said amount into the office of the Clerk of this Court.

It is further shown the defendants T. H. Cantrell and Ettie C. Cantrell have filed the application for the disbursement of the said condemnation money and the court finds therefrom and from the pleadings on file and matters submitted to the court that there is owing to the defendants David E. Shartel, on a mortgage, of the amount of \$500.00, together with interest thereon at the rate of 6 per cent per annum, from November 20, 1938, and there is owing the Shartel Mortgage Company on its mortgage the sum of \$30.00.

That there are unpaid taxes on said property in the amount of \$53.03. That the defendants T. H. Cantrell and Ettie C. Cantrell gave an order directed to the clerk of this court to pay out of said money the sum of \$100.00 to the executrix of the estate of W. H. Kornegay, deceased, for legal services performed by the said W. H. Kornegay, during his life in this case and they have asked in the application that said amount be paid and that the amount owing on said mortgages, and the amount owing for taxes be paid out of said moneys.

It is further shown that the said Ettie C. Cantrell, the wife of said T. H. Cantrell, and that the real property involved herein, belongs to the said defendant T. H. Cantrell.

It is therefore ordered that the clerk of this Court pay out of said money on hand deposited by the Grand River Dam Authority in this case, the amount of the award for Tract No. 9, aforesaid, the following amounts to the following persons:

David E. Shartel, \$500. together with 6% interest thereon, from November 20, 1938, to the date of payment of money.

To the Shartel Mortgage Company \$30.00.

To Nannie L. Kornegay, executrix of the estate of W. H. Kornegay, deceased, \$100.00.

That he pay the remaining part to the defendant T. C. Cantrell

To County Treasurer of Delaware County, Oklahoma, \$53.03.

It is further ordered that the costs of the case including the 1 per centum, required by law to be charged by the clerk on the amount of money paid into Court, is taxed against the plaintiff.

Done in open court this the 15th day of December, 1939.

F. E. KENNAMER
JUDGE

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

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

United States of America,	Plaintiff,)
)
vs.		) No. 265 Civil
)
Charlie J. Escoe,	Defendant.)

ORDER OF DISMISSAL

Now on this 15th day of December, 1939, this matter coming on before the court on application of the Plaintiff, the United States of America, to dismiss said cause and the court being advised in the premises, finds that said cause should be dismissed.

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

AND IT IS SO ORDERED.

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

F. E. KENNAMER
United States District Judge

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

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

MARGUERITE MALES, a widow, et al,	Plaintiffs,)
)
vs.		) NO. 280 CIVIL
)
ROBERT HAGENS and JACK AHRAMS,	Defendants.)

ORDER OF DISMISSAL

Now, on this 15th day of December, 1939, the above coming on for hearing upon motion of plaintiffs for leave to dismiss this cause with prejudice, and the Court having examined the stipulation of dismissal on file herein and being advised in the premises, finds that said application should be granted.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that this cause be and the same hereby is dismissed with prejudice, at the cost of defendants.

F. E. KENNAMER
JUDGE

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