

On this 17th day of October, A. D. 1939, the District Court of the United States met pursuant to adjournment, Hon. F. E. Kennamer, Judge, present and presiding.

Continued from Journal 1.

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

Grand River Dam Authority, a public corporation,	Petitioner,)	
)	
		)	Civil No. 263
-vs-)	
)	
A. O. Kephart, et al,	Defendants.)	

ORDER AUTHORIZING PUBLICATION OF NOTICE

NOW, on this 17 day of October, 1939, the above entitled and numbered cause coming on to be heard upon the affidavit and application of the petitioner for an order authorizing notice to the defendants, The Federal Land Bank of Wichita, Wichita, Kansas; a corporation; Federal Farm Mortgage Corporation, a corporation; and the Federal Land Bank of Wichita, Wichita, Kansas, a corporation, as agent and attorney-in-fact for Land Bank Commissioner of Wichita, Wichita, Kansas, and Federal Farm Mortgage Corporation, a corporation; The Shartel Mortgage Company, a corporation; David E. Shartel; John Maurice Hutchins, same as J. M. Hutchins; Sadie Ray Hutchins and Fred Buchanan, by publication, petitioner appearing by Q. B. Boydston, Assistant Counsel for the Grand River Dam Authority, a public corporation, and it appearing to the Judge of this Court that petitioner herein was, with due diligence unable to serve personally upon the above named defendants, notice of the institution of condemnation proceedings, and that the petitioner herein would, on the 13th day of November, 1939, at the hour of 10 o'clock A.M., or as soon thereafter as counsel may be heard, apply to the Honorable Franklin E. Kennamer, Judge of the United States District Court in and for the northern District of Oklahoma, for an order appointing three disinterested freeholders of said Northern District of Oklahoma, as commissioners, to inspect the real property as described in the petition for condemnation filed in said cause, and consider the injury which each of said defendants, as the owners of the lands involved in said cause, or of any right, title or interest therein, may sustain by reason of the appropriation of the absolute, entire and unencumbered fee simple title to said land for the basis or reservoir area of the Grand River Dam Project, and for the storing and preserving of the waters of Grand River and its tributaries, for public use and benefit; and

It further appearing that petitioner herein has filed its affidavit and application, duly verified, setting up that the defendants, the Federal Land Bank of Wichita, Wichita, Kansas, a corporation, Federal Farm Mortgage Corporation, a corporation, and The Federal Land Bank of Wichita, Wichita, Kansas, a corporation, as agent and attorney-in-fact for Land Bank Commissioner of Wichita, Wichita, Kansas, and Federal Farm Mortgage Corporation, a corporation, The Shartel Mortgage Company, a corporation; David E. Shartel; John Maurice Hutchins, same as J. M. Hutchins; Sadie Ray Hutchins and Fred Buchanan, are not within the State of Oklahoma; that the petitioner, after due diligence, has been unable to serve said defendants within the State of Oklahoma; and the Judge of this court, being fully advised in the premises, finds that the petitioner's application for service by publication upon said defendants, and each of them, should be granted.

IT IS THEREFORE CONSIDERED, ORDERED AND ADJUDGED that notice be given the defendants, the Federal Land Bank of Wichita, Wichita, Kansas; a corporation; Federal Farm Mortgage Corporation, a corporation; and The Federal Land Bank of Wichita, Wichita, Kansas, a corporation, as agent and attorney-in-fact for Land Bank Commissioner of Wichita, Wichita, Kansas and Federal Farm Mortgage Corporation, a corporation, The Shartel Mortgage Company, a corporation, David E. Shartel, John Maurice Hutchins, same as J. M. Hutchins, Sadie May Hutchins and Fred Buchanan, by publication, notifying them of the institution of the condemnation proceedings herein, and of the time and place of the appointment of said commissioners, and that said notice be signed by the attorneys for the petitioner herein, duly attested by the Clerk of this Court, and that said notice be published in the

Grove Sun, a newspaper of general circulation in Delaware County, Oklahoma, for two weeks, notifying said defendants, and each of them, of the institution of condemnation proceedings, and the application of the petitioner for condemnation and appropriation of certain real estate, and for the appointment of commissioners to inspect said real property and consider the injury which the owners thereof, or any person having any right, title or interest therein, may sustain by reason of the appropriation of the absolute, entire and unencumbered fee simple title to said lands for the basin or reservoir area of the Grand River Dam Project, and for the storing and preserving of the waters of Grand River and its tributaries for the operation of the Grand River Dam Project, for public use and benefit, may be heard before the Honorable Franklin E. Kennamer, Judge of the United States District Court in and for the Northern District of Oklahoma, in the court room in the Federal Building, in Tulsa, Oklahoma, on the 13th day of November, 1939, at the hour of ten o'clock A.M., or as soon thereafter as counsel may be heard, and that the said defendants, and each of them, may be present, if they so desire.

F. E. KENNAMER
JUDGE

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

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

Grand River Dam Authority,)
a public corporation,) Petitioner,)
) CIVIL NO. 264
-vs-)
C. M. Copeland, et al.,) Defendants.)

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

NOW, on this 17 day of October, 1939, the above entitled and numbered case 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, at commissioners to inspect said real property involved herein and consider the injuries sustained by reason of the condemnation and appropriation of the absolute, entire and unencumbered fee simple title to said lands, for public use and benefit, as alleged in the petition for condemnation filed herein, and for an order of the Judge of this Court, prescribing notice to be given said defendants in said cause, of the time and place when the Judge of this Court will appoint said commissioners; the petitioner appearing by R. L. Davidson, General counsel, and Q. B. Boydston and Gayle M. Pickens, Assistant Counsels.

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

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

Evans, the same as D. C. Evans, deceased; of Annie Ragsdalà, deceased, of J. T. Hardy, deceased, and each of them, by publication; petitioner appearing by Q. B. Boydstun, Assistant Counsel for the Grand River Dam Authority, a public corporation, and it appearing to the Judge of this Court that petitioner herein was, with due diligence, unable to serve personally upon the said defendants herein named, notice of the institution of condemnation proceedings, and that if the said defendants, and each of them, do not apply to the Judge of the United States District Court in and for the Northern District of Oklahoma, on or before the 11th day of December, 1939, to have the damages assessed by reason of the condemnation and appropriation of the lands described in the original petition for condemnation filed herein, that the petitioner herein will, on said 11th day of December, 1939, at the hour of ten o'clock A.M., or as soon thereafter as counsel may be heard, apply to the Judge of the United States District Court in and for the Northern District of Oklahoma for an order determining the right and necessity of the condemnation and appropriation of said land 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 the 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 the 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, 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 the Judge of this Court, being fully advised in the premises, finds that the petitioner's application for service of notice by publication upon the defendants hereinabove named, and each of them, should be granted.

IT IS THEREFORE, CONSIDERED, ORDERED AND ADJUDGED that notice be given to the defendants, Rosie M. Gregory, Jennie L. Wright, Edward Taylor, James L. Huff, David E. Shartel, Maggie Welch, Mamie Hardy, John D. Hardy, Mary Alice Keith, Henry Hardy, Floselle Hardy, P. H. Graves, The Federal Land Bank of Wichita, Wichita, Kansas, a corporation, The Shartel Mortgage Company, a corporation, Sarah E. Evans, H. C. Holcamp, Alsie Kaiser, Myrtle Yocum and W. D. Yocum, and the heirs, devisees, legatees, executors, administrators, trustees, creditors and assigns, immediate and remote, known and unknown, and their spouses, if any, of Harvey R. Flynn, deceased; of Daniel O. Evans, the same as D. O. Evans, deceased; of Annie Ragsdale, deceased; and of J. T. Hardy, deceased, 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, and of the time and place of the appointment of said commissioners, and duly attested by the Clerk of this Court, and that said notice be published in the Grove Sun, a newspaper of general circulation in Delaware County, Oklahoma, for four weeks, notifying said defendants of the institution of condemnation proceedings, and the application of the petitioner for condemnation and appropriation and if the defendants, and each of them, do not apply to the Judge of the District Court of the United States, 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 11th day of December, 1939, the petitioner, Grand River Dam Authority, a public corporation, will, on said 11th day of December, 1939, at the hour of ten o'clock A.M., or as soon thereafter as counsel may be heard, apply to the Judge of the United States District Court in and for the Northern District of Oklahoma, in the Federal Building, in the City of Tulsa, Oklahoma, for an order appointing from the regular jury list three (3) disinterested freeholders in said Northern District of Oklahoma, as commissioners, who shall be selected by the Judge of said Court, to inspect said real property and appraise the value of the absolute, entire and unencumbered fee simple title and consider the injury which said defendants, as the owners thereof, or of those having any right, title or interest therein, may sustain by reason of the condemnation and appropriation of said absolute fee simple title for said public use and benefit, and that said defendants, and each of them, may be present, if they so desire.

F. E. KENNAMER

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

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

Court adjourned to October 18, 1939

District, and the claimant, Joe L. Barnes, having made his general appearance herein and filed a disclaimer of any right, title, interest and estate in and to the said described automobile and the approximately One Hundred Forty-eight (148) gallons of assorted taxpaid intoxicating liquors seized therein, whereupon libelant presents its evidence and rests and the court being fully advised in the premises, finds that said 1939 Model Ford Coupe Automobile, Motor No. 18-4,792,594, was lawfully seized from said Joe L. Barnes on May 29, 1939, at a point near the intersection of United States Highway No. 60 and Oklahoma State Highway No. 18, about Eight and One-half (8½) miles north of Fairfax, in Osage County, Oklahoma, and that said intoxicating liquors were then and there seized while thus being unlawfully conveyed in said automobile as alleged in the Libel of Information.

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

The court further finds that the petition of the Acting Director of the Procurement Division, Treasury Department, for the delivery of said automobile to the Treasury Department for use of the Bureau of Internal Revenue in the enforcement of the Internal Revenue Laws, pursuant to Section 304 of the Liquor Law Repeal and Enforcement Act should be sustained.

IT IS, THEREFORE, THE ORDER AND JUDGEMENT OF THE COURT that a forfeiture herein be and the same is hereby allowed as to the said described automobile and the said approximately One Hundred Forty-eight (148) gallons of assorted taxpaid intoxicating liquors seized therein, which intoxicating liquors are ordered delivered over to the Secretary of the Treasury of the United States for proper and lawful disposition.

IT IS FURTHER ORDERED AND DECREED BY THE COURT that the petition of the Acting Director of the Procurement Division, Treasury Department, for the delivery of said automobile to the Treasury Department for use of the Bureau of Internal Revenue in the enforcement of the Internal Revenue Laws, pursuant to Section 304 of the Liquor Law Repeal and Enforcement Act be and the same is hereby sustained, and the United States Marshal for the Northern District of Oklahoma is hereby directed to deliver said automobile over to an authorized agent of said Treasury Department for such uses and purposes.

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

Whit Y. Mauzy, United States Attorney

JOE W. HOWARD

Joe W. Howard, Assistant United States Attorney
ATTORNEYS FOR LIBELANT

F. E. KENNAMER

JUDGE

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

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

Swede Flemming,	Plaintiff,)	
)	
vs.		)	No. 208 Civil
)	
United States Fidelity and Guaranty Company, a corporation,	Defendant.)	

ORDER BRINGING IN THIRD PARTY DEFENDANT

On application of United States Fidelity and Guaranty Company, defendant herein, and for good cause shown, IT IS HEREBY ORDERED that Jap Holland, Sheriff of Delaware County, Oklahoma, be and he is hereby made a party to this action as third party defendant.

Dated this 18th day of October, 1939.

F. E. KENNAMER
United States District Judge.

OK N. A. GIBSON, Atty for Deft.

ENDORSED: Filed Oct 18 1939
H. P. Warfield, Clerk
U. S. District Court E 9

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

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

ORDER PERMITTING AMENDMENT TO PETITION

Now on this 16th day of October, 1939, the petitioner acting through Curtis P. Harris, Special Attorney for the Department of Justice, requests in open court permission to amend the Petition for Condemnation filed herein. The Court finds that said request should be granted.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the petitioner be permitted to amend its Petition filed herein by interlineation, in the following particulars, to-wit:

On the first line of the last page of said Petition for Condemnation there shall be interlined between the first word and second word, to-wit: "America" and "except", the following words, figures, and phrases, to-wit:

"in trust for the Cherokee Tribe of Indians of Oklahoma until such time as the use of the land is assigned by the Secretary of the Interior to a cooperative group organized under the Act of June 26, 1936 (49 Stat. 1967), or to an individual, then in trust for such group or individual."

F. E. KENNAMER
JUDGE

ENDORSED: Filed Oct 18 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,)
) No. 877 Equity
-vs-)
)
EXCHANGE NATIONAL COMPANY, a)
corporation, et al, Defendants.)

ORDER AUTHORIZING TRUSTEE TO SELL REAL ESTATE

On this 17th day of October, 1939, upon the application of J. H. McBirney, Successor Trustee, for authority to sell real estate, and it appearing that among the assets coming into the hands of said Trustee was a note executed by E. K. Vernon and Lela M. Vernon, to the Exchange National Company, dated January 24, 1929, for the principal sum of Two Thousand Dollars (\$2,000.00), upon which there was due the principal sum of One Thousand Six Hundred One & 27/100 Dollars (\$1,601.27), said note being secured by a first real estate mortgage covering the real estate herein-after described; and it further appearing that the said Trustee, in order to enforce collection of said indebtedness, filed cause No. 58586 in the District Court of Tulsa County, Oklahoma, for the recovery of judgment upon said note, and for the foreclosure of said real estate mortgage; that thereafter the makers of said note and mortgage executed and delivered their warranty deed, transferring title to said real estate to J. H. McBirney, Successor Trustee, in satisfaction of said mortgage indebtedness, and said foreclosure action was dismissed, and that said J. H. McBirney, Successor Trustee, is the present owner and holder of title to the following described real estate, to-wit:

Lot Three (3) of Farmers Subdivision, being a re-subdivision of Lot Sixteen (16), Block Three (3), of Clover Ridge Addition to the City of Tulsa, County of Tulsa, State of Oklahoma, according to the recorded plat thereof;

and it further appearing that the said real estate is improved by a one-story frame house, 24' x 30', containing four rooms and a breakfast room, as well as a garage 12' x 16', with composition roof; that said lot is 50' x 100'; that the said trust has an investment in said property, after crediting said investment with the net amount of rents received from said real estate, of One Thousand Six Hundred Sixty One & 89/100 Dollars (\$1,661.89); and it further appearing that Lester W. Sheef and R. Pauline Sheef have submitted an offer of One Thousand Seven Hundred Fifty Dollars (\$1,750.00), payable in cash, for the purchase of said real estate and improvements; that said real estate has been appraised, and the value thereof fixed in the approximate amount offered therefor; and it further appearing that the members of the Advisory Committee, appointed by this court, upon whom notice of sales of real estate shall be given, have been duly notified of said offer and have considered the same, and have recommended that the said Trustee sell said real estate for

said cash consideration; and it further appearing that the said trust is in liquidation, and it is to the best interest of said trust estate to sell said real estate; and it further appearing that one of the conditions of said sale was that the said trustee pay that portion of the ad valorem taxes levied and assessed against said real estate for the year 1939, as the number of months of his ownership in 1939 bears to the total months thereof, which sum will approximately Thirty Five Dollars (\$35.00); and it further appearing that the sale of said real estate was arranged by J. H. Poe, a real estate broker in the City of Tulsa, who is entitled to reasonable compensation for his said services, and that five per cent (5%) of the sales price is reasonable compensation therefor, and for other good cause,

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

Lot Three (3) of Farmers Subdivision, being a re-subdivision of Lot Sixteen (16), Block Three (3), of Clover Ridge Addition to the City of Tulsa, County of Tulsa, State of Oklahoma, according to the recorded plat thereof,

for a cash consideration of One Thousand Seven Hundred Fifty Dollars (\$1,750.00).

IT IS FURTHER ORDERED that J. H. McBirney, Successor Trustee, be and he is hereby authorized to execute and deliver Trustee's special warranty deed, transferring and conveying the above described property to Lester W. Sheef and R. Pauline Sheef, upon their payment of One Thousand Seven Hundred Fifty Dollars (\$1,750.00).

IT IS FURTHER ORDERED that the sale of said real estate above described, by J. H. McBirney, Successor Trustee, to Lester W. Sheef and R. Pauline Sheef, be and the same is hereby ratified and confirmed.

IT IS FURTHER ORDERED that J. H. McBirney, Successor Trustee, be and he is hereby authorized to pay that proportion of the ad valorem taxes levied and assessed against the property above described, for the year 1939, that his ownership of said property during said year bears to the total months thereof.

IT IS FURTHER ORDERED THAT J. H. McBirney, Successor Trustee, be and he is hereby authorized to pay to J. H. Poe, a reasonable brokerage commission of five per cent (5%) upon said sale price of One Thousand Seven Hundred Fifty Dollars (\$1,750.00), as compensation for his services as broker, in arranging said sale.

F. E. KENNAMER
United States District Judge

ENDORSED: Filed Oct 18 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. 1276 Equity
)
Orie Johnson,	Defendant.)

JOURNAL ENTRY OF JUDGMENT

Now on this 18th day of October, 1939, this cause of action having come on for hearing on October 10, 1938, plaintiff appearing by Whit Y. Mauzyk United States Attorney for the Northern District of Oklahoma, and Chester A. Brewer, Assistant United States Attorney for said District; and the defendant appearing by her attorneys, John Rogers, George A. Carlson and D. E. Johnson; and the parties hereto having stipulated as to the facts in this cause of action, and having argued the cause to the Court, the Court took said cause of action under advisement, and directed the parties to file briefs in support of their contentions; and said briefs having been filed, and the Court being fully advised in the premises, on September 25, 1939, filed an opinion in this action, holding in favor of the plaintiff, and against the defendant.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the warranty deed dated April 14, 1934, filed of record April 16, 1934, and recorded in the office of the County Clerk of Osage County Oklahoma, in Book 75, at page 176, be, and the same hereby is declared to be invalid, and is canceled of record; and the defendant, Orie Johnson, is hereby decreed to have no right, title, or interest of whatsoever nature, in and to the following described land, located in Osage County, Oklahoma, to-wit:

South Half of Southwest Quarter of Section Eight; East Half of Northwest Quarter of Section Seventeen, all in Township Twenty-four North, Range Six East, as homestead allotment, and Northwest Quarter of Section Ten, Township Twenty-three North, Range Three East; Lot Three and Southeast Quarter of Northwest Quarter of Section Four; North Half of Northeast Quarter of Section Twenty-seven, Township Twenty-four North, Range Four East; Northeast Quarter of Section Twenty-nine; East Half of Southwest Quarter of Southwest Quarter of Section Thirty-two, Township Twenty-seven North, Range Eleven East, surplus allotment.

IT IS THE FURTHER DECREE AND JUDGMENT of the Court that the defendant, Orie Johnson be and she is forever barred and enjoined from claiming or asserting any right, title or interest in and to the above described land.

IT IS THE FURTHER ORDER AND DECREE, of the Court that the plaintiff, United States of America, recover its costs herein from the defendant, Orie Johnson, to which decree of the Court defendant excepts, and exceptions are allowed.

F. E. KENNAMER
JUDGE

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

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

JOHN ROGERS
GEORGE A. CARLSON
D. E. JOHNSON
ATTORNEYS FOR DEFENDANT.

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

Court adjourned to October 19, 1939

On this 19th day of October, A. D. 1939, the District Court of the United States for the Northern District of Oklahoma, sitting in Special March 1939 Term at Tulsa, met pursuant to adjournment, Hon. F. E. Kennamer, Judge, present and presiding.

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

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

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

United States of America, Complainant,)
vs.) No. 138 Civil
Certain Parcels of Land in Drumright,)
Creek County, Oklahoma, et al, Defendants.)

O R D E R

This matter coming on to be heard this 19th day of October, 1939, upon application of H. C. Hovenden to intervene in the above styled cause, and it appearing that said application should be granted;

IT IS HEREBY ALLOWED that applicant H. C. Hovenden, be allowed to intervene and file his complaint in intervention.

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

F. E. KENNAMER
U. S. District Judge

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

HARTFORD ACCIDENT AND INDEMNITY)
COMPANY, a corporation,)
Plaintiff,)

-vs-

PETROLEUM ROYALTIES COMPANY, OF OKLAHOMA,)
a corporation, PETROLEUM ROYALTIES)
COMPANY, a trust estate, R. R. HAYS, J. G.)
CATLETT and RICHARD HUGHES, Trustees of said)
trust estate,)
Defendants.)

No. 1064 in Equity

O R D E R

Now on this the 19th day of October, 1939, on application of the Petroleum Royalties Company, a trust estate, for a return of the Thirty-five Thousand (\$35,000.00) Dollars deposited by it, in lieu of supersedeas bond, on the 5th day of January, 1939, the Court finds:

That on the 6th day of September, 1939, the United States Circuit Court of Appeals for the Tenth Circuit rendered judgment in the appeal taken from this Court, limiting the recovery of the Hartford Accident and Indemnity Company to Two and 61/100 (\$2.61) Dollars, and assessed the cost to the Hartford Accident and Indemnity Company.

The Court further finds that the cost of appeal has been advanced by the Petroleum Royalties Company, a trust estate, and that the Thirty-five Thousand (\$35,000.00) Dollars deposited with the Clerk of this Court has served its purpose.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Clerk of this Court return the Thirty-five Thousand (\$35,000.00) Dollars to the Trustees of the Petroleum Royalties Company, a trust estate, less the Clerk's fee for handling same.

Done in open court this the 19th day of October, 1939.

F. E. KENNAMER
JUDGE

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

Court adjourned to October 20, 1939

On this 20th day of October, A. D. 1939, the District Court of the United States for the Northern District of Oklahoma, sitting in Special March 1939 Term at Tulsa, met pursuant to adjournment, Hon. F. E. Kennamer, Judge, present and presiding.

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

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

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

E. R. KETCHUM,	Plaintiff,)	
)	
-versus-)	
		)	No. 100 - Civil
ZURICH GENERAL ACCIDENT & LIABILITY)	
INSURANCE COMPANY, LTD., a corporation,)	
	Defendant.)	

O R D E R

On October 20, 1939, there coming on for hearing the motion of the defendant to dismiss the above-entitled cause, the parties appearing by their attorneys of the record; and the court, being fully advised in the premises, finds that said motion should be and the same is hereby over-ruled, to which ruling and judgment the defendant excepts.

Defendant is given fifteen days from this date in which to answer.

F. E. KENNAMER
JUDGE

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

Court adjourned to October 27, 1939

On this 23rd day of October, A. D. 1939, the District Court of the United States for the Northern District of Oklahoma, sitting in Special March 1939 Term at Tulsa, met pursuant to adjournment, Hon. F. E. Kennamer, Judge, present and presiding.

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

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

MISCELLANEOUS-ORDER EMPANELING PETIT JURY.

On this 23rd day of October, A. D. 1939, comes the Marshal and makes return on the Venire heretofore issued out of this court for Petit Jurors for this Special September 1939 Term of Court, at Vinita, Oklahoma. Thereupon, the Clerk calls the names of the Jurors so summoned, as follows:

Jess Propst
 Wayne J. Preston
 Trader Bankhead
 W. G. Ogan
 J. P. Hawkins
 Cleo Fox
 C. E. Means
 W.E. Laws
 H. E. Jones
 Claude Holden
 Ford Lee
 J. R. Hastings
 Luther Gregory
 Leland Hensley
 Fred Highfield
 G. C. Stout
 George V. Park
 Frank Kincaide
 John A. Kidd
 Maurice Haynes

C. W. McHenry
 W. E. Leonard
 Mathias Liebenheim
 Norman C. Matlock
 Manzo E. Machlan
 W. C. Lewis
 M. M. Mann
 D. L. Madison
 Edd Ridner
 W. J. McGuire
 Jack Miller
 Ivan H. Sloan
 James Fleming
 Brown Vesey
 Fred Poor
 Clell Martin
 All Penny
 C. R. Perrier
 Felix Ridenhour
 D. H. Trundle

Thereupon, the Court examines said Jurors as to their qualifications, and for good cause shown

W. G. Ogan
 Claude Holden
 George V. Park
 Frank Kincaide
 W. E. Leonard
 Mathias Liebenheim

Norman C. Matlock
 W. J. McGuire
 Clell Martin
 All Penny
 C. R. Perrier
 Felix Ridenhour

are excused from service as Jurors for the term.

And thereupon, it is ordered by the Court that the following names of those who were not served

W. C. Lewis

be, and they are, hereby stricken from the jury roll.

Thereupon, the balance of said array are accepted as Petit Jurors for this Special September 1939 Term of Court.

ENDORSED: Filed In Open Court
 Oct 23 1939
 H. P. Warfield, Clerk
 U. S. District Court

MISCELLANEOUS - ADMISSION TO BAR.

Now on this 23rd day of October, A. D. 1939, it being made satisfactorily to appear that H. G. E. Beauchamp is duly qualified for admission to the Bar of the Court, the oath prescribed by law is administered and said attorney is declared admitted to the Bar of the Court. (F.E.K. Judge).

Lester Jordan	\$ 5.00
R.E. Crow	5.00
Lee Capehart.	5.00

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Lester Jordan, R. E. Crow and Lee Capehart receive for their services rendered in the above entitled and numbered cause, as appraisers, the sums and amounts set opposite each of their names hereinabove.

F. E. KENNAMER
JUDGE

ENDORSED: Filed Oct 24 1939
H. P. Warfield, Clerk
U. S. District Court DC

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

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

ORDER FOR PAYMENT TO COMMISSIONERS

Now on this 23rd day of October, 1939, it appears to the Court that on the 16th day of October, 1939, Lester Jordan, R. E. Crow and Lee Capehart were appointed by the Court as appraisers in the above entitled and numbered cause, and pursuant to said appointment did serve as appraisers and fix the value of the real estate being taken by eminent domain and filed their report herein.

It further appears to this Court that the above named are entitled to compensation for such services rendered in the following amounts set opposite each of their names, respectively:

Lester Jordan	\$ 5.00
R. E. Crow	5.00
Lee Capehart	5.00

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Lester Jordan, R. E. Crow and Lee Capehart receive for their services rendered in the above entitled and numbered cause, as appraisers the sums and amounts set opposite each of their names hereinabove.

F. E. KENNAMER
JUDGE

ENDORSED: Filed Oct 24 1939
H. P. Warfield, Clerk
U. S. District Court DC

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. 266.
)	
Sarah Ballard, now Wood, Cherokee Allottee, Roll No. 477, et al.,)	
	)	Defendants.

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

NOW, on this 23 day of October, 1939, the above entitled and numbered cause coming on to be heard, upon the application of the petitioner herein for an order of the Judge of this Court fixing the date for the appointment of three disinterested freeholders of said Northern District of Oklahoma as commissioners to inspect said real property involved herein and consider the injuries sustained by reason of the condemnation and appropriation of the absolute, entire and unencumbered fee simple title to said lands, for public use and benefit, as alleged in the petition for condemnation filed herein, and for an order of the Judge of this Court prescribing notice to be given said defendants in said cause, of the time and place when the Judge of this Court will appoint said commissioners; the petitioner appearing by R. L. Davidson, General Counsel, and Q. B. Boydston and Gayle M. Pickens, Assistant Counsels.

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

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

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

IT IS THEREFORE ADJUDGED AND DECREED by the Judge of this Court that Notice be given said defendants, and each of them, and all persons claiming any right, title, interest or possession in and to the lands involved, personally, by serving a copy of said notice upon said defendants, and each of them, said notice to be served by the United States Marshal of the District and State in which said defendants, and each of them, may reside, 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 13th day of November, 1939, at the hour of Ten o'clock A.M., or as soon thereafter as counsel may be heard and that said defendants, and each of them, may appear if they so desire.

IT IS 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 13th day of November, 1939, at the hour of ten o'clock A.M., or as soon thereafter as counsel may be heard, and that said defendants, and each of them, may appear if they so desire.

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

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

ENDORSED: Filed Oct 23 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-))	
))	
L. F. Mayfield, et al.,	)	Defendants.	)	CIVIL NO. 267.

ORDER AUTHORIZING PUBLICATION OF NOTICE

NOW, on this 23rd day of October, 1939, the above entitled and numbered cause coming on to be heard upon the affidavit and application of the petitioner for an order authorizing notice to the defendants, The Shartel Mortgage Company, a corporation, J. R. Schad, W. D. Hinton, and Mrs. W. D. Hinton, by publication; petitioner appearing by Q. B. Boydston, Assistant Counsel for the Grand River Dam Authority, a public corporation, and it appearing to the Judge of this Court that the petitioner herein was, with due diligence unable to serve personally, upon the above named defendants, notice of the institution of condemnation proceedings, and that the petitioner herein would, on the 13th day of November 1939, at the hour of ten o'clock A.M., or as soon thereafter as counsel may be heard, apply to the Honorable Franklin E. Kennamer, Judge of the United States District Court in and for the Northern District of Oklahoma, for an order appointing three disinterested freeholders of said Northern District of Oklahoma, as commissioners, to inspect the real property as described in the petition for condemnation filed in said cause, and consider the injury which each of said defendants, as the owners of the lands involved in said cause, or of any right, title or interest therein, may

sustain by reason of the appropriation of the absolute, entire and unencumbered fee simple title to said lands for the basin or reservoir area of the Grand River Dam Project, and for the storing and preserving of the waters of Grand River and its tributaries, for public use and benefit; and

It further appearing that petitioner herein has filed its affidavit and application duly verified, setting up that the defendants, The Shartel Mortgage Company, a corporation, J. R. Schad, W. D. Hinton, and Mrs. W. D. Hinton, are not within the State of Oklahoma, and that the petitioner, after due diligence, has been unable to serve said defendants within the State of Oklahoma; and the Judge of this Court, being fully advised in the premises, finds that the petitioner's application for service by publication upon said defendants, and each of them, should be granted.

IT IS THEREFORE CONSIDERED, ORDERED AND ADJUDGED that notice be given the defendants, The Shartel Mortgage Company, a corporation, J. R. Schad, W. D. Hinton and Mrs. W. D. Hinton, by publication, notifying them of the institution of condemnation proceedings herein, and of the time and place of the appointment of said commissioners, and that said notice be signed by the attorneys for the petitioner herein, duly attested by the Clerk of this Court, and that said notice be published in the Afton American, a newspaper of general circulation in Ottawa County, Oklahoma, for two weeks, notifying the said defendants, and each of them, of the institution of condemnation proceedings, and the application of the petitioner for condemnation and appropriation of certain real estate, and for the appointment of commissioners to inspect said real property and consider the injury which the owners thereof, or any person having any right, title or interest therein, may sustain by reason of the appropriation of the absolute, entire and unencumbered fee simple title to said lands for the basin or reservoir area of the Grand River Dam Project, and for the storing and preserving of the waters of Grand River and its tributaries for the operation of the Grand River Dam Project, for public use and benefit, may be heard before the Honorable Franklin E. Kennamer, Judge of the United States District Court in and for the Northern District of Oklahoma, in the court room in the Federal Building, in Tulsa, Oklahoma, on the 13th day of November, 1939, at the hour of Ten o'clock A.M., or as soon thereafter as counsel may be heard, and that the defendants, and each of them may be present, if they so desire.

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

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

Court adjourned to October 24, 1939

SPECIAL SEPTEMBER 1939 TERM

VINITA, OKLAHOMA

TUESDAY, OCTOBER 24, 1939

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

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

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

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

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.)	

O R D E R

Now on this 28th day of October, A. D., 1939, this matter coming on for hearing before me upon the written application of Noble C. Hood and W. W. McClure, Trustees of Seminole Provident Trust, for instructions and authorization to do certain things and make certain expenditures as set out in said application, and the Court having read said application and being fully advised in the premises finds that the said Trustees' application should be granted.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that Noble C. Hood and W. W. McClure, Trustees of Seminole Provident Trust, are hereby authorized and directed to:

1. Employ a competent auditor to make an audit of the books of said company between July 31, 1937, and October 1, 1937, and between April 17, 1939, up to the present time;
2. Henceforth, until further order of the Court, to pay from the funds of the trust estate the necessary current expenses incurred in managing and operating the same, including its pro rata share of all reasonable and necessary operating and producing costs to which it is chargeable arising from the operating and producing of oil and gas leases in Seminole and Pottawatomie Counties, Oklahoma, in which it has an interest, authorization as to the payment of its pro rata share of said operating and producing costs to include such costs for the month preceding the month in which they were appointed.
3. To enter into the written operating contract with E. W. Jones, Inc. which was presented to the court with said application.
4. To pay from the funds of the trust estate unto said Frank Hickman his claim in the sum of \$150.
5. To make such expenditures as the trustees may in their discretion deem reasonable or necessary to cause an inventory to be made of all of the equipment, materials and supplies located upon said producing oil and gas leasehold estates in which said trust estate owns an interest and further to attempt to make an inventory of said materials, supplies and equipment located upon said leasehold estates as of December 1, 1936, and to make a list of such equipment, supplies and materials subsequently added thereunto and deducted therefrom.
6. To employ the firm of Settle, Monnet & Clammer, attorneys at law, Tulsa, Oklahoma, to represent them in all matters in which they may need attorneys, including prosecution of the trust's claims against Clyde Thompson, said attorneys to be paid reasonable compensation

for said services to be subsequently determined by the Court.

F. E. KENNAMER
F. E. KENNAMER, UNITED STATES DISTRICT
JUDGE

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

Court adjourned to October 25, 1939

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

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

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

MISCELLANEOUS.

Now on this 25th day of October, A. D. 1939, it being made satisfactorily to appear that Frank Mahan is duly qualified for admission to the Bar of the Court, the oath prescribed by law is administered and said attorney is declared admitted to the Bar of the Court. (F.E.K. Judge).

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

ORDER TO MARSHAL TO OPEN AND ADJOURN COURT

The First Monday in November, 1939, being the Regular Statutory day for the opening of the Regular Term of said Court at Miami, Oklahoma, and the Court finds that there is insufficient business to cause said term to be held at Miami.

IT IS ORDERED that the United States Marshal in and for the Northern District of Oklahoma, be, and he is hereby directed to open the Regular November 1939 Term at Miami, Oklahoma, on Monday, the 6th day of November, A.D. 1939, by proclamation in the manner and form provided by law, and that said Marshal adjourn said Court Sine Die.

Said Marshal shall make due return hereof how he has executed this order.

F. E. KENNAMER
U. S. DISTRICT JUDGE

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

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

J. T. HIGH,	Plaintiff,)	
)	
vs.		)	No. 129 Civil
)	
MIDCO OIL CORPORATION, A CORPORATION,	Defendant.)	

JOURNAL ENTRY OF JUDGMENT

Now on this 25th day of October, 1939, this matter comes on to be heard in its regular order; the plaintiff appeared by his counsel, Frank Mahan, and the defendant appeared by its counsel, Hudson & Hudson. Both sides announced reay for trial, and waived a jury in said cause.

Thereupon the plaintiff introduced evidence and rested; and the court being fully advised in the premises, upon consideration thereof finds that plaintiff is entitled to recover judgment on his cause of action against the defendant, Midco Oil Corporation, in the sum of Eight Hundred (\$800.00) Dollars, together with the costs of this action.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the court that the plaintiff, J. T. High, have and recover judgment of and from the defendant, Midco Oil Corporation, a corporation, in the sum of Eight Hundred (\$800.00) Dollars, together with interest thereon at the rate of six per cent until paid, and the costs of this action.

For all of which let execution issue.

O.K. and acknowledgment of service of copy.
Attys Docket fee waived.

F. E. KENNAMER
U. S. DISTRICT JUDGE

FRANK MAHAN
Attorney for Plaintiff

W. E. HUDSON
R. D. HUDSON
Attorneys for Defendant.

ENDORSED: Filed Oct 25 1939
H. P. Warfield, Clerk
U. S. District Court ME

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

MRS. FRANK DAVIS,	Plaintiff,)	
)	
vs.		)	No. 130 Civil
)	
MIDCO OIL CORPORATION, a corporation,	Defendant,)	

JOURNAL ENTRY OF JUDGMENT

Now on this 25th day of October, 1939, this matter comes on to be heard in its regular

order; the plaintiff appeared by her counsel, Frank Mahan, and the defendant appeared by its counsel, Hudson & Hudson, Both sides announced ready for trial, and waived a jury in said cause.

Thereupon the plaintiff introduced evidence and rested, and the court being fully advised in the premises, upon consideration thereof finds that plaintiff is entitled to recover judgment on her cause of action against the defendant, Midco Oil Corporation, a corporation, in the sum of Fourteen Hundred (\$1,400.00) Dollars, together with the costs of this action.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the court that the plaintiff, Mrs. Frank Davis, have and recover judgment of and from the defendant, Midco Oil Corporation, a corporation, in the sum of Fourteen Hundred (\$1,400.00) Dollars, together with interest thereon at the rate of six percent until paid, and the costs of this action.

For all of which let execution issue.

F. E. KENNAMER
U. S. DISTRICT JUDGE

O.K. and acknowledgment of service
of copy. Atty's docket fee waived -
FRANK MAHAN
Attorney for Plaintiff.

W. E. HUDSON
R. D. HUDSON
Attorneys for Defendant

ENDORSED: Filed Oct 25 1939
H. P. Warfield, Clerk
U. S. District Court ME

Court adjourned to October 26, 1939

SPECIAL SEPTEMBER 1939 TERM

VINITA, OKLAHOMA

THURSDAY, OCTOBER 26, 1939

On this 26th day of October, A. D. 1939, the District Court of the United States for the Northern District of Oklahoma, sitting in Special March 1939 Term at Tulsa, met pursuant to adjournment, Hon. F. E. Kennamer, Judge, present and presiding.

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

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

MISCELLANEOUS

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

MISCELLANEOUS ORDER

Be it remembered that the Special September 1939 Term of this Court was convened on the 23rd day of October, 1939 at Vinita, Oklahoma.

(20 GR-D 1011), but that since the filing of this action, Lee Moxley has rented the lands and is in possession of the same as a tenant of the owner, F. M. Post, and tat it is necessary that he be made a party defendant to this action in order that his rights may be determined herein; and the Court having been fully advised in the premises, finds that the motion of the petitioner should be granted.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Judge of this Court that the petitioner, Grand River Dam Authority, a public corporation, be, and it is hereby granted leave to amend its original petition filed herein by adding Lee Moxley as additional party defendant thereto; and that the United States Marshal for the Northern District of Oklahoma, be, and he is hereby directed to serve notice of this action, and of the time and place of the appointment of commissioners herein as prayed for in the original petition for condemnation filed herein - - and that said notice be served at least ten (10) days prior to the date for the appointment of said commissioners.

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

ENDORSED: Filed Oct 26 1939
H. P. Warfield, Clerk
U. S. District Court H

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 GRANTING LEAVE TO AMEND PETITION

NOW, on this 26th day of October, 1939, the Grand River Dam Authority, a public corporation, petitioner, having presented its motion and application to the Judge of this Court, praying and asking leave to amend its petition filed herein on the 17th day of October, 1939, by making an additional party defendants, for the reason that at the time of filing said original petition to condemnation, the defendant, Lawrence Beall, was a tenant on the premises described in Tract No. 1 (21 GR-D 1036 and 21 GR-D 1030) and in possession thereof, but that since the institution of this action the said Lawrence Beall has sold all his interest in and to said premises by reason of such tenancy to Lee West, and that it is necessary that the said Lee West be made a party defendant in order that his rights may be determined in this matter; that the said Lee West is a resident of Delaware County, Oklahoma, which is in the Northern District of Oklahoma; and the Court having been fully advised in the premises, finds that the motion of the petitioner should be granted.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Judge of this Court that the petitioner, Grand River Dam Authority, a public corporation, be, and it is hereby granted leave to amend its original petition filed herein by adding Lee West as additional party defendant thereto; and that the United States Marshal for the Northern District of Oklahoma, be, and he is hereby directed to serve notice of this action, and of the time and place of the appointment of commissioners

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

ELMER GOAD,	Plaintiff,)	
)	
vs		)	No. 219 Civil
)	
BARTLETT COLLINS COMPANY,	Defendant.)	

ORDER OF DISMISSAL

Now, on this 28 day of October, 1939, the above coming on for hearing on motion of plaintiff for leave to dismiss this action with prejudice, and the Court being advised in the premises, finds that the same should be granted.

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

F. E. KENNAMER
JUDGE

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

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

H. J. CHAMBERS,	Plaintiff)	
)	
vs		)	NO. 243 CIVIL
)	
BARTLETT COLLINS COMPANY,	Defendant)	

ORDER OF DISMISSAL

Now, on this 28th day of October, 1939, the above coming on for hearing on motion of plaintiff for leave to dismiss this action with prejudice, and the Court being advised in the premises, finds that the same should be granted.

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

F. E. KENNAMER
JUDGE

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

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

Grand River Dam Authority, a public corporation,	Petitioner,)	CIVIL NO. 285
-vs-)	
William T. Sheldon, et al,	Defendants.)	

ORDER AUTHORIZING PUBLICATION OF NOTICE

NOW, on this 26th day of October, 1939, the above entitled and numbered cause coming on to be heard upon the affidavit and application of petitioner for an order authorizing notice to the defendants, Sarah Swallow and Everett Shelman, by publication; petitioner appearing by Q. B. Boydston Assistant Counsel for Grand River Dam Authority, a public corporation, and it appearing to the Judge of this Court that petitioner herein was, with due diligence, unable to serve personally upon the said defendants, Sarah Swallow and Everett Shelman, herein named, notice of the institution of condemnation proceedings, and that if said defendants, and each of them, do not apply to the Judge of the United States District Court in and for the Northern District of Oklahoma, on or before the 13th day of November, 1939, to have the damages assessed by reason of the condemnation and appropriation of the lands described in the original petition for condemnation filed herein, that the petitioner herein will on said 13th day of November, 1939, at the hour of ten o'clock A.M., or as soon thereafter as counsel may be heard, apply to the Judge of this 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, Sarah Swallow and Everett Shelman, 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, Sarah Swallow and Everett Shelman, hereinabove named, 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 that the Judge of this Court, being fully advised in the premises, finds that the petitioner's application for service of notice by publication upon the defendants, Sarah Swallow and Everett Shelman, hereinabove named, and each of them, should be granted.

IT IS THEREFORE, CONSIDERED, ORDERED AND ADJUDGED that notice be given to the defendants, Sarah Swallow and Everett Shelman, hereinabove named, and each of them, notifying them of the institution of the condemnation proceedings herein, and of the time and place of the appointment of said commissioners, and that said notice be signed by the attorneys for the petitioner herein, duly attested by the Clerk of this Court, and that said notice be published in the Grove Sun, a newspaper of general circulation in Delaware County, Oklahoma, for four weeks, notifying said defendants of the institution of condemnation proceedings, and the application of the petitioner for condemnation and appropriation and that if the defendants, Sarah Swallow and Everett Shelman, 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 13th day of November, 1939, the petitioner, Grand River Dam Authority, a public corporation, will on said 13th day of November, 1939, at the hour of ten o'clock A.M., or as soon thereafter as counsel may be heard, apply to the Judge of the United States District Court in and for the Northern District of Oklahoma, 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

Court, and it appearing that in certain of the pleadings filed in this cause of action the caption of said cause has been erroneously set out; and it further appearing to the Court that the caption to all of the pleadings filed in this cause of action should be corrected to read the same as the caption to this order;

IT IS THEREFORE THE ORDER of the Court that H. P. Warfield, Clerk of the United States District Court for the Northern District of Oklahoma, be, and he hereby is directed to correct the caption to all of the pleadings filed in this cause of action to read the same as the caption to this order.

F. E. KENNAMER
JUDGE

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

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

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

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

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

Sam Johnson, Executor of the Estate of Eli Kay,)
deceased, and L. E. Hardridge, Administrator of)
the Estate of Lucy McNack, deceased,) Law No. 2406
Plaintiffs,)
-vs-)
United States of America,)
Defendant.)

J U D G M E N T

This cause coming on to be heard on the 28th day of October, 1939, upon a stipulation of facts duly filed herein, a trial by jury having been expressly waived in writing, the plaintiffs appearing by Heber Finch, their attorney, and the defendant, United States of America, appearing by Whitfield Y. Mauzy, United States Attorney for the Northern District of Oklahoma, the Court, having been fully advised in the premises, hereby finds, orders and adjuges, as follows:

That the Court has jurisdiction of this cause and of the parties thereto;

That the insured, Eli Kay, entered the military service of the United States on August 2, 1918, and was honorably discharged therefrom on July 29, 1919; that effective August 5, 1918, the insured applied for and was granted \$10,000 war risk term insurance for which he designated his sister, Lucy McNack, as sole beneficiary; and that premiums thereon were paid to include the month of July, 1919;

That the insured died testate on September 4, 1922, leaving a last will and testament naming Sam Johnson as sole executor; that on September 16, 1922, the said Sam Johnson was appointed

executor of the insured's estate by the County Court of Creek County, State of Oklahoma; that on October 2, 1923, the said executor rendered his final accounting and was discharged; that on October 1, 1936, the said estate was reopened and Sam Johnson reappointed executor thereof, and is now acting in that capacity; that on October 6, 1936, Rhoda Johnson, individually, and Sam Johnson as executor of the estate of the insured, brought this action for recovery of the insurance benefits alleged to be due under the said contract of insurance; that on April 19, 1937, L. E. Hardridge was appointed administrator of the estate of the said Lucy McNack by the County Court of Creek County, State of Oklahoma, and on April 27, 1937, was made a party plaintiff in this action; that at the trial of this action, commencing June 11, 1937, this court dismissed the action as to Rhoda Johnson;

That there is some evidence tending to support the claim of the plaintiffs and also evidence tending to refute the same;

That the plaintiff, Sam Johnson, as executor of the estate of the insured, has submitted an offer to compromise all his rights, claims and interests as such executor under the said contract of insurance sued upon in this action for the sum of Seven Thousand Eight Hundred Dollars (\$7,800), in full settlement and satisfaction thereof, which offer of compromise was authorized and approved by the County Court of Creek County, State of Oklahoma; that the plaintiff, L. E. Hardridge, as administrator of the estate of Lucy McNack, has submitted an offer to compromise all his rights, claims and interests as such administrator under the said contract of insurance sued upon in this action for the sum of One Thousand Two Hundred Dollars (\$1,200), in full settlement and satisfaction thereof, which offer of compromise was authorized and approved by the County Court of Creek County, State of Oklahoma; that the acceptance of the said compromise offers has been recommended by the United States Attorney for the Northern District of Oklahoma and approved by the Attorney General of the United States, who has consented and agreed to the entry of a judgment for the said amounts in favor of the plaintiffs and against the United States;

That the said offers of compromise are fair, equitable and just, both to the plaintiffs and the United States of America, and the compromise of this suit by the payment of Seven Thousand Eight Hundred Dollars (\$7,800) to the plaintiff, Sam Johnson, as executor of the estate of the insured, and by the payment of One Thousand Two Hundred Dollars (\$1,200) to the plaintiff, L. E. Hardridge, as administrator of the estate of Lucy McNack, by the defendant, United States of America, is lawful and is made in accordance with the provisions of c. 101, Section 1, 48 Stat. 302; 38 U. S. C. 445-b, as amended by Public No. 434, 3rd Session, 75th Congress (c. 34, 52 Stat. 81);

That the plaintiffs have employed Heber Finch as their attorney in this action, who is entitled to receive 10 per cent of the amounts to be paid as reasonable compensation for his services herein.

IT IS, THEREFORE, ORDERED AND ADJUDGED, by consent of Heber Finch, counsel for the plaintiffs, and by consent of Whitfield Y. Mauzy, United States Attorney for the said District, that the plaintiff, Sam Johnson, as executor of the estate of the insured, have and recover from the defendant, United States of America, the sum of Seven Thousand Eight Hundred Dollars (\$7,800) in full settlement and satisfaction of all his rights, claims and interests under the said contract of insurance sued upon in this action, and that the plaintiff, L. E. Hardridge, as administrator of the estate of Lucy McNack, have and recover from the defendant, United States of America, the sum of One Thousand Two Hundred Dollars (\$1,200) in full settlement and satisfaction of all his rights, claims and interests under the said contract of insurance sued upon in this action; and that Heber Finch, attorney for the plaintiffs, be paid 10 per cent of the amounts of this judgment as a reasonable attorney's fee to be deducted from the amounts here in adjudged to be paid to the plaintiffs.

Dated this 28th day of October, 1939.

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

WE CONSENT TO THE FOREGOING JUDGMENT:

HEBER FINCH
Attorney for Plaintiffs

WHIT Y. MAUZY
United States Attorney
ATTORNEY FOR DEFENDANT

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

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 SUCCESSOR TRUSTEE TO PAY LIQUIDATING DIVIDEND OF FOUR PER CENT (4%) TO THE HOLDERS AND OWNERS OF GUARANTEED FIRST LIEN PARTICIPATION CERTIFICATES

On this 28th day of October, 1939, upon the application of J. H. McBirney, Successor Trustee of all of the notes, bonds, mortgages, liens, obligations and property held as security for the payment of first lien participation certificates issued by the Exchange National Company under a trust agreement of July 19, 1928, between said Exchange National Company and the Exchange National Bank of Tulsa, Oklahoma, for authority to pay a four per cent (4%) liquidating dividend to the holders and owners of guaranteed first lien participation certificates, and it appearing that the said Trustee has the approximate sum of One Hundred Forty Nine Thousand Five Hundred Seven & 16/100 Dollars (\$149,507.16) in cash, and that most of said sum is available for the payment of a liquidating dividend; and it further appearing that the holders of said guaranteed first lien participation certificates have heretofore received seventy-one per cent (71%) liquidating dividends, and that an additional dividend should be paid them, and that said liquidating dividend should be paid to the holders of said certificates in proportion to the amounts of said certificates and the unpaid interest to May 1, 1933, upon said certificates, as heretofore provided in orders entered herein for the payment of liquidating dividends; and it further appearing that the said Trustee has a sufficient amount of cash in order to pay said dividend, and that said dividend should be paid on the 20th day of November, 1939; and it further appearing that the members of the Advisory Committee have been notified of said application and action of said Trustee in the payment of said dividend, and that the payment of said dividend has the approval of the Advisory Committee appointed to counsel and advise with said Trustee, and upon the said Trustee's application, recommendation and request, and for other good cause,

IT IS ORDERED that J. H. McBirney, Successor Trustee, be and he is hereby authorized and empowered to pay a four per cent (4%) liquidating dividend to the owners and holders of the guaranteed first lien participation certificates, said four per cent (4%) liquidating dividend to be four per cent (4%) of the principal or face amount of said certificates, plus four per cent (4%) of the unpaid interest to May 1, 1933, upon said certificates.

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

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

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

(5) Due, proper and legal notice of the application of the United States of America for the appointment of Commissioners herein was served upon each and all of the respondents named in said Petition for Condemnation, as required by law. The Court finds that the returns as filed by the United States Marshals are true and correct, and that same are in accordance with law and the orders of this Court. The publication notice and the affidavits of the publisher, as filed herein, are in all respects in accordance with the law in such cases made and provided, and same are hereby approved by this Court.

(6) The Court finds that after due and legal notice, as required by law, Commissioners to appraise and fix the value of the real estate involved in these proceedings, were duly appointed on the 21st day of August, 1939, and said Commissioners duly qualified on the 26th day of August, 1939, by filing herein their oath of office as such.

(7) Said duly qualified Commissioners, after inspection of the premises, and consideration of the value thereof, filed their report herein on the 29th day of August, 1939, and said report and proceedings are in all respects regular and in accordance with law.

(8) More than sixty days have elapsed since the filing of the Report of Commissioner and no written exceptions thereto have been filed by either party, nor has either party filed any written demand for a trial by jury. The Report of Commissioners filed herein should be confirmed and approved in all respects.

(9) The Court further finds that the Petitioner did, on the 14th day of June, 1939, file its Declaration of Taking herein, and at the time of the filing of said Declaration did deposit the full sum of Two Hundred eighty and No/100 Dollars (\$280.00) as estimated just compensation for the real estate involved in this proceeding, and the Court did, on the 14th day of June, 1939, enter its Judgment herein on the said Declaration of Taking, vesting the fee simple title of the real estate involved in this proceeding in the United States of America.

(10) The Court has heretofore entered its judgment determining the rightful claimant to the compensation deposited in this case, and has entered its Order distributing said funds to the rightful and lawful claimants thereto.

The Court having fully considered the Petition for Condemnation, and all proceedings had herein, Title II of an Act of Congress approved June 16, 1933 (48 Stat. 200), an Act of Congress approved April 9, 1935, (49 Stat. 115), Executive Order No. 6252 dated August 19, 1933, Executive Order No. 6983 dated March 6, 1935, Executive Order No. 7027 dated April 30, 1935, Executive Order No. 7028 dated April 30, 1935, Executive Order No. 7064 dated June 7, 1935, Executive Order No. 7530 dated December 31, 1936, Executive Order No. 7557 dated February 19, 1937, and Public Resolution No. 47 - 75th Congress (Chapter 401-First Session), approved June 29, 1937, Weeks Law (36 Stat. 961), and the Clarke-McNary Act (43 Stat. 653), and all statutes supplemental or amendatory thereof, and all other statutes in such cases made and provided, and all executive orders and other delegations of authority made pursuant to these statutes, as more particularly

set out in the petition filed herein, is of the opinion that the United States of America was and is entitled to take said property and have the title vested in it, and that the alleged public purpose and use, as set out in the Petition for Condemnation, is hereby adjudged to be in truth and in fact, a public purpose and use within the meaning and purport of the above designated Acts of Congress and Executive Orders.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Report of Commissioners filed herein is final and is hereby confirmed and approved in all respects, and that the amount of Two Hundred eighty and No/100 Dollars (\$280.00) as fixed by said Report of Commissioners, is the fair, just, reasonable market value of the real estate herein described.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that there was vested in the United States of America title in fee simple in and to the said lands described herein, subject to and excepting therefrom, however, all existing public roads, public utility easements and rights of way, by judgment of this Court entered and filed herein on June 14, 1939, at the time of depositing said sum of Two Hundred Eighty and No/100 Dollars (\$280.00) as the just compensation for the real estate appropriated by the Petitioner, and herein described.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the correct legal description of said lands in all, as follows, to-wit:

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

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

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

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

Tract No. 88m, The Southeast Quarter ($SE\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$), and the East Half ($E\frac{1}{2}$) of the Northeast Quarter ($NE\frac{1}{4}$) of the Southwest Quarter

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

Bert Harrold,	Plaintiff,)
)
vs		) No. 154 - C
)
The Atchison, Topeka & Santa Fe Railway Co.,	Defendant.)

DECREE OF DISMISSAL

The plaintiff having this day filed herein his written dismissal of the above cause with prejudice;

IT IS ORDERED AND DECREED that the above action of Plaintiff be and the same is hereby dismissed with prejudice to a new action, the parties having effected a settlement, pursuant to which settlement the defendant is decreed to pay the costs herein.

Done at Vinita, Oklahoma, this October 30th, 1939.

F. E. KENNAMER
JUDGE

APPROVED: COPY HEREOF RECEIVED.
E. D. GILLESPIE
Attorney for Plft.

RAINEY FLYNN & GREEN
BIDDISON & SNEED
Attorneys for Defendant.

ENDORSED: Filed Oct 30 1939
H. P. Warfield, Clerk
U. S. District Court ME

Court adjourned to October 31, 1939

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

H. P. Warfield, Clerk, U. S. District Court
John P. Logan, United States Marshal

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

MISCELLANEOUS

On this 31st day of October, A. D. 1939, it appearing to the Court that there are not sufficient jurors in the panel, it is ordered that the Marshal of said District summon bfrom the bystanders three (3) good and lawful men, duly qualified, to serve as petit jurors for this Special September 1939 Term of said Court.

Thereupon, the Marshal returns the names of J. P. Bright, George Boon and H. R. Warner, who are examined by the Court, and all are accepted as Petit Jurors for this Special September 1939 Term of Court at Vinita, Oklahoma.

VERDICT

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

CORA C. LAWRENCE,	Plaintiff,)	
)	
vs.		)	Case No. 142 Civil
)	
SOUTHWESTERN BELL TELEPHONE COMPANY,	Defendant.)	

We, the jury in the above-entitled cause, duly impaneled and sworn, upon our oaths, find for the defendant,

JOHN A. KIDD,
Foreman.

ENDORSED: Filed In Open Court
Oct 31 1939
H. P. Warfield, Clerk
U. S. District Court ME

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

Cora C. Lawrence,	Plaintiff,)	
)	
vs.		)	No. 142 - Civil
)	
Southwestern Bell Telephone Company, a corporation	Defendant.)	

JOURNAL ENTRY OF JUDGMENT

This cause came on for trial before me at Vinita, Oklahoma, pursuant to regular assignment on October 30, 1939, the plaintiff appearing in person and by her attorney, Bailey E. Bell, and the defendant appearing by its attorneys Cantrell, Savage and McCloud; both parties announce ready for trial and the jury was selected and sworn to try the issues between the parties.

The plaintiff introduced her evidence and rested; the defendant thereupon demurred to the evidence of the plaintiff upon the ground that same is not sufficient to establish a cause of action in favor of the plaintiff and against the defendant, and the court reserved his ruling upon said demurrer.

The defendant thereupon introduced its testimony, and after the plaintiff had introduced rebuttal testimony, both parties rested. The defendant thereupon moved the court to instruct the jury to return a verdict for the defendant upon the ground that the evidence was not sufficient to establish a cause of action in favor of the plaintiff and against the defendant, and the court reserved ruling upon said motion. The trial of the cause was adjourned until October 31, 1939, with the parties being present as above stated.

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

H. P. Warfield, Clerk, U. S. District Court
John P. Logan, United States Marshal

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

VERDICT

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

JOSEPHINE H. SMITH,	Plaintiff,)	
)	
vs.		)	Case No. 171 Civil
)	
United Transports, Inc. a corporation,)	
	Defendant.)	

We, the jury in the above-entitled cause, duly impaneled and sworn, upon our oaths, find for the defendant.

ENDORSED: Filed In Open Court
Nov 1 1939
H. P. Warfield, Clerk
U. S. District Court ME

LEE FORD,
Foreman.

VERDICT

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

VIRGINIA D. DARNELL,	Plaintiff,)	
)	
vs.		)	Case No. 172 Civil
)	
UNITED TRANSPORTS, INC., A corporation,)	
	Defendant.)	

We, the jury in the above-entitled cause, duly impaneled and sworn, upon our oaths, find for the defendant.

ENDORSED: Filed In Open Court
Nov 1 1939
H. P. Warfield, Clerk
U. S. District Court ME

LEE FORD,
Foreman.

VERDICT

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

IDAMAE DOUTHITT,	Plaintiff,)	
)	
vs.		)	Case No. 173 Civil
)	
UNITED TRANSPORTS, INC., a corporation,)	
	Defendant.)	

We, the jury in the above-entitled case, duly impaneled and sworn, upon our oaths, find for the defendant.

LEE FORD
Foreman.

ENDORSED: Filed In Open Court
Nov 1 1939
H. P. Warfield, Clerk
U. S. District Court Me

Court adjourned to November 2, 1939

On this 2nd day of November, A. D. 1939, the District Court of the United States for the Northern District of Oklahoma, sitting in Special September 1939 Term at Vinita, met pursuant to adjournment, Hon. F. E. Kennamer, Judge, present and presiding.

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

Ruby Stinson,	Plaintiff,)	
)	
vs		)	No. 200 Civil
)	
United Zinc Smelting Company,)	
a corporation,	Defendant.)	

JOURNAL ENTRY

Now this 1st day of November, 1939, the same being a judicial days of the Special term of said court holden in the city of Cinita within said judicial district, this cause comes on for trial in its regular order of setting on the docket. The parties appear in person and by their respective attorneys, but the court being engaged in the trial of preceding matters the same is continued to the 2nd day of November, 1939 and the parties and their witnesses were ordered to appear in court on said date.

Now this 2nd day of November, 1939, the same being a judicial day of the Special term of said court holden in the City of Vinita within said judicial district, this cause comes on for trial in its regular order of setting on the docket on the petition, amended answer and reply. The parties appear in person and by their respective attorneys of record and both sides announced ready for trial. Thereupon a jury of twelve lawful men were impaneled and sworn, witnesses were duly sworn, opening statements of counsel were made, the plaintiff introduced her testimony and rested, and at the close of Plaintiff's testimony the defendant demurred to plaintiff's evidence and moved that the jury be directed to return a verdict for the defendant, and upon due consideration of the evidence the court finds the same wholly insufficient and that the plaintiff's action should be dismissed.

IT IS THEREFORE ADJUDGED AND DECREED that plaintiff's action foregoing, be, and the same hereby is dismissed, with prejudice and at the plaintiff's cost, to which plaintiff is allowed an exception, and

IT IS FURTHER ADJUDGED AND DECREED that the attachment herein made and levied by the plaintiff upon defendant's property is discharged, the said attached property is fully released, and all moneys deposited in The First National Bank of Miami, Oklahoma in pursuance of the order of this court herein made on the 26th day of July, 1939, is released and ordered to be paid to the defendant, to which the plaintiff is allowed an exception.

F. E. KENNAMER
JUDGE

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

Court adjourned to November 3, 1939

SPECIAL SEPTEMBER 1939 TERM

VINITA, OKLAHOMA

FRIDAY, NOVEMBER 3, 1939

On this 3rd day of November, A. D. 1939, the District Court of the United States for the Northern District of Oklahoma, sitting in Special September 1939 Term at Vinita, met pursuant to adjournment, Hon. F. E. Kennamer, Judge, present and presiding.

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

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

MISCELLANEOUS

STIPULATION AND CONSENT AGREEMENT

WHEREAS, John P. Logan, the United States Marshal for the Northern District of Oklahoma, as principal, and NATIONAL SURETY CORPORATION, as surety, executed a bond to the United States of America in the penal sum of \$25,000.00, dated October 1st, 1937;

WHEREAS, new and additional duties have been imposed upon the said United States Marshal by the provisions of the Act of August 7, 1939 (Chapter XV, Sections 302 and 308, inclusive, of the Judicial Code); and

WHEREAS, it is desired that the said bond of said United States Marshal to the United States of America, shall cover and apply to the new and additional duties imposed upon said United States Marshal by the aforesaid Act as fully and to the same extent as though expressly referred to in said bond;

NOW, THEREFORE, Know All men by these presents: That the said United States Marshal, as the principal obligor in the aforementioned bond, and the NATIONAL SURETY CORPORATION as surety thereon, hereby consent and agree to be and remain bound on said bond for the faithful execution of the aforesaid new and additional duties as fully and to the same extent as if the said duties had been specifically and definitely stated in the original terms of said bond and covered thereby.

IN TESTIMONY WHEREOF, the said John P. Logan, has executed this stipulation and consent agreement and affixed his seal thereto, and the said National Surety Corporation, has by its duly authorized officers executed the same and caused its corporate seal to be affixed thereto, this 27th day of October, 1939.

JNO. P. LOGAN
Principal

Witnesses to signature of
principal obligor:

JOHN RAINEY
LURLINE G. DAVIDSON

NATIONAL SURETY CORPORATION
Surety

By W. LYLE DICKEY
(W. Lyle Dickey(Attorney-in-fact. (Corporate Seal)

Witnesses as to surety:

J. F. DUNN
FLOY M. MASSEY
APPROVED: F. E. KENNAMER
United States District Judge

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

STIPULATION AND CONSENT AGREEMENT

WHEREAS, ALBERT R. COTTLE, Deputy United States Marshal for the Northern District of Oklahoma, was, on the 1st day of October, 1937, designated and authorized by John P. Logan, United States Marshal for the said District, to assist in the discharge of all duties required of said Marshal as disbursing officer, and more especially to sign checks in his name on any funds standing to his official credit with the Treasurer of the United States;

WHEREAS, the said Deputy Marshal, as principal and Maryland Casualty Company, as surety, executed a bond to the United States of America in the penal sum of \$5,000.00, dated October 1, 1937; and

WHEREAS, new and additional duties have been imposed upon the said Marshal by the provisions of the Act of August 7, 1939, (Chapter XV, Sections 302 to 308, inclusive, of the Judicial Code) and instructions thereunder, involving disbursements by said Deputy Marshal in accordance with the aforesaid designation; and

WHEREAS, it is desired that the said bond of said Deputy Marshal to the United States of America, shall cover and apply to the new and additional duties imposed by the aforesaid designation as fully and to the same extent as though expressly referred to in said bond:

NOW, THEREFORE, Know all Men by These Presents: That the said Albert R. Cottle, Deputy Marshal for said district, and principal obligor in the aforementioned bond, and the Maryland Casualty Company, as suretythereon, hereby consent and agree to be and remain bound on said bond for the faithful execution of the aforesaid new and additional duties as fully and to the same extent as if the said duties had been specifically and definitely stated in the original terms of said bond and covered thereby,

IN TESTIMONY WHEREOF, the said Albert R. Cottle, has executed this stipulation and consent agreement and affixed his seal thereto, and the said Maryland Casualty Company has by its duly authorized officers executed the same and caused its corporate seal to be affixed hereto, this 30th day of October, 1939.

ALBERT R. COTTLE
Principal

Witnesses to signature of
principal obligor:

F. W. STEINER
A. B. EDMUNDS, JR.

MARYLAND CASUALTY COMPANY
Surety

By G. O. SHACKELFORD
G. O. Shackelford, Attorney-in-fact.

(CORPORATE SEAL)

Witnesses as to surety:

APPROVED: F. E. KENNAMER
United States District Judge

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

Court adjourned to November 6, 1939

On this 4th 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 DISTRICT COURT OF THE UNITED STATES IN AND FOR THE NORTHERN DISTRICT OF OKLAHOMA

MARGARET TRICE, Guardian of the Person
and the Estate of DOROTHY JEAN
RAITHEL, Plaintiff,

vs

No. 44 Civil

SOUTHERN KANSAS STAGE LINES COMPANY, a
corporation, and SANTA FE TRAILS TRANS-
PORATION COMPANY, a corporation, Defendants.

ORDER OVERRULING SPECIAL DEMURRER

Now on this 4th day of November, 1939, the plaintiff's special demurrer to the defendants' answers coming on for hearing before the undersigned Judge of the United States District Court for the Northern District of Oklahoma, the Court having heard argument of counsel and being fully advised in the premises finds that said special demurrer should be overruled;

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the said special demurrer to defendants' answers be and the same hereby is overruled, to which ruling of the Court the plaintiff excepts.

F. E. KENNAMER
UNITED STATES DISTRICT JUDGE

OK AS TO FORM
F. C. SWINDELL, Atty for Plaintiff
COPY ACKNOWLEDGED:
HUDSON & HUDSON, Attys for Defts.

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

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

UNITED STATES OF AMERICA, Plaintiff,)

vs.

No. 50 CIVIL

Travelers' Mutual Casualty Company, a
Corporation, Defendant.)

ORDER OVERRULING DEFENDANT'S MOTION TO QUASH

Now on this 4th day of November, 1939, this matter having come on before the Court on November 4, 1939, on defendant's motion to quash, 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 the defendant, Travelers' Mutual Casualty Company, a corporation, appearing neither in person, nor by attorney; and the Court, after hearing the statements of counsel, finds that said motion to quash should be overruled.

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

Mrs. Mary Clark,	Plaintiff,)	
)	
vs.		)	No. 145 Civil
)	
O. C. Hull,	Defendant.)	
)	
O. C. Hull,	Plaintiff,)	
)	
vs.		)	No. 155 Civil
)	
Dewey Clark,	Defendants.)	

O R D E R

Now on this 4th day of November, 1939, there comes regularly on for hearing the motion of the above named O. C. Hull to vacate the court's previous order entered herein consolidating for trial the cases as above described. The said O. C. Hull appeared by his attorney of record, H. L. Smith, and the said Dewey Clark and Mary Clark appeared by their attorney of record, E. J. Doerner.

Thereupon the court having seen said motion and heard and considered the argument of counsel and being fully advised in the premises finds that said motion should be sustained.

It is therefore considered, ordered and adjudged by the court that the order of this court heretofore entered in said consolidated causes, consolidating them for trial, be and it is hereby vacated, set aside and held for naught, and that the said causes be tried separately on the civil jury docket of this court and that both of said cases be assigned for trial on the next docket of civil jury cases to be tried at Tulsa.

O.K. E. J. DOERNER
Attorney for Dewey Clark and Mary Clark

F. E. KENNAMER
JUDGE

O.K. H. L. SMITH
Attorney for O. C. Hull

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

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

M. M. BOWDEN,	Plaintiff,)	
)	
vs.		)	No. 170 Civil
)	
F. C. ALLEN, et al.,	Defendants.)	

ORDER OF DISMISSAL WITH PREJUDICE

On this the 4th day of November 1939, this cause comes on for consideration by this court on the dismissal of the plaintiff herein filed and by the consent of the parties and the Court having examined the dismissal on file, and having heard statement of counsel finds that

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

NETTIE HENSON, a widow,	Plaintiff,)
)
vs.		) No. 257 - Civil
)
H. F. WILCOX OIL & GAS COMPANY, a corporation,	Defendant,)

O R D E R

NOW, on this 4th day of November, 1939, the motion of the defendant, H. F. Wilcox Oil & Gas Company, a corporation, to require the plaintiff to make her petition more definite and certain, came on for hearing, and the plaintiff appearing by her attorney, S. M. Rutherford, the defendant appearing by its attorneys, Hudson and Hudson, both sides having announced ready, the matter was thereupon duly presented, and the Court being fully advised in the premises finds that said motion should be sustained and that plaintiff should be given leave to comply by amending her petition by interlineation instanter, and the defendant should have ten (10) days additional time within which to answer.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the motion of said defendant be, and the same is hereby sustained.

IT IS FURTHER ORDERED, and plaintiff is hereby granted leave to amend her petition instanter by interlineation in the following particulars, to wit: by adding between the words "the minor" appearing in the second line of paragraph #1 of said petition, the following, to wit: "All of" and further adding at the conclusion of paragraph #3 of said petition the words, "on the 6th day of May, 1939", and at page #3 of said petition in the 20th line thereof between the words "superintendent that" the name "E. E. Holden."

IT IS FURTHER ORDERED that the said defendant is hereby given ten (10) days from this date within which to file answer to the petition of the plaintiff herein.

F. E. KENNAMER
U. S. DISTRICT JUDGE

APPROVED: S. M. RUTHERFORD
Counsel for Plaintiff

HUDSON and HUDSON
Counsel for Defendant

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

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

United States of America,	Libelant,)
)
vs.)
)
One 1939 Model, Dodge Standard Sedan)
Automobile, Motor No. D11-173,242, and)
approximately 39 gallons of liquors seized)
therein; Earl O. Olmstead, and Commercial)
National Bank, Muskogee, Oklahoma,)
	Claimants.)

CIVIL NO. 272

ORDER FOR MONITION

Now on this 4th day of November, 1939, it appearing to the court that the said 1939 Model Dodge Standard Sedan Automobile, Motor No. D11-173,242, with approximately thirty-nine (39) gallons of intoxicating liquors containing more than four per centum (4%) of alcohol by volume, was seized at a point on Oklahoma State Highway No. 33, about two (2) miles West of the town of Locust Grove, in Mayes County, State of Oklahoma, Northern Judicial District of Oklahoma and within the jurisdiction of this court, on October 7, 1939, by George E. Carver and William F. Wolvertson, 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 Earl O. Olmstead for transportation of such intoxicating liquors from Sulphur Springs, in the State of Arkansas, into and to the aforesaid described point of seizure; it further appearing that thereupon said property was appraised at more than five hundred Dollars (\$500.00) whereupon plaintiff has instituted libel action herein and requests issuance of monition notifying claimants Earl O. Olmstead and Commercial National Bank 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 Earl O. Olmstead and Commercial National Bank, unless notice thereof be waived, and any other person that might claim any interest in said automobile requiring them to appear in said court on or before twenty (20) days after personal service thereof, and to show cause, if any they have, why said automobile and intoxicating liquors should not be forfeited to libelant under provisions of Section 224, Title 27, U. S. Code Annotated, and in accordance with the provisions of the laws relating to seizures, forfeitures and disposition of property and proceeds for violation of the Internal Revenue Laws of the United States.

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

F. E. KENNAMER
JUDGE

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

IN THE UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF OKLAHOMA

Thomas Kapsemalis,	Plaintiff,)
)
vs.		) #2551 L.
)
Irene Taylor, et al,	Defendants.)

ORDER ALLOWING PLAINTIFF TO WITHDRAW TRIAL BRIEF

On oral application of plaintiff herein this day made plaintiff for good cause shown is permitted to withdraw from the files his trial brief filed February 25, 1939.

Dated this the 4th day of November, 1939.

F. E. KENNAMER
JUDGE

FORM OK GLENN O. YOUNG, Atty for Plaintiff.
Brief received this the 4th day of November, 1939.
GLENN O. YOUNG, Atty

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

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

United States of America,	Plaintiff,)
)
vs.		) No. 2634 Law
)
James A. Green and Georgia Green,	Defendants.)

JOURNAL ENTRY OF JUDGMENT

Now on this 23rd day of October, 1939, this cause came on to be heard in open court before the Honorable F. E. Kennamer, Judge presiding, pursuant to regular assignment, plaintiff appearing by Whit Y. Mauzy, United States Attorney for the Northern District of Oklahoma, and Joe W. Howard, Assistant United States Attorney for said District, and the defendants, James A. Green and Georgia Green, appearing in person and by their attorney, G. E. Beauchamp, whereupon the plaintiff and defendants having announced ready for trial and having waived a jury trial, the court proceeds to hear the evidence produced, offered and presented by both parties and being fully advised in the premises, takes the matter under advisement until October 26, 1939.

Now on this 26th day of October, 1939, this matter comes on regularly for further consideration; that the defendants have sold one calf and turned the proceeds of Thirty-three Dollars (\$33.00) therefrom over to the plaintiff and now tenders the sum of One Hundred Dollars (\$100.00) in open court for the remaining livestock involved in this litigation, which sum of One Hundred Dollars (\$100.00) the court finds should be accepted and the defendants permitted to retain such property as their personal property in consideration therefor, and that the costs of this action should be paid from said sum of One Hundred Dollars (\$100.00).

IT IS, THEREFORE, THE ORDER AND JUDGMENT of the court that the plaintiff on its own

behalf and in behalf of the Farm Credit Administration, successors to the Farm Security Administration, have and recover from the defendants, James A. Green and Georgia Green, the sum of One Hundred Thirty-three Dollars (\$133.00) and the said defendants having tendered said sum of One Hundred Thirty-three Dollars (\$133.00) to the plaintiff and the Clerk of this Court, they are permitted to retain all of the property involved herein except one calf heretofore sold by them and the proceeds therefrom delivered to the plaintiff, in consideration of the aforesaid sum of money as their own personal property.

IT IS THE FURTHER ORDER of the court that the Clerk retain costs of this litigation from said sum of One Hundred Dollars (\$100.00) and pay the remaining balance therefrom to the Secretary of the Treasury of the United States for its proper disbursement.

F. E. KENNAMER
JUDGE

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

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

ATTORNEYS FOR PLAINTIFF

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

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

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

ORDER AUTHORIZING FILING OF DISCLAIMER

THIS CAUSE coming on to be heard on this the 4th day of November, 1939, on the application of T. P. Farmer, as Receiver of Exchange National Company, for authorization to file a disclaimer in that certain cause in the District Court in and for Tulsa County, State of Oklahoma, being No. 67627, wherein L. B. George, et al, are plaintiffs and Simon M. Knoten, and others, are defendants, and the Court having read said application and finding that it has jurisdiction to entertain the same and enter an order thereon, and being fully advised in the premises, finds that said application should be sustained.

IT IS, THEREFORE, BY THE COURT, ORDERED, ADJUDGED AND DECREED, that said application be and the same is hereby sustained, and the said T. P. Farmer, as Receiver for Exchange National Company, be and he is hereby directed, authorized and empowered forthwith to execute and file in the cause last hereinabove described, a disclaimer, and that he is further directed, authorized and empowered to do all other things necessary and proper in order fully and effectually to accomplish the letter and spirit of said application and this order.

F. E. KENNAMER
United States District Judge

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

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

MARYLAND CASUALTY CO., of Baltimore)	
Md., a corp,	Plaintiff,)
	)	No. 1290 E
vs)	
E. A. KELLEAM, et al,	Defendants.)

ORDER AUTHORIZING RECEIVER TO PAY OPERATING
EXPENSE

NOW on this 4th day of November 1939 this cause comes on for hearing on applica-
tion of the Receiver J. M. Scott for authority to pay operating expenses covering his operations
of an oil and gas lease covering the SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 6, Township 18 N., Range 72, Creek
County, Okla., a portion of which operating costs is properly chargeable to the interests in this
leasehold estate belonging to E. A. Kelleam and Nell Southard, said operating costs being one half
of the entire operating cost of said oil and gas lease heretofore described, and it appearing to th
Court that J. M. Scott Receiver is indebted to J. M. Scott individually for said operating expense
from March 1st 1939 to date and it further appearing that said operating expenses should be paid in
the future.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that J. M. Scott Receiver be authorize
and directed to pay J. M. Scott individually whatever sums are due from J. M. Scott, Receiver, to
J. M. Scott individually for operating costs properly chargeable to the interest of said defendants
E. A. Kelleam and Nell Southard, being one-half of the entire operating cost of the oil and gas
lease covering the SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 6, Twp. 18 N, Range 7 E, Creek County, Oklahoma for a
period of from March 1st 1939 to date.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the said J. M. Scott Receiver be
further authorized and directed to pay J. M. Scott individually, and any and all sums that may be
due in the future for operating costs, properly chargeable to the interests of said defendants E. A
Kelleam and Nell Southard, covering said oil and gas lease heretofore described.

F. E. KENNAMER
District Judge

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

Court adjourned to Nov 14 1939

Sam Hair, Mose Hair, Lucy Hair, and Maggie Raper, minors.

The Court finds that as to the compensation deposited for tracts 42 and 84, that there is not introduced sufficient evidence at this time to make proper order of distribution of said funds, and therefore this Court reserves the right to make an order distributing said funds as to said tracts upon future and further hearing.

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

To F. W. Sunderwirth, Cashier of the Five Civilized Tribes,
for the use and benefit of Avie Buck, as just compensation
for tract 31a. \$200.00

To F. W. Sunderwirth, Cashier of the Five Civilized Tribes,
for the use and benefit of Avie Buck, as just compensation
for tract 31b. 20.00

To F. W. Sunderwirth, Cashier of the Five Civilized Tribes,
for the use and benefit of Avie Buck, as just compensation
for tracts 32a and 32b. 260.00

To F. W. Sunderwirth, Cashier of the Five Civilized Tribes,
for the use and benefit of Quatic Chuwalooky, a full-blood
Cherokee, Roll No. 10095, as just compensation for tract 43 80.00

To F. W. Sunderwirth, Cashier of the Five Civilized Tribes,
for the use and benefit of the heirs of Sam Coleman, full-blood
Cherokee, Roll No. 16708, deceased, as just compensation for
tract 49 20.00

To County Treasurer of Delaware County, Oklahoma, in full satisfac-
tion of any and all taxes due or exigible on Tract 3 20.00

To F. W. Sunderwirth, Cashier of the Five Civilized Tribes, for the
use and benefit of the heirs of Dakie Hair, nee Proctor, a full-
blood Cherokee, Roll 27002, deceased, as just compensation for
Tract No. 70. 687.60

To Clerk of Court as cost deposit incurred by Joe Brown, Guardian Ad Litem
of the heirs of Dakie Hair, nee Proctor, deceased.

F. E. KENNAMER
JUDGE

ENDORSED: Filed Nov 6 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

UNITED STATES OF AMERICA, Petitioner for Condemnation,	Plaintiff,)	
)	
vs)	
CERTAIN PARCELS OF LAND IN THE TOWN OF DRUMRIGHT, et al,	Defendants.	)	No. 138 Civil
)	
and)	
THE EXCHANGE NATIONAL BANK OF TULSA, Oklahoma, a National Banking Association,	Intervener.)	

O R D E R

This cause coming on for hearing this 4th day of November, 1939, on motion of THE EXCHANGE NATIONAL BANK OF TULSA, Oklahoma, for permission to intervene in this cause, and it appearing to the Court that such motion should be allowed;

IT IS THEREFORE ORDERED, DECREED AND ADJUDGED BY THE COURT, That THE EXCHANGE NATIONAL BANK OF TULSA, OKLAHOMA, be allowed to intervene in this cause, and that the Petition in Intervention, copy of which is attached to the Motion to Intervene, be, and it is hereby directed to be filed in this cause.

F. E. KENNAMER
JUDGE

OK FRANK SETTLE and SAM CLAMMER
Attorneys for Defendants Edna I. Metz and K. G. Metz

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

VERDICT

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

MRS. LOICE BERSON,	Plaintiff,)	
)	
vs.		)	Case No. 210 Civil
)	
Milner Hotel Company, Inc., a corporation,	Defendant.)	

We, the jury in the above-entitled case, duly impaneled and sworn, upon our oaths find for the plaintiff, and assess her damages at 2,000.00 DOLLARS.

ENDORSED: Filed In Open Court
Nov 6 1939
H. P. Warfield, Clerk
U. S. District Court

JOHN A. KIDD,
Foreman

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

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

JOURNAL ENTRY OF JUDGMENT

On this 2nd day of November, 1939 this cause came on for trial before the court and jury to be therein duly impaneled; B. A. Hamilton and Eben L. Taylor appearing as counsel for the plaintiff and Hal Crouch and A. A. Davidson appearing as counsel for the defendant; and the parties herein now being ready to proceed to trial, and the Court having ordered that the trial be proceeded with, and a jury was thereupon impanelled and sworn as the jury to try this cause; and on said November 2nd, 1939 and on the following day, testimony having been adduced, and exhibits admitted on behalf of both parties, and the testimony being closed, and said cause, after argument by respective counsel, and instructions of the Court having been submitted to the jury for its consideration and verdict, and the jury, on the 6th day of November, 1939, having returned into Court, and having submitted its verdict, which is read by the Clerk, and as follows, to-wit:

"We, the Jury in the above entitled case, duly impaneled and sworn upon our oaths, find for the plaintiff, and assess her damages at \$2,000.00 Dollars.

"John A. Kidd, Foreman."

and the Court having ordered that judgment in accordance with the verdict of the jury be entered;

NOW, therefore, by virtue of the law and by reason of the premises aforesaid, it is considered, ordered, adjudged and decreed that the plaintiff, Mrs. Loice Berson, do have and receive of and from the defendant, the Milner Hotel Company, Inc., a corporation, the sum of Two Thousand (\$2000.00) Dollars.

Costs in favor of plaintiff, taxed at \$ _____.
Judgment entered November 6th, 1939.

F. E. KENNAMER
JUDGE

O.K. B. A. HAMILTON
EBEN L. TAYLOR
Attorneys for Plaintiff

A. A. DAVIDSON
HAL CROUCH
Attorneys for Defendant

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

Court adjourned to November 7, 1939

The court further finds that the said Trustee has an offer from J. P. Croft and Dora Croft for the purchase of said real estate for the sum of Three Thousand One Hundred Dollars (\$3,100.00), payable Seven Hundred Seventy Five Dollars (\$775.00) in cash, and the balance of Two Thousand Three Hundred Twenty Five Dollars (\$2,325.00) to be paid at the rate of Thirty Dollars (\$30.00) per month, to include interest, but the entire unpaid balance to be payable on or before three years from date, and to be secured by a first and prior real estate mortgage covering said real estate.

The court further finds that the members of the Advisory Committee, appointed by this court, upon whom notice shall be given of proposed sales of real estate, have been duly notified of said offer of sale and have considered the same and have approved said offer, and have recommended that the said Trustee sell said real estate for said consideration and upon said terms.

The court further finds that the sale of said real estate was arranged by Mrs. Clara Henderson, a real estate broker in the City of Tulsa, Oklahoma, and that she is entitled to compensation for her said services, and the court further finds that five per cent (5%) of the sales price is the customary and reasonable compensation for said services.

The court further finds that the said trust estate is in liquidation and that the said Trustee has recommended the sale of said real estate for said consideration and upon said terms, as being for the best interest of said trust estate and its beneficiaries, even though financial loss results to said trust estate by reason of said sale, and for other good cause,

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

Lot Two (2), Block Six (6), Hillcrest Addition to the City of Tulsa,
Tulsa County, Oklahoma, according to the recorded plat thereof,

to J. P. Croft and Dora Croft, as joint tenants with right of survivorship, for the sum of Three Thousand One Hundred Dollars (\$3,100.00), payable as follows: Seven Hundred Seventy Five Dollars (\$775.00) in cash, upon delivery of Trustee's special warranty deed, and the balance of Two Thousand Three Hundred Twenty Five Dollars, (\$2,325.00) to be paid at the rate of Thirty Dollars (\$30.00) per month, including interest at the rate of six per cent (6%) per annum, but all of said unpaid balance to be payable on or before three years from date of said note, and to be secured by a first and prior real estate mortgage covering said real estate above described.

IT IS FURTHER ORDERED that J. H. McBirney, Successor Trustee, be and he is hereby authorized to execute and deliver a Trustee's special warranty deed, transferring and conveying said real estate to J. P. Croft and Dora Croft, as joint tenants with right of survivorship, upon their paying to the said Trustee the sum of Seven Hundred Seventy Five Dollars (\$775.00) and delivering promissory note evidencing indebtedness of Two Thousand Three Hundred Twenty Five dollars (\$2,325.00), bearing interest at the rate of six per cent (6%) per annum, payable at the rate of Thirty Dollars (\$30.00) per month, including interest, but the entire unpaid balance to be due and payable on or before three years from its date, and a first and prior real estate mortgage covering said real estate, to secure the payment of said unpaid balance.

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

IT IS FURTHER ORDERED that J. H. McBirney, Successor Trustee, be and he is hereby authorized to pay to Mrs. Clara Henderson, the usual and customary real estate brokerage commission, to-wit, five per cent (5%) upon said sales price, as compensation in full for her

services as real estate broker herein.

F. E. KENNAMER
United States District Judge

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

Court adjourned to November 8, 1939

On this 8th day of November, 1939, the District Court of the United States for the Northern District of Oklahoma, sitting in Special September 1939 Term at Vinita, met pursuant to adjournment, Hon. F. E. Kennamer, Judge, present and presiding.

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

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

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

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 COSTS OF PREPARING
CASE MADE

Now on this 8th day of November, 1939, the same being a regular judicial days of the March Term of said Court, the application of Noble C. Hood and W. W. McClure, Trustees of the Seminole Provident Trust, for directions to pay 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, is now preparing 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 \$100 advance costs to apply on his ultimate fee for said case made;

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 \$100, said payment to apply on his ultimate charge for preparing the above described case made.

F. E. KENNAMER

Judge of the United States District Court

O.K. EUGENE O. MONNET
Attorneys for Plaintiff

HENRY L. FIST
Attorneys for Defendant

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

Court adjourned to November 9, 1939

On this 9th day of November, A. D. 1939, the District Court of the United States in and for the Northern District of Oklahoma, sitting in Special September 1939 Term at Vinita, 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:

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

UNITED STATES OF AMERICA,	Plaintiff,)
)
vs.		) No. 153 Civil
)
V. C. Crabtree, Horace Burkhardt and Arnold T. Wright,	Defendants.)

JOURNAL ENTRY OF JUDGMENT

Now on this 9th day of November, 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 Mo-se-che-he, Osage Allottee No. 34, have and recover judgment against the defendants, V. C. Crabtree, Horace Burkhardt and Arnold T. Wright, and each of them, in the sum of

\$450.00, with interest thereon at the rate of 6% per annum from November 1, 1938, until paid, and for all costs of this action, for which let execution issue.

F. E. KENNAMER
JUDGE

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

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

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

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

Lee Howell, Guardian of Leona Fox,
nee Richard, Incompetent, Plaintiff,

vs.

No. 175 CIVIL

Jno. W. Porter, W. F. Sessions, Ivan
Sessions, B. A. Marlin and Elsie Fox,
Defendants.

O R D E R

Now on this 9th day of November, 1939, this matter coming on before the Court on November 4, 1939, the plaintiff appearing by Milan M. King, the defendants W. F. Sessions and Ivan Sessions appearing by their attorney, George H. Jennings, the defendant, Jno. W. Porter, appearing by his attorney, H. L. Smith, and the defendant, B. A. Marlin, appearing neither in person nor by attorney; and the Court, after hearing the arguments of counsel, finds that the special demurrer of the defendants, W. F. Sessions and Ivan Sessions, should be overruled; that the demurrer of the defendant, Jno. W. Porter, should be overruled, and that the motion of the defendant, B. A. Marlin, to dismiss, should be overruled.

IT IS THEREFORE THE ORDER of the Court that the special demurrer of the defendants, W. F. Sessions and Ivan Sessions, be, and the same hereby is overruled. That the demurrer of the defendant, Jno. W. Porter, be, and the same hereby is overruled; and that the motion of the defendant, B. A. Marlin, to dismiss, be, and the same hereby is overruled, to which ruling of the Court defendant except, and exceptions are allowed.

IT IS THE FURTHER ORDER OF the Court that the defendants be, and they hereby are given twenty days from November 4, 1939, within which to answer in this cause of action.

F. E. KENNAMER
JUDGE

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

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

Court adjourned to November 10, 1939

On this 10th day of November, A. D. 1939, the District Court of the United States for the Northern District of Oklahoma, sitting in Special September 1939 Term at Vinita, met pursuant to adjournment, Hon. F. E. Kennamer, Judge, present and presiding.

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

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

MISCELLANEOUS - ORDER FOR ADDITIONAL JURORS.

On this 10th day of November, A. D. 1939, it appearing to the Court that there are not sufficient jurors in the panel, it is ordered that the Marshal of said District summon from the bystanders three (3) good and lawful men, duly qualified, to serve as petit jurors for this Special September 1939 Term of court.

Thereupon, the Marshal returns the names of L. L. Striker, Charles Powell and Lee Barrett, who are examined by the Court, and all are accepted as petit jurors for this Special September 1939 Term of Court.

Court adjourned to November 13, 1939

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

Elmer W. Adams, Deputy Clerk.
Albert R. Cottle, Deputy 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. 245
-vs-)
William T. Sheldon, et al,)
Defendants.)

ORDER APPOINTING COMMISSIONERS

Now on this 13th day of November, 1939, comes on for hearing petitioner's application as embodied in its petition for condemnation, for an order appointing commissioners to ascertain the injury and assess the damages sustained by the above named defendants by the appropriation of their lands for the uses and purposes set out and described in said petition.

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

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

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

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

TRACT NO. 1 (29 GR-D 1544)

The whole of Lot 1, and a tract of land all lying in the $W\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 31, T 25 N - R 24 E, Delaware County, Oklahoma, more particularly described as follows:

Beginning at the NW corner of the $W\frac{1}{2}$ N E $\frac{1}{4}$ N W $\frac{1}{4}$, thence South-erly along the West boundary of the $W\frac{1}{2}$ N E $\frac{1}{4}$ NW $\frac{1}{4}$ to the SW corner thereof; thence S. 89° 54' E. along the South boundary of the $W\frac{1}{2}$ N E $\frac{1}{4}$ N W $\frac{1}{4}$ a distance of 463.1 feet to a point 198.0 feet West of the SE corner thereof; thence N. 43° 09' W. 4.2 feet; thence N. 25° 08' W. 241.5 feet; thence N. 29° 49' W. 440.6 feet; thence N. 9° 14' W. 87.0 feet; thence N. 8° 59' W. 70.8 feet; thence N. 29° 45' W. 192.5 feet; thence N. 19° 26' E. 105.8 feet; thence N. 50° 39' E. 81.0 feet; thence S. 84° 51' E. 99.0 feet; thence S. 71° 25' E. 449.0 feet; thence N. 20° 07' W. 182.1 feet; thence E. 40° 26' W. 291.5 feet to a point in the North boundary of the $W\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 266.5 feet West of the NE corner thereof; thence N. 89° 58' W. along said North boundary a distance of 395.0 feet to the point of begin-ning, containing 8.9 acres, more or less.

Aggregate acreage to be acquired; 48.2 acres, more or less.

SAID TRACT NO. 1, containing a total of 48.2 acres, more or less.

TRACT NO. 2 (17 GR-D 737
18 GR-D 875
18 GR-D 881)

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

The NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 16, Township 24 North, Range 23 East of the Indian Base and Meridian, containing 40.0 acres, more or less;

AND

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

TRACT A:

Beginning at a point in the South boundary of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$

and 252.7 feet West of the SE corner thereof; thence N. 36° 37' W. 353.3 feet; thence S. 7° 24' E. 285.9 feet to a point in the South boundary of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$; thence S. 89° 59' E. along said South boundary a distance of 173.9 feet to the point of beginning, containing 0.6 acres, more or less.

TRACT B:

Beginning at a point in the South boundary of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 461.7 feet West of the SE $\frac{1}{4}$ corner thereof; thence N. 9° 15' E. 225.0 feet; thence N. 29° 23' E. 83.9 feet; thence N. 89° 04' W. 117.6 feet; thence N. 25° 56' W. 37.1 feet; thence N. 9° 29' W. 119.9 feet; thence N. 0° 29' W. 126.3 feet; thence N. 19° 20' E. 71.5 feet; thence N. 27° 16' E. 85.5 feet; thence N. 32° 29' E. 162.5 feet; thence N. 9° 56' E. 114.7 feet; thence S. 43° 55' W. 136.2 feet; thence S. 55° 06' W. 157.6 feet; thence N. 64° 00' W. 142.5 feet; thence N. 59° 59' W. 165.2 feet; thence N. 7° 20' W. 48.3 feet; thence N. 69° 21' W. 46.3 feet; thence S. 34° 20' E. 128.0 feet; thence S. 21° 20' E. 91.7 feet; thence S. 41° 02' E. 106.8 feet; thence S. 0° 46' E. 84.8 feet; thence S. 15° 31' W. 77.0 feet; thence S. 26° 01' W. 58.6 feet; thence S. 35° 38' E. 77.7 feet; thence S. 3° 35' E. 216.3 feet; thence S. 2° 10' E. 271.5 feet; thence S. 14° 07' E. 196.0 feet; thence S. 8° 01' E. 54.7 feet; to a point in the East boundary of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ thence N. 0° 03' E. along said East boundary a distance of 287.4 feet to the NE corner thereof; thence S. 89° 59' E. along the South boundary of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ a distance of 197.4 feet to the point of beginning, containing 5.5 acres, more or less;

Aggregate acreage to be acquired; 6.1 acres, more or less.

AND

SE $\frac{1}{4}$ SE $\frac{1}{4}$ and SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 8, T 24 N - R 23 E of the Indian Base and Meridian, Delaware County, Oklahoma, containing 50.0 acres, more or less.

SAID TRACT NO. 2, containing a total of 96.1 acres, more or less.

TRACT NO. 3 (31 GR-D 1637
31 GR-D 1643)

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

The South 25.0 acres of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 7, T 25 N - R 24 E of the Indian Base and Meridian, Seneca Survey, containing 25.0 acres, more or less.

AND

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

The SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 8, T 25 N - R 24 E of the Indian Base and Meridian, Quapaw Survey, containing 40.0 acres, more or less.

SAID TRACT no. 3 containing a total of 65.0 acres, more or less.

TRACT NO. 4 (.11 GR-D 540)

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

The $\frac{1}{2}$ SE $\frac{1}{4}$, the NE $\frac{1}{4}$ SE $\frac{1}{4}$, the NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, the S $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, the E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, and the SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 2, T 24 N - R 22 E of the Indian Base and Meridian, containing 180.0 acres, more or less.

SAID TRACT NO. 4, containing a total of 180.0 acres, more or less.

TRACT NO. 5 (22 GR-D 1094)

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

Beginning at the NW corner of the E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$; thence N. 89° 50' E. along the North boundary of the E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, and the NE $\frac{1}{4}$ a distance of 1740.8 feet; thence S. 60° 38' W. 230.5 feet; thence S. 25° 20' E. 69.3 feet; thence S. 41° 41' E. 159.5 feet; thence S. 61° 37' E. 55.7 feet; thence S. 81° 14' E. 108.3 feet; thence N. 88° 25' E. 204.3 feet; thence S. 81° 10' E. 151.1 feet; thence S. 86° 45' E. 241.5 feet; thence S. 76° 46' E. 139.2 feet; thence N. 88° 39' E. 129.2 feet; thence N. 77° 35' E. 197.8 feet; thence N. 88° 06' E. 180.9 feet; thence N. 60° 38' E. 61.6 feet; thence N. 15° 47' E. 115.8 feet; thence N. 3° 52' W. 140.1 feet; thence S. 34° 56' E. 150.6 feet; thence S. 4° 50' E. 145.4 feet; thence S. 27° 58' E. 107.2 feet to a point in the East boundary of the NE $\frac{1}{4}$ and 435.2 feet South of the N E corner thereof; thence S. 0° 13' E. along the East boundary of the N E $\frac{1}{4}$ to the SE corner thereof; thence S. 69° 46' W. along the South boundary of the NE $\frac{1}{4}$ a distance of 150.8 feet; thence N. 50° 27' W. 45.1 feet; thence N. 4° 01' E. 189.1 feet; thence N. 32° 52' W. 122.2 feet; thence N. 58° 38' E. 92.0 feet; thence N. 21° 56' E. 171.5 feet; thence N. 0° 16' W. 278.5 feet; thence N. 27° 09' W. 60.0 feet; thence N. 5° 55' W. 183.6 feet; thence N. 45° 46' W. 160.0 feet; thence N. 49° 26' W. 114.0 feet; thence N. 68° 42' W. 152.5 feet; thence N. 80° 22' W. 285.0 feet; thence N. 77° 00' W. 204.5 feet; thence S. 38° 12' W. 90.0 feet; thence S. 11° 31' W. 320.7 feet; thence N. 24° 10' W. 72.0 feet; thence N. 14° 57' W. 287.0 feet; thence S. 37° 26' W. 343.7 feet; thence N. 7° 03' W. 316.0 feet; thence N. 89° 45' W. 106.8 feet; thence S. 67° 47' W. 81.9 feet; thence S. 29° 54' W. 278.9 feet; thence N. 6° 07' W. 274.0 feet; thence N. 80° 41' W. 262.0 feet; thence N. 86° 44' W. 160.5 feet; thence S. 42° 30' W. 154.0 feet; thence N. 6° 27' W. 213.7 feet; thence N. 88° 46' W. 91.0 feet; thence S. 55° 34' W. 252.4 feet; thence S. 45° 52' W. 136.9 feet; thence S. 25° 42' W. 512.1 feet; thence N. 3° 26' E. 365.9 feet; thence N. 20° 22' E. 161.0 feet; thence N. 11° 01' W. 91.0 feet; thence N. 56° 34' W. 214.1 feet; thence N. 52° 39' E. 174.0 feet; thence N. 34° 03' E. 85.0 feet; thence N. 85° 37' W. 149.0 feet; thence N. 33° 04' E. 140.0 feet; thence N. 31° 23' W. 71.0 feet; thence N. 47°

06' W. 159.5 feet; thence S. 65° 08' W. 200.7 feet to a point in the West boundary of the E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$; thence N. 0° 12' W. along said West boundary a distance of 697.1 feet to the point of beginning, containing 67.6 acres, more or less.

SAID TRACT no. 5, containing a total of 87.6 acres, more or less.

TRACT no. 6 (25 GR-D 1360)

Lot 12, Sec. 23, T 25 N - R 23 E of the Indian Base and Meridian, Cherokee Survey, Delaware County, Oklahoma, containing a total of 37.95 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. 6, containing a total of 37.95 acres, more or less.

TRACT NO. 7 (10 GR-D 471
11 GR-D 537
11 GR-D 581)

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

The SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 12, containing 10.0 acres, more or less; and that part of the W $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 12, particularly described as follows, to-wit:

Beginning at the SW corner of said W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, thence N. 0° 45' E. along the West boundary of said W $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ a distance of 434.2 feet to a point 889.2 feet South of the NW corner thereof; thence N. 57° 11' E. 176.2 feet; thence S. 83° 04' E. 182.5 feet; thence N. 69° 25' E. 329.0 feet; thence N. 14° 36' 108.2 feet to a point in the East boundary of said W $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ and 585.8 feet south of the NE corner thereof; thence S. 0° 43' W. along said East boundary a distance of 737.4 feet to the SE corner thereof; thence Westerly along the South boundary of said W $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ to the point of beginning, containing 8.4 acres, more or less;

All in T 24 N - R 22 E of the Indian Base and Meridian; the whole tract containing in all 18.4 acres, more or less.

AND

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

The W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, the SW 10.0 acres of Lot 3, the N. 26.39 acres of Lot 2, Lot 3 and Lot 4, less 0.18 acres K. O. & G. R.R. r/w, of Sec. 1, containing 148.28 acres, more or less; and the N. 25.89 acres of Lot 1 of Sec. 2, less 2.85 acres K. O. & G. R. R. r/w and less 1 acre Belleview School land in the NE corner thereof, containing 22.04 acres, more or less.

All in T 24 N - R 22 E of the Indian Base and Meridian, the whole tract containing in all 170.32 acres, more or less; and any and all reversionary interest in and to the right-of-way of said K. O. & G. R. R.

AND

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

The $S\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, less 2.01 acres K. O & G. R. R. right-of-way of Sec. 35, T 25 N - R 22 E 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.,

SAID TRACT NO. 7, containing a total of 206.71 acres, more or less.

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

AND THAT such commissioners ought to be appointed.

IT IS, THEREFORE, ORDERED THAT Edward Soph, Dan Bishop and Henry Hoffman, 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, 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 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 Marshall 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 14 day of Nov., 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 13 day of Nov., 1939.

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

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

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

Grand River Dam Authority, a
public corporation,

Petitioner,

CIVIL NO. 263

vs.

A. O. Kephart, et al.,

Defendants.

ORDER APPOINTING COMMISSIONERS

Now on this 13th day of November, 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:

TRACT NO. 1 - 9 GR-D 417
10 GR-D 494

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

Lot and the SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 24, T 24 N - R 22 E of the Indian Base and Meridian, containing twenty-eight and thirty-five hundredths (28.35) 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 land,

AND

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

Lot 6, the S. 22.40 acres of Lot 5, and the W. 23.10 acres of Lot 9, less the E. 10.0 acres of the NW 13.50 acres thereof, of Sec. 15, T 24 N - R 22 E of the Indian Base and Meridian, containing forty-nine and five hundredths (49.05) 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 land,

SAID TRACT NO. 1, containing in all 77.40 acres, more or less,

TRACT NO. 2 - 10 GR-D 498
10 GR-D 495

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

The E. 20.0 acres of Lot 9; the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and the W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 13, T 24 N - R 22 E of the Indian Base and Meridian, containing eighty (80.0) acres, more or less,

AND

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

The NE 10.0 acres of the W. 23.10 acres of Lot 9, the NE $\frac{1}{4}$ SW $\frac{1}{4}$; and the W $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 13, T 24 N - R 22 E of the Indian Base and Meridian, containing seventy (70.0) acres, more or less,

SAID TRACT NO. 2, containing in all 150.0 acres, more or less.

TRACT NO. 3 - 48 GR-O 412
42 GR-O 248

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

Lot 5 of Sec. 36, containing 39.55 acres, more or less; and that part of the W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 36, particularly described as follows, to-wit:

Beginning at the SW corner of said W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, thence Northerly along the West boundary of said W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ to the NW corner thereof; thence S. 89° 49' E. along the North boundary of said W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ a distance of 311.4 feet to a point 351.5 feet West of the NE corner thereof; thence S. 40° 50' E. 102.5 feet; thence S. 68° 06' W. 98.9 feet; thence S. 8° 58' W. 487.1 feet; thence S. 11° 43' E. 303.0 feet; thence S. 27° 00' E. 245.3 feet; thence S. 41° 05' E. 277.0 feet to a point in the South boundary of said W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 96.6 feet West of the SE corner thereof; thence N. 89° 49' W. along said South boundary a distance of 566.4 feet to the point of beginning, containing 9.0 acres, more or less,

all in T 27 N - R 23 E of the Indian Base and Meridian, Quapaw Survey; the whole tract containing in all 48.55 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 land,

AND

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

Lot 3 of Section 1, containing 8.71 acres, more or less; and that part of Lot 2 of Section 1 particularly described as follows, to-wit:

Beginning at the NW corner of said Lot 2, thence Southerly along the West boundary of said Lot 2 to the SW corner thereof; thence N. 89° 11' E. along the South boundary of said Lot 2 a distance of 1229.1 feet to a point 86.4 feet West of the SE corner thereof; thence N. 23° 28' W. 276.8 feet to a point in the North boundary of said Lot 2 and 197.5 feet West of the NE corner thereof; thence N. 89° 32' W. along said North boundary a distance of 1118.0 feet to the point of beginning, containing 7.09 acres, more or less, all in T 26 N - R 23 E of the Indian Base and Meridian, Wyandotte Reserve;

the whole tract containing in all 15.8 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 land,

SAID TRACT NO. 3, containing in all 64.35 acres, more or less.

TRACT NO. 4 - 17 GR-D 735
22 GR-D 1061

A tract of land, all lying the $W\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 16, T 24 N - R 23 E, Delaware County, Oklahoma, more particularly described as follows:

Beginning at the NW corner of the E $\frac{1}{2}$ SE $\frac{1}{4}$, thence Southerly along the West boundary of the E $\frac{1}{2}$ SE $\frac{1}{4}$ to the SW corner thereof; thence Easterly along the South boundary of the E $\frac{1}{2}$ SE $\frac{1}{4}$ to the SE corner thereof; thence N. 0° 04' E. along the East boundary of the E $\frac{1}{2}$ SE $\frac{1}{4}$ a distance of 2326.9 feet; thence N. 69° 45' W. 226.0 feet; thence N. 6° 20' W. 103.0 feet; thence N. 4° 02' W. 116.7 feet; thence N. 16° 46' W. 17.6 feet to a point in the North boundary of the E $\frac{1}{2}$ SE $\frac{1}{4}$ and 237.9 feet West of the NE corner thereof; thence N. 69° 55' W. along said North boundary a distance of 1081.7 feet to the point of beginning, containing 78.5 acres, more or less.

AND

The SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$, Sec. 15, T 24 N - R 23 E, containing 10.0 acres, more or less,

SAID TRACT NO. 4, containing 88.5 acres, more or less,

TRACT NO. 6 - 4 GR-D 28
4 GR-D 43

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

Lot 2 of Sec. 4, T 23 N - R 22 E of the Indian Base and Meridian, containing 32.00 acres, more or less; and Lot 7; to SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$; and the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 33, T 24 N - R 22 E of the Indian Base and Meridian, containing 56.25 acres, more or less; the whole tract containing ninety-eight and twenty-five hundredths (98.25) 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 land,

SAID TRACT NO. 6 containing in all 98.25 acres, more or less.

TRACT NO. 7 - 28 GR-D 1504-D

All that part of Lot 4, Lot 5, the SE $\frac{1}{4}$ NW $\frac{1}{4}$, and the S. 20.0 acres of Lot 3, Sec. 6, T 24 N - R 24 E of the Indian Base and Meridian in Delaware County, Oklahoma, particularly described as follows, to-wit:

Beginning at the N E corner of the S. 20.0 acres of Lot 3, thence Westerly along the North boundary of said S. 20.0 acres of Lot 3 to the NW corner thereof; thence N. 0° 01' E. along the East boundary of Lot 4 a distance of 807.0 feet to a point 48.4 feet South of the NE corner thereof; thence S. 80° 51' W. 20.8 feet; thence S. 55° 42' W. 318.6 feet; thence S. 73° 32' W. 301.2 feet; thence S. 76° 29' W. 264.2 feet; thence N. 72° 34' W. 379.5 feet; thence n. 4° 54' W. 44.7 feet; thence S. 54° 37' W. 12.5 feet to a point in the West boundary of Lot 4 and 225.6 feet South of the NW corner thereof; thence S. 0° 31' W. along the West boundary of Lot 4 and Lot 5 a distance of 2457.4 feet to a point in the West boundary of Lot 5 and 169.0 feet North of the SW corner thereof; thence N. 69° 56' E. 225.6 feet; thence N. 55° 24' E. 238.0 feet; thence N. 81° 41' E. 263.0 feet; thence N. 73° 35' E. 187.1 feet; thence N. 56° 22' E. 439.3 feet; thence N. 52° 28' E. 160.6 feet; thence N. 79° 33' E. 352.0 feet; thence N. 73° 20' E. 302.0 feet; thence N. 34° 05' E. 418.7 feet; thence N. 47° 09' E. 429.4 feet; to a point in the East boundary of Lot 3 and 227.7 feet North of the SE corner of said Lot 3; thence N. 0° 01' E. along said East boundary a distance of 442.3 feet to the point of beginning, less 5.82 acres Arkansas & Oklahoma R. R. right-of-way, containing 82.43 acres, more or less, and all reversionary interest in and to said railroad right-of-way,

SAID TRACT NO. 7, containing in all 82.43 acres, more or less.

TRACT NO. 8, 20 GR-D 1011

Two (2) tracts of land, all lying the W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 21, T 25 N - R 23 E, Delaware County, Oklahoma, more particularly described as follows:

TRACT A:

Beginning at the SW corner of the W $\frac{1}{2}$ SW $\frac{1}{4}$ thence N. 0° 13' E. along the West boundary of the W $\frac{1}{2}$ SW $\frac{1}{4}$, a distance

of 2573.6 feet to a point 62.4 feet South of the N W corner thereof; thence S. 67° 20' E. 280.0 feet; thence S. 24° 46' E. 338.8 feet; thence S. 4° 34' E. 541.0 feet; thence S. 11° 14' W. 510.0 feet; thence S. 0° 16' E. 94.0 feet; thence S. 12° 46' E. 157.4 feet; thence S. 55° 19' E. 73.8 feet; thence S. 75° 55' E. 422.0 feet; thence S. 19° 43' E. 262.1 feet; thence S. 25° 23' E. 342.5 feet; thence S. 71° 39' E. 245.8 feet; to a point in the East boundary of the $W\frac{1}{2}$ $SW\frac{1}{4}$ and 2529.4 feet South of the N E corner thereof; thence S. 0° 10' W. along said East boundary a distance of 101.9 feet to the SE corner thereof; thence Westerly along the South boundary of the $W\frac{1}{2}$ $SW\frac{1}{4}$ to the point of beginning, containing 33.9 acres, more or less.

TRACT B:

Beginning at a point in the East boundary of the $W\frac{1}{2}$ $SW\frac{1}{4}$ and 466.2 feet South of the N E corner thereof; thence S. 0° 10' W. along said East boundary a distance of 1201.1 feet to a point 964.0 feet North of the SE corner thereof; thence N. 30° 11' W. 167.7 feet; thence N. 8° 20' E. 340.5 feet; thence N. 9° 14' W. 581.0 feet; thence N. 40° 56' E. 193.0 feet; to the point of beginning, containing 1.8 acres more or less.

Aggregate acreage to be acquired; 35.7 acres, more or less.

SAID TRACT NO. 8 containing 35.7 acres in all, more or less.

TRACT NO. 10 - 4 GR-D 12

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

The NW 10.0 acres of Lot 5; the $S\frac{1}{2}$ $SE\frac{1}{4}$ $NW\frac{1}{4}$; Lot 8; and Lot 9, of Sec. 5, containing 68.40 acres; and all that part of the $S\frac{1}{2}$ $SE\frac{1}{4}$ $NE\frac{1}{4}$, the S. 23.55 acres of Lot 6, the NW 10.0 acres of Lot 6, and Lot 10, of Sec. 6, particularly described as follows, to-wit:

TRACT A:

Beginning at the NE corner of said S. 23.55 acres of Lot 6, thence Westerly along the North boundary of said S. 23.55 acres of Lot 6 to the SE corner of said NW 10.0 acres of Lot 6; thence N. 1° 21' E. along the East boundary of said NW 10.0 acres of Lot 6 a distance of 452.2 feet to a point 202.2 feet South of the NE corner thereof; thence S. 79° 08' W. 97.6 feet; thence N. 63° 26' W. 152.0 feet; thence S. 5° 13' W. 75.4 feet; thence S. 31° 07' E. 229.9 feet; thence S. 12° 52' E. 311.2 feet; thence S. 1° 03' W. 99.7 feet; thence S. 69° 26' W. 70.1 feet; thence N. 58° 12' W. 244.0 feet; thence S. 11° 14' W. 288.2 feet; thence S. 50° 02' W. 97.2 feet; thence S. 66° 33' W. 138.0 feet; thence S. 80° 51' W. 70.0 feet; thence S. 39° 18' W. 41.8 feet; thence S. 58° 33' W. 27.5 feet; to a point in the West boundary of said Lot 6 and 1192.7 feet South of the NW corner thereof; thence S. 1° 25' W. along said West boundary a distance of 117.7 feet to the SW corner thereof; thence N. 99° 11' W. along the North

boundary of said Lot 10 a distance of 185.2 feet; thence S. 58° 33' W. 254.7 feet; thence S. 57° 21' W. 832.9 feet; thence S. 56° 57' W. 245.5 feet; thence N. 28° 07' W. 35.0 feet; thence N. 7° 17' W. 79.5 feet; thence N. 8° 57' E. 128.5 feet; thence N. 20° 40' E. 111.2 feet; thence N. 30° 09' E. 184.2 feet; thence N. 48° 53' E. 153.5 feet; thence N. 55° 49' E. 201.0 feet; thence N. 45° 51' E. 16.8 feet to a point in the North boundary of said Lot 10 and 890.3 feet West of the N E corner thereof; thence N. 89° 11' W. along said North boundary a distance of 433.6 feet to the NW corner thereof; thence Southerly along the West boundary of said Lot 10 to the meander line along the right bank of Grand River; thence Northeasterly along said meander line to the East boundary of said Lot 6; thence Northerly along said East boundary to the point of the beginning, containing 36.40 acres, more or less.

TRACT B:

Beginning at the SE corner of said $S\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, thence N. 1° 17' E. along the East boundary of said $S\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ a distance of 254.9 feet to a point 398.6 feet South of the NE corner thereof; thence N. 16° 49' W. 94.7 feet; thence N. 13° 55' E. 105.4 feet; thence N. 88° 30' W. 90.0 feet; thence N. 50° 50' W. 168.6 feet; thence N. 8° 52' W. 108.5 feet to a point in the North boundary of said $S\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ and 220.0 feet West of the N E corner thereof; thence N. 88° 58' W. along said North boundary a distance of 209.4 feet to a point 889.9 feet East of the NW corner thereof; thence S. 32° 04' E. 27.9 feet; thence S. 42° 53' E. 114.9 feet; thence S. 12° 45' E. 71.9 feet; thence S. 28° 36' E. 177.1 feet; thence S. 11° 57' E. 193.6 feet; thence S. 22° 44' E. 142.0 feet to a point in the South boundary of said $S\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ and 1195.7 feet East of the SW corner thereof; thence S. 89° 02' E. along said South boundary a distance of 125.1 feet to the point of beginning, containing 2.8 acres, more or less;

All in T 23 E - R. 22 E of the Indian Base and Meridian; the whole tract containing in all 107.60 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 land.

SAID TRACT NO. 10, containing in all 107.60 acres, more or less.

THAT the facts and conditions of title alleged and plead in petitioners' 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 Edward Soph, Dan Bishop and Henry Hoffman, they being disinterested free holders 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

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 owners 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 14 day of Nov., 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 13 day of Nov., 1939.

F. E. KENNAMER

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

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

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

Grand River Dam Authority, a
Public Corporation,

Plaintiff,

No. 266 Civil

vs.

Sarah Ballard, now Wood,

Defendant.

O R D E R

Now on this the 13th day of November, 1939, at Vinita, Oklahoma, this matter came on for hearing, the petitioner appearing by its general counsel, R. L. Davidson and the defendant appearing by her counsel, Rollie C. Clark and T. A. Chandler. It is agreed in open court that the motion to dismiss in number 246 Civil of the defendants, Roy Wood and Sarah Wood, the same as Sarah E. Wood be considered as filed in this case by the defendant, Sarah Ballard, now Wood, and that the evidence heard in civil cause 211 on the motion to dismiss be considered as introduced on the motion to dismiss in this cause and the said motion is over-ruled by the court, and that all the rights accruing to the defendants, by reason of said motion in Civil number 246, together with the exceptions of the defendant shall apply and be considered as a part of the record in this cause.

It is further agreed in open court by the parties to this suit that this cause may be consolidated with cause number 246 Civil, and the defendants having further requested that the lands sought to be condemned in this matter become a part and parcel of tract number Seven in

(19 GR-D 912-A - - - - 19 GR-D 958)

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

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

SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, of Sec. 32, T 25 N - R 23 E of the Indian Base and Meridian, situate in Delaware County, Oklahoma, containing 30.0 acres, more or less,

SAID TRACT containing a total of 70.0 acres, more or less,

THAT the facts and conditions of title alleged and plead in petitioners' 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 Edward Soph, Dan Bishop and Henry Hoffman, they being disinterested freeholders selected by me from the regular jury list for the Northern District of Oklahoma, and not interested in any like question, be, and they are, appointed as commissioners to be sworn to perform their duties justly and impartially, according to law, to inspect each tract of said real estate separately, and consider the injury which the owner or owners of each separate tract of real estate above described may sustain by reason of the taking and appropriation and acquisition by petitioner of the absolute, entire and unencumbered fee simple title of each of said tracts of real estate, and assess the damages which said owner or owners will sustain, directly or indirectly by such appropriation and acquisition of his, or their, land, irrespective of any improvements proposed.

Said commissioners will forthwith file their report in writing with the Clerk of this Court, setting forth and 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 14 day of Nov., 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 13 day of Nov., 1939.

F. E. KENNER

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

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

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

Grand River Dam Authority, a
public corporation,

Petitioner,)

-vs-

) CIVIL NO. 267

L. F. Mayfield, et al,

Defendants.)

ORDER APPOINTING COMMISSIONERS

Now on this 13 day of November, 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 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 and Ottawa Counties, Oklahoma, to-wit:

- TRACT NO. 1 - 7 GR-D 258
- 7 GR-D 266
- 8 GR-D 299

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

The $W\frac{1}{2}$ $NW\frac{1}{4}$ $NE\frac{1}{4}$ of Sec. 12, containing 20.0 acres, more or less; and that part of the $SE\frac{1}{4}$ $NW\frac{1}{4}$ of Sec. 12 particularly described as follows, to-wit:

Beginning at the NW corner of said $SE\frac{1}{4}$ $NW\frac{1}{4}$, thence Easterly along the North boundary of said $SE\frac{1}{4}$ $NW\frac{1}{4}$ to the NE Corner thereof; thence S. 0° $48'$ W. along the East boundary of said $SE\frac{1}{4}$ $NW\frac{1}{4}$ a distance of 579.2 feet to a point 741.9 feet North of the SE corner thereof; thence N. 55° $17'$ W. 37.6 feet; thence N. 67° $53'$ W. 115.0 feet; thence N. 80° $44'$ W. 396.2 feet; thence N. 68° $06'$ W. 194.1 feet; thence N. 52° $08'$ W. 369.0 feet; thence N. 77° $52'$ W. 312.5 feet to a point in the West boundary of said $SE\frac{1}{4}$ $NW\frac{1}{4}$ and 1211.0 feet North of the SW corner thereof; thence N. 0° $48'$ E. along said West boundary a distance of 111.9 feet to the point of beginning, containing 10.6 acres, more or less;

All in T 23 N - R 22 E of the Indian Base and Meridian; the whole tract containing in all 30.6 acres, more or less.

AND

All that part of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and the W $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 11, T 23 N - R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, particularly described as follows, to-wit:

Beginning at the N E corner of said W $\frac{1}{2}$ NE $\frac{1}{4}$ N E $\frac{1}{4}$, thence Southerly along the East boundary of said W $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ to the SE corner thereof; thence N. 89° 28' W. along the South boundary of said W $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ a distance of 318.0 feet to a point 343.0 feet East of the SW corner thereof; thence N. 77° 00' E. 2.7 feet; thence N. 36° 32' E. 418.5 feet; thence N. 28° 17' E. 153.0 feet to a point in the East boundary of said W $\frac{1}{2}$ N E $\frac{1}{4}$ N E $\frac{1}{4}$ and 475.0 feet North of the SE corner thereof; thence N. 0° 47' E. along said East boundary a distance of 254.6 feet to a point 595.0 feet South of the NE corner thereof; thence N. 37° 16' E. 46.8 feet; thence S. 43° 55' W. 145.2 feet; thence N. 89° 34' W. 389.9 feet; thence N. 32° 13' W. 104.8 feet; thence N. 61° 11' W. 81.0 feet; thence S. 81° 58' W. 119.6 feet; thence S. 32° 16' W. 54.5 feet; thence N. 24° 05' W. 58.3 feet; thence N. 33° 03' W. 49.0 feet; thence N. 73° 52' W. 127.0 feet; thence N. 69° 26' W. 173.2 feet; thence N. 41° 34' W. 196.1 feet; thence N. 38° 57' W. 195.0 feet; thence S. 73° 53' W. 202.6 feet; thence N. 40° 41' W. 232.3 feet to a point in the North boundary of said NW $\frac{1}{4}$ N E $\frac{1}{4}$ and 248.0 feet East of the NW corner thereof; thence S. 59° 28' E. along the North boundary of said NW $\frac{1}{4}$ NE $\frac{1}{4}$ and W $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ a distance of 1735.0 feet to the point of beginning, containing 19.8 acres, more or less.

AND

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

The SW $\frac{1}{4}$ SE $\frac{1}{4}$ and the S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sect. 2, containing 60.0 acres, more or less; and that part of the S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ and the S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 1 particularly described as follows, to-wit:

Beginning at the SE corner of said S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 1, thence Westerly along the South boundary of said S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ and S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ to the SW corner thereof said S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$; thence Northerly along the West boundary of said S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ to the NW corner thereof; thence S. 88° 50' E. along the North boundary of said S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ a distance of 960.0 feet to a point 352.7 feet West of the NE corner thereof; thence S. 73° 04' E. 233.5 feet; thence S. 73° 18' E. 242.0 feet; thence S. 75° 24' E. 212.5 feet; thence N. 89° 27' E. 90.0 feet; thence N. 39° 19' E. 322.6 feet to a point in the North boundary of said S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ and 539.0 feet East of the NW corner thereof; thence S.

89° 50' E. along said North boundary a distance of 100.2 feet to a point 673.4 feet West of the NE corner thereof; thence S. 14° 51' W. 153.8 feet; thence S. 14° 55' E. 67.0 feet; thence S. 57° 10' E. 135.3 feet; thence S. 64° 49' E. 404.0 feet; thence S. 77° 05' E. 170.0 feet; thence S. 34° 32' E. 78.0 feet to a point in the East boundary of said S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ and 545.5 feet South of the NE corner thereof; thence S. 0° 46' W. along said East boundary a distance of 112.6 feet to the point of beginning, containing 31.3 acres, more or less;

All in T 23 N - R 22 E of the Indian Base and Meridian; the whole tract containing in all 91.3 acres, more or less.

SAID TRACT NO. 1, containing a total of 140.17 acres, more or less.

TRACT NO. 2 - 40 GR-D 72

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

The SW $\frac{1}{4}$ SE $\frac{1}{4}$ and the NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 31, T 26 N - R 24 E of the Indian Base and Meridian, Cherokee Survey, containing 50.0 acres, more or less.

SAID TRACT NO. 2, containing in all 50.0 acres, more or less.

THAT the facts and conditions of title alleged and pled 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 Edward Soph, Dan Bishop and Henry Hoffman, 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 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 14 day of Nov., 1939, taking the oath, and receiving instructions, each summoned

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 13 day of Nov., 1939.

F. E. KENNAMER

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

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

Court adjourned to November 14, 1939

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

H. P. Warfield, Clerk, U. S. District Court
A. R. Cottle, Chief Deputy Marshal.

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

MISCELLANEOUS -

ORDER TO PAY PETIT JURORS AND WITNESSES MILEAGE AND PER DIEM.

On this 14th day of November, A. D. 1939, it is ordered by the Court that the Marshal of this District pay the Petit Jurors and Witnesses for this Special September 1939 Term of Court, their mileage and attendance as shown by the Record of Attendance.

ORDER DISCHARGING PETIT JURORS.

On this 14th day of November, A. D. 1939, it is ordered by the Court that all Petit Jurors be, and they are hereby, discharged Sine Die for this Special September 1939 Term of Court, at Vinita, Oklahoma.

Court adjourned to November 15, 1939

Dated this 14th day of November, 1939.

F. E. KENNAMER
JUDGE

COPY OF ORDER SERVED ON PLAINTIFF
11/14/39 HAROLD C. STUART, Atty for Defendant

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

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

United States of America, Plaintiff,

vs.

Certain Parcels of Land in Drumright,
Oklahoma; Long-Bell Lumber Company;
Magnolia Petroleum Company; Edna I. Metz
and W. H. Metz, her husband; Ray McElhinney;
American National Bank of Sapulpa; Sturm
Clothing Company; L. E. Gibson; A. T. Hoydol;
Cushing Traction Company; Board of County
Commissioners of Creek County, Oklahoma; Town
of Drumright, Creek County, Oklahoma, and County
Treasurer of Creek County, Oklahoma,

NO. 138 CIVIL

Defendants.

JOURNAL ENTRY OF JUDGMENT

Now on this 14th day of November, 1939, this cause of action coming on before the Court, pursuant to regular assignment, the plaintiff, United States of America, appearing by Whit Y. Mauzy, United States Attorney for the Northern District of Oklahoma, and Chester A. Brewer, Assistant United States Attorney for said District, and the Long-Bell Lumber Company, a corporation organized under the laws of the State of Missouri, appearing by its attorneys Lombardi Robertson, Fligg & McLean; the defendants Edna I. Metz and W. H. Metz, her husband, appearing by their attorneys Settle & Clammer; the defendant Ray McElhinney appearing by his attorney Fred L. Patrick; the defendant Sturm Clothing Company, appearing by its attorneys, Shirk, Paul, Earnhart & Shirk; the defendant L. E. Gibson having departed this life, the Executor of the Estate of L. E. Gibson, deceased, and his sole only heirs appearing by their attorney S. A. Denyer; the defendants Board of County Commissioners of Creek County, Oklahoma, and County Treasurer of Creek County, Oklahoma, appearing by their attorney Everett Collins, County Attorney of Creek County, Oklahoma; the defendant Town of Drumright, Creek County, Oklahoma, appearing by its attorney Charles E. Webster, City Attorney of Drumright, Creek County, Oklahoma; and it appearing to the court that each of the defendants above named has filed in this cause a separate answer; and it further appearing to the court that the defendants Magnolia Petroleum Company, a corporation, the American National Bank of Sapulpa, Oklahoma, and A. T. Hoydol have filed in this cause of action a disclaimer, disclaiming any right, title or interest in or to the land involved herein; and it further appearing to the court that each and all of the defendants in this cause have been regularly served with notice of the pendency of said cause, and have filed herein their answer or disclaimer, except the Cushing Traction Company, which said Cushing

Traction Company, having been made a party defendant in this cause by reason of a right-of-way agreement running in favor of said defendant; and it further appearing to the court that the land conveyed in said right-of-way agreement does not cross the land involved in this cause of action, and that this action should be dismissed as to the defendant, Cushing Traction Company, the court finds that this action is maintained by virtue of the provisions of an Act of Congress entitled "An Act to provide for the construction of certain public buildings and for other purposes," approved May 25, 1926, Chap. 380 (44 Stat. 630), and Acts amendatory thereto; an Act of Congress of February 26, 1931, Chap. 307, (46 Stat. 1421); and the Emergency Relief and Construction Act approved July 21, 1932 (47 Stat. 709); the Emergency Appropriation Act, fiscal year 1935, approved June 19, 1934 (48 Stat. 1061); the Second Deficiency Appropriation Act, fiscal year 1935, approved April 12, 1935 (49 Stat. 571); the First Deficiency Appropriation Act, fiscal year 1936 (Public No. 739-74th Congress, approved June 22, 1936, and an Act of Congress approved August 1, 1888 (26 Stat. 357). The court finds that pursuant to and by virtue of said authorities the Secretary of the Treasury has selected for acquisition by the United States of America the land hereinafter described for use in connection with the erection of a Federal Building in the town of Drumright, Creek County, State of Oklahoma, and that said lands are necessary for said purpose.

The court further finds that the plaintiff, United States of America, has paid into the Registry of this Court the sum of \$3500.00, pursuant to an agreement with the Long-Bell Lumber Company, a corporation organized under the laws of the State of Missouri, and Edna I. Metz and W. H. Metz, her husband, the apparent owners of the lands hereinafter described.

The court further finds that a Declaration of Taking was filed herein on May 9, 1939, and a judgment was entered by this court divesting the apparent owners of all right, title or interest in and to the lands hereinafter described, and vesting the same in the United States of America in fee simple.

The court further finds that the Long-Bell Lumber Company, a corporation organized under the laws of the State of Missouri, owns a part of the land hereinafter described, and is entitled to receive the sum of \$1,000.00, in full and complete payment for the part of said land owned by the said Long-Bell Lumber Company, a corporation, organized under the laws of the State of Missouri, out of the funds deposited in the registry of the court.

The court further finds that the defendant, Ray McElhinney, was employed by the defendant Edna I. Metz to represent the said Edna I. Metz as her attorney in a suit pending in the District Court of Creek County, Oklahoma, being case No. 21202, entitled, "The State of Oklahoma, ex rel, W.J. Barnett, Bank Commissioner, plaintiff, vs. W. H. Metz, defendant." That the defendant Ray McElhinney acting as attorney for the said Edna I. Metz, performed certain work and rendered certain professional services for the said defendant Edna I. Metz, and on November 4, 1937, the District Court of Creek County, Oklahoma, entered a decree in said case determining the title to a part of the land involved herein to be in the defendant Edna I. Metz, subject to a lien for attorney's fees in favor of the defendant Ray McElhinney in the sum of \$100.00. The court finds that the defendant Ray McElhinney should be paid the sum of \$100.00 out of the amount deposited in the registry of this court in payment for the land acquired from the defendant Edna I. Metz.

The court further finds that heretofore and on February 6, 1934, a judgment was entered in the Superior Court of Creek County, Oklahoma, and thereafter transferred to the District Court of Creek County Oklahoma, and filed under No. 21225, said case being entitled, "Sturm Clothing Company vs. W. H. Metz." That the defendants W. H. Metz and Edna I. Metz, have entered into an agreement with the Sturm Clothing Company to pay said defendant Sturm Clothing Company out of the proceeds derived from the sale of the part of the land hereinafter described belonging to the defendant Edna I. Metz, the sum of \$75.00.

The court further finds that a judgment was obtained in case No. 2392 in the Superior Court of Creek County, Oklahoma, and filed in the District Court of Creek County, Oklahoma

on June 11, 1934, under No. 20733, entitled, "L. E. Gibson vs. W. H. Metz." The court further finds that since the filing of this action the plaintiff in said case, L. E. Gibson, has departed this life and that D. C. Sellers has been by the County Court of Creek County, Oklahoma, appointed Executor of the Estate of L. E. Gibson, deceased, and that the said D. C. Sellers, Executor of the Estate of L. E. Gibson, deceased, and Annie Gibson and Coulter L. Gibson, sole and only heirs and devisees under the will of L. E. Gibson, deceased, have filed their answer herein; and the court finds that the said D. C. Sellers, Executor of the Estate of L. E. Gibson, deceased, is entitled to the sum of \$350.00, to be paid to him out of the proceeds of the sale of the part of the real estate involved herein, formerly owned by the defendant Edna I. Metz..

The court further finds that the defendants, Board of County Commissioners of Creek County, Oklahoma, and County Treasurer of Creek County, Oklahoma, filed their answer herein, alleging that the defendant W. H. Metz, is indebted to the defendants Board of County Commissioners of Creek County, Oklahoma, and County Treasurer of Creek County, Oklahoma, for all ad valorem taxes delinquent and due on said real estate herein—after described in the sum of \$191.14. The court further finds that the County Treasurer of Creek County, Oklahoma, should be paid out of the funds deposited in the registry of this court in payment of the parcel of land formerly belonging to Edna I. Metz, the sum of \$191.14.

The court further finds that the defendant, Town of Drumright, Creek County, Oklahoma, has filed its answer herein, alleging that it is entitled to the sum of \$89.64, interest on delinquent ad valorem taxes, and the further sum of \$386.72, penalties on delinquent paying taxes, and the court finds that the defendant, Town of Drumright, Creek County, Oklahoma, will be entitled to be paid its proportionate share of the ad valorem taxes to be paid to the County Treasurer of Creek County, Oklahoma, in the sum of \$191.14, by said County Treasurer.

The court further finds that the intervener, H. C. Hovenden, has filed herein his intervening complaint, alleging that he is the owner and holder of certain paving tax warrants against the lands involved in this cause of action, and prays the court to make an order directing the payment to the County Treasurer of Creek County, Oklahoma, to be paid to the credit of Street Improvement District No. 2, Drumright, Oklahoma, the sum of \$269.60, with interest at six per cent (6%) per annum from May 1, 1937, to the date of payment, and the court finds that said order should be made.

The court further finds that the intervener, the Exchange National Bank of Tulsa Oklahoma, has filed herein its petition in intervention, alleging that it is the owner and holder of certain special improvement bonds issued under Special Street Improvement District No. 1 of the City of Drumright, Oklahoma, in the total sum of \$626.46. That said intervener has entered into an agreement with Edna I. Metz and W. H. Metz, her husband, the former owners of the property against which said Special Improvement taxes were assessed, to accept the sum of \$150.00 in full payment of said Special Improvement bonds. The court finds that the intervener, Exchange National Bank of Tulsa, Oklahoma, should be paid out of the funds deposited in the registry of this court in payment for the parcel of the land involved herein heretofore belonging to Edna I. Metz, the sum of \$150.00.

The court further finds that the defendants Edna I. Metz and W. H. Metz in their answer filed herein, agreed to pay all the costs of this action, and the court finds that after deducting all of the costs of this action from the funds deposited herein in payment of the lands heretofore owned by Edna I. Metz, and the payment of the amounts hereinabove set out, the said Edna I. Metz should be paid the sum of \$1,232.49, in full payment and satisfaction for the parcel of land involved herein heretofore owned by the said Edna I. Metz.

IT IS WHEREFORE ORDERED, ADJUDGED AND DECREED that the title to the following described land, to-wit:

PARCEL 1: Beginning at a point being the intersection of the easterly side of Ohio

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

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

forming an interior angle of 90 degrees 11 minutes with the last mentioned course, a distance of 48.50 feet to a point, being the northeasterly corner of said Parcel I; thence in a westwardly direction along the northerly side of said Parcel I a distance of 125 feet to the point or place of beginning, being all of Lot 15 and the North 23.50 feet of Lot 16, Block 1, Fulkerson's Second Addition to the Town of Drumright, Oklahoma, as shown by plat "Land proposed to be acquired through condemnation proceedings as a Post Office site at Drumright, Oklahoma", blueprint of which is attached hereto and by reference made a part hereof; together with the improvements thereon \$1,000.00

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

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

(b). Stair from ground to second story floor level of said building, 3 feet 9 inches in width over area 12 feet in length, on and overhanging said 18-foot strip not more than 1 1/2 feet;

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

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

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

(f). Loading platform at first floor level, 3 feet in width and 22 feet in length, on and over said 18-foot strip not more than 1 foot;

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

be, and the same hereby is vested in the United States of America in fee simple, and that the defendants Long-Bell Lumber Company, Magnolia Petroleum Company, Edna I. Metz, W. H. Metz, Ray McElhinney, American National Bank of Sapulpa, Oklahoma, Sturm Clothing Company, D. C. Sellers, Executor of the Estate of L. E. Gibson, deceased, and Annie Gibson and Coulter L. Gibson, sole and only heirs of L. E. Gibson, deceased, A.T. Hoydel, Board of County Commissioners of Creek County, Oklahoma, Town of Drumright, Creek County, Oklahoma, and County Treasurer of Creek County, Oklahoma, and all persons claiming by, through or under them since the commencement of this action, own no right, title, interest, equity or estate in and to the lands hereinabove described, and each of them, are restrained and enjoined from claiming or asserting any right, title, interest, equity or estate in and to said lands.

IT IS THE FURTHER ORDER OF THE COURT that at this cause of action be, and the same hereby is dismissed as to the defendant, Cushing Traction Company.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the plaintiff, United States of America, has paid into the registry of this court the sum of \$3500.00 in full payment and satisfaction for the lands acquired in this cause of action, and H. P. Warfield, Clerk of the United States District Court is hereby directed to disburse said sum of \$3500.00 as follows:

Long-Bell Lumber Company	\$1,000.00
Ray McElhinney	100.00
Sturm Clothing Company	75.00
D.C. Sellers, Executor of the Estate of L. E. Gibson, deceased	350.00
County Treasurer of Creek County, Oklahoma	191.14
County Treasurer of Creek County, Oklahoma for H. C. Hovenden, to be apportioned to Paving District No. 2, City of Drumright,	210.72
County Treasurer of Creek County, Oklahoma, for Exchange National Bank of Tulsa, Oklahoma, to be apportioned to Paving District No. 1, City of Drumright, Oklahoma	150.00
H. P. Warfield, Clerk of the United States District Court	90.65
Edna I. Metz	1,232.49

IT IS THE FURTHER ORDER OF THE COURT that upon payment of the above mentioned amounts the County Treasurer of Creek County, Oklahoma, is directed to cancel all special assessments and ad valorem taxes against said property hereinabove described.

IT IS THE FURTHER ORDER OF THE COURT that no impounding fee be deducted, by reason of the fact that said sum of \$3500.00 was deposited in the registry of this court.

F. E. KENNAMER
U. S. DISTRICT JUDGE

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

CHESTER A. BREWER, Assistant United States Attorney

FRANK SETTLE and SAM CLAMMER, Attorneys for Edna I. Metz, and W. H. Metz.

LOMBARDI, ROBERTSON, FLIGG & McLEAN, Attorneys for the Long-Bell Lumber Company

FRED L. PATRICK, Attorney for Ray McElhinney

SHIRK, PAUL, EARNHEART & SHIRK, Attorneys for Sturm Clothing Company

S. A. DENYER, Attorney for the Estate of L. E. Gibson, deceased.

And it further appearing to the court that the said John P. Logan has sufficient funds in his hands which have accrued from the sources mentioned to satisfy the entire amount of this judgment, and the judgment therefore should be paid.

And it further appearing to the court that the amounts due as of this date are as follows:

Principal of judgment,	\$70.00
Interest thereon,	11.55
Court costs advanced by Fred Rowe and his attorneys,	12.00
Total Due,	<u>\$93.55</u>

IT IS, THEREFORE, ORDERED BY THE COURT that said John P. Logan, be, and he hereby is, ordered and directed to pay to Fred Rowe the sum of \$93.55 in full satisfaction of his judgment against the defendant Jim Kastl.

It is the further order of the court that the said John P. Logan, shall pay to the said Jim Kastl any sum which he has in his hands out of said receivership after he has paid the said Fred Rowe.

It is the further order of this court that after the aforementioned items has been paid that the receiver be discharged and said receivership terminated.

F. E. KENNAMER
United States District Judge.

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

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

Town of Fairfax, Oklahoma, a Municipal Corporation, ex rel Brandon Barringer, H. E. Perkins and William W. Allen, Jr., Plaintiffs,) No. 1205 Equity

vs.

1ST CAUSE: Ida M. Hubler, et al., Defendants.

ORDER OF DISMISSAL AS TO THE DEFENDANTS NAMED IN THE 47TH CAUSE AND THE PROPERTY IN SUCH CAUSE DESCRIBED

The plaintiffs, by their counsel of record, and the defendants named in the 47th Cause, by their counsel of record, having requested an order of dismissal as to the defendants named in said Cause, and the property therein described,

It Is By The Court Ordered that the 47th Cause of Action and the property therein described in the captioned case be and the same is hereby dismissed.

Dated this 14th day of November, 1939.

F. E. KENNAMER
United States District Judge

Requested:
SHIRK, PAUL, BARNHEART & SHIRK, Attorneys,
By JOHN H. SHIRK
Attorney for Plaintiffs.

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

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

Town of Fairfax, Oklahoma, a)
Municipal Corporation, ex rel Brandon)
Barringer, H. N. Perkins and William)
W. Allen, Jr.,) Plaintiffs,) No. 1205 Equity
vs.)
1ST CAUSE: Ida M. Hubler, et al.,) Defendants.)

ORDER OF DISMISSAL AS TO THE DEFENDANTS NAMED IN THE 55TH
CAUSE AND THE PROPERTY IN SUCH CAUSE DESCRIBED

The plaintiffs, by their counsel of record, and the defendants named in the 55th Cause, by their counsel of record, having requested an order of dismissal as to the defendants named in said Cause, and the property therein described,

It is by the Court ordered that the 55th Cause of Action and the property therein described in the captioned case be and the same is hereby dismissed.

Dated this 14th day of November, 1939.

Requested:
SHIRK, PAUL, BARNHEART & SHIRK, Attorneys
By JOHN H. SHIRK, Attorney for Plaintiffs

F. E. KENNAMER
United States District Judge

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

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

Town of Fairfax, Oklahoma, a Municipal Corporation,)
ex rel Brandon Barringer, H. N. Perkins and William)
W. Allen, Jr.,) Plaintiffs,) No. 1205 Equity
vs.)
1ST CAUSE: Ida M. Hubler, et al.,) Defendants.)

ORDER OF DISMISSAL AS TO THE DEFENDANTS NAMED IN THE 19TH CAUSE
AND THE PROPERTY IN SUCH CAUSE DESCRIBED

The plaintiffs, by their counsel of record, and the defendants named in the 19th Cause, by their counsel of record, having requested an order of dismissal as to the defendants named in said Cause, and the property therein described,

On this 15th 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

F. F. MOORE, Plaintiff,)
vs.)
Missouri, Kansas, Texas Railroad) No. 251 - Civil
Company, a corporation,)
Defendant.)

JOURNAL ENTRY

Now on this 4th day of November, 1939, the motion of the defendant to require plaintiff to make his petition more definite and certain, and to strike portions thereof, came on for hearing, both parties being represented by counsel, and the court being fully advised in the premises, finds that same should be overruled.

IT IS, WHEREFORE, CONSIDERED, ORDERED AND ADJUDGED BY THE COURT, that said motion be and it is hereby overruled, to which defendant excepts. It is further ordered that defendant have twenty days from this date in which to file answer.

O.K. R. V. LEWIS, Attorney for Plaintiff
M. D. GREEN C. S. WALKER, Attorneys for Defendant.

F. E. KENNAMER
JUDGE

ENDORSED: Filed Nov 15 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. 277
C. D. Mitchell, et al.,)
Defendants.)

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

NOW, on this 15th 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 defendant in said cause, of the time and place when the Judge of this Court will appoint three commissioners; the petitioner appearing by R. L. Davidson, General Counsel and Q. B. Boydston and Gayle H. 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 its Pensacola Dam and hydroelectric power plant on Grand River, and for the purpose of developing and generating electric energy for sale and distribution.

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

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

IT IS THEREFORE, ADJUDGED AND DECREED by the Judge of this Court that notice be given said defendants, and each of them, and all persons claiming any right, title, interest or possession in and to the lands involved, personally, by serving a copy of said notice upon said defendants, and each of them, said notice to be served by the United States Marshal of the District and State in which said defendants, and each of them, may reside, and said notice to be signed by the attorneys for the petitioner, Grand River Dam Authority, a public corporation, and duly attested by the Clerk of this Court, notifying said defendants, and each of them, that the application of the petitioner for the appointment of three disinterested freeholders 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, and will be heard before the Judge of this Court, at Tulsa, Oklahoma, on the 4th 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 DISTRICT COURT OF THE
UNITED STATES IN AND FOR THE NORTHERN
DISTRICT OF OKLAHOMA

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

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

Grand River Dam Authority, a
public corporation,

Petitioner,

CIVIL NO. 277

-vs-

C. D. Mitchell, et al.,

Defendants.

ORDER AUTHORIZING PUBLICATION OF NOTICE

NOW, on this 15 day of November, 1939, the above entitled and numbered cause coming on to be heard upon the affidavit of the petitioner, for an order authorizing notice to be served upon the defendants, The Cornerstone Bank of Southwest City, Missouri, a corporation, and D. P. Bell of Gentry, Arkansas, by publication; petitioner appearing by Q. B. Boydston, Assistant Counsel for the Grand River Dam Authority, a public corporation, and it appearing to the Judge of this Court that the petitioner herein was, with due diligence unable to serve personally, upon the above-named defendants, notice of the institution of condemnation proceedings, and that the petitioner herein would, on the 4th day of December, 1939, at the hour of 10 o'clock A.M., or as soon thereafter as counsel may be heard, apply to the Honorable Franklin E. Kennamer, Judge of the United States District Court in and for the Northern District of Oklahoma, for an order appointing three disinterested freeholders of said Northern District of Oklahoma, as commissioners, to inspect the certain real property, as described in the petition for condemnation filed in said cause, and consider the injury sustained which each of said defendants, as the owners of the lands involved in said cause, or of any right, title or interest therein, may sustain by reason of the appropriation of the absolute, entire and unencumbered fee simple title to said lands for the basin or reservoir area of the Grand River Dam Project, and for the storing and preserving of the waters of Grand River and its tributaries, for public use and benefit; and

It further appearing that petitioner herein has filed its affidavit and application, duly verified, setting up that the defendants, The Cornerstone Bank of Southwest City, Missouri a corporation, and D. P. Bell, are not within the State of Oklahoma, and that the petitioner, after due diligence, has been unable to serve said defendants within the State of Oklahoma; and the Judge of this Court being fully advised in the premises, finds that the petitioner's application for service by publication upon said defendants, and each of them, should be granted.

IT IS THEREFORE CONSIDERED, ORDERED AND ADJUDGED that notice be given the defendants, The Cornerstone Bank of Southwest City, Missouri, a corporation, and D. P. Bell, by publication, notifying them of the institution of condemnation proceedings herein, and of the time and place of the appointment of said commissioners, and that said notice be published in the Grove Sun, a newspaper of general circulation in Delaware County, Oklahoma, for two weeks, notifying said defendant, D. P. Bell; and that said notice be published in the Miami News Record, a newspaper of general circulation in Ottawa County, Oklahoma, for two weeks, notifying said defendant, The Cornerstone Bank of Southwest City, Missouri, a corporation, and each of them, of the institution of condemnation proceedings, and the application of the petitioner for condemnation and appropriation of certain real estate, and for the appointment of commissioners to inspect said real property and consider the injury which the owners thereof, or any persons having any right, title or interest therein, may sustain by reason of the appropriation of the absolute, entire and unencumbered fee simple title to said lands for the basin or reservoir area of the Grand River Dam Project, and for the storing and preserving of the waters of the Grand River and its tributaries for the operation of the Grand River Project, for public use and benefit, may be heard before the Honorable Franklin E. Kennamer, Judge of the United States District Court in and for the Northern District of Oklahoma, in the court room in the Federal Building in Tulsa, Oklahoma, on the 4th day of December, 1939, at the hour of ten o'clock A.M., as soon thereafter as counsel may be heard, and that the defendants, and each of them, may be present, if they so desire.

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

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

On this 17th 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, U. S. Marshal

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

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

UNITED STATES OF AMERICA, Plaintiff,)
)
vs.) No. 203 CIVIL
)
Raymond Murray, Defendant.)

JOURNAL ENTRY OF JUDGMENT

Now on this 17th day of November, 1939, this matter coming on before the Court on the application of the plaintiff, the United States of America, for a default judgment, plaintiff appearing by Whit Y. Mauzy, United States Attorney for the Northern District of Oklahoma, and Chester A. Brewer, Assistant United States Attorney for said District, and it being shown to the Court that the defendant, Raymond Murray, has been duly and regularly served with summons and a copy of the complaint in this cause more than 30 days prior to this date, and that said defendant has failed to answer, demur or otherwise plead herein, and is in default, the Court finds that plaintiff is entitled to a default judgment, in accordance with its application filed herein.

The Court further finds that the following described land, located in Ottawa County, Oklahoma, to-wit:

The Southwest Quarter of the Northeast Quarter of Section Eighteen (18), Township Twenty-nine (29) North, Range Twenty-five (25) East,

is restricted Indian land belonging to Charles Goodeagle, Morton Goodeagle, Fannie Goodeagle Richards, Grace Goodeagle, Josephine Redeagle Abrams, Doan (Doane S.) Redeagle, Mary Lane Redeagle and Sophia Redeagle, restricted Quapaw Indians, and heirs of Cha-dah-squie Goodeagle, deceased Quapaw Allottee No. 206, and that said land is under the supervision and control of the Secretary of the Interior of the United States of America, and that said defendant, Raymond Murray, should be restrained and enjoined from interfering with the possession, management and control of said land by the Secretary of the Interior, or his authorized representative, the Superintendent of the Quapaw Indian Agency.

IT IS THEREFORE ORDERED, ADJUDGED AND DECERNED that the defendant, Raymond Murray be, and he hereby is permanently restrained and enjoined from interfering with the possession management and control of the following described land located in Ottawa County, Oklahoma, to-wit:

The Southwest Quarter of the Northeast Quarter of Section Eighteen (18), Township Twenty-nine (29) North, Range Twelve Five (25) East,

IT IS THE FURTHER ORDER of the Court that plaintiff, United States of America recover its costs herein.

C.C. AS TO FORM, SERVICE OF COPY ACKNOWLEDGED.

WHIT Y. MAUZY, United States Attorney
CHESTER A. BREWER, Assistant United States Attorney.

F. E. KENNAMER
JUDGE

ENDORSED: Filed Nov 17 1939
H. P. Warfield, Clerk U. S. Dist.