

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

FRANK VAN AMBURGH,	Plaintiff,	)	
		)	
-vs-		)	No. 333 Civil
		)	
MASSACHUSETTS LIFE INSURANCE COMPANY,		)	
a corporation,	Defendant.	)	

O R D E R

On this 15th day of February, 1940, it appearing to the Court, upon the application of the plaintiff made in open court to amend his complaint heretofore filed herein, that the defendant in this cause was incorrectly named in the complaint herein filed as Massachusetts Life Insurance Company, a corporation, when in truth and in fact the true and correct name of said defendant is Massachusetts Mutual Life Insurance Company, a corporation,

IT IS ORDERED that plaintiff be and he is hereby granted leave to file an Amended Complaint herein against said defendant in its true and correct name of Massachusetts Mutual Life Insurance Company, a corporation,

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

ENDORSED: Filed Feb 15 1940  
H. P. Warfield, Clerk  
U. S. District Court ME

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

I. E. NELSON, ET AL.,	Plaintiff,	)	
		)	
vs.		)	
		)	
SAPULPA GAS COMPANY, ET AL.	Defendants.	)	IN EQUITY NO. 1266
		)	
Re: Claim of Roy F. Bailey,		)	
Trustee, and Claim of		)	
John Madden, Jr.		)	

ORDER DIRECTING PAYMENT OF THE ABOVE CLAIMS

IT APPEARING TO THE COURT that Roy F. Bailey, Trustee, heretofore deposited with the Clerk of this Court the following:

Three first mortgage, five per cent gold bonds of Sapulpa Gas Company, Nos. 464, 465, 466, in principal amount of \$500.00 each, dated October 1, 1932 and due October 1, 1952, with five per cent income coupons attached, due and payable semi-annually.

IT FURTHER APPEARING TO THE COURT that John Madden, Jr., heretofore deposited with the Clerk of this Court the following:

Two first mortgage, five per cent gold bonds of Sapulpa Gas Company, Nos. 462 and 463, in principal amount of \$500.00 each, dated October 1, 1932, due October 1, 1952, with five per cent income coupons attached, due and payable semi-annually. Interest coupons numbered 1 to 9, both inclusive, attached to each of said bonds have been surrendered.

First mortgage, five per cent gold bond in principal amount of \$12.50, No. 478J, dated October 1, 1932, due October 1, 1952, with five per cent interest coupons attached, due and payable semi-annually. Interest coupons numbered 1 to 9, both inclusive, attached to said bond have been surrendered.

Three interest coupons, each numbered 10, detached from first mortgage five per cent gold bonds of Sapulpa Gas Company Nos. 464, 465 and 466, in amount of \$12.50 each.

IT IS ORDERED that the Clerk of this Court be and hereby is directed to pay said claimants their distributive part of the proceeds received from sale of the assets of the Sapulpa Gas Company pursuant to the order of distribution heretofore made by this Court and deliver to C. E. Cooper, attorney for claimants, the checks for said amounts.

MADE AND ENTERED this 15th day of February, 1940.

F. E. KENNAMER  
U. S. D. J.

ENDORSED: Filed Feb 15 1940  
H. P. Warfield, Clerk  
U. S. District Court H

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Court adjourned to February 17, 1940

On this 17th day of February, A. D. 1940, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1940 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

ORDER FOR ADDITIONAL PETIT JURORS

On this 17th day of February, A. D. 1940, it is ordered by the Court that there be publicly drawn by the Marshal for the Northern District of Oklahoma, or one of his deputies, in the presence of the Clerk, or one of his deputies, in accordance with the law and the rules of this Court, the names of Twenty (20) persons, good and lawful men, from said District, duly qualified to serve as Petit Jurors at the Regular January 1940 Term of this Court to be held at Tulsa, Oklahoma.

IT IS FURTHER ORDERED by the Court that a Writ of Venire Facias be issued out of this Court, in due form as provided by law, commanding the said Marshal to summon said Petit Jurors, drawn as aforesaid, to be and appear before said Court, to be held at Tulsa, Oklahoma, in the Northern District of Oklahoma, on Tuesday, the 27th day of February, A. D. 1940, at 9:00 o'clock A.M., then and there to serve as Petit Jurors of the United States in and for said District at the Regular January 1940 Term of said Court.

F. E. KENNAMER  
UNITED STATES DISTRICT JUDGE

ENDORSED: Filed Feb 17 1940  
H. P. Warfield, Clerk  
U. S. District Court

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Court adjourned to February 21, 1940.

On this 21st day of February, A. D. 1940, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1940 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 matter of the Estate of WOSEY THOMAS, NEE )  
JOHN, DECEASED, ) No. 35 - Civil

Now on this 21st day of February, A. D. 1940, it is ordered by the Court that the Clerk file and spread of record the Mandate in the above styled cause, same being in words and figure as follows, to-wit:

UNITED STATES OF AMERICA, ss:

THE PRESIDENT OF THE UNITED STATES OF AMERICA

(SEAL)

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

GREETING:

WHEREAS, lately in the District Court of the United States for the Northern District of Oklahoma, before you, or some of you in the following-entitled cause; In the Matter of the Estate of Wosey Deere, nee John, Creek 9546, Deceased, et al., plaintiffs, vs. Jimmie Powesheik, a minor, Creekmore Wallace, his guardian, et al., defendants, No. 42, Civil, the judgment of the said district court in said case entered on January 30, 1939, was in the following words, viz:

\* \* \* \* \*

"It is, therefore, Ordered, Adjudged and Decreed by the Court:

"(a) That Alexander George was not, at the time of the death of decedent, the husband of the decedent.

"(b) That the intervener and claimant, Milford Thomas, was the legal and lawful husband of decedent at the time of her death.

"(c) That the heirs of decedent, Wosey Thomas, nee Deere, nee John, are and are hereby decreed and established to be as follows:

"Milford Thomas, surviving husband;

"Evelyn Seber, daughter;

"Juanita McLish, nee Deere, daughter;

"Jimmie Poweshiek, son.

and all other persons, known or unknown, are forever hereafter barred, estopped and enjoined from claiming or asserting to be such heirs.

"It Is Further Ordered, Adjudged and Decreed by the court that upon the death of the said Wosey Thomas, nee Deere, nee John, the estate, both real and personal, descended to and vested in the heirs above stated in the following proportions, to-wit:

"Milford Thomas, surviving husband, 1/4th;

"Evelyn Seber, daughter, 1/4th;

"Juanita McLish, nee Deere, daughter, 1/4th;

"Jimmie Poweshiek, son, 1/4th;

subject to administration proceedings conformable to the laws of the State of Oklahoma and this decree determining the heirship therein.

"It is Further Ordered, Adjudged and Decreed by the court that this cause be remanded to the County Court of Creek County for administration and that upon final distribution all property of decedent remaining for distribution be distributed to the heirs above set forth in the proportions hereinabove stated.

"It is further ordered, Adjudged and Decreed by the court that the claimant, Milford Thomas, have and recover his costs herein expended and that said costs be taxed against the contestants; to which finding of fact and conclusions of law that Milford Thomas was the legal and lawful husband of decedent and entitled to participate in her estate as an heir, the said Evelyn Seber, daughter, Juanita McLish, nee Deere, daughter, and Jimmie Poweshiek, son, except and exceptions allowed."

\* \* \* \* \*

as by the inspection of the transcript of the record of the said District Court, which was brought into the United States Circuit Court of Appeals, Tenth Circuit, by virtue of an appeal by Evelyn Seber et al., agreeably to the Act of Congress, in such case made and provided, fully and at large appears;

AND WHEREAS, at the September Term, in the year of our Lord one thousand nine hundred and thirty-nine, the said cause came on to be heard before the said United States Circuit Court of Appeals, on the transcript of the record from the said district court and was argued by counsel.

On consideration whereof, it is now here ordered and adjudged by this court that the judgment of the said district court in this cause be and the same is hereby affirmed; and that Milford Thomas et al., appellees, have and recover of and from Evelyn Seber, et al., appellants, their costs herein.

-- January 16, 1940.

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

WITNESS, the Honorable CHARLES E. HUGHES, Chief Justice of the United States, the 16th day of February, in the year of our Lord one thousand nine hundred and forty.

COSTS OF	APPELLEES:	
CLERK,	\$ 5.25	
Printing Record	\$-- --	
Attorney,	\$ 20.00	
	<u>\$ 25.25</u>	

ROBERT B. CARTWRIGHT  
Clerk of the United States Circuit Court  
of Appeals, Tenth Circuit

UNITED STATES CIRCUIT COURT OF APPEALS  
TENTH CIRCUIT

Costs taxed in favor of Appellees, in the case of Evelyn Seber, et al. vs. Milford Thomas, et al.,  
No. 1937

Filing record and docketing cause	---
Filing copies of printed record,	---
Filing and entering appearance for	---
Filing and entering appearance for	---
Clerk, preparing record for printer, etc.,	---
Printer, for printing record,	---
Filing 1 paper	---
Entering order, folio	25
Filing briefs for	---
Filing briefs for appellee, United States	---
Filing opinion,	5 00
Filing and entering judgment or decree	---
Filing petition for a rehearing,	---
Issuing Mandate to District Court,	---
Filing receipt for mandate,	---
Filing receipt for balance of deposit	---
Attorney's docket fee	---
	<u>20 00</u>
	<u>25 25</u>

ATTEST:

ROBERT B. CARTWRIGHT  
Clerk U. S. Circuit Court of Appeals,  
Tenth Circuit

ENDORSED: Filed Feb 21 1940  
H. P. Warfield, Clerk  
U. S. District Court H

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

UNITED STATES OF AMERICA,	Plaintiff,	)	
		)	
vs.		)	NO. 140 CIVIL
		)	
GYPSY OIL COMPANY, a Corporation,	Defendant.	)	

O R D E R

This matter coming on for hearing this 21st day of February, 1940, upon application of the plaintiff, United States of America, to file an amended complaint and to include as a defendant the Gulf Oil Corporation and the court being advised in the premises finds that the Gulf Oil Corporation is a necessary party defendant, and good cause has been shown for the amendment of the complaint and the inclusion of the Gulf Oil Corporation as a party defendant.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the plaintiff be and hereby is given permission to amend its complaint on file herein and to include the Gulf Oil Corporation as a party defendant.

AND IT IS SO ORDERED.

F. E. KENNAMER  
JUDGE

Acknowledgment is made of a copy of said order and consent to the amendment of the complaint and the inclusion of the Gulf Oil Corporation as a party defendant.

JAMES B. DIGGS  
Attorney for Gypsy Oil Company

JAMES B. DIGGS  
Attorney for Gulf Oil Corporation

ENDORSED: Filed Feb 21, 1940  
H. P. Warfield, Clerk  
U. S. District Court B

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

To County Treasurer of Delaware County, Oklahoma	\$1701.61
To Richard R. Feller, c/o I. W. Ingram, his attorney- in fact	214.62
To A. B. Honnold	30.00

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Clerk of this Court shall make no charge as commission or poundage for the handling and distribution of said funds.

F. E. KENNAMER  
JUDGE

ENDORSED: Filed Feb 21 1940  
H. P. Warfield, Clerk  
U. S. District Court E

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

UNITED STATES OF AMERICA,	Plaintiff,	)	
		)	
vs.		)	
		)	
James T. Regan, Tritos T. Baker, G. C. Hughes,		)	No. 276 CIVIL
Grant Bowden, George Massad, M. McGrath and		)	
R. M. McFarlin, if living, or if dead, the		)	
unknown heirs, administrators, executors,		)	
devises, trustees, and assigns, immediate		)	
and remote, of said defendants,	Defendants.	)	

JOURNAL ENTRY OF JUDGMENT

Now on this 21st day of February, 1940, this cause of action coming on before the Court on the application of the plaintiff, 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 the defendants, and each of them, appearing neither in person nor by attorney; and it appearing to the Court, and the Court finds that the defendant, R. M. McFarlin, has filed in this action a disclaimer, disclaiming any right, title or interest in or to the land involved herein, the Court further finds that the defendants, James T. Regan, Tritos T. Baker, G. C. Hughes, Grant Bowden, George Massad and M. McGrath, if living, or if dead, their unknown heirs, executors, administrators, devisees, trustees and assigns, immediate and remote, have been served with proper publication notice in this cause more than forty-one days prior to this date, and that none of said defendants has appeared, answered, demurred or otherwise pleaded herein, and said defendants, and each of them, are by the Court declared to be in default, and the Court finds that plaintiff is entitled to judgment as prayed in its complaint herein.

The Court further finds that George Bosen is a full-blood restricted Creek Indian, and was allotted the following described land, located in Creek County, Oklahoma, to-wit:

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

The Court further finds that said land is restricted as to alienation, and was exempt from taxation at all times mentioned herein, and that the following instruments are void and of no force and effect, and should be canceled of record:

Deed dated January 23, 1906, from George Bosen and Sornio Bosen, to James T. Regan, covering the Northeast Quarter of Southwest Quarter of Section One (1), Township Eighteen (18) North, Range Ten (10) East, Creek County, Oklahoma, which deed was recorded in the office of the County Clerk of Creek County, Oklahoma, on January 25, 1906, in Book W. at Page 22.

Deed dated February 20, 1906, from James T. Regan to Tritos T. Baker, covering the Northeast Quarter of the Southwest Quarter of Section One (1), Township Eighteen (18) North, Range Ten (10) East, Creek County, Oklahoma, which deed was recorded in the office of the County Clerk of Creek County, Oklahoma, on February 21, 1906, in Book 8, at Page 304.

Tax deed dated May 31, 1917, from J. E. Bruin, County Treasurer of Creek County, Oklahoma, to G. C. Hughes and Grant Bowden, covering the Northeast Quarter of the Southwest Quarter of Section One (1), Township Eighteen (18) North, Range Ten (10) East, Creek County, Oklahoma, which deed was recorded in the office of the County Clerk of Creek County, Oklahoma, on June 1, 1917, in Book 151, at Page 502.

Tax deed dated July 17, 1917, from Enos R. Pickett, County Treasurer of Creek County, Oklahoma, to G. C. Hughes, and Grand Bowden, covering the Northeast Quarter of the Southwest Quarter of Section One (1), Township Eighteen (18) North, Range Ten (10) East, Creek County, Oklahoma, which deed was recorded in the office of the County Clerk of Creek County, Oklahoma, on July 17, 1917, in Book 155, at page 106.

Re-sale tax deed dated April 19, 1926, from Ralph H. Blake, County Treasurer of Creek County, Oklahoma, to George Massad, covering the Northeast Quarter of Southwest Quarter of Section One (1), Township Eighteen (18) North, Range Ten (10) East, Creek County, Oklahoma, which deed was recorded in the office of the County Clerk of Creek County, Oklahoma, on May 28, 1926, in Book 289, at Page 594.

Re-sale tax deed dated April 29, 1930, from Ralph H. Blake, County Treasurer of Creek County, Oklahoma, to M. McGrath, covering the Northeast Quarter of the Southwest Quarter of Section One (1), Township Eighteen (18) North, Range Ten (10) East, Creek County, Oklahoma, which deed was recorded in the office of the County Clerk of Creek County, Oklahoma, on October 27, 1930, in Book 393, at Page 469.

Deed dated June 11, 1906, from George Bosen and Samie Bosen, his wife, to R. M. McFarlin, covering the Northwest Quarter of the Southeast Quarter of Section Seven (7), Township Eighteen (18) North, Range Eleven (11) East, Creek County, Oklahoma, which deed was recorded in the office of the County Clerk of Creek County, Oklahoma, on June 11, 1906, in Book 11, Page 423.

The Court further finds that the lands hereinabove described were at all times mentioned restricted against alienation, and not subject to taxation. That the above mentioned deeds were not approved by the Secretary of the Interior, and that the allottee, George Bosen, now is, and at all times mentioned herein was in possession of all of the above described land.

The Court further finds that the deeds above mentioned constitute a cloud upon the title of plaintiff's ward, and such deeds should be canceled and vacated of record, and the title

to the above described land quieted in the said George Bosen, full-blood Creek Allottee, appearing opposite Roll No. 6100.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the following instruments are void and of no force and effect, and that all of said instruments should be canceled and vacated of record:

Deed dated January 23, 1906, from George Bosen and Sornio Bosen, to James T. Regan, covering the Northeast Quarter of the Southwest Quarter of Section One (1), Township Eighteen (18) North, Range Ten (10) East, Creek County, Oklahoma, which deed was recorded in the office of the County Clerk of Creek County, Oklahoma, on January 25, 1906, in Book W, at Page 22.

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Deed dated June 11, 1906, from George Bosen and Samie Bosen, his wife, to R. M. McFarlin, covering the Northwest Quarter of the Southeast Quarter of Section Seven (7), Township Eighteen (18) North, Range Eleven (11) East, Creek County, Oklahoma, which deed was recorded in the office of the County Clerk of Creek County, Oklahoma, on June 11, 1906, in Book 11, Page 423.

IT IS THE FURTHER JUDGMENT AND DECREE of the Court that the title to the following described land, to-wit:

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

be, and the same hereby is quieted in George Eosen, full-blood Creek Allottee, appearing opposite Roll No. 6100.

IT IS THE FURTHER DECREE of the Court that the defendants, James T. Regan, Tritos T. Baker, G. C. Hughes, Grant Bowden, George Massad, M. McGrath and R. M. McFarlin, if living, or if dead, their unknown heirs, executors, administrators, devisees, trustees and assigns, immediate and remote, and each of them, be, and they hereby are enjoined from claiming or asserting any right, title or interest in or to the above described land.

IT IS THE FURTHER DECREE of the Court that plaintiff recover its costs herein against the defendants, James T. Regan, Tritos T. Baker, G. C. Hughes, Grant Bowden, George Massad and M. McGrath.

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 Feb 21 1940  
H. P. Warfield, Clerk  
U. S. District Court B

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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. 303  
Arthur E. Spencer, et al., )  
Defendants. )

ORDER APPOINTING COMMISSIONERS

Now on this 19th day of February, 1940, comes on for hearing petitioner's application as embodied in its petition for condemnation, for an order appointing commissioners to ascertain the injury and assess the damages sustained by the above named defendants by the appropriation of their lands for the uses and purposes set out and described in said petition.

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

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

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

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

Map No. 19, Tract No. GR-D 965

N $\frac{1}{2}$  NE $\frac{1}{4}$ , SE $\frac{1}{4}$  NE $\frac{1}{4}$  and East 20.0 acres of Lot 1, Section 33, Township 25 North, Range 23 East, Delaware County, Oklahoma, containing 140.0 acres, more or less.

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

AND THAT such commissioners ought to be appointed.

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

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

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

IT IS FURTHER ORDERED that the Marshal 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 22nd day of February, 1940, taking the oath, and receiving instructions, such summons to be made by delivering to each of them a certified copy of this order.

WITNESS my hand and seal of this Court this 19th day of February, 1940.

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

ENDORSED: Filed Feb 21 1940  
H. P. Warfield, Clerk  
U. S. District Court B

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

UNITED STATES OF AMERICA,	Plaintiff,	)
		)
vs.		) No. 306 CIVIL
		)
Jesse Richardson and Alonza C. Cole,	Defendants.	)

J U D G M E N T

Now on this 21st day of February, 1940, this cause coming on before the Court on the application of the United States of America for a judgment permanently restraining and enjoining the above named defendants, and each of them, from interfering with the possession, management and control of the property described in said application, by the Secretary of the Interior or his duly authorized agent, the Superintendent of the Osage Indian Agency; 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 defendants, and each of them, appearing neither in person nor by attorney, and it appearing to the Court that said defendants, and each of them, have 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 defendants, and each of them, have failed to answer, demur or otherwise plead in this cause, and are in default and it further appearing to the Court that plaintiff is entitled to the relief sought in its complaint;

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that plaintiff have judgment herein, permanently restraining and enjoining said defendants, Jesse Richardson and Alonza C. Cole from interfering with the possession, management and control by the Secretary of the Interior, or his duly authorized agent, the Superintendent of the Osage Indian Agency, of the following described land:

The East Half of the Northeast Quarter of Section 7, and the West Half of the Northwest Quarter of Section 8, Township 24 North, Range 11 East, Osage County, Oklahoma.

IT IS THE FURTHER JUDGMENT of the Court that plaintiff have and recover its costs herein against the defendants, Jesse Richardson and Alonza C. Cole.

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 Feb 21 1940  
H. P. Warfield, Clerk  
U. S. District Court B

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

Grand River Dam Authority, a  
public corporation,

Plaintiff,

-vs-

James W. Elliott, et al.,

Defendants.

Civil No. 324

ORDER APPOINTING COMMISSIONERS

NOW, On this 19th day of February, 1940, comes on for hearing plaintiff'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 fully 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 Plaintiff 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 plaintiff must acquire in this action, is the following, situate in the County of Ottawa, State of Oklahoma, to-wit:

TRACT NO. 1 (41 GR-O 168)

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

An Island, commonly called Turkey Island, in Section 24, T. 26 N - R 23 E of the Indian Base and Meridian, Quapaw Survey, containing 44.30 acres, more or less.

TRACT NO. 2 (41 GR-O 168-A)

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

An island in Grand River in Section 19 T 26 N - R 24 E. of the Indian Base and Meridian, Cherokee Survey, and commonly known as Turkey Island, containing twenty (20.0) acres, more or less.

The estate or right to be taken in said tracts of land above described for public use and benefit is the absolute, entire and unencumbered fee simple title, and includes all right, title and interest of the owner, or owners, of said Turkey Island from the meander line on and around said Island to the meander lines on the lands adjacent thereto.

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

AND THAT such commissioners should be appointed.

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

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

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

IT IS FURTHER ORDERED that the Marshal for the Northern District of Oklahoma, immediately summon said commissioners to the performance of their duties by reporting to the Clerk of this Court on the 22 day of February, 1940, taking the oath, and receiving instructions, such 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 19th day of February, 1940.

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

ENDORSED: Filed Feb 21 1940  
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 TRUSTEE TO SELL REAL ESTATE

On this 21st day of February, 1940, upon the application of J. H. McBirney, Successor Trustee, for authority to sell real estate, and it appearing to the court that among the assets coming into the hands of said trustee was a note executed by R. D. Teasley, Lula M. Teasley, E. P. Jennings and Eleanor Jennings, dated January 3, 1929, for the principal sum of Four Thousand Dollars

(\$4,000.00), upon which there was due the principal sum of Three Thousand Sixty One & 36/100 Dollars (\$3,061.36), and that said note was secured by a first real estate mortgage covering the following described real estate, to-wit:

West Twenty Five (25) feet of Lot Nine (9) in Block Four (4) and East Twenty Five (25) Feet of Lot Ten (10), in Block Four (4), in Olivers Addition to the City of Tulsa, Tulsa County, State of Oklahoma;

and it further appearing that the said trustee instituted cause No. 63395 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; and it further appearing that judgment was rendered in said cause on the 16th day of September, 1939, against R. D. Teasley, E. P. Jennings and Eleanor Jennings, for the sum of Four Thousand Five Hundred Twenty Nine & 41/100 Dollars (\$4,529.41), including principal and interest to the date of judgment, as well as the sum of Six Hundred Ninety & 63/100 Dollars (\$690.63), advanced by the said trustee for the payment of taxes and insurance, less the sum of Two Hundred Ninety Six & 87/100 Dollars (\$296.87) Dollars received by the said trustee as rentals from said real estate, and less the further sum of Six Hundred Eighty Three & 47/100 Dollars (\$683.47), the amount of rentals received by the receiver appointed for said real estate during the said foreclosure, and plus the sum of Three Hundred Dollars (\$300.00) attorney's fees, and for the foreclosure of said real estate mortgage; that pursuant to appropriate proceedings therefor the said real estate was sold by the Sheriff of Tulsa County, Oklahoma, and J. H. McBirney, Successor Trustee, purchased the same at said Sheriff's sale, and is the present legal owner of said real estate; that the sum bid therefor was applied as a credit upon said judgment.

The court further finds that the said real estate above described is improved by a one-story brick dwelling, 30' x 42', containing five rooms, breakfast room and bath, having a shingle roof, oak floors and concrete foundation; is also improved with a garage 18' x 18', with shingle roof and concrete foundation; that the same is located at 1337 East 36th Street in the City of Tulsa, Oklahoma.

The court further finds that the said trustee has an offer from Earle Fitch Watters and Helen Fern Watters for the purchase of said real estate for the sum of Three Thousand Five Hundred Dollars (\$3,500.00) in cash; that said sum is the highest and best offer received by said trustee for said real estate and improvements.

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

The court further finds that this said trust is in liquidation and that the sale of said real estate has been approved by the trustee and it is to the best advantage of the said trust estate and its beneficiaries to sell said real estate for said consideration.

The court further finds that the sale of said real estate was arranged by L. H. Mead, a real estate broker in the City of Tulsa, who is entitled to compensation for his said services; that five per cent (5%) of the sales price of said real estate is the usual and customary consideration for such services.

IT IS, THEREFORE, ORDERED that J. H. McBirney, Successor Trustee, be and he is hereby authorized to sell to Earle Fitch Watters and Helen Fern Watters, the real estate above described, for the sum of Three Thousand Five Hundred Dollars (\$3,500.00).

IT IS FURTHER ORDERED that J. H. McBirney, Successor Trustee, execute and deliver a trustee's special warranty deed, transferring and conveying to Earle Fitch Watters and Helen Fern Watters, the real estate above described, upon payment by them to him of the sum of Three Thousand Five Hundred Dollars (\$3,500.00).

IT IS FURTHER ORDERED that the sale of the real estate above described, by J. H. McBirney, Successor Trustee, to Earle Fitch Watters and Helen Fern Watters, for the consideration of Three Thousand Five Hundred Dollars (\$3,500.00) in cash, 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 L. H. Mead a real estate brokerage commission of five per cent (5%) of the sales price of said real estate as compensation in full for his said services as a real estate broker in said transaction.

F. E. KENNAMER  
United States District Judge

ENDORSED: Filed Feb 21 1940  
H. P. Warfield, Clerk  
U. S. District Court B

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Court adjourned to February 23, 1940

REGULAR JANUARY 1940 TERM

TULSA, OKLAHOMA

FRIDAY, FEBRUARY 23, 1940

On this 23rd day of February, A. D. 1940, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1940 Term at Tulsa, met pursuant to adjournment, Hon. F. E. Kennamer, Judge, present and presiding.

H. P. Warfield, Clerk, U. S. District Court  
Walt 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 PETIT JURY

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

ORDER FOR PETIT JURY

On this 23rd day of February, A. D. 1940, it is ordered by the Court that there be publicly drawn by the Marshal for the Northern District of Oklahoma, or one of his deputies, in the presence of the Clerk, or one of his deputies, in accordance with the law and the rules of this Court, the names of Forty Five (45) persons, good and lawful men, from said District, duly qualified to serve as Petit Jurors at the Regular March 1940 Term of this Court to be held at Vinita, Oklahoma.

IT IS FURTHER ORDERED by the Court that a Writ of Venire Facias be issued out of this Court, in due form provided by law, commanding the said Marshal to summon said Petit Jurors, drawn as aforesaid, to be and appear before said Court, to be held at Vinita, Oklahoma, in the Northern District of Oklahoma, on Monday, the 4th day of March, 1940, at 9:00 o'clock A.M., then and there to serve as Petit Jurors of the United States in and for the Northern District of Oklahoma at the Regular March 1940 Term of said Court.

F. E. KENNAMER  
UNITED STATES DISTRICT JUDGE

ENDORSED: Filed Feb 23 1940  
H. P. Warfield, Clerk  
U. S. District Court H

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Court adjourned to February 25, 1940

On this 26th day of February, A. D. 1940, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1940 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 FOR THE NORTHERN DISTRICT OF OKLAHOMA

Grand River Dam Authority, a public corporation,	)	
	)	Plaintiff,
vs.	)	No. 283 Civil
	)	
James M. Black, et al,	)	Defendants.

ORDER OF DISTRIBUTION

Now this 26th day of February, 1940, the same being a judicial day of said court, this cause comes on for hearing on the application of James M. Black for the distribution of funds; the applicant appears by his attorney of record, Frank Nesbitt, and therebeing no objection or exceptions filed it was then shown to the court that notice of said hearing has been duly given for more than five days next preceding the date of hearing, by United States mails postage prepaid and addressed in separate envelopes to the following persons and/or corporations, to wit: Grand River Dam Authority, Legal Department, Vinita, Oklahoma, Russell Doss, County Treasurer of Ottawa County, Okla. Miami Okla., and Federal Farm Mortgage Corporation, Wichita, Kansas, they being the only persons and/or corporations having an interest in said matter.

Thereupon witnesses were sworn, testimony taken, and the court being well advised of the premises finds that the applicant James M. Black was the owner of the legal and equitable title and estate and was in the actual possession of those certain lands described in the petition herein as Tract No. 1 (Map No. 40 GR-D 110) and (Map No. 40 GR-O 118); that said lands have been taken and appropriated by plaintiff herein by virtue of its delegated power of eminent domain; that the Commissioners appointed and qualified by this court having inspected said property and determined the damages inflicted by the taking of said lands in the sum of \$5700.00 and the plaintiff has paid that amount into the office of the Clerk of this court in satisfaction of said award; the court finds that said applicant is indebted to Russell Doss as County Treasurer of Ottawa County, Oklahoma in the sum of \$7.05 for advalorem taxes on said lands for the year of 1939 and that all other taxes against said land has been fully paid as evidenced by a certified date of said County Treasurer attached to the application herein; that said applicant is indebted to the Land Bank Commissioner, now Federal Farm Mortgage Corporation of Wichita, Kansas in the sum of \$970.78 which indebtedness was secured by a mortgage on said lands.

IT IS THEREFORE ORDERED that the Clerk of this Court do forthwith pay and disburse said sum of \$5700.00 as follows:

\$7.05 to Russell Doss, County Treasurer of Ottawa County, Oklahoma, Miami, Oklahoma; and

\$970.78 to Land Bank Commissioner, now Federal Farm Mortgage Corporation, Wichita, Kansas; and



IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the Clerk pay B. F. Conklin his pro rata part of the moneys in the Registry of the Court in the amount of 51 $\frac{1}{2}$ % of \$434.00, less an impounding fee of 1%.

F. E. KENNAMER  
J U D G E

ENDORSED: Filed Feb 26 1940  
H. P. Warfield, Clerk  
U. S. District Court E

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Court adjourned to February 27, 1940

REGULAR JANUARY 1940 TERM

TULSA, OKLAHOMA

TUESDAY, FEBRUARY 27, 1940

On this 27th day of February, A. D. 1940, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1940 Term at Tulsa, met pursuant to adjournment, Hon. F. E. Kennamer, and Hon. Alfred P. Murrah, Judges, present and presiding.

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

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

MISCELLANEOUS - ORDER EMPANELEING ADDITIONAL PETIT JURORS.

On this 27th day of February, A. D. 1940, comes the Marshal and makes return on the Venire heretofore issued out of this Court for Petit Jurors for this Regular January 1940 Term of Court, at Tulsa, Oklahoma. Thereupon, the Clerk calls the names of the Jurors so summoned, as follows:

Curtis Rhoden	A. G. Williams
B. A. Gibbs	Albert Roth
Arthur H. Bronson	Johnnie McCay
D.W. Rathbone	L. R. Purdy
James Hudson	Raymond Kerr
W.R. Holland	James Ince
Arthur Conway	C. M. Martin
F. H. Zinn	Wesley Heath
Dew Warehine	W. M. Higgins
J. W. Sutliff	G.W.D. Ward

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

L. R. Purdy

Wesley Heath

are excused from service as Jurors for the term.

Thereupon, the balance of said array are accepted as Petit Jurors for this Regular January 1940 Term of Court.

ENDORSED: Filed In Open Court  
Feb 27 1940  
H. P. Warfield, Clerk  
U. S. District Court

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

JESSIE F. HOLT, )  
 Plaintiff, )  
 vs. ) No. 207 Civil  
 GUY A. THOMPSON Trustee for the MISSOURI )  
 PACIFIC RAILROAD COMPANY, a Bankrupt Debtor, )  
 Defendant. )

ORDER EXTENDING TIME TO DCKET ACTION ON APPEAL

The plaintiff having filed notice of appeal from the judgment in the above cause to the Circuit Court of Appeals for the Tenth Circuit, it is

ORDERED that the time for filing the record on appeal and docketing the acti on in the Circuit Court of Appeals for the Tenth Circuit is hereby extended to include ninety (90) days from the date of the filing of the notice of appeal.

This 27th day of February, 1940.

F. E. KENNAMER  
JUDGE OF THE UNITED STATES DISTRICT COURT.

ENDORSED: Filed Feb 27 1940  
H. P. Warfield, Clerk  
U. S. District Court ME

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

FRANK VAN AMBURGH, )  
 Plaintiff, )  
 vs. ) No. 333 - Civil  
 MASSACHUSETTS MUTUAL LIFE INSURANCE )  
 COMPANY, a corporation, )  
 Defendant. )

O R D E R

On this 27th day of February, 1940, upon the application of plaintiff, it being shown that the defendant herein has been served with summons in said cause and jurisdiction obtained over said defendant thereby and that plaintiff desires leave of court to take depositions of Jim Smith, Harry Miller and Ed B. Shannon, witnesses in said cause, and further desires that the time of giving notice to defendant of taking said depositions be shortened;

IT IS ORDERED that plaintiff be and he is hereby granted leave to take the depositions of the aforesaid Jim Smith, Harry Miller and Ed B. Shannon;

IT IS FURTHER ORDERED that said depositions may be taken at Tulsa, Oklahoma upon three (3) days notice to the defendant.

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

ENDORSED: Filed Feb 27 1940  
H. P. Warfield, Clerk  
U. S. District Court B

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

I. E. NELSON, TRUSTEE, et al,	Plaintiffs, )	) No. 1266 - Equity
vs	)	
SAPULPA GAS COMPANY, et al,	Defendants. )	

O R D E R

This matter coming on for hearing this 27th day of February, 1940, on application of NATIONAL BANK OF TULSA as collecting agent for an order directing the Clerk of this Court to pay to said Bank the liquidating dividend held by the Clerk for payment to the owner of said bonds, and the Court being fully advised in the premises finds that an order should be granted;

IT IS THEREFORE ORDERED, DECREED AND ADJUDGED that the Clerk of this Court pay to NATIONAL BANK OF TULSA, Tulsa, Oklahoma, as collecting agent for Central Hanover Bank and Trust Company of New York the proportionate part of the liquidating dividend held by such Clerk as Registry of this Court applicable to the following bonds, to wit:

\$22,500.00 principal amount First Mortgage 5% Gold  
Bonds dated October 1, 1932, due October 1, 1952,  
Nos. 286 to 299 inclusive, and 350 to 380 inclusive,  
at \$500.00 par amount, each with October 1, 1937, and  
subsequent coupons attached,

upon surrender to such Clerk for cancellation the bonds above described.

F. E. KENNAMER  
UNITED STATES DISTRICT JUDGE

ENDORSED: Filed Feb 27 1940  
H. P. Warfield, Clerk  
U. S. District Court

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Court adjourned to February 28, 1940

On this 28th day of February, A. D. 1940, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1940 Term at Tulsa, met pursuant to adjournment, Hon. F. E. Kennamer and Hon. Alfred P. Murrah, Judges, present and presiding.

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

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

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

Isaac Barton,	Plaintiff,	)
vs.		) No. 199 Civil
Dr. A. Ray Wiley,	Defendant.	)

ORDER OF DISMISSAL

This matter coming on for hearing this 28th day of February, 1940, upon the motion to dismiss filed by the plaintiff herein; and it being made to appear to the Court that all of the matters and things in controversy in this cause have been fully settled and determined between the parties, and the Court being fully advised in the premises,

IT IS ORDERED that this cause be, and it is hereby, dismissed, with prejudice to any future action in the premises.

F. E. KENNAMER  
JUDGE

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

O.K. GIBSON & HOLLEMAN  
Attorneys for Defendant

ENDORSED: Filed Feb 28 1940  
H. P. Warfield, Clerk  
U. S. District Court DC

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

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

O R D E R

On this 28th day of February, 1940, this matter coming on before me,

IT IS ORDERED that the Receiver, Joseph R. McGraw, be, and he is hereby, authorized and directed to pay a distribution of 25% per unit to all unit-holders of Associated Petroleum Properties and Provident Trust, each a Trust Estate.

F. E. KENNAMER  
JUDGE

ENDORSED: Filed Feb 28 1940  
H. P. Warfield, Clerk  
U. S. District Court AC

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

FRANK VAN AMBURGH,	Plaintiff,	)	
		)	
vs.		)	No. 333 - Civil
		)	
MASSACHUSETTS MUTUAL LIFE INSURANCE COMPANY, a corporation,	Defendant.	)	

ORDER REQUIRING DEFENDANT TO PERMIT PLAINTIFF TO INSPECT  
AND PHOTOGRAPH PROPERTY

On this 28th day of February, 1940, this cause came on to be heard upon the motion of plaintiff for an order to require defendant to permit plaintiff to inspect and photograph property, and it appearing to the court that plaintiff has duly served notice on said defendant that said motion would be heard on this day and the plaintiff appearing by his counsel, Eben L. Taylor, and the defendant not appearing, and it further appearing to the court that the defendant is the owner of the building located in the City of Tulsa, State of Oklahoma, at the intersection of Second Street and Boston Avenue in said city, known as the Central National Bank Building, and that Ed B. Shannon, is the agent of defendant in charge of said building, and that plaintiff has shown good cause for an order requiring defendant to permit plaintiff to enter upon said building and take photographs and measurements as prayed for in said motion.

IT IS THEREFORE ORDERED by the court that the defendant and the said Ed B. Shannon, its agent in charge of said building, and its other agents and servants, be and they are hereby ordered to permit and allow the plaintiff and such persons as he may select to enter into said Central National Bank Building located as aforesaid and to take measurements and photographs of the ground floor of said building and the basement thereof, including the elevator shaft running from the ground floor to the basement in said building, either on Thursday, February 29, 1940, or Friday, March 1, 1940, between the hours of ten o'clock A.M., and one o'clock P. M. of either of said days.

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

ENDORSED: Filed Feb 28 1940  
H. P. Warfield, Clerk  
U. S. District Court DC

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

United States of America,	Libelant,	)	
		)	
vs.		)	NO. 341 CIVIL
		)	
One 1937 Model Ford Coupe Automobile, Motor No. 18-4,080,194; Fifty-five cases of assorted taxpaid intoxicating liquors seized therein; Oscar E. Teague,	Claimant.	)	

ORDER FOR MONITION

Now on this 28th day of February, 1940, it appearing to the court that the said 1937 Model Ford Coupe automobile, Motor No. 18-4,080,194, and approximately fifty-five cases, that is to say, approximately one hundred seventy-six gallons of assorted taxpaid intoxicating liquors

containing more than four per centum (4%) of alcohol by volume, was seized at a point about four miles west of Kansas, Oklahoma, on Oklahoma State Highway, No 33 in Delaware County, State of Oklahoma, Northern Judicial District of Oklahoma and within the jurisdiction of this court, on November 29, 1939, by William F. Wolverton and John W. Sawyer, Investigators in the Alcohol Tax Unit, Bureau of Internal Revenue of the United States for the State of Oklahoma, by virtue of their said offices and in accordance with the provisions of law in such case made and provided; while said automobile was being used by Oscar P. Teague for transportation of such intoxicating liquors from West Memphis, in the State of Arkansas, into and to the aforesaid described point of seizure;

It further appearing that thereupon said property was appraised at more than Five Hundred Dollars ( \$500.00) whereupon plaintiff has instituted libel action herein and requests issuance of monition notifying claimant, Oscar P. Teague, 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 Oscar P. Teague 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 he may have, why said automobile and intoxicating liquors should not be forfeited to libellant under provisions of Section 224, Title 27, United States 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 to be 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 Feb 28 1940  
H. P. Warfield, Clerk  
U. S. District Court B

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

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

ORDER AUTHORIZING TRUSTEE TO ACCEPT DEED TO REAL ESTATE IN SATISFACTION OF INDEBTEDNESS

On this 28th day of February, 1940, the application of J. E. McBirney, Successor Trustee, for authority to accept a deed in satisfaction of indebtedness, and it appearing that among the assets coming into the possession of J. E. McBirney, Successor Trustee, was a note executed by Clara May Middlecoff to the Exchange National Company, dated October 18, 1930, upon which the principal sum of One Thousand Six Hundred Ninety One & 70/100 Dollars (\$1,691.70) is due, together with interest at the rate of 6 1/2% per annum from September 1, 1932, and that said note is secured by a first and prior real estate mortgage covering

Lot Thirteen (13) in Ozarka Place Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof;

and it further appearing that cause No. 60818 was instituted in the District Court of Tulsa County, Oklahoma by Standard Roofing & Material Company, a corporation, as plaintiff, against Clara May Middlecoff and J. H. McBirney, Successor Trustee, and that said action had as its purpose the foreclosure of sidewalk warrants or bonds which constituted liens against the said real estate, above described, and that in said action J. H. McBirney, Successor Trustee, filed his answer and cross-petition, and sought judgment upon said note, and for the foreclosure of the real estate mortgage; and that said action has not gone to judgment; and it further appears that Clara May Middlecoff has paid and discharged the sidewalk bonds or warrants; and it further appearing that Clara May Middlecoff has offered to deed the said real estate above described to J. H. McBirney, Successor Trustee, in satisfaction of said note indebtedness; and it appearing that taxes approximating the sum of Eight Hundred Dollars (\$800.00) constitute a lien against said real estate, and that the acceptance of title thereto must be subject to said tax indebtedness; and it further appearing that Clara May Middlecoff is a very aged woman, who has been the recipient of public relief, and is without means of paying said indebtedness, and is without other property or assets from which the said indebtedness may be collected; and it further appearing that the said real estate above described is improved with a small frame house, containing four rooms, and a small duplex, and that all of said improvements are in a bad state of repair; and it further appearing that the said real estate is not equal in value to the said indebtedness, but that the only means of obtaining payment of said note indebtedness is the said real estate mortgage to secure the same, and that the acceptance of said deed will result in a saving of the foreclosure expense, as well as the delay incidental to completing the same; and it further appearing that the members of the Advisory Committee, appointed by this court, upon whom notice shall be given of transactions involving real estate, have been duly notified of the offer of Clara May Middlecoff to deed said real estate to said trustee, and having considered the same and have recommended that said trustee accept said deed; and it further appearing that in the opinion of the trustee it is to the best interest of said trust and its beneficiaries to accept said deed and avoid the expense of foreclosure, and for other good cause,

IT IS ORDERED that J. H. McBirney, Successor Trustee, be and he is hereby authorized to accept deed from Clara May Middlecoff, transferring and conveying to him, as trustee, fee simple title to

Lot Thirteen (13) in Ozarka Place Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof,

in satisfaction of the said indebtedness of Clara May Middlecoff.

IT IS FURTHER ORDERED that said J. H. McBirney, Successor Trustee, hold and retain title to said real estate as an asset and property of said trust, until the further order of the court pertaining to the disposition thereof.

F. E. KENNAMER  
United States District Judge

ENDORSED: Filed Feb 28 1940  
H. P. Warfield, Clerk  
U. S. District Court M E

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 28th day of February, 1940, upon the application of J. H. McBirney, Successor Trustee, for authority to sell real estate; and it appearing to the court that among the assets coming into the hands of the Trustee were notes executed by the Exchange Mortgage & Investment Company, as makers, to the Exchange National Company, for the total principal sum of Four Thousand Five Hundred Dollars (\$4,500.00); that said notes were secured by a first and prior real estate mortgage covering the following described real estate, to-wit:

Lot Nineteen (19) in Block Three (3) in Sunrise Terrace Addition  
to the City of Tulsa, Tulsa County, Oklahoma;

that because of the inability of said Trustee, J. H. McBirney, to collect said notes, he instituted cause No. 58895 in the District Court of Tulsa County, Oklahoma, against the makers of said note, to-wit, Exchange Mortgage & Investment Company, and W. L. Brockman and Ewing Brockman, purchasers of said real estate, subject to said mortgage indebtedness, from the Exchange Mortgage & Investment Company; that the said trustee obtained judgment in said cause on the 6th day of October, 1938, against Exchange Mortgage & Investment Company for the principal sum of Four Thousand Four Hundred Dollars (\$4,400.00), and interest to the date of judgment in the sum of One Thousand Seven Hundred Forty Two & 38/100 Dollars (\$1,742.38), and for the further sum of Four Hundred Forty Dollars (\$440.00) attorney's fees, and for the costs of the action, less a credit of Four & 58/100 Dollars (\$4.58), and a judgment against Ewing Brockman and W. L. Brockman for the sum of One Hundred Twenty Five Dollars (\$125.00) in accordance with an agreement and settlement of said liability, which latter sum has been paid and credited upon said judgment, and for the foreclosure of the said real estate mortgage.

The court further finds that the said Trustee, J. H. McBirney, purchased the said real estate from the Sheriff of Tulsa County, Oklahoma, who sold the same pursuant to appropriate proceedings therefor, and that the said J. H. McBirney, as Successor Trustee to the Exchange National Bank of Tulsa, Oklahoma, is the owner and holder of legal title to said real estate and improvements.

The court further finds that said real estate is improved with a one-story brick dwelling, 30' x 36', containing shingle roof and concrete foundation, five rooms, breakfast room and bath, as well as a one-story frame, dwelling, located on the rear of said lot, containing shingle roof, cement block foundation, four rooms and bath, being 20' x 36', and that said real estate is further improved with a frame garage, 18' x 20', containing shingle roof, foundation and dirt floor.

The court further finds that J. H. McBirney, Successor Trustee, has an offer from Annie Alice Stevens for the purchase of said real estate for the sum of Four Thousand One Hundred Dollars (\$4,100.00), to be paid, One Thousand Dollars (\$1,000.00) upon execution and delivery by the said Trustee of a Trustee's special warranty deed, and the balance and remainder, to-wit, Three Thousand One Hundred Dollars (\$3,100.00) at the rate of Sixty Dollars (\$60.00) per month, plus interest, but all of said unpaid balance to mature and be payable within three years and to be evidenced by a promissory note and to be secured by a first and prior real estate mortgage covering said real estate and improvements.

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 of said trust, 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 consideration and upon said terms.

The court further finds that the sale of said real estate was arranged by Tom B. Matthews, a real estate broker in the City of Tulsa, Oklahoma, who is entitled to compensation for said services; that five per cent (5%) of the sales price of said real estate is reasonable compensation therefor, and that the said Tom B. Matthews should be paid said real estate brokerage commission.

The court further finds that the said trustee has not had a higher or better price for the purchase of said real estate; and that said trust is in liquidation, and that it is to the best interest of said trust and its beneficiaries that said trustee sell said real estate for said consideration and upon said terms, and for other good cause.

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

Lot Nineteen (19) in Block Three (3) in Sunrise Terrace  
Addition to the City of Tulsa, Tulsa County, Oklahoma,

to Annie Alice Stevens, for the sum of Four Thousand One Hundred Dollars (\$4,100.00), payable as follows: One Thousand Dollars (\$1,000.00) upon delivery to her of a Trustee's special warranty deed, and the remainder, to-wit: Three Thousand One Hundred Dollars (\$3,100.00), to be payable at the rate of Sixty Dollars (\$60.00) per month, together with interest, but all of said unpaid balance to mature and be payable within three years, and said unpaid balance to be secured by a first and prior real estate mortgage covering the said real estate and improvements, in a form and subject to the conditions required by said trustee.

IT IS FURTHER ORDERED that the sale by J. H. McBirney, Successor Trustee, of the real estate above described, to Annie Alice Stevens, 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 execute and deliver a Trustee's special warranty deed to Annie Alice Stevens, transferring and conveying said real estate above described to the said Annie Alice Stevens, upon receiving from the said Annie Alice Stevens the sum of One Thousand Dollars (\$1,000.00), and a promissory note for the sum of Three Thousand One Hundred Dollars (\$3,100.00) payable at the rate of Sixty Dollars (\$60.00) per month, plus interest, but all of said unpaid balance to mature and be payable within three years from its date, and a first and prior real estate mortgage, in a form required by said trustee, covering the above described real estate and improvements, as security for the payment of said note.

IT IS FURTHER ORDERED that J. H. McBirney, Successor Trustee, be and he is hereby authorized to pay to Tom B. Matthews a real estate brokerage commission of five per cent (5%) upon said sales price, as compensation in full for his said services as real estate broker herein.

F. E. KENNAMER  
United States District Judge

ENDORSED: Filed Feb 28 1940  
H. P. Warfield, Clerk  
U. S. District Court ME

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

HOWARD GRAY, as Executor of the Estate  
of Julia S. Pearman, deceased,

Plaintiff,

vs.

EXCHANGE NATIONAL COMPANY, a  
corporation, et al,

Defendants.

)  
)  
) No. 377 Equity  
)  
)  
)

O R D E R

On this 28th day of February, 1940, upon the application of F. A. Bodovitz, for a temporary and interim allowance for services as attorney for J. H. McBirney, Successor Trustee herein, and it appearing that said F. A. Bodovitz has been performing the services as attorney for said Trustee and said trust estate, and that said Attorney has been engaged in the performance of said services from the 4th day of December, 1933, to date, and that said attorney has heretofore been allowed and has received temporary allowances and payments upon compensation for said services; and it further appearing that the members of the Advisory Committee, appointed by this Court to counsel and advise with said Trustee, have been notified of the application and request of said F. A. Bodovitz for a partial allowance upon said attorney's fees, and have considered the same, and have approved said allowance; and it further appearing that the said payment is reasonable and that said F. A. Bodovitz is entitled to payment upon account for said services performed, and for other good cause,

IT IS ORDERED that J. H. McBirney, Successor Trustee herein, be and he is hereby authorized and directed to pay to F. A. Bodovitz the sum of Five Thousand Dollars (\$5,000.00) on account of legal services performed for said Trustee and said trust estate.

IT IS FURTHER ORDERED that said Trustee, J. H. McBirney, pay said sum of Five Thousand Dollars (\$5,000.00) from funds in his hands as such Trustee herein, and that said Trustee be allowed credit in his said accounts for said payment.

F. E. KENNAMER  
United States District Judge

ENDORSED: Filed Feb 28 1940  
H. P. Warfield, Clerk  
U. S. District Court AC

-----  
Court adjourned to February 29, 1940



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

Alonzo Burr Whiteley,

Plaintiff,

vs.

Mid-Continent Petroleum Corporation,  
a corporation, and Cosden Pipe Line  
Company, a corporation,

Defendants.

No. 76 - Civil

O R D E R

NOW, on this 29th day of February, 1940, it being made to appear that the above named defendant, Cosden Pipe Line Company has filed its Notice of Appeal from the final judgment rendered herein upon the 19th day of January, 1940, and has also filed a good and sufficient Supersedeas Bond which the Court has previously accepted and approved.

IT IS, THEREFORE, HEREBY ORDERED that the Execution upon the final judgment entered herein upon the 19th day of January, 1940 in favor of the above named plaintiff and against the above named defendant be, and the same is, hereby stayed during the pendency of the appeal and until the further order of the Court.

F. E. KENNAMER  
U. S. DISTRICT JUDGE

ENDORSED: Filed Feb 29 1940  
H. P. Warfield, Clerk  
U. S. District Court Me

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

Alonzo Burr Whiteley,

Plaintiff,

vs.

Mid-Continent Petroleum Corporation, a  
corporation, and Cosden Pipe Line Company,  
a corporation,

Defendants.

No. 76 Civil

O R D E R

NOW, on this 29th day of February, 1940, upon application of the defendant, Mid-Continent Pipe Line Company, a corporation (formerly named Cosden Pipe Line Company, a corporation) and for good cause shown, the Court in its discretion hereby extends the time for filing the record on appeal and docketing this action in the Circuit Court of Appeals for the Tenth Circuit for a period of fifty (50) days from and after this date, in addition to the forty (40) days' time allowed therefor under Rule 73 (g) of the Rules of Civil Procedure for the District Courts of the United States.

F. E. KENNAMER  
JUDGE

ENDORSED: Filed Feb 29 1940  
H. P. Warfield, Clerk  
U. S. District Court ME

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

B. & M. CONSTRUCTION CORPORATION,  
an Oklahoma corporation,

)  
Plaintiff, )

vs.

No. 109 - CIVIL

ILLINOIS ELECTRIC PORCELAIN CO.,  
a foreign corporation,

)  
Defendant. )

ORDER SUSTAINING MOTION TO DISMISS ACTION

NOW on this 29th day of February, 1940, this cause comes on for hearing in its regular order upon the motion of the defendant herein to dismiss this action; the defendant appearing by its attorneys, Tucker & Martin, and the plaintiff fails to appear; and it appearing to the Court and the Court finding that due notice of the hearing of said motion has been given to the attorneys of record for the plaintiff herein, and the Court being fully advised in the premises, and on consideration thereof, finds that such motion should be sustained, on the ground that the amended complaint filed by the plaintiff herein fails to state a claim against the defendant upon which relief can be granted and on the further ground that the plaintiff has failed to prosecute this action, as required by law and by the rules of Civil Procedure for the District Courts of the United States, in that on the 4th day of October, 1939, a motion of the defendant to dismiss this action on the ground that said amended complaint failed to state a claim against said defendant upon which relief could be granted, was heard and considered by the Court, and at the request of the plaintiff, the Court's ruling on said motion was deferred and the Court entered an order granting to the plaintiff ten (10) days from October 4, 1939, in which to amend its complaint herein, and that the plaintiff has not filed an amended complaint herein since the 4th day of October, 1939, and that the time granted by the Court in which to file the same has not been extended by any subsequent order of this Court.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED by the Court that the motion of the defendant to dismiss this action be and the same is hereby sustained, and that this action be and the same is hereby dismissed.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED by the Court that the order of attachment issued in this cause prior to the removal thereof to this Court and the attachment of personal property made by the Sheriff of Craig County, Oklahoma, thereunder, be and the same are hereby discharged, vacated, set aside and held for naught.

IT IS FURTHER ORDERED that the defendant recover from the plaintiff the accrued costs of this action, taxed at \$40.40, and all accruing costs herein, for which let execution issue.

F. E. KENNAMER  
JUDGE

ENDORSED: Filed Mar 9 1940  
H. P. Warfield, Clerk  
U. S. District Court AC



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

Euell Lynch,	Plaintiff,	)	
		)	
vs.		)	
		)	No. 296 Civil
Arch Evans, Riss and Company, Incorporated,		)	
and Subscribers At Casualty Reciprocal Ex-		)	
change, a mutual insurance association,		)	
	Defendants.	)	

JOURNAL ENTRY

NOW on the 29th day of February, 1940, the above cause comes on for hearing upon the motion of defendant Arch Evans for a more definite statement, each of the parties to said cause being present by counsel. And after argument of counsel, the court does over-rule said motion.

F. E. KENNAMER  
 United States Judge

ENDORSED: Filed Mar 9 1940  
 H. P. Warfield, Clerk  
 U. S. District Court ME

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

OLLIE TURNER, ET AL.,	Plaintiffs,	)	
		)	
vs.		)	# 335 - Civil
		)	
CRIME DETECTIVE, a corporation, et al,		)	
	Defendants.	)	

O R D E R

NOW on this 29th day of February, 1940, the above entitled cause comes on for hearing pursuant to assignment upon the Motion of the defendant, The American News Company, a corporation, for a more definite statement. The parties appear by their respective counsel and the Court, after being fully advised in the premises finds that said Motion should be granted.

It is, therefore, ORDERED and DECREED that the Motion of Defendant, The American News Company, for a more definite statement heretofore filed herein be and the same hereby is sustained. Upon request of the plaintiffs they are granted ten (10) days from this date within which to file an Amended Petition herein and the defendant, The American News Company, a corporation, is granted ten (10) days thereafter in which to plead or answer.

F. E. KENNAMER  
 JUDGE

APPROVED: GEO. W. REED, JR.,	C. H. ROSENSTEIN	
Attorney for Plaintiffs	Attorney for Defendant,	
	The American News Company	

ENDORSED: Filed Mar 2 1940  
 H. P. Warfield, Clerk, U. S. District Court H

Court adjourned to March 1, 1940

On this 1st day of March, A. D. 1940, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1940 Term at Tulsa, not pursuant to adjournment, Hon. F. E. Kennamer, Judge, and Hon. Alfred P. Murray, 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

Swede Flemming,	Plaintiff,	)	
		)	
vs.		)	
		)	
United States Fidelity and Guaranty Company, a corporation,		)	No. 208 Civil
Defendant and Thirty Party Plaintiff,		)	
vs.		)	
Jap Holland,	Thirty party Defendant.	)	

ORDER OF DISMISSAL

Now on this 1st day of March, 1940, the above entitled cause came on for hearing upon the motion of the plaintiff, Swede Flemming, to dismiss this cause as to the defendant, United States Fidelity and Guaranty Company, with prejudice; and upon the motion of the defendant, United States Fidelity and Guaranty Company, to dismiss its cross-complaint against Jap Holland, third party defendant herein, without prejudice;

And the Court being fully advised in the premises,

IT IS THEREFORE ORDERED AND ADJUDGED that this action is hereby dismissed with prejudice as to any demand of the plaintiff against United States Fidelity and Guaranty Company; and the action of United States Fidelity and Guaranty Company against the third party defendant Jap Holland is hereby dismissed without prejudice.

F. E. KENNAMER  
JUDGE

OK N. A. GIBSON Atty for U. S. F. & G. Co.  
OK GEORGE CROOM, Atty for Swede Flemming

ENDORSED: Filed Mar 1 1940  
H. P. Warfield, Clerk  
U. S. District Court E

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

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

vs.

No. 252 Civil

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

PRE-TRIAL ORDER

Now on this 15th day of February, 1940, the above matter comes on to be heard before the Court on pre-trial proceedings. Plaintiff appeared by their attorneys, Eugene B. Smith and C. J. Davenport. Defendants appeared by their attorneys, John R. Miller and L. O. Lytle. Thereupon, certain proceedings were had which were taken down by the official court reporter of this Court.

IT IS, THEREFORE, ordered by the Court that the transcript of such proceedings as taken down by the court reporter, be filed in this cause as pre-trial proceedings.

That defendant s be allowed and granted twenty (20) days from this date within which to designate the items of plaintiff's account which they intend to contest and to file a brief thereon

That thereafter, plaintiffs be allowed and granted ten (10) days within which to file and answer brief.

That thereafter, defendants be allowed and granted five (5) days within which to reply to plaintiffs' answer brief.

F. E. KENNAMER  
JUDGE

OK C. J. DAVENPORT WILKERSON & SMITH by Eugene B. Smith  
ATTORNEYS FOR PLAINTIFFS

O.K. JOHN R. MILLER, L. O. LYTLE  
ATTORNEYS FOR DEFENDANTS

ENDORSED: Filed Mar 1 1940  
H. P. Warfield, Clerk  
U. S. District Court B

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

I. E. Nelson, Trustee,	Plaintiff,	)
		)
vs.		) No. 1266 - Equity
		)
Sapulpa Gas Company,	Defendant,	)

O R D E R

On this 1st day of March, 1940, this cause came on to be heard upon the application of Philip R. Schul for disbursement of funds to him by the Clerk of this Court from funds in the hands of said clerk for disbursement to bondholders of defendant, Sapulpa Gas Company;

And it appearing to the court that the said Philip R. Schul has presented proper proof of ownership of the hereinafter described bond and coupons of said Sapulpa Gas Company, to-wit:

First Mortgage Five Per Cent Gold Bond No. 305 C of the face value of \$114.00, together with 39 semi-annual coupons attached thereto, of the face value of \$2.85 each; and

11 coupons detached from Bond No. 540 D, of the face value of Thirteen Cents (\$0.13) each;

All as more particularly described in the application of said Philip R. Schul;

IT IS, THEREFORE Ordered by the court that H. P. Warfield, Clerk of this Court, be, and he hereby is, authorized and directed to pay and disburse to said Philip D. Schul, as the true and lawful owner of said bond and coupons, from the available funds in the hands of said Clerk, such pro rata share of the funds properly disburseable to owners of bonds of said Sapulpa Gas Company as he may be entitled to receive as owner of said bond and coupons above described.

F. E. KENNAMER  
JUDGE

ENDORSED: Filed Mar 1 1940  
H. P. Warfield, Clerk  
U. S. District Court E

-----  
Court adjourned to March 4, 1940



the 4th day of March, 1940, and the court hereby confirmed the said quitclaim deed and the said authority should be granted and the said receiver authorized to execute said quitclaim deed covering the property hereinafter described.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Court that T. P. Turner, receiver of Exchange National Bank, is hereby authorized to execute quitclaim deed to Trust Savings Company covering the following described property, to-wit:

Lots 1, 2, 3, 14, 15, 16, and 17, in Block 8 Reservoir Hill Addition to the City of Tulsa, and Lots 6, 7, and 11 in Block 1 Reservoir View Addition to the City of Tulsa, both in Tulsa County, State of Oklahoma, according to the recorded plat thereof;

The said quitclaim deed shall be for a consideration of \$25 to be paid to the receiver.

ALFRED P. MURRAY  
JUDGE

ENDORSED: Filed Mar 4 1940  
H. P. Warfield, Clerk  
U. S. District Court E

-----  
Court adjourned to March 5, 1940

On this 4th day of March, A. D. 1940, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular March 1940 Term at Vinita met pursuant to adjournment, Hon. F. E. Kennamer, Judge, present and presiding.

H. P. Warfield, Clerk, U. S. District Court  
Wm. Knight Powers, Assistant U. S. Attorney  
Al R. Cottle, Chief Deputy U. S. 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

TO THE HONORABLE FRANKLIN E. KENNAMER, Judge  
of the United States District Court for the  
Northern District of Oklahoma.

Sir:

In accordance with the law, I hereby respectfully report the condition of the Registry Fund of this Court at the close of business March 2, 1940.

Balance in the First National Bank & Trust Company of  
Tulsa, Oklahoma, at the close of business February 27, 1937

\$34,653.94

Received since Feb. 27, 1937:		
Apr. 23, 1937	Royal Neighbors of America	500.00
Sep. 14, 1937	The Travelers Insurance Co.	788.26
Oct. 18, 1937	Supt. of Ins. of N. Y.	42.00
Apr. 7, 1938	First National Bank and Trust Co.	3.00
Apr. 7, 1938	First National Bank and Trust Co.	.46
May 13, 1938	General American Life Insurance Co.	6,000.00
July 15, 1938	H. P. Warfield, Clerk	3.00
Aug. 31, 1938	Supt. of Insurance of State of New York	44.76
Oct. 12, 1938	W. P. Smith, U. S. C. Steven King	1,500.00
Oct. 12, 1938	W. P. Smith, U. S. C. Steven King	1,500.00
Nov. 10, 1938	National Bank of Tulsa	7.93
Nov. 10, 1938	First National Bank and Trust Co.	.33
Nov. 10, 1938	First National Bank and Trust Co.	1.60
Nov. 10, 1938	R. E. Bunyan	1,500.00
Jan. 3, 1939	Roscoe E. Harper	24.75
Jan. 5, 1939	Petroleum Royalties Co. a Trust Estate	35,000.00
Apr. 10, 1939	Treasurer of United States	50.00
May 9, 1939	Treasurer of United States	3,500.00
May 18, 1939	Gulf Oil Corporation	2,500.00
May 18, 1939	Galvez Oil Corporation	2,500.00
May 22, 1939	Mid-Continent Petroleum Corp.	3,000.00
May 25, 1939	Treasurer of United States	480.00
May 31, 1939	Skelly Oil Co.	3,200.00
June 1, 1939	Treasurer of United States	1,459.60
June 14, 1939	Treasurer of United States	280.00
May 26, 1939	Treasurer of United States	200.00
June 26, 1939	Treasurer of United States	20.00
July 6, 1939	Treasurer of United States	1,198.20
July 14, 1939	Treasurer of United States	760.00
July 14, 1939	Treasurer of United States	480.20
July 14, 1939	Treasurer of United States	980.00
July 21, 1939	First National Bank and Trust Co.	21.26
Aug. 8, 1939	W. P. Smith, U. S. Commissioner	500.00
Aug. 25, 1939	National Life Company	1,000.00
Nov. 25, 1939	Grand River Dam Authority	2,002.00
Nov. 25, 1939	Grand River Dam Authority	7,325.00
Nov. 25, 1939	Grand River Dam Authority	3,520.00
Nov. 25, 1939	Grand River Dam Authority	8,535.00
Nov. 25, 1939	Grand River Dam Authority	3,510.00
Nov. 25, 1939	Grand River Dam Authority	3,875.00
Dec. 6, 1939	Grand River Dam Authority	12,025.00
Dec. 6, 1939	Grand River Dam Authority	14,755.00
Dec. 6, 1939	Grand River Dam Authority	4,950.00
Dec. 6, 1939	Grand River Dam Authority	5,000.00
Dec. 6, 1939	Grand River Dam Authority	12,590.00
Dec. 6, 1939	Grand River Dam Authority	12,115.00
Dec. 6, 1939	Grand River Dam Authority	6,640.00
Dec. 6, 1939	Grand River Dam Authority	1,800.00
Dec. 6, 1939	Grand River Dam Authority	13,185.00
Dec. 11, 1939	W. P. Smith, U. S. Commissioner	500.00
Dec. 12, 1939	Grand River Dam Authority	5,805.00
Dec. 14, 1939	Grand River Dam Authority	4,292.00
Dec. 14, 1939	Grand River Dam Authority	3,450.00
Dec. 14, 1939	Grand River Dam Authority	11,443.50
Dec. 14, 1939	Grand River Dam Authority	6,975.00
Dec. 16, 1939	Grand River Dam Authority	6,890.00
Dec. 16, 1939	Grand River Dam Authority	20.02
Dec. 16, 1939	Grand River Dam Authority	73.25

Dec. 16, 1939	Grand River Dam Authority	35.20
Dec. 16, 1939	Grand River Dam Authority	85.35
Dec. 16, 1939	Grand River Dam Authority	35.10
Dec. 16, 1939	Grand River Dam Authority	38.75
Dec. 16, 1939	Grand River Dam Authority	120.25
Dec. 16, 1939	Grand River Dam Authority	147.55
Dec. 16, 1939	Grand River Dam Authority	49.50
Dec. 16, 1939	Grand River Dam Authority	50.00
Dec. 16, 1939	Grand River Dam Authority	125.90
Dec. 16, 1939	Grand River Dam Authority	121.15
Dec. 16, 1939	Grand River Dam Authority	66.40
Dec. 16, 1940	Grand River Dam Authority	18.00
Dec. 16, 1939	Grand River Dam Authority	131.85
Dec. 18, 1939	Grand River Dam Authority	58.05
Dec. 27, 1939	Grand River Dam Authority	68.90
Dec. 27, 1939	Grand River Dam Authority	42.92
Dec. 27, 1939	Grand River Dam Authority	34.50
Dec. 27, 1940	Grand River Dam Authority	114.43
Dec. 27, 1939	Grand River Dam Authority	69.75
Dec. 28, 1939	Grand River Dam Authority	16,925.00
Dec. 28, 1939	Grand River Dam Authority	28,512.00
Dec. 28, 1939	Grand River Dam Authority	16,830.00
Dec. 28, 1939	Grand River Dam Authority	7,400.00
Dec. 28, 1939	Grand River Dam Authority	6,660.00
Jan. 2, 1940	Grand River Dam Authority	169.25
Jan. 2, 1940	Grand River Dam Authority	285.12
Jan. 2, 1940	Grand River Dam Authority	168.30
Jan. 2, 1940	Grand River Dam Authority	74.00
Jan. 2, 1940	Grand River Dam Authority	66.60
Jan. 6, 1940	Grand River Dam Authority	8,100.00
Jan. 6, 1940	Grand River Dam Authority	6,450.00
Jan. 6, 1940	Grand River Dam Authority	21,943.00
Jan. 13, 1940	Grand River Dam Authority	81.00
Jan. 13, 1940	Grand River Dam Authority	64.50
Jan. 13, 1940	Grand River Dam Authority	219.43
Jan. 18, 1940	United States of America	1,946.23
Jan. 23, 1940	Grand River Dam Authority	9,595.00
Jan. 30, 1940	Grand River Dam Authority	95.95
Feb. 7, 1940	I. E. Nelson, Trustee	22,829.18
Feb. 12, 1940	Grand River Dam Authority	6,505.00
Feb. 12, 1940	Grand River Dam Authority	6,880.00
Feb. 12, 1940	Grand River Dam Authority	7,450.00
Feb. 12, 1940	Grand River Dam Authority	5,325.00
Feb. 16, 1940	Grand River Dam Authority	455.00
Feb. 16, 1940	Grand River Dam Authority	1,275.00
Feb. 16, 1940	Grand River Dam Authority	3,450.00
Feb. 16, 1940	Grand River Dam Authority	8,220.00
Feb. 16, 1940	Grand River Dam Authority	5,700.00
Feb. 16, 1940	Grand River Dam Authority	1,317.80
Feb. 16, 1940	Grand River Dam Authority	8,007.25
Feb. 16, 1940	Grand River Dam Authority	5,050.00
Feb. 16, 1940	Grand River Dam Authority	6,001.15
Feb. 16, 1940	Grand River Dam Authority	2,575.00
Feb. 21, 1940	Grand River Dam Authority	3,990.00
Feb. 24, 1940	Grand River Dam Authority	5,316.00
Feb. 24, 1940	Grand River Dam Authority	65.05
Feb. 24, 1940	Grand River Dam Authority	68.80
Feb. 24, 1940	Grand River Dam Authority	74.50

Feb. 24, 1940	Grand River Dam Authority	53.25
Feb. 27, 1940	Grand River Dam Authority	18,020.00
		TOTAL.....\$500,601.97

## Disbursed since Feb. 27, 1937:

Mar. 22, 1937	Board of Co. Comms of Garfield Co. Okla.	855.42
Mar. 22, 1937	H. P. Warfield, Clerk	8.64
May 18, 1937	A. B. Honnold	50.00
May 18, 1937	H. P. Warfield, Clerk	20.00
May 6, 1937	Lawrence R. Hillard	25.00
May 18, 1937	Stanley Edmister	81.00
May 18, 1937	Eugene H. Goff	324.00
Aug. 16, 1937	Hattie Clark	879.20
Aug. 16, 1937	H. P. Warfield, Clerk	6.77
Oct. 27, 1937	The First National Bank & Trust Co.	1,083.81
Oct. 27, 1937	H. P. Warfield, Clerk	10.95
Jan. 8, 1938	Mable King Siggins	125.00
Jan. 8, 1938	G. S. Coates, Gdn. Edwin Leonard	632.38
Jan. 8, 1938	H. P. Warfield, Clerk	30.88
Jan. 25, 1938	Elizabeth Miller	87.65
Jan. 25, 1938	H. P. Warfield, Clerk	.88
Feb. 21, 1938	Frank C. Brosius	242.30
Feb. 21, 1938	H. P. Warfield, Clerk	2.45
Mar. 23, 1938	Ralph D. Griffin, Special Deputy Commr.	876.55
Mar. 23, 1938	H. P. Warfield, Clerk	8.86
Apr. 25, 1938	L. Rittenoure	96.92
Apr. 25, 1938	H. P. Warfield, Clerk	.98
June 1, 1938	General American Life Insurance Co.	40.00
June 1, 1938	Settle and Clammer	325.00
June 27, 1938	Effie L. Rogers	171.18
June 27, 1938	H. P. Warfield, Clerk	1.73
Aug. 16, 1938	Clayton E. Walker and Rogers Stephenson & Dickason	1,012.50
Aug. 16, 1938	Chas. R. Bostick	4,549.91
Aug. 16, 1938	H. P. Warfield, Clerk	72.59
Dec. 6, 1938	Ferne E. King	1,485.00
Dec. 6, 1938	H. P. Warfield, Clerk	15.00
Dec. 6, 1938	Ferne E. King	1,485.00
Dec. 6, 1938	H. P. Warfield, Clerk	15.00
Jan. 9, 1939	H. C. Colvin, Trustee	24.75
Jan. 14, 1939	Sam S. Canterbury	23,583.30
Jan. 14, 1939	H. P. Warfield, Clerk	237.86
Jan. 25, 1939	R. E. Bunyan	1,485.00
Jan. 25, 1939	H. P. Warfield, Clerk	15.00
May 17, 1939	John A. Wood and Carrie Wood, his wife	33.50
May 17, 1939	County Treasurer of Delaware County, Oklahoma	16.50
June 15, 1939	H. P. Warfield, Clerk	112.21
June 15, 1939	Murphy Oil Co.	693.00
June 15, 1939	Garrett Logan	500.00
June 15, 1939	Ramsey Martin and Logan	358.80
June 15, 1939	George Lessley	10.00
June 15, 1939	Pat King	10.00
June 15, 1939	Community State Bank Bristow, Okla.	1,430.11
June 15, 1939	A. M. Frierson, Bristow, Okla.	1,185.17
June 15, 1939	R. R. Kirchner	485.92
June 15, 1939	Morris Plan Co.	504.41

June 15, 1939	Fred J. Haynes	436.14
June 15, 1939	Bovaird Supply Co.	175.26
June 15, 1939	Skelly Oil Co.	580.74
June 15, 1939	Murray Tool & Supply Co.	1,424.44
June 15, 1939	Jesse G. Ball	23.23
June 15, 1939	J. M. Ramsey	18.96
June 15, 1939	Fred Ramsey	153.94
June 15, 1939	Harry Hubbard	23.70
June 15, 1939	Paul E. Conley	160.98
June 15, 1939	Jack Trower	9.86
June 15, 1939	General Machine & Tool Co.	208.03
June 15, 1939	Halliburton Oil Well Cementing Co.	426.66
June 15, 1939	Perdue Tank Co.	78.22
June 15, 1939	Iverson Tool Co.	47.41
June 15, 1939	E. F. Landgraf	299.65
June 15, 1939	J. B. Gabbert Oil Co.	47.52
June 15, 1939	James G. Crocker	67.11
June 15, 1939	C. E. Yearly	349.09
June 15, 1939	John M. Miller	19.48
June 15, 1939	Raymond Croft	237.04
June 15, 1939	Atlas Supply Co.	51.87
June 15, 1939	Sunray Oil Corp.	47.41
June 15, 1939	American National Bank of Bristow	142.22
June 15, 1939	International Supply Co.	356.96
June 15, 1939	Pearce, Porter and Martin	179.78
June 15, 1939	J. W. Clarke and Ted Kyster	344.68
July 19, 1939	First National Bank & Trust Co.	434.21
July 19, 1939	H. P. Warfield, Clerk	4.39
Aug. 23, 1939	Geo. B. Schwabe	200.00
Aug. 23, 1939	County Treasurer of Delaware County	80.00
Oct. 3, 1939	National Life Co. of Des Moines, Iowa	45.00
Oct. 3, 1939	Harry Campbell	75.00
Oct. 5, 1939	A. E. Sinclair	75.00
Oct. 5, 1939	The County Treasurer of Delaware County	100.27
Oct. 5, 1939	The Clerk of the District Court of Delaware Co.	18.45
Oct. 5, 1939	Sapsucker Moise	200.00
Oct. 5, 1939	Supt. of Five Civilized Tribes	366.28
Oct. 13, 1939	Aubrey O. McKinley	495.00
Oct. 13, 1939	H. P. Warfield, Clerk	5.00
Oct. 19, 1939	Petroleum Royalties Co. a Trust Estate	34,650.00
Oct. 19, 1939	H. P. Warfield, Clerk	350.00
Nov. 13, 1939	F. W. Sunderwirth, Cashier of Five Civilized Tribes	480.00
Nov. 13, 1939	F. W. Sunderwirth, Cashier of Five Civ. Tribes	80.00
Nov. 13, 1939	F. W. Sunderwirth, Cashier of Five Civ. Tribes	20.00
Nov. 13, 1939	County Treasurer of Delaware County, Oklahoma	20.00
Nov. 13, 1939	F. W. Sunderwirth, Cashier of Five Civ. Tribes	687.60
Nov. 13, 1939	H. P. Warfield, Clerk	2.00
Nov. 14, 1939	Bong-Bell Lumber Co.	1,000.00
Nov. 14, 1939	Ray McElhinney	100.00
Nov. 14, 1939	Sturm Clothing Co.	75.00
Nov. 14, 1939	D. C. Sellers, Ex. estate of L. E. Gibson, Dec'd	350.00
Nov. 14, 1939	County Treasurer of Creek County, Okla.	191.14
Nov. 14, 1939	County Treasurer of Creek County, Okla.	310.72
Nov. 14, 1939	County Treasurer of Creek County, Okla.	150.00
Nov. 14, 1939	H. P. Warfield, Clerk	190.65
Nov. 14, 1939	Edna I. Metz	1,132.49

Dec. 4, 1939	Augusta Norman	878.00
Dec. 4, 1939	H. P. Warfield, Clerk	2.00
Dec. 11, 1939	Board of County Commissioners of Comanche County	3,423.66
Dec. 11, 1939	H. P. Warfield, Clerk	34.58
Dec. 12, 1939	County Treasurer of Delaware County	15.72
Dec. 12, 1939	F. W. Sunderwirth, Cashier of Five Civilized Tribes	34.28
Dec. 12, 1939	County Treasurer of Delaware County	52.09
Dec. 12, 1939	R. B. Schriver	67.91
Dec. 19, 1939	David E. Shartel	532.50
Dec. 19, 1939	Shartel Mortgage Company	30.00
Dec. 19, 1939	Nannie L. Kornegay, ex. estate of W. H. Kornegay	100.00
Dec. 19, 1939	County Treasurer of Delaware County, Okla.	53.03
Dec. 19, 1939	T. H. Cantrell	1,286.47
Dec. 19, 1939	H. P. Warfield, Clerk	20.02
Dec. 21, 1939	D. O. Scott and Lula F. Hastings, as co-exs. estate of W. W. Hastings, deceased	4,860.13
Dec. 21, 1939	First National Bank of Vinita	3,500.00
Dec. 21, 1939	Ross Seabolt and Lottie Seabolt	6,394.87
Dec. 21, 1939	H. P. Warfield, Clerk	147.55
Dec. 21, 1939	County Treasurer of Delaware County	52.75
Dec. 21, 1939	The Federal Land Bank of Wichita	1,435.61
Dec. 21, 1939	H. P. Warfield, Clerk	38.75
Dec. 21, 1939	G. W. Sharp and Nellie Sharp, his wife	8,535.00
Dec. 21, 1939	H. P. Warfield, Clerk	85.35
Dec. 21, 1939	The Federal Land Bank of Wichita	1,281.83
Dec. 21, 1939	Joel E. Herod and Josie Herod, his wife	3,718.17
Dec. 21, 1939	H. P. Warfield, Clerk	50.00
Dec. 21, 1939	County Treasurer of Delaware County	50.00
Dec. 21, 1939	Commissioners of Land Office of State of Okla.	210.00
Dec. 21, 1939	Lawford L. Browning and Ruby Browning, his wife	4,690.00
Dec. 21, 1939	H. P. Warfield, Clerk	49.50
Dec. 21, 1939	County Treasurer of Delaware County, Okla.	22.29
Dec. 21, 1939	Reuben R. Huffaker & Bessie B. Huffaker, his wife	1,777.71
Dec. 21, 1939	H. P. Warfield, Clerk	18.00
Dec. 21, 1939	Dorothy Huss personally and as Admr.	2,386.64
Jan. 5, 1940	Federal Land Bank of Wichita	678.86
Jan. 5, 1940	Commissioners of Land Office of State of Okla.	668.76
Jan. 5, 1940	Alice Chanley and Elmer Chanley	10,095.88
Jan. 5, 1940	H. P. Warfield, Clerk	114.43
Jan. 5, 1940	County Treasurer of Delaware County	113.00
Jan. 5, 1940	The Federal Land Bank of Wichita	1,517.45
Jan. 5, 1940	Land Bank Commissioner	867.18
Jan. 5, 1940	J. F. Seabolt and Mosell Seabolt	1,794.37
Jan. 5, 1940	H. P. Warfield, Clerk	42.92
Jan. 8, 1940	H. P. Warfield, Clerk	68.90
Jan. 8, 1940	The Federal Land Bank of Wichita	2,849.89
Jan. 8, 1940	Bank of Grove	725.00
Jan. 8, 1940	County Treasurer of Delaware County	10.05
Jan. 8, 1940	M. R. Schrantz and Lina E. Schrantz	2,715.06
Jan. 8, 1940	Grand River Dam Authority	590.00
Jan. 10, 1940	H. P. Warfield, Clerk	81.00
Jan. 10, 1940	Anna Spangler	2,584.44
Jan. 10, 1940	Clifford Cox	5,434.56
Jan. 15, 1940	The Federal Land Bank of Wichita	7,939.13
Jan. 15, 1940	H. P. Warfield, Clerk	219.43
Jan. 15, 1940	Roy Wood and Sarah Wood	6,450.00
Jan. 15, 1940	H. P. Warfield, Clerk	64.50
Jan. 15, 1940	Clifford Cox	81.00
Jan. 15, 1940	Postmaster, Vinita, Okla.	6.00

Jan. 15, 1940	County Clerk of Delaware County	5.20
Jan. 15, 1940	George W. Cupp	5,888.80
Jan. 15, 1940	Grand River Dam Authority	740.00
Jan. 15, 1940	H. P. Warfield, Clerk	66.40
Jan. 15, 1940	Roy Wood and Sarah Wood	14,003.87
Jan. 18, 1940	The Travelers Life Insurance Co.	8,331.63
Jan. 18, 1940	County Treasurer of Delaware County, Okla.	176.89
Jan. 18, 1940	A. W. McDonald	4,081.48
Jan. 18, 1940	H. P. Warfield, Clerk	125.90
Jan. 18, 1940	The Travelers Insurance Co.	9,519.57
Jan. 18, 1940	H. H. Thompson	7,310.43
Jan. 18, 1940	H. P. Warfield, Clerk	168.30
Jan. 19, 1940	County Treasurer of Delaware County	313.93
Jan. 19, 1940	County Treasurer Ottawa County	12.22
Jan. 19, 1940	Baxter State Bank of Baxter Springs, Kansas	8,206.67
Jan. 19, 1940	G. G. McConkey and Sadie B. McConkey	3,582.18
Jan. 19, 1940	H. P. Warfield, Clerk	121.15
Jan. 22, 1940	Shartel Mortgage Co.	424.00
Jan. 22, 1940	C. F. Tucker and Elsie B. Tucker	3,086.00
Jan. 22, 1940	H. P. Warfield, Clerk	35.10
Jan. 25, 1940	F. W. Sunderwirth, Cashier of Five Civilized Tribes	2,768.63
Jan. 25, 1940	County Treasurer of Delaware County	109.77
Jan. 29, 1940	Commissioner of Land Office	7,162.48
Jan. 29, 1940	The Federal Land Bank of Wichita	1,896.25
Jan. 29, 1940	Land Bank Commissioner	514.11
Jan. 29, 1940	W. M. Herman	426.27
Jan. 29, 1940	Lewis Dubois	18,512.89
Jan. 29, 1940	H. P. Warfield, Clerk	285.12
Jan. 29, 1940	Commissioners of the Land Office	3,271.76
Jan. 29, 1940	O. W. Smithpeter	9,913.24
Jan. 29, 1940	H. P. Warfield, Clerk	131.85
Jan. 29, 1940	Commissioners of Land Office	2,526.71
Jan. 29, 1940	John Curtis Tr. Delaware County	258.41
Jan. 29, 1940	J. L. Going and Maleta Going	9,239.88
Jan. 29, 1940	H. P. Warfield, Clerk	120.25
Jan. 29, 1940	Maude Gibson and A. H. Gibson	6,975.00
Jan. 29, 1940	H. P. Warfield, Clerk	69.75
Jan. 31, 1940	County Treasurer of Delaware County	12.77
Jan. 31, 1940	Nannie L. Kornegay ex. est. of W. H. Kornegay	100.00
Jan. 31, 1940	John M. Countryman	3,337.23
Jan. 31, 1940	H. P. Warfield, Clerk	34.50
Feb. 1, 1940	County Treasurer of Delaware County	235.67
Feb. 1, 1940	Joseph S. Owsley and Ada M. Owsley	5,569.33
Feb. 1, 1940	H. P. Warfield, Clerk	58.05
Feb. 1, 1940	E. E. Hinds, Laura J. Hinds, et al	9,595.00
Feb. 1, 1940	H. P. Warfield, Clerk	95.95
Feb. 1, 1940	County Treasurer of Delaware County	3.13
Feb. 1, 1940	George C. Ray and Mattie E. Ray	6,656.87
Feb. 1, 1940	H. P. Warfield, Clerk	66.60
Feb. 1, 1940	County Treasurer of Delaware County	310.26
Feb. 1, 1940	Maude E. Gayman and M. W. Gayman	16,614.74
Feb. 1, 1940	H. P. Warfield, Clerk	169.25
Feb. 6, 1940	Commissioner of Land Office	2,553.89
Feb. 6, 1940	D. E. Shartel	533.97
Feb. 6, 1940	Shartell Mortgage Co.	20.05
Feb. 6, 1940	J. E. Browning and Charlotte Browning	4,217.09
Feb. 6, 1940	H. P. Warfield, Clerk	73.25

Feb. 15, 1940	John Madden, Jr.	516.22
Feb. 15, 1940	Roy F. Bailey, Trustee	764.77
Feb. 15, 1940	H. P. Warfield, Clerk	12.94
Feb. 21, 1940	County Treasurer of Delaware County	1,701.61
Feb. 21, 1940	Richard R. Feller	214.62
Feb. 21, 1940	A. B. Honnold	30.00
Feb. 26, 1940	Russell Doss, County Treasurer of Ottawa County	7.05
Feb. 26, 1940	Land Bank Commissioner	970.78
Feb. 26, 1940	James M. Black	4,665.17
Feb. 26, 1940	H. P. Warfield, Clerk	57.00
Feb. 26, 1940	B. F. Conklin	221.27
Feb. 26, 1940	H. P. Warfield, Clerk	2.24
Feb. 26, 1940	Louis Blum	254.92
Feb. 26, 1940	H. P. Warfield, Clerk	2.58
Feb. 27, 1940	National Bank of Tulsa	11,471.62
Feb. 27, 1940	H. P. Warfield, Clerk	115.88
March 1, 1940	Philip R. Scheel	58.12
March 1, 1940	H. P. Warfield, Clerk	.59

Balance in Cash book and in the First National Bank and  
Trust Company of Tulsa, Oklahoma, at the close of  
business March 2, 1940

114,241.52

\$ 500,601.97

Very respectfully,

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

ENDORSED: Filed In Open Court  
March 4, 1940  
H. P. Warfield, Clerk  
U. S. District Court

MISCELLANEOUS - ORDER EMPANELING PETIT JURY.

On this 4th day of March, A. D. 1940, comes the Marshal and makes return on the Venire heretofore issued out of this court for Petit Jurors for this Regular March 1940 Term at Vinita. Thereupon, the Clerk calls the names of the jurors so summoned as follows:

E. E. Johnson	G. V. Thomas
Guy L. Holden	Harry Pearson
Haskel McClain	Griff Graham
John F. Ward	C. L. Landrum
Craig Goodpaster	Leroy Dixon
Theo A. Morgaus	Bruce Farrar
W. A. Ausburn	Clyde Frye
W. M. Forbes	Bill Flock
Roy Grider	Jack Frank
G. E. Myers	E. E. Frazier
C. W. Richards	Walker Vivion
Frank L. Dobel	H. G. Freehauf
Marshall Houck	B. F. Garner
James R. Mitchell	Sam Gibbs

George Grant  
Ben Goldspink  
Glen Graham  
L. G. Flower  
Bue E. Garrison  
J. S. Foster  
A. C. Fox  
James Huggans

Dwight Greenwood  
J. E. Roll  
H. C. Ruppel  
L. L. Stryker  
Roy Harris  
A. A. Smith  
E. P. McLand  
N. D. Lewis

J. A. Heidebrecht

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

E. E. Johnson  
Haskel McClain  
W. M. Forbes  
Walker Vivion  
H. G. Freehauf

J. S. Foster  
A. C. Fox  
J. E. Roll  
L. L. Stryker  
J. A. Heidebrecht

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

Theo. A. Morgaus

E. P. McLand

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

Thereupon, the balance of said array are accepted as Petit Jurors for this Regular March 1940 Term of Court.

ENDORSED: Filed In Open Court  
March 4 1940  
H. P. Warfield, Clerk  
U. S. District Court

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Court adjourned to March 5, 1940

On this 5th day of March, A. D. 1940, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1940 Term at Tulsa, met pursuant to adjournment, Hon. Alfred P. Murrah, Judge, present and presiding.

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

Thereupon, the following proceedings were had and entered, to-wit:

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

UNITED STATES OF AMERICA,	Plaintiff,	)
		)
-vs-		) NO. 308 CIVIL
		)
FRANK E. FUGATE,	Defendant.	)

ORDER EXTENDING TIME TO ANSWER

This matter coming on for hearing before me, the undersigned Judge of the District Court of the United States for the Northern District of Oklahoma, upon application of the defendant, FRANK E. FUGATE, for an extension of time, within which to file "Answer" in the above styled cause, and the court being fully advised in the premises finds that said extension should be allowed.

NOW, THEREFORE, it is hereby ordered that an extension of 60 days from the date hereof be allowed the said defendant, FRANK E. FUGATE, within which to file "Answer" in the above styled matter.

Dated this 5 day of March, 1940.

ALFRED P. MURRAH  
 JUDGE OF THE DISTRICT COURT OF  
 THE UNITED STATES FOR THE NORTHERN  
 DISTRICT OF OKLAHOMA

ENDORSED: Filed Mar 5 1940  
H. P. Warfield, Clerk  
U. S. District Court B

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Court adjourned to March 7, 1940.

On this 7th day of March, A. D. 1940, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1940 Term at Tulsa, met pursuant to adjournment Hon. Alfred P. Murrah, Judge, present and presiding.

M. M. Ewing, Chief Deputy 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

C. D. KLINGENSMITH, SR., ET AL.,	Plaintiffs,	)
		)
vs.		) No. 258 Civil
		)
S. W. ANTHONY, ET AL,	Defendants.	)

JOURNAL ENTRY OF JUDGMENT

Now on this 4th day of March, 1940, the above entitled cause comes on for hearing, plaintiffs appearing by their attorneys, Eugene B. Smith and C. J. Davenport; and the defendants appearing by their attorneys, Miller, Lytle and Wildman.

Thereupon, this cause comes on regularly for trial, and both parties announcing ready to proceed with the trial of said cause, and the Court having heard and considered the evidence adduced, and the argument of counsel, and being fully advised in the premises, finds the issues in favor of the plaintiffs and against the defendants; that the plaintiffs are entitled to recover the sum of Thirty-two-thousand-five-hundred dollars (\$32,500.00), and that the costs of this action be divided equally between the plaintiffs and defendants hereto.

The Court further finds that there is money held up in the hands of The Texas Company belonging to said defendants, and out of the money in the hands of The Texas Company, the said Texas Company is to pay to the said plaintiffs the sum of Thirty-two-thousand-five-hundred dollars (\$32,500.00).

The Court further finds that the wells drilled on said land were drilled by the joint action and consent of the plaintiffs and the defendant, S. W. Anthony, and that each are jointly liable for one-half of the actual cost of drilling, equipping and operating said property for oil and gas.

The Court further finds on the representations of the plaintiffs that all the claims sued for by the plaintiffs in this action, together with all claims due to and including February 29, 1940, for the development, equipment, and operation of said leasehold estate by the plaintiffs, have been fully paid and satisfied, and as to all these claims plaintiffs agree to hold defendants harmless.

THEREFORE, IT IS BY THE COURT CONSIDERED, ORDERED, ADJUDGED AND DECREED that the said plaintiffs do have and recover of and from the said defendants the sum of Thirty-two-thousand five-hundred dollars (\$32,500.00) for the development, equipment and operation of said leasehold estate to and including February 29, 1940, for which defendants will hold plaintiffs harmless, and that the said Texas Company pay to the said plaintiffs herein, out of any money in its hands, belonging to the said defendants, or to the credit of the said defendants in the hands of the said Texas Company, the said sum of Thirty-two-thousand-five-hundred dollars (\$32,500.00).

Upon the payment of the said sum of Thirty-two-thousand-five-hundred dollars (\$32,500.00) to the plaintiffs as herein directed, it is ordered by the Court that the restraining order heretofore issued against The Texas Company be, and the same is hereby discharged, set aside and held for naught, and that the said Texas Company is hereby ordered and directed to pay to the said defendants herein any money in its hands pursuant to the division order and transfer orders now held by the said Texas Company in its possession pursuant to the production of oil on the Southeast Quarter (SE4) of the Southeast Quarter (SE4) of Section Thirty-three (33), Township Seventeen (17) North, Range Twelve (12) East, Creek County, Oklahoma.

Upon the motion of the plaintiffs, that part of plaintiff's petition asking for partition of the above described premises is hereby dismissed, without prejudice.

The costs of this action shall be paid as follows: One-half (1/2) by plaintiff, and one-half (1/2) by the defendants.

The Court reserves jurisdiction to fix reasonable attorney's fees for the defendants' attorneys to be paid out of the moneys in the hands of The Texas Company.

ALFRED P. MURRAH  
J U D G E

OKEH: C. J. DAVENPORT WILKINSON & SMITH By Eugene B. Smith,  
Attorneys for Plaintiffs.

MILLER, LITTLE & WILDMAN,  
By: L. O. LITTLE  
Attorneys for Defendants.

SOL H. KAUFFMAN  
Atty for The Texas Co.

ENDORSED: Filed Mar 7 1940  
H. P. Warfield, Clerk  
U. S. District Court B

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Court adjourned to March 8, 1940

On this 7th day of March, A. D. 1940, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular March 1940 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

GRAND RIVER DAM AUTHORITY, Plaintiff, )  
vs. )  
TRACT NO. 1, J. L. GOING and ) Case No. 211 Civil  
MALETA GOING, Defendants. )

We, the jury in the above entitled case, duly impaneled and sworn, upon our oaths assess damages at 15750.00 DOLLARS.

J. A. HEIDEBRECHT  
Foreman

FILED In Open Court  
Mar 7 1940  
H. P. Warfield, Clerk  
U. S. District Court E

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Thereupon, the following proceedings were had and entered, to-wit:

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

United States of America,	Libelant,	)	
		)	
vs.		)	
		)	
One 1940 Model, Special DeLuxe		)	
Chevrolet Coupe Automobile, Motor		)	CIVIL NO. 343
No. 2-934,514, and approximately		)	
64 gallons of assorted taxpaid		)	
intoxicating liquors seized therein;		)	
Bernard L. Gilkey and Corinne Gilkey,	Claimants.	)	

ORDER FOR MONITION

Now on this 8 day of March, 1940, it appearing to the court that the said 1940 Model Special DeLuxe Chevrolet Coupe Automobile, Motor No. 2-934,514, with approximately Sixty-four (64) gallons of intoxicating liquors containing more than four per centum (4%) of alcohol by volume, was seized at a point on United States Highway No. 66, about Three and One-half (3½) miles West of the town of Vinita, in Craig County, State of Oklahoma, Northern Judicial District of Oklahoma and within the jurisdiction of this court, on January 29, 1940, by R. A. West and C. N. Seran, Investigators, Division of Investigation, Bureau of Public Safety for the State of Oklahoma, 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 Bernard L. Giley for transportation of such intoxicating liquors from Joplin, in the State of Missouri, into and to the aforesaid described point of seizure; it further appearing that thereupon said property was appraised at more than Five Hundred Dollars (\$500.00) whereupon libelant has instituted libel action herein and requests issuance of monition notifying claimants Bernard L. Giley and Corinne Giley 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 Bernad L. Giley and Corinne Giley, 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 law relating to seizures, forfeitures and disposition of property and proceeds for violation of the Internal Revenue Laws of the United States.

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

ALFRED P. MURKIN  
Judge

ENDORSED: Filed Mar 8 1940  
H. P. Warfield, Clerk  
U. S. District Court B

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Court adjourned to March 9, 1940

On this 8th day of March, A. D. 1940, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular March 1940 Term at Vinita, met pursuant to adjournment, Hon. F. E. Kennamer, Judge, present and presiding.

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

GRAND RIVER DAM AUTHORITY,	Plaintiff,	)	
		)	
vs.		)	Case No. 211 Civil
		)	
TRACT NO. 2; ROSS SEABOLT and		)	
LOTTIE SEABOLT,	Defendants.	)	

We, the jury in the above-entitled case, duly impaneled and sworn, upon our oaths, assess damages at \$16,000 DOLLARS.

CRAIG GOODPASTER  
Foreman

FILED In Open Court  
Mar 8 1940  
H. P. Warfield, Clerk  
U. S. District Court E

VERDICT

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

GRAND RIVER DAM AUTHORITY,	Plaintiff,	)	
		)	
vs.		)	Case No. 226 Civil
		)	
TRACT No. 1, JOSEPH S. OWSLEY		)	
AND ADA M. OWSLEY,	Defendants.	)	

We, the jury in the above entitled case, duly impaneled and sworn, upon our oaths assess damages at 7,000.00 DOLLARS.

L. F. FLORER  
Foreman

FILED In Open Court  
Mar 8 1940  
H. P. Warfield, Clerk  
U. S. District Court

Court adjourned to March 11, 1940



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

Jessie F. Holt,	Plaintiff,	)	
		)	
vs.		)	No. 207 Civil
		)	
Guy A. Thompson, Trustee for the		)	
Missouri Pacific Railroad Company, a		)	
Bankrupt Debtor,	Defendant.	)	

ORDER OVERRULING MOTION FOR NEW TRIAL

Now on this the 21st day of February, 1940 the Court having under consideration the motion for new trial, heretofore filed in this case by the plaintiff, and being well and sufficiently advised in the premises, doth find that said motion should be overruled and denied.

IT IS THEREFORE CONSIDERED, ORDERED AND ADJUDGED by the Court that the plaintiff's motion for a new trial herein be, and the same is hereby overruled and denied.

F. E. KENNAMER  
JUDGE

APPROVED: LAWRENCE MILLS,  
Attorneys for Plaintiff

W. L. CURTIS,  
Attorney for Defendant

ENDORSED: Filed Mar 9 1940  
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,	)	
		)	CIVIL NO. 295
-vs-		)	
		)	
John R. Hastings, Jr., et al.,	Defendants.	)	

ORDER FOR DISBURSEMENT OF FUNDS AS TO JOHN R. HASTINGS, JR.,  
EDGAR HASTINGS AND SUEWAYNE STEWART, NEE HASTINGS

Now on this 9th day of March, 1940, the same being a regular court day of this court, this cause comes on for hearing on the application of John R. Hastings, Jr., Edgar Hastings and Suewayne Stewart, nee Hastings, for the payment of funds held in condemnation, all parties interested herein having been duly notified of this hearing, said applications and motions are duly presented and heard and the Court after hearing the argument by counsel and being fully advised in the premises, finds:

That applicants, John R. Hastings, Jr., Edgar Hastings and Suewayne Stewart, nee Hastings, are the sole owners and in actual possession of the lands described in the petition herein for condemnation under what is termed as Tract No. 3, 11 GR-D 534; 10 GR-D 474-A and 19 GR-D 941,





and Suewayne Stewart, nee Hastings, for the payment of funds held in condemnation, all parties interest herein having been duly notified of this hearing, said applications and motions are duly presented and heard and the court after hearing the argument by counsel and being fully advised in the premises finds:

That applicants, John R. Hastings, Jr., Edgar Hastings and Suewayne Stewart, nee Hastings, are the sole owners and in actual possession of the lands described in the petition for condemnation under what is termed as Tract No. 4, 11 GR-D 589 and Tract No. 5, 18 GR-D 862, that lands described in petition on file in this court in Cause No. 295 Civil and that said lands so described have been taken by plaintiff by virtue of its delegated power of eminent domain, the value of said lands and the damages occasioned by the taking thereof has been determined by the Commissioners appointed by this Court to be

Tract No. 4	11 GR-D 589	\$5050.00
Tract No. 5	18 GR-D 862	1317.80

for all the said lands and the plaintiff has paid said amounts of money into the office of the Clerk of this Court in payment of said lands taken and damages for such taking.

The Court further advises that the taxes for 1939 and all prior years against said lands have been paid and there are not any outstanding claims against said lands other than the sum of \$979.27 due and owing the said John R. Hastings, Jr., for advance payment of debts and owing against the estates of William Wirt Hastings and Owen Hastings.

It is further ordered that the clerk of this court pay from the funds herein to defendants, John R. Hastings, Jr., Edgar Hastings and Suewayne Stewart, nee Hastings, for the lands described herein and the damages for taking same in the amount indicated by the commissioners in appraisalment in the amounts set opposite their names as follows, to-wit:

John R. Hastings, Jr.,	\$2775.44
Edgar Hastings	1796.18
Suewayne Stewart, nee Hastings	1796.18

F. E. KENNAMER  
U. S. DISTRICT JUDGE

ENDORSED: Filed Mar 9 1940  
H. P. Warfield, Clerk  
U. S. District Court AC

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

HARRIETT HOSEY, et al.,	Plaintiffs,	)
		)
vs		) No. 238 Equity
		)
JAMES A. CHAPMAN, et al,	Defendants.	)

O R D E R

Now on this 8th day of March, 1940, for good cause shown, the United States of America and Daniel Fish, Sammie Fish, Charley Fish, Mary Dewochee and Touchey Dewochee, minors, by George Jones, their guardian, are hereby given leave to file a joint and several complaint and amended complaint of the United States, for itself and for and on behalf of Nellie Fish, deceased, Weleya Fish,



VERDICT

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

GRAND RIVER DAM AUTHORITY,	Plaintiff,	)
		)
vs.		) Case No. 232 Civil
		)
Tract No. 1; Lawford L. Browning, and Ruby Browning,	Defendants.	)

We, the jury in the above entitled case, duly impaneled and sworn, upon our oaths, find assess damages at 6700 DOLLARS.

J. A. HEIDERECHT  
Foreman

ENDORSED: Filed In Open Court  
Mar 11 1940  
H. P. Warfield, Clerk  
U. S. District Court H

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Court adjourned to March 12, 1940

On this 12th day of March, A. D. 1940, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular March 1940 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

GRAND RIVER DAM AUTHORITY,	Plaintiff,	)
		)
-vs-		) Case No. 232 Civil
		)
TRACT No. 3: A. W. McDonald,	Defendant.	)

We, the jury in the above entitled case, duly impaneled and sworn, upon our oaths assess damages at \$11,000.00 DOLLARS.

DWIGHT R. GREENWOOD,  
Foreman

FILED In Open Court  
Mar 12 1940  
H. P. Warfield, Clerk  
U. S. District Court

VERDICT

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

GRAND RIVER DAM AUTHORITY,	Plaintiff,	)
		)
vs.		)
		)
TRACT NO. 2: J. E. Herod and Josie Herod,	Defendant.	)

Case No. 232 Civil

We, the jury in the above entitled case, duly impaneled and sworn, upon our oaths assess damages at 5500.00 DOLLARS.

GUY L. HOLDEN  
Foreman

FILED In Open Court  
Mar 12, 1940  
H. P. Warfield, Clerk  
U. S. District Court

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

Grand River Dam Authority, a public corporation,	Petitioner,	)
		)
vs.		)
		)
A. O. Kephart, et al,	Defendants.	)

Civil No. 263, Tract No. 7.

ORDER DISBURSING AWARD

Now on this the 12th day of March, 1940, this matter coming on to be heard upon the application heretofore filed for disbursement of the award heretofore made and filed herein and it being made to appear to the court that the defendants Sarah E. Buchanan, Perry Buchanan, Fred Buchanan, Joe Buchanan, Frank Buchanan, Patsy Turner nee Buchanan, and Maulcie Owenby nee Buchanan, are the owners of the legal and equitable title in and to the following described real property located in Delaware County, Oklahoma, to-wit:

Lot 4, Lot 5, and the SE $\frac{1}{4}$  of the N W $\frac{1}{4}$  and  
the South 20.0 acres of Lot 3, in Sect on 6,  
Township 24 N., Range 24 E., containing

82.43 acres more or less, and particularly set out and described as Tract No. 7 of Plaintiff's petition heretofore filed herein, and it being made to appear to the Court that the Delaware County Bank of Jay, Delaware County, Oklahoma, has no lien upon the proportionate part of the award made herein belonging to Frank Buchanan, or to any other part thereof, and that said parties are entitled to have said award disbursed and distributed as their respective interests appear, as follows, towit:

County Treasurer of Delaware County, Oklahoma	\$ 75.62
Commissioners of the Land Office of the State of Oklahoma, Oklahoma City, Oklahoma	938.38

Court Clerk of Delaware County, Oklahoma, Jay, Oklahoma	30.00
Alvin Teague, Grove, Oklahoma	100.00
A. J. McGhee, Grove, Oklahoma	200.00
Sarah E. Buchanan, Grove, Oklahoma	2,292.00
Perru Buchanan, Jay, Oklahoma	764.00
Fred Buchanan	764.00
Joe Buchanan	764.00
Frank Buchanan	764.00
Patsy Turner nee Buchanan	764.00
Maulcie Owenby nee Buchanan	764.00
TOTAL	\$8,220.00

it appearing to the Court that the above parties are all of the parties and persons having any right, title, interest, equity or estate in and to said property, and therefore any right, title, interest, equity or estate in and to said award, and that no other parties or persons are entitled to any right, title, interest, equity or estate in and to said award; The Clerk of the Court is hereby ordered, authorized, and directed to issue vouchers for the above amounts payable to the above persons in payment and disbursement of said award.

F. E. KENNAMER  
United States District Judge

ENDORSED: Filed Mar 12 1940  
H. P. Warfield, Clerk  
U. S. District Court ME

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Court adjourned to March 13, 1940

On this 13th day of March, A. D. 1940, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular March 1940 Term at Vinita, met pursuant to adjournment, Hon. F. E. Kennamer, Judge, present and presiding.

H. P. Warfield, Clerk, U. S. District Court  
Al. R. Cottle, Deputy, United States Marshal

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



On this 14th day of March, A. D. 1940, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular March 1940 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, Deputy 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

GRAND RIVER DAM AUTHORITY,	Plaintiff,	)	
		)	
vs.		)	Case No. 244 Civil
		)	
TRACT NO. 2: J. F. SEABOLT and MOSELL SEABOLT,	Defendants.	)	

We, the jury in the above entitled case, duly impaneled and sworn, upon our oaths assess damages at \$4480.00 DOLLARS.

GRIF GRAHAM  
Foreman

FILED In Open Court  
Mar 14 1940  
H. P. Warfield, Clerk  
U. S. District Court H

-----  
Court adjourned to March 15, 1940

On this 15th day of March, A. D. 1940, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular March 1940 Term at Vinita, met pursuant to adjournment, Hon. F. E. Kennamer, Judge, present and presiding.

H. P. Warfield, Clerk, U. S. District Court  
Wm. Knight Powers, Assistant U. S. Attorney  
A. R. Cottle, Deputy 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

GRAND RIVER DAM AUTHORITY,	Plaintiff,	)	
		)	
vs.		)	Case No. 244 Civil
		)	
TRACT NO. 6: Maude Gibson and A. H. Gibson,	Defendants.	)	



On this 16th day of March, A. D. 1940, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1940 Term at Tulsa, met pursuant to adjournment, Hon. F. E. Kennamer, Judge, present and presiding.

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

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

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

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

O R D E R

Now on this 16th day of March, A. D. 1940, the same being a regular judicial day of the Regular January Term of this Court, the application of Noble C. Hood, Receiver, for directions to pay expenses incurred in the operation of the Seminole Provident Trust and in the trial of the above styled cause came on regularly for hearing, and it appearing to the Court that the said indebtedness was properly and necessarily incurred and that there are funds on hand to pay the same, and the court being fully advised in the premises and finding that said indebtedness should be paid; NOW, THEREFORE

IT IS HEREBY ORDERED BY THE COURT that the Receiver be and he is hereby authorized and directed to pay to the persons named and in the amounts set opposite their names, to-wit:

<u>NAME AND ADDRESS</u>	<u>NATURE OF INDEBTEDNESS</u>	<u>AMOUNT</u>
John J. O'Brien, Tulsa, Oklahoma	For services of Claude Williford as witness in trial of cause	\$25.00
George H. Lessley, Tulsa, Oklahoma	Reporting trial of above cause	10.00
C. A. Naylor, Tulsa, Oklahoma	Accounting services for services of L. B. Pranter in preparation for trial and as witness	72.15 40.00
E. W. Jones, Inc., Tulsa, Oklahoma	For operating expenses of leases	317.31
C. J. Laursich, Mankato, Minnesota	For expenses incurred in attending trial of above cause	58.52

DATED THIS 16th day of March, A. D. 1940, at Tulsa, Oklahoma.

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

O.K. SETTLE, MONNET & GLAMMER  
Attorneys for Plaintiff

Received copy 3/16/40 FIST DEWBERRY & BRAGG  
Attorneys for Defendants

R. D. HUDSON 3-16-40  
Atty Interveners

Copy received 3-16-40  
COAKLEY & McDERMOTT, Atty for Interveners

ENDORSED: Filed Mar 16 1940  
H. P. Warfield, Clerk  
U. S. District Court E

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

Mollie Davis, nee Jones,  
Creek Roll No. 7721, Plaintiff,

vs.

Cynthia Chandler, Clay Chandler,  
Pauline Glisson, nee Chandler,  
Rubert Glisson, Hazel Huff, nee  
Chandler, Neily Huff, Vernie  
Chandler, Olita Chandler, Opal  
Tibbetts, nee Chandler, J. G.  
Tibbetts, Bernice Chandler, and  
the unknown heirs, executors,  
administrators, assigns, trustees,  
creditors and claimants, known or  
unknown, of C. W. Chandler, deceased, Defendants.

NO. 220 CIVIL

ORDER FOR SERVICE BY PUBLICATION

Now on this 16th day of March, 1940, on application of the plaintiff, and by proper showing made, it appearing to the undersigned Judge of the United States District Court for the Northern District of Oklahoma, that the above named defendants, Cynthia Chandler, Clay Chandler, Pauline Chandler, nee Glisson, Rubert Glisson, Hazel Huff, nee Chandler, Neily Huff, Vernie Chandler, Olita Chandler, Opal Tibbetts, nee Chandler, J. G. Tibbetts, Bernice Chandler have not been served with summons in this cause; that proper summons has been regularly issued herein, directed to said defendants in the Northern District of Oklahoma, and that the United States Marshal for said district has made return showing that said defendants cannot be found in this district, and that proper service by order of this court should be directed to said defendants, as provided by law, Section 118, Title 28, U. S. C. A., directing said defendants to appear on a day certain to plead or answer to the complaint as hereinafter ordered.





Model Standard Dodge Sedan Automobile, Motor No. D8-48119, with approximately thirty-six (36) gallons of intoxicating liquors containing more than four per centum (4%) of alcohol by volume, was seized at a point on United States Highway No. 66, about five (5) Miles west of the town of Vinita, in Craig County, State of Oklahoma, Northern Judicial District of Oklahoma and within the jurisdiction of this court, on January 31, 1940, by C. R. West and Buck Seran, Investigators of the Department of Public Safety for the State of Oklahoma, 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 Harry E. Anderson for transportation of such intoxicating liquors from Joplin, in the State of Missouri, into and to the aforesaid described point of seizure; it further appearing that thereupon said property was appraised at more than five hundred dollars (\$500.00) whereupon libelant has instituted libel action herein and requests issuance of monition notifying claimants Harry E. Anderson and Grace Ripley Anderson of this proceeding, unless notice thereof be waived.

IT IS, THEREFORE, ORDERED that monition issued as prayed for in said libel and the same be served upon Harry E. Anderson and Grace Ripley Anderson, 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 law relating to seizures, forfeitures and disposition of property and proceeds for violation of the Internal Revenue Laws of the United States.

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

F. E. KENNAMER  
JUDGE

ENDORSED: Filed Mar 16 1940  
H. P. Warfield, Clerk  
U. S. District Court ME

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

United states of America,	Libelant,	)
		)
vs.		)
		)
One 1939 Model DeSoto Coupe, Automobile,		)
Motor No. S6-27,687 and approximately		)
63 gallons of assorted taxpaid intoxicating		)
liquors seized therein; D. A. (Dan) Myers and		)
Commercial Investment Trust Corporation,		)
	Claimants.	)

No. 349 CIVIL

ORDER FOR MONITION

Now on this 16th day of March, 1940, it appearing to the court that the said 1939 Model DeSoto Coupe Automobile, Motor No. S6-27,687 with approximately sixty-three (63) gallons of intoxicating liquors containing more than four per centum (4%) of alcohol by volume, was seized at a point on United States Highway No. 66, about five and one-half (5½) miles west of the town of Vinita, in Craig County, State of Oklahoma, Northern Judicial District of Oklahoma and within the jurisdiction of this court, on January 29, 1940, by E. A. West and C. N. Seran, Investigators of the Department of

Public Safety for the State of Oklahoma, 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 D. A. (Dan) Myers for transportation of such intoxicating liquors from Joplin, in the State of Missouri, into and to the aforesaid described point of seizure; it further appearing that thereupon said property was appraised at more than five hundred dollars (\$500.00) whereupon libelant has instituted libel action herein and requests issuance of monition notifying claimants D. A. (Dan) Myers and Commercial Investment Trust Corporation of this proceeding, unless notice thereof be waived.

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

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

F. E. KENNAMER  
JUDGE

ENDORSED: Filed Mar 16 1940  
H. P. Warfield, Clerk  
U. S. District Court ME

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Court adjourned to March 20, 1940

On this 19th day of March, A. D. 1940, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular March 1940 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 UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

In the matter of  
THE COMPENSATION AND EXPENSES OF THE COMMISSIONERS APPOINTED BY THIS COURT TO APPRAISE LAND IN THE  
GRAND RIVER DAM AUTHORITY CONDEMNATION CASES.

O R D E R

This matter coming on to be heard on this 19th day of March, 1940, after having been regularly set down for hearing and reasonable notice given, and the Grand River Dam Authority appearing by its attorneys, R. L. Davidson and Gayle Pickens, and the commissioners appointed by this Court to appraise land in the Grand River Dam Authority condemnation cases appearing in person, said



It is therefore ordered, adjudged and decreed by this court that the Clerk of this Court do pay and disburse said fund as follows: \$205.52 to the County Treasurer of Delaware County Oklahoma, \$2,963.65 to Commissioners of the Land Office of the State of Oklahoma, and \$350.83 to A. N. Roberts.

F. E. KENNAMER  
Federal Judge

A. N. ROBERTS, Arton, Okla., R.F.D. #3.

ENDORSED: Filed Mar 19 1940  
H. P. Warfield, Clerk  
U. S. District Court

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Court adjourned to March 25, 1940.

On this 20th day of March, A. D. 1940, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1940 Term at Tulsa, met pursuant to adjournment, Hon. F. E. Kennamer, Judge, present and presiding.

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

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

MISCELLANEOUS - ORDER FOR PETIT JURY.

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

ORDER FOR ADDITIONAL PETIT JURORS

On this 20th day of March, A. D. 1940, it is ordered by the Court that there be publicly drawn by the Marshal for the Northern District of Oklahoma, or one of his deputies, in the presence of the Clerk, or one of his deputies, in accordance with the law and the rules of the Court, the names of Fifteen (15) persons, good and lawful men, from said District, duly qualified to serve as Petit Jurors at the Regular March 1940 Term of this Court to be held at Vinita, Oklahoma.

IT IS FURTHER ORDERED by the Court that a Writ of Venire Facias be issued out of this Court, in due form provided by law, commanding the said Marshal to summon said Petit Jurors, drawn as aforesaid, to be and appear before said Court, to be held at Vinita, Oklahoma, in the Northern District of Oklahoma, on Tuesday, the 2nd day of April, 1940, at 9:00 o'clock A.M., then and there to serve as Petit Jurors of the United States in and for the Northern District of Oklahoma at the Regular March 1940 Term of said Court.

F. E. KENNAMER  
UNITED STATES DISTRICT JUDGE

ENDORSED: Filed Mar 20 1940  
H. P. Warfield, Clerk  
U. S. District Court

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

W. L. MAYES,

Plaintiff,

vs.

No. 223 - CIVIL

ELIZABETH DUVALL,

Defendant.

JOURNAL ENTRY OF JUDGMENT

On this 5th day of March, 1940, this cause came on for trial before the court and jury to be therein duly impaneled; B. A. Hamilton, Eben L. Taylor and J. Eben Hart appearing as counsel for the plaintiff and Hal Crouch, M. W. Borders Jr., and H. P. Daugherty appearing as counsel for the defendant; and the parties herein now being ready to proceed to trial, and the court having ordered that said cause be consolidated with cause No. 224- Civil, W. L. Mayes, Plaintiff, v. Elizabeth Duvall, defendant, and that the trial be proceeded with, and a jury was thereupon impanelled and sworn as the jury to try this cause as consolidated with cause No. 224- Civil aforesaid, and on said March 5, 1940 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 of respective counsel and instructions of the court having been submitted to the jury for its consideration and verdict in each of said causes separately, and the jury on the 7th day of March, 1940 having returned into court and having submitted its verdict, which is read by the clerk and is 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 his damages at \$2500.00 for death of his wife.

Clyde E. Frye, 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 remises aforesaid, it is considered, ordered, adjudged and decreed that the plaintiff, W. L. Mayes, do have and recover of and from the defendant, Elizabeth Duvall, the sum of Twenty-five (\$25.00) Hundred Dollars, and all his costs herein laid out and expended.

F. E. KENNAMER  
J U D G EO.K. B. A. HAMILTON      EBEN L. TAYLOR  
Attorneys for Plaintiff

O.K. HAL CROUCH, Attorneys for Defendant.

ENDORSED: Filed Mar 20 1940  
H. P. Warfield, Clerk  
U. S. District Court H

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

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

JOURNAL ENTRY OF JUDGMENT

On this 5th day of March, 1940, this cause came on for trial before the court and jury to be therein duly impaneled; E. A. Hamilton, Eben L. Taylor and J. Eben Hart appearing as counsel for the plaintiff and Hal Crouch, M. W. Borders, Jr., and H. P. Daugherty appearing as counsel for the defendant; and the parties herein now being ready to proceed to trial, and the court having ordered that said cause be consolidated with cause No. 223-Civil, W. L. Mayes, Plaintiff, v. Elizabeth Duvall, Defendant, and that the trial be proceeded with, and a jury was thereupon impanelled and sworn as the jury to try this cause as consolidated with cause No. 223-Civil aforesaid, and on said March 5, 1940 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 of respective counsel and instructions of the Court having been submitted to the jury for its consideration and verdict in each of said causes separately, and the jury on the 7th day of March, 1940 having returned into court and having submitted its verdict; which is ready by the Clerk and is 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 his damages at \$1.00 for his personal damages.  
 CLYDE E. FRYE, Foreman."

Whereupon, said verdict having been returned as aforesaid, the court, upon its own motion, orders that said verdict of the jury be set aside as contrary to the instructions of the court, and that a new trial of said cause be had.

Now, therefore, by virtue of the law and by reason of the premises aforesaid, it is considered, ordered, adjudged and decreed by the court that the verdict of the jury in the above entitled cause be and the same is hereby set aside and held for naught and that a new trial be had of said cause and the same be placed on the calendar of this court for a new trial at a time to be fixed by the court.

O.K. B. A. HAMILTON	EBEN L. TAYLOR	F. E. KENNAMER
Attorneys for Plaintiff		JUDGE
O.K. HAL CROUCH		
Attorneys for Defendant		
ENDORSED: Filed Mar 20 1940		
H. P. Warfield, Clerk		
U. S. District Court H		



IT IS, THEREFORE, THE ORDER AND JUDGMENT OF THE COURT that the plaintiff, in its own behalf and in behalf of the Farm Security Administration, have and recover judgment against the defendant, Paskell Russell, for the sum of One Hundred Fifty Dollars( \$150.00) with interest thereon at the rate of Six Per Cent (6%) per annum from July 30, 1938, and the costs of this action.

Let execution issue.

F. E. KENNAMER  
JUDGE

O.K. WHIT Y. MAUZY  
United States Attorney

JOE W. HOWARD  
Assistant United States Attorney

ENDORSED: Filed Mar 20 1940  
H. P. Warfield, Clerk  
U. S. District Court H

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

Grand River Dam Authority, a  
public corporation,

)  
Plaintiff, )

No. 2 8 3 Civil

vs.

A. C. Kephart, et al.,

Defendants.

ORDER OF DISBURSEMENT

Now on this 19th day of March, 1940, same being a judicial day of said court, this matter comes on for hearing on the application of F. M. Post for disbursement of funds. The said defendants appear by their attorneys of record, L. Keith Smith and Frank Nesbitt, and there being no objections or exceptions filed, it was then shown to the court that five days notice of this hearing has been given to the Grand River Dam Authority, a public corporation, and to the County Treasurer of Delaware County, Oklahoma, and it appearing to the court that all parties having an interest in said matter have been duly notified, it was ordered that the hearing do proceed.

Thereupon it was shown to the court that said defendants were the lawful owners and were in the actual possession of those lands described in the petition herein as "Tract No. 8 (20 GR-D 1011); that plaintiff has taken and appropriated said lands for its uses by its power of eminent domain; that the Commissioners appointed by this court have determined the damages occasioned by the taking of said lands in the sum of \$3990.00; that plaintiff has paid the amount of said award into the office of the Clerk of this court for said defendants; that taxes are due Delaware County in the amount of \$100.14 as shown by statement of County Treasurer of Delaware County attached to said petition and offered herein; that there are no liens nor mortgages of any kind or character against said lands now are there any claimants other than the County Treasurer of Delaware County Oklahoma, to said fund.

IT IS THEREFORE ORDERED that the clerk of this court do pay and disburse said fund as follows: \$100.14 to County Treasurer of Delaware County, Oklahoma, and \$3889.86 to F. M. Post.

F. E. KENNAMER  
JUDGE

ENDORSED: Filed Mar 20 1940  
H. P. Warfield, Clerk  
U. S. District Court H

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

Grand River Dam Authority, a public corporation,	Plaintiff,	) ) )	No. 277 Civil
vs.		)	
A. M. Burks, et al.,	Defendants.	)	

ORDER OF DISBURSEMENT

Now on this 19th day of March, 1940, same being a judicial day of said court, this matter comes on for hearing on the application of D. P. Bell for disbursement of funds. The said defendant appears by his attorney of record, L. Keith Smith, and there being no objections or exceptions filed, it was then shown to the court that five days notice of this hearing has been given to the Grand River Dam Authority, a public corporation and to the County Treasurer of Delaware County, Oklahoma, and it appearing to the court that all parties having an interest in said matter have been duly notified, it was ordered that the hearing do proceed.

Thereupon it was shown to the court that said defendants were the lawful owners and were in the actual possession of those lands described in the petition herein as Tract No. 2 (4 GR-D 16); that plaintiff has taken and appropriated said lands for its uses by its power of eminent domain; that the Commissioners appointed by this court have determined the damages occasioned by the taking of said lands in the sum of \$6280.00; that plaintiff has paid the amount of said award into the office of the Clerk of this court for said defendant; that taxes are due Delaware County in the amount of \$87.44 as shown by statement of County Treasurer of Delaware County attached to said petition and offered herein; that the defendant, D. P. Bell, made and executed a mortgage upon the lands herein described to the Bank of Gravett, Gravett, Arkansas; that there remains due and unpaid upon said mortgage the sum of \$1645.78.

IT IS THEREFORE ORDERED that the Clerk of this court do pay and disburse said funds as follows: \$87.44 to the County Treasurer of Delaware County, Oklahoma, \$1645.78 to the Bank of Gravett, and \$5146.78 to D. P. Bell.

F. E. KENNAMER  
JUDGE

WITNESSED: Filed Mar 20 1940  
H. P. Warfield, Clerk  
U. S. District Court H

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

United States of America,	Plaintiff,	) ) )	No. 281 Civil
vs.		)	
Willie Hampton and Golden Hampton,	Defendants.	)	

JOURNAL ENTRY OF JUDGMENT

Now on this 20th day of March, 1940, this cause came on to be heard in open court before the Honorable Franklin E. Kennamer, Judge presiding, pursuant to regular assignment, plaintiff appearing by Whit Y. Mauzy, United States Attorney for the Northern District of Oklahoma, and Joe W. Howard, Assistant United States Attorney for said District, and it being shown to the court that the above named defendants have been regularly served with summons and a copy of complaint in this cause more than twenty (20) days prior to said date, and it further appearing that they have failed

to answer or otherwise plead herein, they are, by the court, declared to be in default and the court finds that plaintiff is entitled to judgment as demanded in its complaint in this action.

IT IS, THEREFORE, THE ORDER AND JUDGMENT OF THE COURT that the plaintiff in its own behalf and in behalf of the Farm Security Administration have and recover judgment against the defendants, Willie Hampton and Golden Hampton, for the sum of Four Hundred Eighty-two Dollars and Thirty-five Cents (\$482.35) with interest thereon at the rate of Five per cent (5%) per annum from March 31, 1939, until paid, and that plaintiff have and recover a further judgment against said defendants declaring its lien to be a first and prior lien against the property, chattels and articles described in plaintiff's complaint and barring the said defendants and all persons claiming under them from asserting any interest, right or title in and to such property, chattels and articles described as follows, to wit:

- 1 - White sow, 200# with 7 pigs
- 1 - Bay filly Colt, 9 mos. of age
- 24 - Hens
- Baby Chicks
- 1 - Brown Jersey Cow, 7 yrs. old
- 3 - Mixed Shoats, 75#
- 1 - Yellow Jersey Cow, 6 yrs.
- 1 - Brown Jersey Cow, 7 yrs.
- Fruit Jars
- 1 - Wagon and Harness
- 1 - 10" plow
- 1 - Sulky Plow
- 1 - Double Shovel
- 1 - 2 Section Harrow
- 1 - Walking Cultivator
- 1 - Set of Harness

and their increases, if any.

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

LET EXECUTION ISSUE against the said defendants, Willie Hampton and Golden Hampton, to satisfy any deficiency under this judgment.

F. E. KENNAMER  
JUDGE

OK: WEIT Y. MAUZY  
United States Attorney

JOE W. HOWARD  
Assistant United States Attorney  
ATTORNEYS FOR PLAINTIFF

ENDORSED: Filed Mar 20 1940  
H. P. Warfield, Clerk  
U. S. District Court H

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

United States of America, Libelant, )

vs. )

CIVIL FILE NO. 321

One 1937 Model Lincoln Zephyr Coupe  
Automobile, Motor No. H-32,568; Forty-  
five cases of assorted taxpaid intoxicating  
liquors seized therein; William M. Davis,

Claimant. )

JOURNAL ENTRY OF JUDGMENT

Now on this 18th day of March, 1940, this cause coming on to be heard in open court before Honorable Franklin E. Kennamer, United States Judge for the Northern District of Oklahoma, Judge presiding, pursuant to regular assignment, libelant appearing by Whit Y. Mauzy, United States Attorney for the Northern District of Oklahoma, and Wm. Knight Powers, Assistant United States Attorney for said District, and claimant William M. Davis, having failed to file any claims or pleadings herein, or make any appearance or claim herein at this time although having personal and reasonable notice of the time and place of this hearing by personal service had on the 17th day of February, 1940, whereupon the libelant presents its evidence and rests, and the court being fully advised in the premises, finds,

That the said 1937 Model Lincoln Zephyr Coupe, Motor No. H-32,566, was lawfully seized from William M. Davis, on November 28, 1939, at a point about seven miles west of the Arkansas and Oklahoma Stateslines on Oklahoma State Highway No. 33, in Delaware County, State of Oklahoma, Northern District of Oklahoma and within the jurisdiction of this court, and that said intoxicating liquors were then and there seized while thus being unlawfully conveyed in said automobile as alleged in the libel of information.

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

IT IS, THEREFORE, THE ORDER AND JUDGMENT OF THE COURT, that the forfeiture herein be, and the same is hereby allowed as to said approximate 135 gallons of assorted taxpaid intoxicating liquors defined in the libel of information on file herein, which intoxicating liquors are ordered delivered over to the Secretary of the Treasury of the United States for proper and lawful disposition.

IT IS FURTHER ORDERED AND DECREED BY THE COURT that a forfeiture herein be, and the same is hereby allowed of the herein described 1937 model Lincoln Zephyr Coupe, Motor No. H-32,566, and the same is ordered delivered to the Treasury Department for use of the Bureau of Internal Revenue in the enforcement of the Internal Revenue laws pursuant to Section 304, Title III, of the Liquor Law Repeal and Enforcement Act, together with all of its equipment and accessories.

F. E. KENNAMER  
JUDGE

OK AS TO FORM: SERVICE OF COPY ACKNOWLEDGED  
WM. KNIGHT POWERS,

ENDORSED: Filed Mar 20 1940  
H. P. Warfield, Clerk  
U. S. District Court H

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

United States of America,

Defendant,

vs.

One 1939 Model Ford DeLuxe Tudor Sedan Automobile, Motor No. 18-S, 118,524 and approximately 90 gallons of assorted taxpaid intoxicating liquors seized therewith; Bun Houston, Tesco H. Houston, J. J. Pappin and the First National Bank of Dewey, Oklahoma.

Claimants.

No. 396 CIVIL

JOURNAL ENTRY OF JUDGMENT

Now on this 22th day of March, 1940, this case of action having come on before the court, defendant appearing by Whit Y. Mauzy, United States Attorney for the Northern District of Oklahoma, and Joe W. Howe & Assistant United States Attorney in and for said district, and the claimants Bun Houston, Tesco H. Houston, J. J. Pappin, and the First National Bank of Dewey, Oklahoma, each and all having made their general appearance herein, waive the issuance and service of notice of hearing herein and disclaim any interest in and to said described automobile and the approximately ninety (90) gallons of assorted taxpaid intoxicating liquors seized therewith, and the court being fully advised in the premises finds that defendant is entitled to a forfeiture and judgment.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED BY THIS COURT that forfeiture herein be and the same is hereby allowed as to the said described 1939 Model Ford DeLuxe Tudor Sedan Automobile, Motor No. 18-S, 118,524, and said automobile is ordered delivered to the Treasury Department for the use of the Bureau of Internal Revenue in the enforcement of the Internal Revenue Laws, pursuant to Section 504, of the Liquor Tax Repeal and Enforcement Act, to ether with all of its equipment and accessories.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THIS COURT that forfeiture herein be and the same is hereby allowed as to the said approximately ninety (90) gallons of assorted taxpaid intoxicating liquors seized with said described automobile which intoxicating liquors are ordered delivered over to the Secretary of the Treasury of the United States for proper and lawful disposition.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THIS COURT that all storage charges incident to the seizures herein be, and the same are hereby ordered paid by the Treasury Department.

F. M. KENDRICKER  
JUDGE

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

JOE W. HOWE  
Assistant United States Attorney

ENDORSED: Filed Mar 22 1940  
H. P. Woodfield, Clerk  
U. S. District Court H

407

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

DISTRICT OF OKLAHOMA

TUESDAY, FEBRUARY 16, 1940

TULSA, OKLAHOMA

THURSDAY, MARCH 21, 1940

On this 21st day of March, A. D. 1940, the District Court of the United States in the Northern District of Oklahoma, sitting in Regular Term at Tulsa, met pursuant to adjournment, H. F. W. Kennamer, Judge, present and presiding.

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

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

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

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

C O R D E R

NOW, on this 19th day of March, 1940, there coming on for hearing the motion of the petitioner, Grand River Dam Authority, a public corporation, praying that the report of the commissioners heretofore filed in this cause on the 17th day of February, 1940, be set aside and that the petitioner be allowed to amend its petition by correctly describing that part of Lot 7, Section 32, Township 26 North, Range 24 East, Ottawa County, Oklahoma, which was allotted to Cloudy W. Frazier, by omitting three (3) acres, which were reserved out of said Lot 7 by the Cherokee Nation; and by substituting Maud Plaster as party defendant for an instead of D. S. Patterson, and let the Judge of this Court prescribe the form of notice and fix the time and place for the appointment of commissioners, and authorize and direct the petitioner to cause proper notice to be served upon Maud Plaster of these proceedings and of the time and place of the appointment of commissioners; and the Court being fully advised in the premises that the motion of the petitioner should be granted.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the report of commissioners heretofore filed on the 17th day of February, 1940, be, and it is hereby set aside and that the petitioner be, and it is hereby authorized to file an amended petition, correctly describing the lands owned by Cloudy W. Frazier, be omitting three (3) acres referred to in the original petition for condemnation as Tract No. 1 (40 GR-O 99); and by substituting Maud Plaster as party defendant for an instead of D. S. Patterson, as to the lands described in Tract No. 2 (40 GR-O 105); and that notice be given the defendant, Maud Plaster, by serving a copy of said notice upon said defendant, said notice to be served by the United States Marshal of the District and State in which said defendant 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 the Court, notifying said defendant that the appointment 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 any right, title or interest therein, may have sustained or will sustain by reason of the condemnation and appropriation of said property for public use on the 15th day of April, 1940, at the hour of ten o'clock A.M., or as soon thereafter as counsel may be heard, and that said defendant may appear, if she so desires.

WITNESSED: Filed Mar 21 1940  
H. P. Warfield, Clerk  
U. S. District Court  
F. B. KENNAMER  
JUDGE OF THE UNITED STATES DISTRICT COURT IN AND FOR THE NORTHERN DISTRICT OF OKLAHOMA

On this 23rd day of March, A. D. 1940, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1940 Term at Tulsa, met pursuant to adjournment, Hon. W. E. Kenvamer, Judge, present and presiding.

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

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

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

Grand River Dam Authority, a  
public corporation,

)  
Petitioner, )

vs.

) CIVIL NO. 246  
) Filed: Sept. 13, 1939

H. H. Thompson, et al.,

)  
Defendants. )

ORDER

This matter coming on to be heard on the 22nd day of March, 1940, being a regular day of the term of this Court, upon the application of the defendant, Mary V. Eighinger, for a distribution of the award in condemnation by the Commissioners heretofore appointed by this Court in the sum of Seventy-four Hundred and No/100 (\$7400.00) Dollars, which sum has been paid into the Court Clerk for distribution; and further hearing on the application of the defendant, Myrtle V. Aungst, holder of the first mortgage lien upon the premises the subject of condemnation herewith, to-wit:

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

"Beginning at the NE corner of said Lot 1, thence Southerly along the East boundary of said Lot 1 and SE $\frac{1}{4}$  NE $\frac{1}{4}$  to the SE corner of said SE $\frac{1}{4}$  NE $\frac{1}{4}$ , thence S 89° 00' W. along the South boundary of said SE $\frac{1}{4}$  NE $\frac{1}{4}$  a distance of 271.2 feet; thence N. 7.0 44' W. 86.9 feet; thence N. 13° 52' E. 117.5 feet; thence N. 6° 40' E. 282.8 feet; thence N. 5° 05' E. 259.7 feet; thence N. 6° 41' E. 226.4 feet; thence N. 5° 03' W. 272.2 feet; thence N. 16° 35' W. 224.0 feet; thence N. 23° 39' W. 130.7 feet; thence N. 28° 16' E. 36.0 feet; thence S. 2° 20' W. 199.6 feet; thence N. 29° 11' W. 163.00 feet; thence N. 0° 13' E. 167.9 feet; thence N. 14° 25' E. 23.7 feet to a point in the North boundary of said Lot 1; thence N 89° 16' E. along said North boundary a distance of 411.4 feet to the point of beginning, containing 15.3 acres, more or less;

AND

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

"Lot 6, Lot 7, Lot 8, Lot 9 of Sec. 6, T. 25 N - R. 24 E. of the Indian Base and Meridian, Cherokee Survey, containing 133.12 acres, more or less;

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

AND

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

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

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

"Said Tract No. 5, containing 147.03 acres, more or less."

And it appearing to the Court that the defendant and applicant for distribution of the award, Mary V. Eighinger, in person and as Administratrix of the Estate of Fred Eighinger, deceased, being represented by her Counsel, Robt. K. Everest and John R. Wallace, and the defendant and applicant Myrtle V. Aungst being represented by her attorneys, J. H. Everest and Robt. K. Everest, and the defendants V. E. Tipton, Lida Tipton, Katherine Aungst, R. L. Logan, J. W. Williams, Trustee for Myrtle Aungst, and Corner Stone Bank of Southwest City, Missouri, a corporation, were all regularly served with summons herein and have failed to answer or plead;

The Court therefore examined the files and pleadings and, being fully advised in the premises, FINDS that, in truth and in fact Mary V. Eighinger is the duly appointed, qualified and acting Administratrix of the Estate of Fred Eighinger, deceased, and her appearance herein is in the dual capacity of herself personally and as such administratrix, and that Kathryn Aungst is deceased, having departed this life on September 22, 1939 and that Myrtle V. Aungst, applicant herein, has survived her and is the survivor named in a certain first mortgage covering the property the subject of condemnation herein and other property, and that Mary V. Aungst has the right and is entitled to receive the payment from the award requested and consented to by Mary V. Eighinger, Administratrix and in her personal capacity; and that the defendants, V. E. Tipton and Lida Tipton are husband and wife, and have no right, title, or equity in or to these premises or to the award, or at all; and that the defendant, R. L. Logan was the tenant upon the said premises and has vacated the same and removed from the said premises and is no longer interested nor has any right, title or interest therein; that the defendant, Corner Stone Bank of Southwest City, Missouri, a corporation, has no right, title, interest, or equity or claim in or to the premises the subject of condemnation or to the award herein, or at all; and

The Court further FINDS that the award by the Commissioners in the sum of Seventy four Hundred and No/100 (\$7400.00) Dollars is hereby confirmed and allowed and that the same should be distributed by the Court Clerk as prayed by the applications of Mary V. Eighinger and Myrtle V. Aungst herein as follows, to-wit: The sum of \$5203.10 to Myrtle V. Aungst and the sum of \$400.00 to Robt. K. Everest and John R. Wallace, Attorneys for the defendant, Mary V. Eighinger in person and as Administratrix of the Estate of Fred Eighinger, deceased, as and for attorney fees and travel expense and the expense of probate as set out in the final decree therein; and that the residue of said award should be paid to Mary V. Eighinger, Administratrix of the Estate of Fred Eighinger, deceased.

The court further finds that all ad valorem taxes upon said premises, if any, are to be paid and so ordered.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that the defendants, V. E. Tipton,





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

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

C O R D E R

NOW, on this 27th day of March, 1940, the motion of the plaintiff, Nettie Henson, to be substituted as plaintiff herein by Nettie Henson, Administratrix of the estate of Elwell Edlis Henson, deceased, and for authority to file an amended petition herein came on for hearing, and the plaintiff appearing in person and by her attorney, S. M. Rutherford, and the defendant, H. F. Wilcox Oil & Gas Company, a corporation, appearing by its attorneys, Hudson & Hudson, both sides having announced ready and the matter having been presented, and the Court being fully advised in the premises, FINDS that said motion is agreeable to the defendant herein and FINDS that said motion should be sustained.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED, that Nettie Henson, Administratrix of the Estate of Elwell Edlis Henson, deceased, be, and is hereby substituted as the party plaintiff herein in lieu and in substitution of Nettie Henson, a widow.

IT IS FURTHER ORDERED that the said plaintiff herein be, and is hereby allowed to file her amended petition herein instantler.

IT IS FURTHER ORDERED that the answer of the defendant heretofore filed herein be, and is hereby considered the defendant's answer to the amended petition filed this day herein.

F. E. KENNAMER  
JUDGE

APPROVED: S. M. RUTHERFORD  
Attorney for Plaintiff

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

ENDORSED: Filed Mar 27 1940  
H. F. Warfield, Clerk  
U. S. District Court E

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

NETTIE HENSON, Administratrix of the Estate )  
of Elwell Edlis Henson, deceased, Plaintiff, )  
vs. ) No. 257 Civil  
H. F. WILCOX OIL & GAS COMPANY, a )  
corporation, Defendant. )

JOURNAL ENTRY OF JUDGMENT

NOW, on this the 27th day of March, 1940, this cause comes on for trial.

Plaintiff appeared in person and by her counsel, B. H. Richardson, and the defendant, E. F. Wilcox Oil & Gas Company, a corporation, appeared by its counsel, Hudson & Hudson; and both having announced ready for trial the cause, said cause, the court proceeded to the trial of said cause.

The plaintiff then introduced her evidence and rested, and the defendant introduced no evidence. The court being fully advised in the premises, and upon consideration thereof, finds:

1. That Elwell Emils Henson, plaintiff's decedent, died intestate on the 6th day of May, 1939, and that he left surviving him as his heirs at law and next of kin the following:

Nettie Henson, his widow, the administratrix and plaintiff herein; and William Dean Henson, a son, age fifteen years; Dorothy May Henson, a daughter age twelve years.

That plaintiff's decedent also left surviving a son, Leland Elwood Baker, more than twenty years of age, and that said Leland Elwood Baker is a child of a former marriage and that never during any portion of the life of said child was he in the custody of or under the supervision or control of said decedent; that said child always lived separate and apart from said decedent and free and independent of any control or supervision by said decedent; that said Leland Elwood Baker does now, and has for many years, resided in the State of Kansas, and has assumed and is known by the name of his stepfather; that said child is now married and gainfully employed and capable of supporting himself, and is and was at the time of the death of said decedent, free and independent of said decedent, of any control, supervision, support or maintenance of said decedent, and that said child was not receiving during the life of said decedent, nor would he have received had said decedent lived, any support or maintenance from said decedent, and that by reason thereof the said Leland Elwood Baker has suffered no loss or damage by reason of the death of said Elwell Emils Henson, deceased, and is therefore not entitled to participate in nor be the recipient of any portion of the judgment rendered herein in favor of the plaintiff and against the defendant.

2. That the plaintiff, Nettie Henson, is the duly appointed administratrix of the estate of Elwell Emils Henson, deceased, having been appointed by the Court of Creek County, Oklahoma.

3. The court further finds from the testimony that the plaintiff administratrix is entitled to recover judgment herein in the sum of Sixty-five Hundred (\$6500.00) Dollars on account of the wrongful death of the deceased, and that said judgment in the sum of Sixty-five Hundred (\$6500.00) Dollars when so paid shall constitute a trust fund for the benefit of the said plaintiff widow, administratrix, and her two children, as hereinafter provided; and by reason of the trust character of said judgment, monies paid in satisfaction of said Sixty-five Hundred (\$6500.00) Dollar judgment are not properly a part of the estate of the deceased, and are therefore not subject to administration.

4. The court finds that the plaintiff's decedent was killed instantly and experienced no conscious pain and suffering.

5. The court finds that the plaintiff administratrix herein should, and she is hereby directed, to disburse said Sixty-five Hundred (\$6500.00) Dollars, as follows: That she shall disburse to herself, as widow of the deceased, the sum of Forty-five Hundred (\$4500.00) Dollars; and that she shall disburse to her minor child, William Dean Henson, the sum of One Thousand (\$1000.00) Dollars; and to her child, Dorothy May Henson, the sum of One Thousand (\$1000.00) Dollars.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by this court, that the plaintiff Nettie Henson, as administratrix of the estate of Elwell Emils Henson, deceased, here and recover from the defendant, E. F. Wilcox Oil & Gas Company, a corporation, the sum of Sixty-five Hundred (\$6500.00) Dollars, with interest thereon at the rate of six (6) per cent per annum from this date, together with the costs of this action.

IT IS FURTHER ORDERED AND DECREED by this Court, that plaintiff herein, as administratrix of the estate of decedent, pay to herself as widow, and disburse to herself as administratrix of the estate of the decedent, the sum of Forty-five Hundred (\$4500.00) Dollars, and the plaintiff, is further directed as administratrix of the estate of the decedent, to disburse to her children herein, William Dean Henson and Dorothy May Henson, One Thousand (\$1000.00) Dollars each, and that the said Leland Elwood Baker take no portion of the judgment herein.

IT IS FURTHER ORDERED AND DECREED that the Clerk file and enter any satisfaction of judgment herein tendered for the filing by the plaintiff, showing the payment of Sixty-five Hundred (\$6500.00) Dollars, as aforesaid, together with the costs of this action.

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

OK S. M. RUTHERFORD, Attorney for Plaintiff  
R. D. HUDSON W. E. HUDSON, Attorneys for Defendant

ENDORSED: Filed Mar 27 1940  
H. P. Warfield, Clerk  
U. S. District Court E

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

UNITED STATES OF AMERICA, Plaintiff, )  
vs. ) No. 290 CIVIL  
Dr. H. E. Lee, Defendant.

O R D E R

Now on this 27th day of March, 1940, this matter coming on before the Court on the application of the United States of America for a default judgment in this cause of action, and it appearing to the Court that the plaintiff, United States of America, filed its complaint in this cause on December 1, 1939, and that thereafter, and on December 8, 1939, the defendant filed his disclaimer herein, disclaiming any right title or interest in or to the real estate described in plaintiff's complaint; and it further appearing to the Court that plaintiff's application for default judgment should be granted;

IT IS THEREFORE THE ORDER of the Court that a default judgment be entered in this cause of action.

ALFRED P. MURRAY  
JUDGE

OK AS TO FORM SERVICE OF COPY ACKNOWLEDGED  
WHIT Y. MAUZY CHESTER A. BREWER

ENDORSED: Filed Mar 27 1940  
H. P. Warfield, Clerk  
U. S. District Court DC

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

UNITED STATES OF AMERICA, Plaintiff, )

vs.

No. 290 CIVIL

Dr. H. E. Lee,

Defendant. )

JOURNAL ENTRY OF JUDGMENT

Now on this 27th day of March, 1940, this cause of action coming on before the Court on the application of the plaintiff, United States of America, for a default judgment, the United States of America appearing by Whit Y. Mauzy, United States Attorney for the Northern District of Oklahoma, and Chester A. Brewer, Assistant United States Attorney for said district, and it appearing to the Court that the defendant, Dr. H. E. Lee, did, on December 8, 1939, file a disclaimer in this cause of action, disclaiming any right, title or interest in or to the land hereinafter described, the Court therefore finds that the plaintiff is entitled to judgment as prayed in its complaint.

The Court further finds that Pigeon England is a full-blood restricted Cherokee Indian, appearing opposite Roll No. 17748. That said Pigeon England, by reason of his blood and enrollment was duly allotted the following described land, to-wit:

Northwest Quarter of Northwest Quarter;  
Northwest Quarter of Northeast Quarter  
of Northwest Quarter; Southwest Quarter  
of Northeast Quarter of Northwest Quarter;  
Northwest Quarter of Southeast Quarter of  
Northwest Quarter of Section Twenty (20),  
Township Twenty-seven (27) North, Range  
Twenty-two (22) East, Ottawa County, Oklahoma.

The Court further finds that under the provisions of the Act of Congress of May 27, 1908, the land hereinabove described was restricted against alienation or encumbrance, without the approval of the Secretary of the Interior, prior to April 26, 1931.

The Court further finds that said restrictions were extended by Act of Congress of May 10, 1928, to April 26, 1956.

The Court further finds that although said land was restricted against alienation or encumbrance, without the approval of the Secretary of the Interior, on January 18, 1933, plaintiff's ward, Pigeon England, and Lena England, his wife, made, executed and delivered to the defendant, Dr. H. E. Lee, a purported mortgage covering the above described land. That said mortgage was placed of record in the office of the County Clerk of Ottawa County, Oklahoma, on January 23, 1933, and recorded in Book 142, at Page 846. That said mortgage was not approved by the Secretary of the Interior, and that the restrictions against alienation or encumbrance had not been removed by the Secretary of the Interior. That said mortgage is void and of no force and effect, and should be canceled of record.

The Court further finds that the title to the above described land should be quieted in Pigeon England, full-blood restricted Cherokee Indian appearing opposite Roll No. 17748.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the mortgage dated January 18, 1933, from Pigeon England and Lena England, his wife, to the defendant, Dr. H. E. Lee, which mortgage covers the above described land, and which mortgage was recorded on January 23, 1933, in the office of the County Clerk of Ottawa County, Oklahoma, in Book 142, at Page 846, be, and the same



IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA, Plaintiff, )

vs.

No. 333 CIVIL

H. L. Puryear, doing business as Hotel Pharmacy,  
and J. A. Puryear, doing business as Puryear  
Drugstore, Defendant.

JOURNAL ENTRY OF JUDGMENT

Now on this 27th day of March, 1940, this cause of action coming on before the Court on the application of the plaintiff, United States of America, for a default judgment, United States of America appearing by Whit Y. Maury, United States Attorney for the Northern District of Oklahoma, and Chester A. Brewer, Assistant United States Attorney for said district, and it appearing to the Court that the defendants, H. L. Puryear, doing business as Hotel Pharmacy, and J. A. Puryear, doing business as Puryear Drugstore, have been duly and regularly served with summons in this cause of action; and it further appearing to the Court that said defendants and each of them, have filed in this action their disclaimer, disclaiming any right, title or interest in or to the real estate hereinafter described, the Court therefore finds that the plaintiff is entitled to judgment as prayed for in its complaint. The Court further finds that Minnie Bighorse Fletcher is a restricted Osage Indian of over one-half degree Indian blood, to whom a certificate of competency has never been issued. That there was purchased out of her restricted funds, through the foreclosure of a mortgage in this court the following described property, to-wit:

lots Seven (7) and Eight (8), Block Three (3)  
Palmer Highland Addition to the City of Pawhuska,  
Osage County, Oklahoma, according to the recorded  
plat thereof.

That during the month of September, 1931, John H. Vickrey, the then United States Marshal for the Northern District of Oklahoma, executed a Marshal's deed conveying the above described property to the said Minnie Bighorse Fletcher; that said deed contained the following restrictions:

"Subject to the condition that while the title herein conveyed is in the grantee or grantees, or their heirs, the lands herein described shall not be alienated or encumbered without the written consent and approval of the Secretary of the Interior of the United States of America."

That on November 21, 1938, the defendant, H. L. Puryear, doing business as Hotel Pharmacy, obtained a judgment in case No. A-1458, filed in docket 8, page E-8, against plaintiff's ward, in the sum of One Hundred Ninety-nine Dollars and Ninety-nine cents (\$199.99) together with court costs in the sum of Five Dollars and Ninety Cents (\$5.90), with interest at Six per cent (6%) per annum from September 27, 1937. That the debt which was merged in said judgment was not approved by the Secretary of the Interior, or his duly authorized agent, the Superintendent of the Osage Indian Agency, and does not constitute a lien upon the property above described.

The Court further finds that on November 21, 1938, the defendant, J. A. Puryear, doing business as the Puryear Drugstore obtained a judgment in case No. A-1459, against plaintiff's ward, which judgment was filed in docket 8, page E-9, in the sum of One Hundred and One Dollars and Ten Cents (\$101.10), with court costs in the sum of Five Dollars and Seventy Cents (\$5.70), and interest at the rate of six per cent (6%) per annum from April 14, 1936, until paid. That the debt which was merged in said judgment was not approved by the Secretary of the Interior, or his

July authorized agent, the Superintendent of the Osage Indian Agency, and said judgment does not constitute a lien upon the property hereinabove described.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the following judgments are void and of no force and effect, and are canceled of record insofar as such judgments affect the following described property, to-wit:

lots Seven (7) and Eight (8), Block Three (3) Palmer Highland Addition to the City of Pawtucket, Osage County, Oklahoma, according to the recorded plat thereof,

judgment dated November 21, 1938, in case No. A-1458, filed in docket 6, page F-8, in favor of H. L. Puryear, doing business as Hotel Pharmacy, and against Minnie Bighorse Fletcher, Osage Allottee No. 561, in the sum of One Hundred Ninety-nine Dollars and Ninety-nine Cents (\$199.99), with interest at six per cent (6%) per annum from September 27, 1937, until paid, and court costs in the sum of Five Dollars and Ninety Cents (\$5.90). Judgment dated November 21, 1938, in case No. A-1459, filed in docket 8, page F-3, in favor of J. A. Puryear, doing business as Puryear Drugstore, and against Minnie Bighorse Fletcher, Osage Allottee No. 561, in the sum of One Hundred One Dollars and Ten Cents (\$101.10), with interest at the rate of six per cent (6%) per annum from April 24, 1936, until paid, and court costs in the sum of Five Dollars and Seventy Cents (\$5.70).

IT IS THE FURTHER ORDER of the Court that the title to the above described real estate be, and the same hereby is quieted in Minnie Bighorse Fletcher, Osage Allottee No. 561, and the said Minnie Bighorse Fletcher, Osage Allottee No. 561, is hereby decreed to be the owner in fee simple of the real estate hereinabove described, together with all improvements thereon.

IT IS THE FURTHER ORDER of the Court that the defendants, H. L. Puryear, doing business as Hotel Pharmacy, and J. A. Puryear, doing business as Puryear Drugstore, and each of them, and all persons claiming by, through or under them, since the commencement of this action, be, and they hereby are decreed to be without any right, title, interest, equity or estate in or to the lands hereinabove described, and said defendants, and each of them are hereby restrained and enjoined from claiming or asserting any right, title, interest, equity or estate in or to said above described real estate, or in any manner interfering with the use and possession of said land by the said Minnie Bighorse Fletcher, Osage Allottee No. 561, or her grantees or assigns.

ALFRED P. MURKIN  
JUDGE

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

CHESTER A. BREWER,  
Assistant United States Attorney

ENDORSED: Filed Mar 17 1940  
H. P. Garfield, Clerk  
U. S. District Court DC