

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE NORTHERN DISTRICT
OF OKLAHOMAHOWARD GRAY, as Executor of the Estate
of Julia S. Pearman, deceased,

Plaintiff,

vs.

EXCHANGE NATIONAL COMPANY, a corporation,
et al.,

Defendants.

No. 877 Equity

ORDER AUTHORIZING TRUSTEE TO SELL REAL ESTATE

On this 29th day of January, 1940, upon the application of J. H. McBirney, Successor Trustee, for authority to sell real estate; and it appearing among the assets coming into the hands of the trustee was a note executed by William Turner, dated October 24, 1928, for the principal sum of Four Thousand Eight Hundred Dollars (\$4,800.00, upon which there was due the principal sum of Three Thousand Six Hundred Seven & 05/100 Dollars (\$3,607.05); that said note was secured by a real estate mortgage covering:

The East Fifty (50) feet of North One Hundred Forty Two and one-half (142 $\frac{1}{2}$) feet of Lot Three (3) in Block Ten (10) in Fair Acres Addition to the City of Tulsa, Tulsa County, Oklahoma,

that because of the inability of the maker of said note to pay the same, and the inability of the trustee to collect said note, upon an application to this court, said trustee was authorized, by an appropriate order therefor, on the 25th day of June, 1936, to accept a warranty deed from William Turner, and to accept title to said real estate above described, in satisfaction of said indebtedness, and that the said J. H. McBirney, as Successor Trustee, is the present owner and holder of legal title to said real estate; and it further appearing that the said real estate above described is improved by a one-story brick duplex, 34' x 44', each duplex containing four rooms and bath, and that said real estate is also improved by a garage, 18' x 18'; and it further appearing that the said trust estate has an investment of Three Thousand Eight Hundred Eighteen & 73/100 Dollars (\$3,818.73) in said real estate, as reflected by the books of said trust; and it further appearing that the said real estate has been appraised, and a value has been fixed therefor at Three Thousand Two Hundred Fifty Dollars (\$3,250.00); and it further appearing that the said real estate above described is located at 2422-24 East Thirteenth Place in the City of Tulsa, between Lewis Avenue and the Katy Railway tracts, and that its location and surroundings render it difficult of sale; and it further appearing that J. H. McBirney, Successor Trustee, has an offer from C. H. Craig, Jr., for the purchase of said real estate for the sum of Three Thousand Dollars (\$3,000.00) in cash, and that said offer is the highest offer received by said trustee for said property; and it further appearing that the members of the Advisory Committee, appointed by this court, upon whom notice shall be given of all sales of real estate in said trust, have been duly notified and that the said members of the Committee have considered said offer and have approved the same and recommended that the said trustee sell said real estate for said price; and it further appearing that the said trustee has recommended that the said property be sold for said consideration; and it further appearing that the said trust estate will sustain a financial loss in the sale of said property, but that it is to the best interest of said trust estate to sell said real estate for said consideration; and it further appearing that the North Side Realty Company, real estate brokers in the City of Tulsa, arranged the sale of said real estate and are entitled to compensation therefor, and that five per cent (5%) of the sales price is a reasonable compensation for said services, and for other good cause,

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

The East Fifty (50) feet of North One Hundred Forty Two and one-half (142 $\frac{1}{2}$) feet of Lot three (3) in Block Ten (10) in Fair Acres Addition to the City of Tulsa, Tulsa County, Oklahoma,

for the sum of Three Thousand Dollars (\$3,000.00).

and it further appearing that this said trust is in liquidation; that it is to the best interest of the said trust and its beneficiaries that said real estate be sold; that the said trustee has not received a higher or better offer for said real estate; and it further appearing that the sale of said real estate was arranged by Farmer & Duran, real estate brokers in the City of Tulsa, and that they are entitled to compensation for their said services, and that five per cent (5%) of the sales price is a reasonable compensation therefor, and that Farmer & Duran should be paid said sum of One Hundred Thirty Seven & 50/100 Dollars (\$137.50) as compensation for their said services, and for other good cause,

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

Lot Eighteen (18) in Block Thirteen (13) in Summit Heights Addition
to the City of Tulsa, Tulsa County, Oklahoma,

for the sum of Two Thousand Seven Hundred Fifty Dollars (\$2,750.00), payable as follows: Five Hundred Dollars (\$500.00) in cash, upon delivery of trustee's special warranty deed, and the balance and remainder at the rate of Twenty Five Dollars (\$25.00) per month, to include both principal and interest, and the unpaid balance to bear interest at the rate of six per cent (6%) per annum, and to be secured by a first and prior real estate mortgage covering said real estate, and subject to the requirement and provision that the entire unpaid balance be payable within three (3) years, with the right in the purchasers to pay the entire unpaid balance at any time.

IT IS FURTHER ORDERED that J. H. McBirney, Successor Trustee, execute and deliver to C. H. Pierce and Leah Pierce, his trustee's special warranty deed, upon payment to him of said sum of Five Hundred Dollars (\$500.00) and delivery to him of an appropriate note evidencing the indebtedness for the unpaid balance of said purchase price, said note to mature within three (3) years, and to provide for monthly payments of Twenty Five Dollars (\$25.00), to include interest and payment upon principal and said unpaid balance to bear interest at the rate of six per cent (6%) per annum, as well as delivery to him of a first and prior real estate mortgage covering the real estate above described, and securing the said note evidencing the balance of the unpaid purchase price provided herein.

IT IS FURTHER ORDERED that the sale of the real estate above described, by J. H. McBirney, Successor Trustee, to C. H. Pierce and Leah Pierce, 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 Farmer & Duran the sum of One Hundred Thirty Seven & 50/100 Dollars (\$137.50) as compensation in full for their services in arranging the sale of said real estate.

P. E. KENNAMER
United States District Judge

ENDORSED: Filed Jan 29 1940
H. P. Warfield, Clerk
U. S. District Court B

Dated this 29th day of January, 1940.

F. E. KENIAMER
JUDGE OF THE DISTRICT COURT OF THE
UNITED STATES FOR THE NORTHERN DIS-
TRICT OF OKLAHOMA

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

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

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

ORDER AUTHORIZING TRUSTEE TO SELL REAL ESTATE

On this 29th day of January, 1940, upon the application of J. H. McBirney, Successor Trustee, for authority to sell real estate; and it appearing that among the assets coming into the hands of the trustee was a note executed by Julius Livingston, dated the 17th day of May, 1929, for the principal sum of Three Thousand Dollars (\$3,000.00), said note being secured by a first and prior real estate mortgage covering

Lot Eighteen (18) in Block Thirteen (13) in Summit Heights Addition to the City of Tulsa, Tulsa County, Oklahoma;

that because of the inability of the trustee to collect said note, he instituted cause No. 58890 in the District Court of Tulsa County, Oklahoma, and obtained a judgment in said cause on the 15th day of November, 1938, against Julius Livingston, for the sum of Three Thousand Two Hundred Eighty Eight & 17/100 Dollars (\$3,288.17), principal and interest to the date of judgment, plus an attorney's fee of Two Hundred Thirty Five Dollars (\$235.00) and for the foreclosure of the real estate mortgage; that thereafter, pursuant to appropriate sale proceedings, J. H. McBirney, purchased the said property above described, at said Sheriff's sale, and the sum bid therefor was credited upon said judgment; that J. H. McBirney, as Successor Trustee, is the present holder of legal title to the real estate above described; and it further appearing that the said real estate consists of a lot approximately 40' x 140', and is improved by a one-story frame house, 28' x 38', containing five rooms, breakfast room and bath, composition roof and concrete foundation; and it further appearing that the said trustee has an offer from C. E. Pierce and Leah Pierce for the purchase of said real estate and improvements for the sum of Two Thousand Seven Hundred Fifty Dollars (\$2,750.00), payable Five Hundred Dollars (\$500.00) in cash, and the remainder and balance at the rate of Twenty Five Dollars (\$25.00) per month, to include both principal and interest, but the entire unpaid balance to mature and be payable within three (3) years, and the unpaid balance to bear interest at the rate of six per cent (6%) per annum, and to be secured by a first and prior real estate mortgage covering said real estate; and it further appearing that the said trustee has had the said property appraised and the value fixed by said appraisers approximates the sum bid therefor; and it further appearing that the members of the Advisory Committee, appointed by this court, upon whom notice shall be given of all sales of real estate, have been notified of said offer and have approved the same, and have recommended that the said trustee sell said real estate for said consideration and upon said terms;

118.8 feet; thence S. 48° 05' W. 91.4 feet; thence S. 20° 01' E. 152.1 feet; thence N. 38° 33' W. 145.1 feet; thence N. 25° 42' W. 110.3 feet; thence S. 68° 37' W. 118.9 feet; thence S. 39° 51' W. 196.2 feet; thence S. 53° 01' W. 174.0 feet; thence S. 55° 08' W. 199.3 feet; thence S. 65° 03' W. 266.4 feet; thence S. 34° 18' W. 100.7 feet; thence S. 29° 29' E. 230.9 feet; thence N. 30° 32' E. 92.1 feet; thence S. 43° 27' W. 78.3 feet; thence S. 23° 17' E. 146.0 feet; thence N. 46° 14' W. 150.0 feet; thence N. 55° 15' W. 347.5 feet; thence N. 82° 37' W. 33.5 feet; thence S. 62° 54' W. 255.0 feet; thence S. 63° 45' W. 214.3 feet; thence S. 59° 42' W. 105.6 feet; to a point in the South boundary of said Lot 9 and 692.2 feet West of the SE corner thereof; thence N. 89° 09' W. along said South boundary to the meander line along the left bank of Grand River; thence Northeasterly along said meander line to a point in the East boundary of said Lot 9; thence Southerly along said East boundary to the point of beginning, containing 30.5 acres, more or less;

All in T 24 N - R 22 E of the Indian Base and Meridian; the whole tract containing in all 40.5 acres, more or less;

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

AND

All that part of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ and SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 25, T 24 N - R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, particularly described as follows, to-wit:

Beginning at a point in the West boundary of said SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ and 114.2 feet South of the NW corner thereof; thence S. 1° 02' W. along the West boundary of said SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ a distance of 299.0 feet to a point 244.5 feet North of the SW corner thereof; thence S. 25° 36' E. 85.0 feet; thence N. 1° 52' E. 153.5 feet; thence N. 84° 05' E. 186.0 feet; thence S. 83° 01' E. 220.0 feet; thence S. 29° 21' E. 117.0 feet; thence S. 87° 27' E. 99.1 feet; thence S. 10° 57' E. 73.7 feet; thence S. 34° 40' E. 148.1 feet; thence N. 15° 22' W. 181.0 feet; thence S. 37° 48' E. 204.0 feet; thence S. 74° 28' W. 259.7 feet; thence N. 34° 25' W. 146.1 feet; thence S. 74° 06' W. 81.1 feet; thence N. 71° 12' W. 168.0 feet; thence N. 8° 01' E. 113.3 feet; thence S. 44° 48' W. 128.6 feet; thence N. 72° 40' W. 159.0 feet to the point of beginning, containing 2.6 acres, more or less;

SAID TRACT NO. 3, containing a total of 131.95 acres, more or less.

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

AND THAT such commissioners ought to be appointed.

to the point of beginning, containing 26.4 acres, more or less;

TRACT B:

Beginning at the SE corner of said NW $\frac{1}{4}$ SE $\frac{1}{4}$, thence West-ly along the South boundary of said NW $\frac{1}{4}$ SE $\frac{1}{4}$ to the SW corner thereof; thence N. 0° 04' E. along the West boundary of said NW $\frac{1}{4}$ SE $\frac{1}{4}$ a distance of 171.0 feet to a point 1157.8 feet South of the NW corner thereof; thence S. 72° 41' E. 35.0 feet; thence N. 84° 32' E. 79.0 feet; thence N. 68° 05' E. 143.0 feet; thence N. 63° 15' E. 178.0 feet; thence N. 55° 10' E. 149.2 feet; thence N. 52° 28' E. 301.0 feet; thence N. 42° 48' E. 260.2 feet; thence N. 49° 01' E. 292.2 feet; thence N. 54° 30' E. 199.2 feet to a point in the East boundary of said NW $\frac{1}{4}$ SE $\frac{1}{4}$ and 254.9 feet South of the NE corner thereof; thence S. 0° 00' E. along said East boundary a distance of 1075.4 feet to the point of beginning, containing 16.6 acres, more or less;

All in T 25 N - R 24 E of the Indian Base and Meridian, Seneca Survey; the whole tract containing in all 83.0 acres, more or less;

SAID TRACT NO. 2, containing a total of 140.8 acres, more or less.

TRACT NO. 3 (9 GR-D 420
9 GR-D 422
9 GR-D 420-A
9 GR-D 429
9 GR-D 442):

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

The SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, the W $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, Lot 4, and Lot 5, less the SE 10.0 acres thereof, of Sec. 24, T 24 N - R 22 E of the Indian Base and Meridian, containing 88.85 acres, more or less,

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

AND

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

The SE 10 acres of Lot 6, containing 10 acres; and all that part of Lot 9 and the S $\frac{1}{2}$ SE $\frac{1}{4}$ of Sec. 24, particularly described as follows, to-wit:

Beginning at the NW corner of said S $\frac{1}{2}$ SE $\frac{1}{4}$, thence S. 89° 09' E. along the North boundary of said S $\frac{1}{2}$ SE $\frac{1}{4}$ a distance of 1439.4 feet to a point 1189.2 feet West of the NE corner thereof; thence S. 61° 20' W. 26.2 feet; thence S. 57° 59' W. 212.2 feet; thence S. 48° 12' W. 127.2 feet; thence S. 29° 21' W.

SAID TRACT No. 1, containing 61.1 acres, more or less.

TRACT NO. 2 (33 GR-D 1675
34 GR-D 1705):

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

The NE $\frac{1}{2}$ NW $\frac{1}{4}$ of Sec. 16, containing 40.0 acres, more or less; and that part of the SW $\frac{1}{4}$ N E $\frac{1}{4}$ of Sec. 16, particularly described as follows, to-wit:

Beginning at the NE corner of said SW $\frac{1}{4}$ NE $\frac{1}{4}$, thence Westerly along the North boundary of said SW $\frac{1}{4}$ NE $\frac{1}{4}$ to the NW corner thereof; thence Southerly along the West boundary of said SW $\frac{1}{4}$ NE $\frac{1}{4}$ to the SW corner thereof; thence S. 89° 42' E. along the South boundary of said SW $\frac{1}{4}$ NE $\frac{1}{4}$ a distance of 1037.1 feet to a point 287.1 feet West of the SE corner thereof; thence N. 42° 51' W. 126.1 feet; thence N. 71° 15' W. 282.5 feet; thence N. 67° 24' W. 447.3 feet; thence N. 32° 20' W. 209.7 feet; thence N. 7° 32' W. 213.2 feet; thence N. 3° 45' W. 223.5 feet; thence S. 60° 33' E. 404.7 feet; thence N. 44° 17' E. 314.3 feet; thence S. 86° 43' E. 360.4 feet; thence N. 52° 24' W. 409.5 feet; thence N. 4° 16' E. 165.0 feet; thence S. 87° 39' E. 265.4 feet; thence S. 77° 33' E. 336.8 feet; thence S. 29° 49' E. 139.9 feet; thence N. 63° 58' E. 17.6 feet to a point in the East boundary of said SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 1041.5 feet North of the SE corner thereof; thence N. 0° 16' W. along said East boundary a distance of 290.5 feet to the point of beginning, containing 17.8 acres, more or less;

All in T 25 N - R 24 E of the Indian Base and Meridian, Seneca Survey, the whole tract containing in all 57.8 acres, more or less;

AND

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

The SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 9 containing 40.0 acres, more or less; and that part of the N E $\frac{1}{4}$ SE $\frac{1}{4}$ and the E $\frac{1}{2}$ NW $\frac{1}{4}$ of Sec. 9 particularly described as follows, to-wit:

TRACT A:

Beginning at the SW corner of said E $\frac{1}{2}$ NW $\frac{1}{4}$, thence N. 0° 09' E. along the West boundary of said E $\frac{1}{2}$ NW $\frac{1}{4}$ a distance of 1712.7 feet to a point 942.5 feet South of the NW corner thereof; thence S. 63° 13' E. 42.7 feet; thence S. 3° 54' W. 205.7 feet; thence S. 85° 45' E. 568.0 feet; thence N. 22° 54' E. 338.7 feet; thence N. 75° 23' E. 185.0 feet; thence S. 7° 22' E. 97.0 feet; thence N. 70° 33' E. 216.6 feet; thence S. 50° 32' W. 136.9 feet; thence S. 21° 22' W. 580.3 feet; thence S. 0° 28' E. 626.5 feet; thence S. 11° 01' E. 345.8 feet to a point in the South boundary of said E $\frac{1}{2}$ NW $\frac{1}{4}$ and 495.4 feet West of the SE corner thereof; thence N. 89° 44' W. along said South boundary a distance of 828.0 feet

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

Grand River Dam Authority, a
public corporation,

)
Petitioner,)

CIVIL NO. 304

-vs-

A. W. Jarvis, et al.,

)
Defendants.)

ORDER APPOINTING COMMISSIONERS

Now on this 29th day of January, 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 laws of the State of Oklahoma for the uses and purposes and to perform the duties and functions as alleged in its petition and it is necessary that it acquire, and it has the right, to acquire, the absolute, unencumbered, entire fee simple title of the real estate described in said petition for the purposes therein stated.

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

TRACT NO. 1 (44 GR-C 229
44 GR-C 322),

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

The NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 8, containing 40.0 acres, more or less; and that part of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ and the S $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 5 particularly described as follows, to-wit:

Beginning at the SE corner of said SW $\frac{1}{4}$ SW $\frac{1}{4}$, thence Westerly along the South boundary of said SW $\frac{1}{4}$ SW $\frac{1}{4}$ to the SW corner thereof; thence N. 0° 15' W. along the West boundary of said SW $\frac{1}{4}$ SW $\frac{1}{4}$ a distance of 828.9 feet to a point 496.4 feet South of the NW corner thereof; thence S. 57° 39' E. 209.8 feet; thence S. 64° 25' E. 291.3 feet; thence S. 69° 15' E. 349.6 feet; thence N. 36° 45' E. 236.4 feet; thence N. 2° 04' W. 297.0 feet; hence N. 15° 28' E. 312.0 feet; thence S. 17° 46' E. 249.1 feet; thence S. 7° 40' E. 717.7 feet; thence S. 12° 41' E. 309.8 feet; thence S. 59° 37' E. 125.9 feet; to a point in the East boundary of said SW $\frac{1}{4}$ SW $\frac{1}{4}$ and 1086.4 feet South of the NE corner thereof; thence S. 0° 06' E. along said East boundary a distance of 238.9 feet to the point of beginning, containing 21.1 acres, more or less;

All in T 28 N - R 24 E of the Indian Base and Meridian, Quappaw Survey, the whole tract containing in all 21.1 acres, more or less.

and it being for the best interest of said minor defendants that a guardian ad litem be appointed by this Court in this cause.

IT IS, THEREFORE, ORDERED that Richard L. Wheatley be, and he is hereby appointed guardian ad litem for the said Lucille Meister, Esther Meister and Beulah Meister, minors, to represent said minors in said cause.

Comes now the said Richard L. Wheatley and in open court accepts said appointment as guardian ad litem of the above-named minor defendants, and acknowledges service of the time and place fixed for the hearing of the above styled cause of action.

Dated this the 29 day of January, 1940.

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

ENDORSED: Filed Jan 29 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. 304

-vs-

A. M. Jarvis, et al.,

Defendants.)

ORDER DISMISSING AS TO THE DEFENDANTS, J. B.
PRATER AND STELLA PRATER.

Now, on this the 29th day of January, 1940, coming on for hearing the motion of the petitioner, Grand River Dam Authority, praying that this cause of action be dismissed as to the defendants, J. B. Prater and Stella Prater; and the Court having heard the statement of counsel and being fully advised in the premises, finds that the petitioner alleged in its petition that J. B. Prater and Stella Prater claim some right, title or interest in and to the lands described as Tract No. 1 (44 GR-C 290 and 44 GR-C 322), the exact nature of which was unknown to the petitioner, and that the petitioner now states that said defendants, J. B. Prater and Stella Prater have no right, title or interest in and to any of said claims; and it being further shown that service of the notice of condemnation proceedings and of the time and place of the appointment of commissioners have not been served upon either of said defendants and that notice of the hearing of petitioner's motion to dismiss is not necessary and that said motion should be granted.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that this cause of action be dismissed as to the defendants, J. B. Prater and Stella Prater.

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

ENDORSED: Filed Jan 29 1940
H. P. Warfield, Clerk
U. S. District Court B

AND THAT such commissioners ought to be appointed.

IT IS, THEREFORE, ORDERED THAT HENRY HOFFMAN, DAN BISHOP and EDWARD SAPH, 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 appropriative 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 29 day of January, 1940, taking the oath, and receiving instructions, each summons to be made by delivering to each of them a certified copy of this order.

WITNESS my hand and the seal of this court this the 29th day of January, 1940.

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

ENDORSED: Filed Jan 29 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. 204

vs.

A. K. Jarvis, et al.,

Defendants.

ORDER APPOINTING GUARDIAN AD LITEM

WHEREAS, on the 7th day of December, 1939, petitioner filed its petition herein, praying for the condemnation and appropriation of certain lands in Ottawa County and for the appointment of commissioners to appraise and fix the damages thereto, said lands being described in detail in said petition; and it appearing that the defendants, Lucille Meister, Esther Meister and Beulah Meister are minors and have, or claim to have, some right, title or interest in and to the lands described in the original petition as Tract No.2 (40 GR-C 92, 40 GR-C 106 and 40 GR-C 120).

WHEREAS, said minor defendants have been duly served with notice, notifying them of the pendency of this action; and it appearing to this Court that said minor defendants have no lega

Beginning at the NE corner thereof of said $N\frac{1}{2}$ $SE\frac{1}{2}$ $SE\frac{1}{4}$, thence Southerly along the East boundary of said $N\frac{1}{2}$ $SE\frac{1}{2}$ $SE\frac{1}{4}$ to the SE corner thereof; thence S. $89^{\circ} 03' W.$ along the South boundary of said $N\frac{1}{2}$ $SE\frac{1}{2}$ $SE\frac{1}{4}$ a distance of 788.1 feet to a point 533.4 feet East of the SW corner thereof; thence N. $35^{\circ} 59' E.$ 439.5 feet; thence N. $10^{\circ} 33' E.$ 314.5 feet to a point in the North boundary of said $N\frac{1}{2}$ $SE\frac{1}{2}$ $SE\frac{1}{4}$ and 855.7 feet East of the NW corner thereof; thence N. $89^{\circ} 02' E.$ along said North boundary a distance of 463.7 feet to the point of beginning, containing 8.6 acres, more or less,

AND

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

Lot 2, and the $SE\frac{1}{4}$ $NW\frac{1}{4}$ $NW\frac{1}{4}$ of Sec. 33, containing 28.20 acres, more or less; and Lot 4 and the $NE\frac{1}{4}$ $NE\frac{1}{4}$ of Sec. 32, containing 79.35 acres, more or less; all in T 26 N - R 24 E of the Indian Base and Meridian, Cherokee Survey; the whole tract containing in all 107.55 acres, more or less,

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

SAID TRACT NO. 2 containing a total of 116.15 acres, more or less.

TRACT NO. 3 - 43 GR-C 194
44 GR-C 352.

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

The $S\frac{1}{2}$ $NW\frac{1}{4}$ $SW\frac{1}{4}$ and the N. 20.0 acres of Lot 7 of Sec. 16, T 26 N - R 24 E of the Indian Base and Meridian, Cherokee Survey, containing 40.0 acres, more or less,

AND

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

Lot 5 of Sec. 9, T 26 N - R 24 E of the Indian Base and Meridian, Cherokee Survey, containing 22.65 acres, more or less,

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

SAID TRACT NO. 3 containing a total of 62.65 acres, more or less.

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

The $N\frac{1}{2}$ $NW\frac{1}{4}$ $NE\frac{1}{4}$ of Sec. 14, T 25 N - R 24 E of the Indian Base and Meridian, Seneca Survey, containing 20.0 acres, more or less,

AND

The $SW\frac{1}{4}$ $NW\frac{1}{4}$ of Sec. 9, containing 40.0 acres, more or less; and that part of the $NW\frac{1}{4}$ $NW\frac{1}{4}$ of Sec. 9 particularly described as follows, to-wit:

Beginning at the SE corner of said $NW\frac{1}{4}$ $NW\frac{1}{4}$, thence Westerly along the South boundary of said $NW\frac{1}{4}$ $NW\frac{1}{4}$ to the SW corner thereof; thence N. 0° $14'$ E. along the West boundary of said $NW\frac{1}{4}$ $NW\frac{1}{4}$ a distance of 974.4 feet to a point 351.8 feet South of the NW corner thereof; thence S. 37° $44'$ E. 6.0 feet; thence N. 79° $45'$ E. 320.4 feet; thence N. 72° $39'$ E. 377.0 feet; thence N. 63° $31'$ E. 115.2 feet; thence S. 71° $37'$ E. 216.5 feet; thence S. 37° $13'$ W. 189.3 feet; thence S. 7° $54'$ W. 273.5 feet; thence S. 30° $53'$ E. 115.0 feet; thence S. 63° $13'$ E. 471.1 feet to a point in the East boundary of said $NW\frac{1}{4}$ $NW\frac{1}{4}$ and 942.5 feet South of the NE corner thereof; thence S. 0° $09'$ W. along said East boundary a distance of 385.1 feet to the point of beginning, containing 26.3 acres, more or less;

All in T 25 N - R 24 E of the Indian Base and Meridian, Seneca Survey; the whole tract containing is all 66.3 acres, more or less,

AND

All that part of the $SW\frac{1}{4}$ $SW\frac{1}{4}$ of Sec. 9, T 25 N - R 24 E of the Indian Base and Meridian, Seneca Survey, in Delaware County, Oklahoma, particularly described as follows, to-wit:

Beginning at the SE corner of said $SW\frac{1}{4}$ $SW\frac{1}{4}$, thence Northerly along the East boundary of said $SW\frac{1}{4}$ $SW\frac{1}{4}$ to the NE corner thereof; thence Westerly along the North boundary of said $SW\frac{1}{4}$ $SW\frac{1}{4}$ to the NW corner thereof; thence S. 0° $14'$ W. along the West boundary of said $SW\frac{1}{4}$ $SW\frac{1}{4}$ a distance of 1102.5 feet to a point 223.7 feet North of the SW corner thereof; thence N. 79° $17'$ E. 101.6 feet; thence S. 28° $36'$ E. 86.8 feet; thence S. 11° $14'$ E. 133.2 feet; thence S. 2° $29'$ E. 36.9 feet to a point in the South boundary of said $SW\frac{1}{4}$ $SW\frac{1}{4}$ and 169.3 feet East of the SW corner thereof; thence S. 89° $37'$ E. along said South boundary a distance of 1157.1 feet to the point of beginning, containing 39.2 acres, more or less,

SAID TRACT NO. 1 containing a total of 125. 5 acres, more or less.

- TRACT NO. 2 - 40 GR-O 92
- 40 GR-O 106
- 40 GR-O 120

All that part of the $N\frac{1}{2}$ $SE\frac{1}{4}$ $SE\frac{1}{4}$ of Sec. 29, T 26 N - R 24 E of the Indian Base and Meridian, Cherokee Survey, in Ottawa County, Oklahoma, particularly described as follows, to-wit:

IT IS, THEREFORE, ORDERED, ADJUDGED and DECREED by the Court that the Court Clerk of this Court pay to the claimants above set out the amounts opposite their respective names.

Dated this 29th day of January, 1940.

F. E. KENNAMER
DISTRICT JUDGE

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

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

Grand River Dam Authority, a)
public corporation,)
Petitioner,)
CIVIL NO. 294
-vs-
Stella Williamson, et al,)
Defendants.)

ORDER APPOINTING COMMISSIONERS

NOW on this 29th day of January, 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 laws of the State of Oklahoma for the uses and purposes and to perform the duties and functions as alleged in its petition and it is necessary that it acquire, and it has the right to acquire, the absolute, unencumbered, entire fee simple title of the real estate described in said petition for the purposes therein stated.

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

TRACT NO. 1 - 33 GR-D 1651
34 GR-D 1700
34 GR-D 1702

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

REGULAR JANUARY 1940 TERM

MONDAY, JANUARY 29, 1940

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

Tract No. 122a. The Southeast Quarter ($SE\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) of Section Twenty-six (26), Township Twenty-one (21) North, Range Twenty-two (22) East of the Indian Meridian, containing 10 acres, more or less, situate in Delaware County, State of Oklahoma;

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

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

Tract No. 56c. The Northwest Quarter ($NW\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) of Section Thirty-two (32), Township Twenty-one (21) North, Range Twenty-three (23) East of the Indian Meridian, containing 10 acres, more or less, situate in Delaware County, State of Oklahoma;

did on the depositing of said sum of One Thousand Nine Hundred forty-six and 23/100 Dollars (\$1,946.23) with the registry of this Court, vest in the United States of America, in trust for the Cherokee Tribe of Oklahoma until such time as the use of the land is assigned by the Secretary of the Interior to a cooperative group organized under the Act of June 26, 1936 (49 Statute 1967), or to an individual, then in trust for such group or individual, and the United States of America is hereby adjudged to have acquired said estate in said real estate, to be held in trust as aforesaid, exclusive of any and all other claims made, or that might be made thereto.

F. E. KENNAMER
JUDGE

ENDORSED: Filed Jan 29 1940
H. P. Warfield, Clerk
U. S. District Court B

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

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

Tract 34g, The North Half ($N\frac{1}{2}$) of the Northwest Quarter ($NW\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) ($N\frac{1}{2}$ of Lot 4); Southwest Quarter ($SW\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) (SW 10 acres of Lot 4); the Northwest Quarter ($NW\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) (NW 10 acres of Lot 5); in Section Six (6), Township Twenty-one (21) North, Range Twenty-two (22) East of the Indian Meridian, containing 34.53 acres, more or less, situate in Delaware County, State of Oklahoma;

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

Tract No. 30, The Northeast Quarter ($NE\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) of Section Fourteen (14), Township Twenty-one (21) North, Range Twenty-three (23) East of the Indian Meridian, containing 10 acres, more or less, situate in Delaware County, State of Oklahoma;

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

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

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

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

J U D G M E N T

Now on this 29th day of January, 1940, it appears to the Court that in accordance with the Judgment entered herein on the 21st day of December, 1939, there has been deposited by the petitioner herein the sum of One Thousand Nine Hundred forty-six and 23/100 Dollars (\$1,946.23), representing the fair cash market value, as determined by the Report of Commissioners filed herein and adjudged to be final as to each and every tract of land involved in this proceeding, and tracts being more particularly described hereinafter.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the full absolute fee simple title in and to the real estate described as follows, to-wit:

Tract 34, Northeast Quarter (NE $\frac{1}{4}$) and the Northwest Quarter (NW $\frac{1}{4}$) of Section Five (5), Township Twenty-one (21) North, Range Twenty-three (23) East of the Indian Meridian, containing 219.96 acres, more or less, situate in Delaware County, State of Oklahoma;

Tract No. 34a, the Southeast Quarter (SE $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) and the Northwest Quarter (NW $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{2}$) of the Northeast Quarter (NE $\frac{1}{2}$) of Section Fourteen (14), Township Twenty-one (21) North, Range Twenty-three (23) East of the Indian Meridian, containing 20 acres, more or less, situate in Delaware County, State of Oklahoma;

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

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

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

GRAND RIVER DAM AUTHORITY, a
Public Corporation,

Plaintiff,

NO. 324 CIVIL

vs.

JAMES W. ELLIOTT, et al.,

Defendants.

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

NOW, on this 26th day of January, 1940, the above entitled and numbered cause coming on to be heard, and the application of the petitioner herein for an order of the Judge of this Court fixing the date for the appointment of three disinterested freeholders of said Northern District of Oklahoma, as commissioners, to inspect said real property involved herein and consider the injuries sustained by reason of the condemnation and appropriation of the absolute, entire and unencumbered fee simple title to said lands, for public use and benefit, as alleged in the petition for condemnation filed herein, and for an order of the Judge of this Court prescribing notice to be given said defendants in said cause, of the time and place when the Judge of this Court will appoint said commissioners; the plaintiff appearing by R. L. Davidson, General Counsel, and A. L. Emery, Assistant Counsel.

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

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

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

IT IS, THEREFORE, ADJUDGED AND DECREED by the Judge of this Court that notice be given said defendants, and each of them, and all persons claiming any right, title, interest or possession in and to the lands involved, personally, by serving a copy of said notice upon said defendants, and each of them, said notice to be served by the United States Marshal of the District and State in which said defendants, and each of them, may reside, and said notice to be signed by the attorneys for the plaintiff, Grand River Dam Authority, a public corporation, and duly attested by the Clerk of this Court, notifying said defendants, and each of them, that the application of the plaintiff for the appointment of three disinterested freeholders in the Northern District of Oklahoma, as commissioners to inspect said real property and consider the injuries which the owners thereof, or persons having some right, title or interest therein, may have sustained, or will sustain, by reason of the condemnation and appropriation of said property for public use, will be heard before the Judge of this Court, at Tulsa, Oklahoma, on the 19th day of February, 1940, at the hour of Ten o'clock A.M., or as soon thereafter as counsel may be heard, and that said defendants, and each of them, may appear if they so desire.

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

H. L. SMITH,

Plaintiff,

vs.

Aetna Life Insurance Company, a
Corporation, Lincoln National Life
Insurance Company, a corporation,
General American Life Insurance
Company, a corporation, Pearl T.
King, Tom King, Jr., Margaret King,
and Pacific Mutual Life Insurance
Company, a corporation,

Defendants.

No. 178 Civil

O R D E R

Now on this 25th day of January, 1940, the plaintiff in the above-entitled and numbered case having filed a written dismissal of the action, without prejudice, ad to the defendants Aetna Life Insurance Company, a corporation, Lincoln National Life Insurance Company, a corporation, and General American Life Insurance Company, a corporation, and having moved the court for an order of dismissal accordingly.

IT IS, THEREFORE, CONSIDERED, ORDERED, ADJUDGED AND DECREED by the court that said action be and it is hereby dismissed without prejudice as to the three defendant corporations last-named.

F. E. KENNAMER
District Judge

ENDORSED: Filed Jan 25 1940
H. P. Warfield, Clerk
U. S. District Court E

Court adjourned to January 26, 1940

On this 26th day of January, 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:

REGULAR JANUARY 1940 TERM

WEDNESDAY, JANUARY 24, 1940

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

On this 24th day of January, A. D. 1940, it is ordered by the Court that the Marshal of this District pay the Petit Jurors and Witnesses for this Regular January 1940 Term of Court, their mileage and attendance as shown by the Record of Attendance.

Court adjourned to January 25, 1940

REGULAR JANUARY 1940 TERM

TULSA, OKLAHOMA

THURSDAY, JANUARY 25, 1940

On this 25th day of January, 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 WITHIN AND FOR THE
NORTHERN DISTRICT OF OKLAHOMA

In re Application of WESLEY E. DISNEY
to be enrolled as an Attorney of this
Court.

O R D E R

It appearing to the Court that heretofore towit, on April 1, 1925, Wesley E. Disney was admitted as a member of the Bar of this Court but failed to sign the roll of attorneys;

NOW, THEREFORE, IT IS HEREBY ORDERED that the said Wesley E. Disney be enrolled as a member of the Bar of this Court.

DATED this 25th day of January, 1940.

F. E. KENNAMER
UNITED STATES DISTRICT COURT

ENDORSED: Filed Jan 25 1940
H. P. Warfield, Clerk
U. S. District Court E

It further appearing that the petitioner herein has filed its affidavit and application, duly verified, setting up that the defendants hereinabove named are non-residents of the State of Oklahoma, or their places of residence cannot be ascertained by the petitioner with due diligence; or, that the petitioner does not know, and with diligence, is unable to ascertain the names or whereabouts of any unknown heirs, devisees, legatees, executors, administrators, trustees, creditors and assigns, immediate and remote, and their spouses, if any, of the above mentioned deceased persons; or, that, with due diligence, petitioner is unable to ascertain whether the persons named in the alternative are living or dead, or their whereabouts, and if they be dead, the petition is unable to ascertain the names or whereabouts of their heirs, devisees, legatees, executors, administrators, trustees, creditors and assigns, immediate and remote, and their spouses, if any; and that none of said defendants can, with due diligence, be served within the State of Oklahoma with notice of the condemnation proceedings and of the time and place for the determining of the right and necessity of the condemnation and appropriation of said lands, and for the purpose of the appointment of commissioners, and the Judge of this Court, being fully advised in the premises, finds that the petitioner's application for service of notice by publication upon the defendants hereinabove named, and each of them, should be granted.

IT IS, THEREFORE, CONSIDERED, ORDERED AND ADJUDGED that notice be given to the defendants hereinabove named, and each of them, notifying them of the institution of the condemnation proceedings herein, and of the time and place of the appointment of said commissioners, and that said notice be signed by the attorneys for the petitioner herein, duly attested by the Clerk of this Court, and that said notice be published in the Grove Sun, a newspaper of general circulation in Delaware County, Oklahoma, for four weeks, notifying said defendants of the institution of condemnation proceedings, and the application of the petitioner for condemnation and appropriation, and that if the defendants, and each of them, do not apply to the Judge of the United States District Court in and for the Northern District of Oklahoma, to have the damages assessed by reason of the condemnation and appropriation of said lands by the petitioner on or before the 18th day of March, 1940, the petitioner Grand River Dam Authority, a public corporation, will on said 18th day of March, 1940, at the hour of Ten O'clock A.M., or as soon thereafter as counsel may be heard, apply to the Judge of the United States District Court in and for the Northern District of Oklahoma, in the Federal Building, in the City of Tulsa, Oklahoma, for an order determining the right and necessity for the condemnation and appropriation of said lands, and for an order appointing from the regular jury list three (3) disinterested freeholders in said Northern District of Oklahoma, as commissioners, who shall be selected by the Judge of said Court, to inspect said real property and appraise the value of the absolute, entire and unencumbered fee simple title and consider the injury which said defendants, as the owners thereof, or of those having any right, title or interest therein, may sustain by reason of the condemnation and appropriation of said absolute fee simple title for said public use and benefit, and that said defendants, and each of them, may be present, if they so desire.

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

ENDORSED: Filed Jan 24 1940
H. P. Warfield, Clerk
U. S. District Court E

MISCELLANEOUS - ORDER DISCHARGING PETIT JURORS.

On this 24th day of January, A. D. 1940, it is ordered by the Court that all Petit Jurors be, and they are hereby, discharged, subject to call for this Regular January 1940 Term of Court, at Tulsa, Oklahoma.

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

James M. Bass,

Plaintiff,)

vs.)

No. 139 Civil)

United States of America,

Defendant.)

JOURNAL ENTRY OF JUDGMENT

Now on this 26th day of October, 1939, the above entitled cause came on regularly for hearing, the plaintiff appearing in person and by his attorney, A. E. Williams, and the defendant, 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 Daniel Dillon, Attorney, Department of Justice, and upon said cause being called and both parties announced ready for trial, and a jury was duly empaneled and sworn to try said cause.

After close of testimony introduced by plaintiff, defendant introduced its evidence and at the close of plaintiff's rebuttal evidence, defendant made its motion for a directed verdict which was overruled by the Court, and the cause was submitted to the jury.

Whereupon, the jury having heard the evidence, the argument of counsel, and the instruction of the Court, found the issues in favor of the defendant and against the plaintiff.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED that said plaintiff take nothing by reason of said action and said defendant do have and recover the costs herein expended, to which judgment plaintiff excepts and exceptions are allowed.

F. E. KENNAMER

UNITED STATES DISTRICT JUDGE

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

A. E. WILLIAMS, Attorney for Plaintiff.

WHIT Y. MAUZY, United States Attorney

CHESTER A. BREWER, Assistant United States Attorney

DANIEL DILLON, Attorneys for Defendants

ENDORSED: Filed Jan 24 1940
H. P. Warfield, Clerk
U. S. District Court B

VERDICT

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

JESSIE F. HOLT,

Plaintiff,)

vs.)

No. 207 Civil)

GUY A. THOMPSON, TRUSTEE of Missouri
Pacific Ry. Co.,

Defendant.)

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

ENDORSED: Filed In Open Court

FRANK WOOD, Foreman

Jan 24 1940, H. P. Warfield, Clerk, U. S. District Court B

four per centum (4%) of alcohol by volume, was seized at a point about seven miles west of the Arkansas and Oklahoma State lines on Oklahoma State Highway No. 33, in Delaware County, State of Oklahoma, Northern District of Oklahoma and within the jurisdiction of this court, on November 28, 1939, by Rex P. Hayes and Robert L. Taylor, Investigators of the Alcohol Tax Unit, Bureau of Internal Revenue of the United States for the State of Arkansas, 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 William M. Davis, 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, William M. Davis, of this proceedings, unless notice thereof be waived.

IT IS, THEREFORE, ORDERED that monition issue as prayed for in said libel and that same be served upon William M. Davis, 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 libelant under provisions of Section 224, Title 27, U. S. Code Annotated, and in accordance with the provisions of the laws relating to seizures, forfeitures and disposition of property and proceeds for violation of the Internal Revenue laws of the United States.

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

F. E. KENNAMER
JUDGE

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

Court adjourned to January 24, 1940

On this 24th day of January, 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 UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
OKLAHOMA

WILLIAM MEEKS, OSCAR L. ROGERS, HOMER)
L. SMITH, JOHN G. SANDERS, AND HENRY)
TINCUP, for themselves and for all purposes)
similarly situated, to-wit: Duly enrolled)
Members and Citizens of the Cherokee Tribe)
or Nationa of Indians and their lawful descen-)
dants,)
PLAINTIFFS,)

VS.

GRAND RIVER DAM AUTHORITY, a Corporate Entity)
created by the laws of the State of Oklahoma,)
and GRAND HYDRO, a corporation, existing under)
the laws of the State of Oklahoma.)
DEFENDANTS.)

ORDER CIVIL NO. 247

NOW on this 23rd day of January, 1940, plaintiffs in the above entitled cause having presented their motion for voluntary dismissal without prejudice to future action, and, the court being advised in the premises, and it appearing, that the plaintiffs desire to litigate the cause of action, set forth in their complaint herein, in the District Court of the State of Oklahoma, in and for the County of Mayes, in which process has been served on them, and

It appearing that the condemnation money in the sum of \$281,802.47 has been paid to the Court Clerk of said Court in and for Mayes County, and that it is to the best interst of the plaintiffs, and the class which they represent, to discontinue this suit and to dismiss the same, by voluntary dismissal without prejudice to future action.

NOW, THEREFORE it is ordered, considered and adjudged, that the above entitled cause be, and the same is hereby, on motion of plaintiffs, voluntarily dismissed without prejudice to future action.

F. E. KENNAMER
JUDGE

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

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

United States of America,)
Plaintiff,)
)
vs.)
)
)
One 1937 Model Lincoln Zephyr Coupe)
Automobile, Motor No. H-32,566; Forty-five)
cases of assorted taxpaid intoxicating)
liquors seized therein; William M. Davis.)
Claimant.)

NO. 321 CIVIL FILE

ORDER FOR MONITION

Now on this 22nd day of January, 1940, it appearing to the court that the said 1937 Model Lincoln Zephyr Coupe Automobile, Motor No. H-32,566, with approximately Forty-five cases, that is to say, One Hundred Thirty-five (135) gallons on intoxicating liquors containing more than

VERDICT

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

O. C. HULL,	Plaintiff,)
)
vs.		) Case No. 155 Civil
)
DEWEY CLARK,	Defendant.)

We, the jury in the above-entitled cause, duly impaneled and sworn, upon our oaths, find for the plaintiff, and assess his damages at None DOLLARS.

FERD E. POPE
Foreman

ENDORSED: Filed In Open Court
Jan 23 1940
H. P. Warfield, Clerk
U. S. District Court

VERDICT

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

O. C. HULL,	Plaintiff,)
)
vs.		) Case No. 155 Civil
)
DEWEY CLARK,	Defendant.)

We, the jury in the above-entitled case, duly impaneled and sworn, upon our oaths find for the defendant and assess his damages at None DOLLARS.

FERD E. POPE
Foreman

ENDORSED: Filed In Open Court
Jan 23 1940
H. P. Warfield, Clerk
U. S. District Court H

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

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

vs.

No. 95 Civil

SINCLAIR REFINING COMPANY, a corporation,)
and ALLIED STEEL PRODUCTS CORPORATION, a)
corporation, Defendants.)

JOURNAL ENTRY

Now on this 22nd day of January, 1940, this matter comes on for trial; the plaintiff appeared by her counsel, Roy Ford and Woodson Norvell, and the defendant, Allied Steel Products Corporation, a corporation, appeared by its counsel, Hudson & Hudson, and the defendant, Sinclair Refining Company, a corporation, by its counsel, Summers Hardy and W. H. McBrayer. And both sides having announced ready for trial, a jury of twelve men was duly empanelled and sworn well and truly to try the issues joined in said cause.

Thereupon the plaintiff introduced her evidence and rested; and the defendant, Allied Steel Products Corporation, a corporation, at the conclusion of said evidence, moved that the court dismiss plaintiff's claim or cause of action against it, for the reason that said evidence did not present a claim or cause of action against said defendant. And the court being fully advised in the premises, finds that said motion to dismiss should be sustained.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the court, that the motion of the defendant, Allied Steel Products Corporation, a corporation, be and the same is hereby sustained, and plaintiff's said cause of action against said defendant, Allied Steel Products Corporation, a corporation, is hereby dismissed at the cost of the plaintiff. To which ruling of the court in dismissing said cause of action against said defendant, the plaintiff then and there excepted, which exception was by the court allowed.

F. E. KENNAMER
U. S. DISTRICT JUDGE

SERVICE OF COPY ACKNOWLEDGED
HUDSON & HUDSON

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

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

Eleanor A. Smith,	Plaintiff,)
)
vs.		) No. 2618 Law
)
The Union Central Life Insurance Company, a	Defendant.)
corporation,)

D E C R E E

On this 8th day of January, 1940, the above cause came on for decision of the Court, the same being heretofore been submitted to the Court upon the evidence and the briefs of counsel, and on consideration thereof;

IT IS ORDERED, ADJUDGED AND DECREED by the Court that plaintiff take nothing herein and that judgment be and is hereby entered in favor of defendant, and that defendant have judgment against plaintiff for its costs herein expended.

Dated this 8th day of January, 1940.

F. E. KENNAMER
JUDGE U. S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

APPROVED and SERVICE OF COPY ACKNOWLEDGED
JOHN WHEELER, JR.,
Attorneys for Plaintiff

ENDORSED: Filed Jan 22 1940
H. P. Warfield, Clerk
U. S. District Court B

Court adjourned to January 23, 1940

On this 23rd day of January, 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:

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 Jan 24 1940
H. P. Warfield, Clerk
U. S. District Court E

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

Grand River Dam Authority, a public
corporation,

Complainant,

)
)
) No. 226 Civil
)
)
)

vs.

Joseph S. Owsley, et al,

Defendants.

ORDER OF DISTRIBUTION TO THE ACCOUNT OF C. F. TUCKER
AND ELSIE B. TUCKER

For good cause shown, upon the application of C. F. Tucker and Elsie B. Tucker, it is hereby ordered that the clerk forthwith shall make distribution of the funds deposited in his hands to the account and use of said applicants in the amount of Three Thousand Five Hundred Ten Dollars (\$3,510.00), but said distribution shall be made in the following manner, to-wit:

The Clerk shall draw upon said funds to the amount of Four HundredTwenty Four Dollars (\$ 424.00) which amount shall be paid direct to Shartel Mortgage Company, of Neosho, Missouri, in consideration of the full release and discharge of a certain mortgage held by said Shartel Mortgage Company upon and affecting the lands of C.F. Tucker and Elsie B. Tucker taken in condemnation in this proceeding.

After deducting the amount above ordered paid to the said mortgagee, the clerk shall forthwith pay the balance of said Three Thousand Five Hundred Ten Dollars (\$3,510.00) to the applicants C. F. Tucker and Elsie B. Tucker.

Dated at Tulsa, Oklahoma this 22nd day of January, 1940.

F. E. KENNAMER
U. S. District Judge

ENDORSED: Filed Jan 22 1940
H. P. Warfield, Clerk
U. S. District Court H

The \$119.32 deposited as just compensation for Tract No. 80e, in the above entitled proceeding, should be distributed and paid out as follows:

To F.W. Sunderwirth, Cashier of the Five Civilized Tribes, for the use and benefit of the heirs of Susan Hummingbird, Cherokee Roll No. 7443, deceased 119.32

The \$19.92 deposited as just compensation for Tract No. 80f, in the above entitled proceeding, should be distributed and paid out as follows:

To F.W. Sunderwirth, Cashier of the Five Civilized Tribes, for the use and benefit of the heirs of Susan Hummingbird, Cherokee Roll No. 7443, deceased 19.92

The \$540.00 deposited as just compensation for Tract No. 35, in the above entitled proceeding, should be distributed and paid out as follows:

To F.W. Sunderwirth, Cashier of the Five Civilized Tribes, for the use and benefit of Ned Budder, Cherokee Roll No. 29678; and Tom Daniels, Cherokee Roll No. 28412 540.00

The \$20.00 deposited as just compensation for Tract No. 35a, in the above entitled proceeding, should be distributed and paid out as follows:

To F.W. Sunderwirth, Cashier of the Five Civilized Tribes, for the use and benefit of Ned Budder, Cherokee Roll No. 29678; and Tom Daniels, Cherokee Roll No. 28412 20.00

The \$420.00 deposited as just compensation for Tract No. 66, in the above entitled proceeding, should be distributed and paid out as follows:

To F.W. Sunderwirth, Cashier of the Five Civilized Tribes, for the use and benefit of the heirs of Peter Scott, Cherokee Roll No. 18596, deceased 420.00

The \$480.20 deposited as just compensation for Tract No. 33, in the above entitled proceeding, should be distributed and paid out as follows:

To F. W. Sunderwirth, Cashier of the Five Civilized Tribes, for the use and benefit of the heirs of Joseph Buckskin, Cherokee Roll No. 19453, deceased 480.20

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

To F.W. Sunderwirth, Cashier of the Five Civilized Tribes, for the use and benefit of the Cherokee citizens whose names and Roll numbers are above set forth in all of the Tracts hereinabove set forth \$2768.63

To County Treasurer of Delaware County, Oklahoma, in full satisfaction of any and all taxes due or exigible against all of the Tracts of land as hereinabove set forth 109.77

To F. W. Sunderwirth, Cashier of the Five Civilized Tribes,
for the use and benefit of Chewoan Big Acorn, nee
Redbird, Cherokee Roll No. 20571; Polly Big Acorn, now
Budder, Cherokee Roll No. 18582; Ezekiel Big Acorn,
Cherokee Roll No. 18581; Ollie Big Acorn, now Budder,
Cherokee Roll No. 18579; and Eli Big Acorn 29.45

The \$239.06 deposited as just compensation for Tract No. 27 in the above entitled proceedings, should be distributed and paid out as follows:

To F.W. Sunderwirth, Cashier of the Five Civilized Tribes,
for the use and benefit of the heirs of Nannie Backwater,
Cherokee Citizen, Roll No. 19790, deceased 239.06

The \$199.90 deposited as just compensation for Tract No. 80 in the above entitled proceeding, should be distributed and paid out as follows:

To County Treasurer of Delaware County, Oklahoma, in
full satisfaction of any and all taxes due or exigible
against Tract No. 80 24.39

To F.W. Sunderwirth, Cashier of the Five Civilized Tribes,
for the use and benefit of the heirs of Annie Hummingbird,
Cherokee Roll No. 7444, deceased, 175.51

The \$100.00 deposited as just compensation for Tract No. 80a, in the above entitled proceeding, should be distributed and paid out as follows:

To F.W. Sunderwirth, Cashier of the Five Civilized Tribes,
for the use and benefit of the heirs of Susan Hummingbird,
Cherokee Roll No. 7443, deceased 100.00

The \$160.00 deposited as just compensation for Tract No. 80b, in the above entitled proceeding, should be distributed and paid out as follows:

To F.W. Sunderwirth, Cashier of the Five Civilized Tribes,
for the use and benefit of the heirs of Annie Hummingbird,
Cherokee Roll No. 7444, deceased 149.02

To County Treasurer of Delaware County, Oklahoma, in full
satisfaction of any and all taxes due or exigible against
Tract No. 80b 10.98

The \$60.00 deposited as just compensation for Tract No. 80c, in the above entitled proceeding, should be distributed and paid out as follows:

To F. W. Sunderwirth, Cashier of the Five Civilized Tribes,
for the use and benefit of the heirs of Susan Hummingbird,
Cherokee Roll No. 7443, deceased 60.00

The \$300.00 deposited as just compensation for Tract No. 80d, in the above entitled proceeding, should be distributed and paid out as follows:

To F.W. Sunderwirth, Cashier of the Five Civilized Tribes,
for the use and benefit of the heirs of Susan Hummingbird,
Cherokee Roll No. 7443, deceased 300.00

On this 22nd day of January, 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

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

ORDER DISTRIBUTING FUNDS

Now on this 22nd day of January, 1940, there comes on for hearing the matter of the distribution of certain funds heretofore deposited with the registry of this Court for the use and benefit of the persons lawfully entitled thereto. The Court hears evidence and finds that said funds should be distributed as follows, to-wit:

The \$20.00 deposited as just compensation for Tract No. 27a in the above entitled proceedings, should be distributed and paid out as follows:

To F. W. Sunderwirth, Cashier of the Five Civilized Tribes, for the use and benefit of the heirs of Nannie Backwater, Cherokee Citizen, Roll No. 19790, deceased	\$ 20.00
--	----------

The \$160.00 deposited as just compensation for Tract No. 37 in the above entitled proceedings, should be distributed and paid out as follows:

To County Treasurer of Delaware County, Oklahoma, in full satisfaction of any and all taxes due or exigible against Tract 37	63.85
--	-------

To F. W. Sunderwirth, Cashier of the Five Civilized Tribes, for the use and benefit of Chewoan Big Acorn, nee Redbird, Cherokee Roll No. 20571; Polly Big Acorn, now Budder, Cherokee Roll No. 18582; Ezekiel Big Acorn, Cherokee Roll No. 18581; Ollie Big Acorn, now Budder, Cherokee Roll No. 18579; and Eli Big Acorn	96.15
---	-------

The \$40.00 deposited as just compensation for Tract No. 37a in the above entitled proceedings, should be distributed and paid out as follows, to-wit:

To County Treasurer of Delaware County, Oklahoma, in full satisfaction of any and all taxes due or exigible against Tract 37a	10.55
---	-------

subject however, to a mortgage in favor of the Baxter State Bank of Baster Springs, Kansas, and certain taxes due in Delaware County and Ottawa County which are hereinafter set out.

The Court finds that the petitioner, The Grand River Dam Authority, a public corporation, has heretofore in this cause instituted condemnation proceedings in this Court, which included this land among other tracts, to take by eminent domain for public use and benefit, for use in connection with the construction and equipment of the Grand River Dam and hydroelectric power plant, and for storing and preserving the waters of Grand River and for the purpose of carrying out and accomplishing the objects and purposes of the Legislature in creating the petitioner.

The Court further finds that G. G. McConkey and Sadie B. McConkey had heretofore filed their separate application for disbursement and distribution of the funds;

The Court further finds that the Grand River Dam Authority deposited with the Clerk of this Court the sum of Twelve Thousand One Hundred Fifteen Dollars (\$12,115.00) as damages for the appropriation of said lands.

The Court further finds that said application for disbursement and distribution should be and the same is hereby allowed and that no one appeared protesting and that no protest had been filed.

The Court further finds that G. G. McConkey and Sadie B. McConkey, the applicants herein, are indebted to the Baster State Bank of Baster Springs, Kansas, in the sum of Eight Thousand Dollars (\$8,000.00) with interest, thereon calculated to and including the 17th day of January, 1940, in the sum of \$206.67, which is secured by a real estate mortgage which is a lien upon the lands involved and described this Order; that there is due, as shown by a verified statement, to the County Treasurer of Delaware County, Oklahoma, the sum of \$313.93 for taxes; and that there is due, as shown by a verified statement, to the County Treasurer of Ottawa County, Oklahoma, the sum of \$12.22 for taxes; that there is due and owing from the Grand River Dam Authority the sum of \$121.15 as impounding fee.

The Court further finds that the costs of said cause should be taxed against the petitioner herein, the Grand River Dam Authority.

The Clerk of the Court is ordered and directed to pay unto the County Treasurer of Delaware County the sum of \$313.93; and to the County Treasurer of Ottawa County the sum of \$12.22; and to the Baster State Bank of Baster Springs, Kansas the sum of \$8,206.67 and that the remainder thereof \$3,582.18 be paid to G. G. McConkey and Sadie B. McConkey.

It is the further order of this Court that the Grand River Dam Authority pay the impounding fee of \$121.15 and the costs of this action.

F. E. KENNAMER

Judge of the U. S. District Court for
the Northern District of Oklahoma

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

Court adjourned to January 22, 1940

All that part of the SE $\frac{1}{4}$ of Sec. 5, T 25 N - R 24 E of the Indian Base and Meridian, Quapaw Survey, in Ottawa County, Oklahoma, particularly described as follows, to-wit:

Beginning at the SE corner of said SE $\frac{1}{4}$, thence 89° 43' W. along the South boundary of said SE $\frac{1}{4}$ a distance of 1231.2 feet to a point 1397.0 feet East of the SW corner thereof; thence N. 73° 29' E. 161.0 feet; thence S. 88° 46' E. 299.6 feet; thence N. 31° 39' E. 318.5 feet; thence N. 2° 56' W. 156.0 feet; thence S. 20° 24' E. 163.9 feet; thence S. 4° 16' E. 183.5 feet; thence N. 75° 18' E. 182.9 feet; thence N. 41° 15' E. 134.2 feet; thence S. 74° 37' E. 264.5 feet; thence N. 69° 03' E. 30.0 feet to a point in the East boundary of said SE $\frac{1}{4}$; thence S. 0° 17' W. along said East boundary a distance of 222.0 feet to the point of beginning, containing 4.2 acres, more or less.

AND

All that part of the NE $\frac{1}{4}$ and the E $\frac{1}{2}$ NW $\frac{1}{4}$ of Sec. 8, T 25 N - R 24 E of the Indian Base and Meridian, Seneca Survey, in Delaware County, Oklahoma, particularly described as follows, to-wit:

Beginning at the SE corner of said NE $\frac{1}{4}$, thence Northerly along the East boundary of said NE $\frac{1}{4}$ to the NE corner thereof; thence N. 89° 43' W. along the North boundary of said NE $\frac{1}{4}$ a distance of 1626.5 feet to a point 1001.6 feet East of the NW corner thereof; thence S0° 27' W. 119.4 feet; thence S. 27° 25' W. 310.5 feet; thence S. 26° 20' W. 636.8 feet; thence S. 30° 13' W. 252.5 feet; thence S. 53° 47' W. 331.6 feet; thence N. 68° 06' W. 67.4 feet; thence N. 2° 23' W. 515.0 feet; thence N. 4° 07' W. 607.2 feet; thence N. 8° 48' W. 243.9 feet to a point in the North boundary of said NE $\frac{1}{4}$ and 15.8 feet East of the NW corner thereof; thence N. 89° 43' W. along the North boundary of said NE $\frac{1}{4}$ and E $\frac{1}{2}$ NW $\frac{1}{4}$ a distance of 86.1 feet to a point in the North boundary of said E $\frac{1}{2}$ NW $\frac{1}{4}$ and 1217.2 feet East of the NW corner thereof; thence S. 11° 24' W. 13.2 feet; thence S. 2° 25' W. 260.0 feet; thence S. 0° 26' E. 272.6 feet; thence S. 8° 12' W. 78.9 feet; thence S. 8° 44' E. 171.6 feet; thence S. 12° 00' W. 539.8 feet; thence S. 1° 12' E. 164.3 feet; thence S. 20° 46' W. 575.3 feet; thence S. 17° 19' W. 647.0 feet to a point in the South boundary of said E $\frac{1}{2}$ NW $\frac{1}{4}$ and 720.8 feet East of the SW corner thereof; thence S. 89° 35' E. along the South boundary of said E $\frac{1}{2}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ a distance of 3191.3 feet; to the point of beginning, containing 154.9 acres more or less;

On this 19th day of January, 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
Whit Y. Mauzy, United States Attorney

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

ALONZO BURR WHITELEY, Plaintiff,)
vs.) CASE NO. 76 Civil
COSDEN PIPE LINE COMPANY, a Corporation, Defendant.)

We, the jury in the above-entitled case, duly impaneled and sworn, upon our oaths find for the plaintiff, and assess his damages at Twelve Thousand Five Hundred DOLLARS (\$12,500.00).

GEO. W. McQUEEN
Foreman

ENDORSED: Filed in open Court
Jan 19 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.) CIVIL NO. 232.
Lawford L. Browning, et al, Defendants.)

ORDER FOR DISTRIBUTION AND TAXATION OF COSTS AND FINDINGS.

Now on this the 15th day of January, 1940, it being one of the regular judicial days of the January 1940 Term of this Court, there comes on for hearing the Separate Application of G. G. McConkey and Sadie B. McConkey for Disbursement and Distribution of funds, findings and taxation of costs.

The applicants, G. G. McConkey and Sadie B. McConkey are present by their attorney of record, A. L. Commons, the Grand River Dam Authority, the petitioner herein, is present by one of its attorneys, Jack Paden;

And this cause having been heretofore regularly set for hearing on this date, the Court finds that G. G. McConkey and Sadie B. McConkey are owners in fee simple of the real estate described as follows:-

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

Grand River Dam Authority, a
public corporation,

Plaintiff,

vs.

No. 246 Civil

H. H. Thompson, et al,

Defendants.

O R D E R

Now this 17th day of January, 1940, same being a judicial days of said court, this matter comes on for hearing on the application of H. H. Thompson for disbursement of funds. The plaintiff, the defendant H. H. Thompson, and the Travelers Insurance Company, a corporation, all appear by their respective attorneys of record. Thereupon it was shown to the court that more than five days notice has been given to all persons interested of the hearing on said application.

Thereupon said application with the certificate of the County Treasurer of Delaware County, Oklahoma relative to taxes against said lands was duly presented to this court; the court finds that the defendant, H. H. Thompson is the actual and legal owner and in the possession of those certain lands described in the petition herein as Tract No. 1 (18 GR-D 843) and (19 GR-D 960 E & W); that said lands have been taken by plaintiff herein pursuant to its delegated power of eminent domain; that the Commissioners appointed by this court have determined the damages caused by such taking of said lands at \$16,830.00, and the plaintiff has paid that amount of money into the office of the Clerk of this Court in payment of said damages; that the taxes for the year of 1939 and all prior years have been fully paid; that the Travelers Insurance Company has a mortgage debt against said lands on which there is due and on this date the total sum of \$9519.57; and that there are no other claimants to said fund.

IT IS THEREFORE ORDERED that the Clerk of this court do disburse and pay said fund in the said sum of \$16,830.00 to the following names persons in the following amounts, to wit:

1. To the Travelers Insurance Company, a corporation, the sum of \$9519.57 with attorneys fee for said claimant's attorneys in the sum of \$None when said claimant surrenders to the Clerk of this court the note, the mortgage securing the same with proper release thereof;
2. To H. H. Thompson the sum of \$7310.43.

Defendant Travelers Insurance Company is allowed an exception.

F. E. KENNAMER
JUDGE

ENDORSED: Filed Jan 18 1940
H. P. Warfield, Clerk
U. S. District Court B

Court adjourned to January 19, 1940

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

Grand River Dam Authority, a
public corporation,

Plaintiff,

No. 232 Civil

vs

Lawford L. Browning, et al,

Defendants.

O R D E R

Now this 18th day of January, 1940, the same being a judicial day of said court, this cause comes on for hearing on the Application for disbursement of funds herein filed by the defendant, A.W. McDonald. The plaintiff, the defendant A. W. McDonald, and the Travelers Insurance Company, each and all appear by their respective attorneys of record; thereupon said application with certificate of the County Treasurer of Delaware County, Oklahoma was duly presented to and heard by said Court, and it being made to appear to the court that more than five days notice of this hearing has been given to all parties interested; that defendant A. W. McDonald is the true and lawful owner and in the actual possession of that certain tract of land described in the petition herein as Tract No. 3 (23 GR-D 1125); that said lands have been taken by plaintiff pursuant to its delegated power of eminent domain and the commissioners appointed by this court have determined the damage caused by said taking in the sum of \$12,590.00; that the plaintiff has paid that amount of money to the Clerk of this court in payment of said damages; that the Travelers Insurance Company has a valid mortgage on said lands on which there is due as of this date the sum of \$8331.63; that taxes on said lands for the years of 1938 and 1939 in the total sum of \$176.89 is due the County Treasurer of Delaware County, Oklahoma; and that there are no other claimants to said fund.

IT IS THEREFORE ORDERED that the Clerk of this court do disburse and pay the aforesaid fund of \$12,590.00 now in his hands to the following named persons in the following amounts to wit:

To the Travelers Insurance Company, a corporation the sum of \$8331.63, and attorneys fee for its attorneys in the sum of \$None, same to be paid upon surrender of the note, mortgage, and proper release thereof;

To the County Treasurer of Delaware County, Oklahoma the sum of \$176.89 in full payment of the 1938 and 1939 taxes on said real estate;

To A.W. McDonald the sum of \$4081.48.

F. E. KENNAMER
JUDGE

O.K. EUGENE SUELLS and ROSCOE HARPER
Attorneys for Travelers Ins. Co.

ENDORSED: Filed Jan 18 1940
H. P. Warfield, Clerk
U. S. District Court B

1940, on stipulation of parties hereto for enlargement of time for defendant to answer the complaint of plaintiff in the above entitled cause, and the Court, being fully advised in the premises, finds that said extension of time should be granted.

IT IS THEREFORE, ORDERED that said defendant be, and it is hereby granted 15 days from January 18, 1940, to answer in said cause.

F. E. KENNAMER
JUDGE

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

Court adjourned to January 18, 1940

On this 18th day of January, 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 UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
OKLAHOMA

Gar Wood Industries, Inc.,	Plaintiff,)	
)	
vs.)	
		)	Civil No. 71
Braden Winch Company, Thomas J. Schuetz,)	
William R. Braden, Mrs. William R. Braden,)	
and William H. Emmons,	Defendants.)	

O R D E R

Upon application of defendant, Braden Winch Company, motion to consider costs to be taxed pursuant to Decree heretofore filed in this case is set for the 29 day of Jan., 1940.

F. E. KENNAMER
JUDGE

Service of copy acknowledged;
MILSTEN & MILSTEN
G. MALLET PREVOST
JAMES R. COLE

ENDORSED: Filed Jan 18 1940
H. P. Warfield, Clerk
U. S. District Court B

rights or to prevent injustice.

Dated: January 17, 1940.

F. E. KENNAMER
UNITED STATES DISTRICT JUDGE,
Northern District of Oklahoma

ALFRED P. MURRAH
UNITED STATES DISTRICT JUDGE,
Eastern, Northern and Western Districts
of Oklahoma.

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

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

E. R. KETCHUM,

Plaintiff,)

-versus-

ZURICH GENERAL ACCIDENT & LIABILITY
INSURANCE COMPANY, LTD., a corporation,

Defendant.)

) No. 100 - Civil

O R D E R

Upon the motion of the plaintiff filed herein, it appearing that the above-entitled cause has been compromised and settled and that this cause should be dismissed, with prejudice, at plaintiff's cost;

It is therefore ORDERED, ADJUDGED, AND DECREED by the court that the above-entitled cause be, and the same is hereby, dismissed with prejudice, at plaintiff's cost.

F. E. KENNAMER
JUDGE

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

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

A. W. BLACK,

Plaintiff,)

vs.

The Jewel Tea Co. Inc. a corporation,

Defendant.)

) No. 259 Civil

O R D E R

BE IT REMEMBERED, that this matter came on for hearing on this 17th day of January

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

The United States of America,	Plaintiff,)	
)	
vs.)	
		)	No. 1283 Equity
W. M. Smith, otherwise known as Wesley M.)	
Smith, Floyd Myers and L. W. Goins,)	
	Defendants.)	

O R D E R

Now on this the 15th day of January, 1940, it is by the Court ordered that the defendant W. M. Smith, otherwise known as Wesley M. Smith, on his application, be allowed additional time in which to file supersedeas bond on appeal up to and including the 25th day of January, 1940.

ALFRED P. MURRAH
JUDGE

ENDORSED: Filed Jan 16 1940
H. P. Warfield, Clerk
U. S. District Court B

Court adjourned to January 17, 1940

On this 17th day of January, 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:

MISCELLANEOUS - RE: RULES OF COURT

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

IN THE MATTER OF RULES OF COURT

IT IS HEREBY ORDERED, that the following rules be and they are hereby adopted as the Rules of this Court, and that the same shall be in full force and effect on and after January 17, 1940.

IT IS FURTHER ORDERED, that all other rules of this Court be and stand revoked on that date, provided they may be given effect in any cause now pending if necessary to protect the

IT IS FURTHER ORDERED that the intervenor, United States of America, be and it hereby is granted Twenty (20) days from this date within which to plead or answer.

F. E. KENNAMER
UNITED STATES DISTRICT JUDGE.

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

CHESTER A. BREWER, Assistant U. S. Attorney

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

Court adjourned to January 16, 1940

On this 16th day of January, 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 NORTHERN DISTRICT OF OKLAHOMA

United States of America,	Plaintiff,)
)
vs.		) No. 14 - Civil
)
E.C. Mullendore, Trustee of Mullendore)
Trust Company, Fred A. Drummond, et al,)
	Defendants.)

JOURNAL ENTRY OF JUDGMENT

Now on this 16th day of January, 1940, this cause of action having come on before the Court pursuant to regular assignment on May 3, 1939, the plaintiff appearing by Whit Y. Mauzy, United States Attorney for the Northern District of Oklahoma, J. P. Wilson, Special Attorney for the Department of the Interior, and Chester A. Brewer, Assistant United States Attorney for the Northern District of Oklahoma, and the defendants George W. Smith and J. B. Smith appearing by their attorney, H. P. White, and the defendant Fred A. Drummond appearing by his attorneys W. S. Hamilton and Matthew J. Kane, and the court having determined the facts upon a pre-trial conference, heard the arguments of counsel and took this cause of action under advisement instructing counsel to file briefs in support of their contentions, and said briefs having been filed, and the court being fully advised in the premises finds in favor of the defendants, and against the plaintiff, the United States of America, as more fully appears in the written opinion of the court filed herein on November 17, 1939.

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

FRED W. SEYMOUR, TRUSTEE;	Plaintiff,)
)
v.		) No. 1277 Equity
)
GILMORT OIL COMPANY,	Defendant.)

O R D E R

For good cause shown. IT IS ORDERED that the time for filing the record on appeal and docketing the action on behalf of Roland L. Taylor, Trustee under seven separate deeds of trust each dated October 10th, 1936, each being for one of his seven grandchildren, be and the same is hereby extended for an additional period of eighteen (18) days.

DATED this 15th day of January, 1940.

F. E. KENNAMER
JUDGE

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

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

WILEY WATASHE, et al,	Plaintiffs,)
)
vs.		) No. 1292 EQUITY
)
NANCY WATASHE, et al,	Defendants.)
)
UNITED STATES OF AMERICA,	Intervenor.)

O R D E R

NOW on this 8th day of January, 1940, this matter having come on for hearing before the court on the 6th day of December, 1938, on the motion of the plaintiffs and defendants to remand and the motion of the intervenor, United States of America, to dismiss; the plaintiffs appeared by Jas. J. Marrs, their attorney, and the defendants, appearing by John R. Miller, their attorney, and the Intervenor, United States of America, appearing by Whit Y. Mauzy, United States Attorney for the Northern District of Oklahoma, and Chester A. Brewer, Assistant United States Attorney for said district, and the court having heard the arguments of counsel, directed the filing of briefs in support of their contentions and the court having examined said briefs and being fully advised in the premises, finds that said motion to remand should be overruled and the motion to dismiss of the intervenor, United States of America, should be overruled, to which ruling of the court, the plaintiff defendants and intervenor except.

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

IT IS THE FURTHER ORDER OF THE COURT that the motion to dismiss of the intervenor, United States of America, be and the same hereby is overruled, to which ruling of the court the intervenor, United States of America, excepts and exceptions are allowed.

Quapaw Indian, and Hayes Griffin, to dismiss and deny intervenor's complaint, and after argument of respective counsel, the Court sustains said motions to dismiss intervenor's complaint, and accordingly the said intervening complaint is hereby dismissed, and the defendants, Victor Griffin, Mrs. Victor Griffin (Minnit T. Griffin), an incompetent Quapaw Indian, and Hayes Griffin, are given fifteen (15) days from this date in which to further plead to the complaint of the plaintiff herein, to all of which action of the Court in dismissing the intervening complaint of the intervenor the said intervenor objected and excepted.

F. E. KENNAMER

Judge of the United States District Court
in and for the Northern District of Oklahoma.

WM. J. B. MYRES, of Sizer & Myres, Monett, Missouri,
Attorneys for Plaintiff

VERA E. THOMPSON of Thompson & Roberts, Joplin, Missouri
Attorneys for Defendants

MART BROWN, Oklahoma City, Oklahoma,
RAY BOND, Joplin, Missouri,
Attorneys for Intervenor.

ENDORSED: Filed Jan 30 1940
H. P. Warfield, Clerk
U. S. District Court N

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

W. E. MEEK,

Plaintiff,)

-vs-

) NO. 339 - Civil

GEORGE H. MILLER,

Defendant.)

O R D E R

NOW on this 23rd day of January, 1940, the above entitled cause comes regularly on for hearing pursuant to assignment, and ROY F. FORD appearing for the plaintiff for the purpose only of securing a continuance of said cause, and the defendant is present in his own proper person and by his attorneys, B. A. HAMILTON and HENRY R. DUNCAN, and the Court having refused to grant the request of the plaintiff for a continuance, the plaintiff through ROY F. FORD as attorney moves the dismissal of said cause without prejudice, and

IT IS ORDERED, ADJUDGED AND DECREED that said cause be and is hereby dismissed without prejudice upon the payment of costs by plaintiff, otherwise said case is dismissed with prejudice within sixty days.

F. E. KENNAMER
Judge

O.K. ROY F. FORD, Atty for Pltff.
O.K. H. R. DUNCAN, Atty for Deft.

ENDORSED: Filed Jan 30 1940
H. P. Warfield, Clerk
U. S. District Court N

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

United States of America,

Libelant,

vs.

One 1939 Model Dodge Standard
Sedan Automobile, Motor No.
D11-173,242, and approximately
39 gallons of assorted taxpaid
intoxicating liquors seized
therein; Earl O. Olmstead and
Commercial National Bank in
Muskogee, Oklahoma,

No. 272 Civil

Claimants.

JOURNAL ENTRY OF JUDGMENT

Now on this 30th day of January, 1940, this cause of action having come on before the court, pursuant to regular assignment, libelant appearing by Whit Y. Mauzy, United States Attorney for the Northern District of Oklahoma, and Joe W. Howard, Assistant United States Attorney for said District, and the claimant Earl O. Olmstead having heretofore filed his waiver making his general appearance disclaiming any interest in and to said automobile or the intoxicating liquors described therein, and the Commercial National Bank in Muskogee, Oklahoma having filed its answer and appearing by C. P. Gotwals of Muskogee, and John Gibson of Tulsa, Oklahoma, and the libelant and said claimant, the Commercial National Bank, having stipulated and agreed as to certain facts in this case and offering evidence as proof of others, and the court, after hearing the arguments of counsel and being fully advised in the premises, finds that said automobile, insofar as the interest of Earl O. Olmstead is concerned, should be forfeited, and that the claim of the Commercial National Bank in Muskogee, to the extent of Six Hundred Sixty-five Dollars (\$665.00), the amount of its lien, together with such storage charges and other costs paid by said claimant as an incident to the seizure and forfeiture proceedings instituted thereon and herein, should be allowed.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED BY THE COURT that a forfeiture herein be, and the same is hereby allowed as to the said described 1939 Model Dodge Standard Sedan Automobile Motor No. D11-173,242, insofar as the interests and rights of claimant Earl O. Olmstead are concerned.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT that forfeiture herein be, and the same is hereby allowed as to the said approximate Thirty-nine (39) gallons of assorted taxpaid liquors seized in and with said described automobile, which intoxicating liquors are ordered delivered over to the Secretary of the Treasury of the United States for proper and lawful disposition.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT that the claim of the Commercial National Bank in Muskogee, Oklahoma be in the sum of Six Hundred Sixty-five Dollars (\$665.00), together with such storage charges and other costs sustained by said claimant as an incident to the seizure and forfeiture proceedings as are instituted thereon and herein, and upon the payment of such storage charges and the cost of any instruments filed herein by said claimant, the United States Marshal for the Northern District of Oklahoma is directed to deliver over to said Commercial National Bank in Muskogee, Oklahoma the automobile heretofore described.

C.K. AS TO FURN SERVICE OF COPY ACKNOWLEDGED:

F. E. KENNAMER
JUDGE

WHIT Y. MAUZY, United States Attorney

JOE W. HOWARD, Assistant United States Attorney

C. P. GOTWALS JOHN GIBSON, Attorneys for Commercial National Bank in Muskogee, Oklahoma,

ENDORSED: Filed Jan 30 1940

Claimant.

H. P. Warfield, Clerk

U. S. District Court H

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

GILBERT A. CROSBIE,

Plaintiff,)

-vs-

) No. 289 Civil

HETTINGER BROTHERS MANUFACTURING
COMPANY a corporation,

Defendant.

ORDER OF DISMISSAL

NOW on this 30th day of January, 1940, being one of the regular judicial days of this Court, comes regularly on and is presented to the Court the motion of the plaintiff, Gilbert A. Crosbie, and Alwyn L. Greer and Ruth John Squires, on whose behalf the above-entitled and numbered action was instituted, to approve the settlements and compromises between said parties and the defendant and to dismiss with prejudice said cause, said parties being present and appearing by and through one of their attorneys of record, Holly L. Anderson, and the defendant being present and appearing by and through one of its attorneys of record, John Ladner; thereupon, the Court heard evidence upon the nature, terms and considerations of said settlements and compromises of said differences and causes of actions, and finds that said settlements and compromises were fairly and voluntarily arrived at and are fair, just and reasonable and for the best interest of all parties concerned and that the said motion to dismiss said cause of action with prejudice should be sustained.

IT IS, THEREFORE, CONSIDERED, ORDERED, ADJUDGED AND DECREED that said settlements and compromises be and the same are hereby approved, and said motion of said plaintiff and said Alwyn L. Greer and Ruth John Squires be and the same is hereby sustained, and said action is hereby dismissed with prejudice at the cost of said plaintiff and said Alwyn L. Greer and Ruth John Squires.

F. E. KENNAMER
DISTRICT JUDGE

O. K. HOLLY L. ANDERSON RAYMOND B. THOMAS

Attorneys for Plaintiff and Alwyn L. Greer and Ruth John Squires

A. B. CHRISTOFFERSON JOHN LADNER CARL H. LIVINGSTON
Attorneys for Defendant

ENDORSED: Filed Jan 30 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,)
 vs.) No. 1283 EQUITY
 W. M. SMITH, otherwise known as Wesley M. Smith, FLOYD MYERS, CLEVE BYRD and C. H. HARRINGTON, Defendants.)

JOURNAL ENTRY OF JUDGMENT

NOW, on this 30th day of January, 1940, this cause of action having come on for hearing on November 27, 1939, pursuant to regular assignment, before the Honorable Alfred P. Murrah Judge, the plaintiff, United States of America appearing by Whit Y. Mauzy, United States Attorney for the Northern District of Oklahoma, and Chester A. Brewer, Assistant United States Attorney for said district, and the defendant, W. M. Smith, also known as Wesley M. Smith, appearing by Dyke Ballinger of the firm of Ballinger and Ballinger, and the intervenor, United States Fidelity and Guaranty Company, appearing by F. D. Adams and Arthur Crumiger and the parties having announced ready for trial, a jury having heretofore been duly waived, an objection being made as to any relief being granted to the intervenor and the court being advised in the premises, strikes said intervening petition from the file, to which ruling of the court the intervenor duly excepted. Thereupon, the plaintiff having introduced its testimony and rested and the defendant having introduced its testimony and rested and the court, after hearing arguments of counsel, finds the issues, generally, in favor of the plaintiff, United States of America.

The court further finds from the evidence that the defendant failed, neglected or refused to properly operate the leasehold premises according to the terms and conditions of the lease contract and that sufficient facts existed on the 29th day of September, 1936, for the Secretary of the Interior or his duly authorized representative to cancel said lease contract; that due and proper notice was given to said lessee to remove all improvements placed upon said leasehold estate within Ninety (90) days; that said lessee failed, neglected or refused to remove said improvements from said leasehold estate within Ninety (90) days of the date of the cancellation of said lease contract; that said lessee, under the terms and conditions of said lease contract, had no right of possession nor right to enter upon said leasehold estate after said Ninety (90) day period and should be perpetually enjoined and restrained from entering on said leasehold estate.

The court further finds that the lessee failed to remove said improvements and that title to said improvements vested in the lessor after the said Ninety (90) day period described in Paragraph 16, of the lease contract.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that said W. M. Smith, otherwise known as Wesley M. Smith, Floyd Myers, Cleve Byrd and C. H. Harrington, be and they hereby are permanently restrained and enjoined from entering on the premises described as follows, to-wit:

Northwest Quarter of Northeast Quarter of Section 25, Township 29 North, Range 22 East, Ottawa County, Oklahoma, and

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that said W. M. Smith be and he hereby is permanently restrained and enjoined from entering on to said premises or interfering with the possession or operation of said leasehold-estate by the heirs of Ruth Goodeagle, her assigns or transferees or legal representatives.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that title to all buildings and machine equipment or improvements placed upon said leasehold estate by said W. M. Smith, or his representative and not removed within Ninety (90) days from September 29, 1936, be and is the property of the heirs of Ruth Goodeagle, and,

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that said W. M. Smith, otherwise known as Wesley M. Smith, Floyd Myers, Cleve Byrd and C. H. Harrington, he and they hereby are perpetually enjoined from removing any of said improvements from said leasehold estate or interfering with the right of possession of said plaintiff and its said wards to said chattels, to all of which ruling the defendant, W. M. Smith, duly excepts, which exceptions are duly allowed.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the intervening complaint of the United States Fidelity and Guaranty Company be and the same hereby is stricken.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the said defendant, W. M. Smith be and he hereby is given Twenty (20) days to file a supersedeas bond, in the sum of One Thousand Dollars (\$1,000.00) and that if said bond is filed within said Twenty (20) days, same will supersede the judgment rendered herein.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the court that the plaintiff have and recover judgment against the defendant, W. M. Smith, for the costs of this action.

To which ruling of the court the intervenor, United States Fidelity and Guaranty Company, excepts which exception is duly allowed.

AND IT IS SO ORDERED.

ALFRED P. MURRAH
U. S. DISTRICT JUDGE

C.K. WHIT Y. MAUZY, United States Attorney
CHESTER A. BREMER, Assistant U. S. Attorney
ATTORNEYS FOR PLAINTIFF.

DYKE BALLINGER & BRYCE BALLINGER
Attorney for Defendant.

A. G. CRONINGER & P. D. ADAMS
Attorneys for United States Fidelity and
Guaranty Company

ENDORSED: Filed Jan 30 1940
H. P. Warfield, Clerk
U. S. District Court B

Court adjourned to January 31, 1940

On this 31st day of January, 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. Mouzy, United States Attorney
John P. Loran, United States Marshal

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

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

United States of America, Plaintiff,)
vs.) No. 50 Civil
Travelers Mutual Casualty Company, a corporation, Defendant.

C O R D E R

On oral application of the defendant and for good cause shown,

IT IS HEREBY ORDERED that the defendant shall have an additional ten (10) days from this date within which to further plead or answer.

Dated this 24th day of January, 1940.

F. E. KENNAMER
J U D G E

O.K. SERVICE OF COPY ACKNOWLEDGED:
CHESTER A. BREWER

ENDORSED: Filed Jan 31 1940
H. P. Warfield, Clerk
U. S. District Court B

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

Mary Collins, Administratrix of the Estate of)
Melvin E. Collins, deceased, Plaintiff,)
vs.) NO. 95 Civil
Allied Steel Products Corporation, a corporation,)
Defendant.)
a n d)
Sinclair Refining Company, a corporation,)
Defendant and Third Party)
vs. Plaintiff,)
Kansas City Structural Steel Company, a corporation,)
Third Party Defendant)

JOURNAL ENTRY

On this 20th day of January, 1940, this action coming on to be heard comes the plaintiff in person and by her attorneys of record, and comes the defendant, Allied Steel Products Corporation by its attorneys of record, and comes the defendant, Sinclair Refining Company, by its attorneys of record, and all parties announcing ready a jury is empaneled and sworn, and plaintiff proceeds with the introduction of its testimony until the hour of 12:00 o'clock Noon, at which time a recess is taken until January 22nd, 1940, at which time trial is resumed and plaintiff offers further testimony and rests.

Thereupon, defendant Allied Steel Products Corporation moves the Court to direct the jury to return a verdict for said defendant, which motion is by the Court sustained, and to which action of the Court plaintiff excepts.

Thereupon defendant, Sinclair Refining Company moves the Court to direct the jury to return a verdict for said defendant which motion is overruled to which action said defendant excepts.

Thereupon defendant, Sinclair Refining Company declines to offer any evidence and rests.

WHEREUPON Plaintiff asks and is granted leave to dismiss this action without prejudice and said action is dismissed without prejudice at plaintiff's costs.

Thereupon defendant, Sinclair Refining Company asks and is granted leave to dismiss the cross-claim against defendant, Allied Steel Products Corporation, and said cross-claim is dismissed without prejudice at the costs of defendant, Sinclair Refining Company.

F. E. KENNAMER
JUDGE

O.K. and copy is hereby acknowledged:
WOODSON E. NORVELL & ROY F. FORD
Attorneys for Plaintiff

W. E. HUDSON R. D. HUDSON, Attorneys for defendant,
Allied Steel Products Corporation,

EDWARD H. CHANDLER SUMMERS HARDY N. H. McBRAZER
Attorneys for Defendant,
Sinclair Refining Company

ENDORSED: Filed Jan 31 1940
H. P. Warfield, Clerk
U. S. District Court ME

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

Leslie Lollar, Guardian of Willis A. Lollar, Incapacitated,	Plaintiff,	) No. 136 Civil
vs.		
United States of America,	Defendant.	

JOURNAL ENTRY OF JUDGMENT

The above cause coming on for trial on the 30th day of January, 1940, plaintiff appeared by his guardian, Lester Lollar, and was represented by John M. Goldsberry and Harry Seaton, his attorneys; defendant appearing by Chester A. Brewer, Assistant United States Attorney, and Charles I. Chalender, Attorney, Department of Justice; trial by jury being waived, the Court proceeded to hear the case;

Whereupon, plaintiff introduced his evidence, at the close of which, defendant moved the Court for judgment in its favor for the reason that the plaintiff had failed to present substantial testimony that insured became totally and permanently disabled prior to the lapse of the policy sued upon. The Court, after being fully advised, sustained the motion of the defendant.

WHEREFORE IT IS ORDERED, ADJUDGED and DECREED that the plaintiff take nothing by its petition and that the defendant be allowed to go hence without day with its costs.

F. E. MENNAKER
JUDGE

O.K. AS TO FORM SERVICE OF COPY ACKNOWLEDGED:
CHARLES L. CHALENDER
CHESTER A. BREWER, Asst. U. S. Atty.

O.K. AS TO FORM
GOLDSBERRY & KLEIN
HARRY SEATON

ENTERED: Filed Jan 31, 1940
H. P. Warfield, Clerk
U. S. District Court E

outstanding bonds and like distribution on the face of all claims of common creditors heretofore allowed by the Court, and for further order authorizing the payment of such balance as shall then remain on hand to I. E. Nelson, Trustee, for expense incurred and to Harry O. Glasser and Harry O. Janicke for expense and attorneys fees in compensation for services rendered in such matter for the period subsequent to that for which allowance has heretofore been made, coming on to be heard and the Court being fully advised finds that said application should be allowed and granted and **IT IS SO ORDERED, ADJUDGED AND DECREED.**

IT IS FURTHER ORDERED AND ADJUDGED that the said I. E. Nelson, Trustee, shall

- (1) Proceed forthwith to pay and distribute a final dividend of one and one-half cents on the dollar to all bondholders of the par of all outstanding bonds of said Company, and shall pay and distribute a like final dividend of one and one half cents on the dollar upon the face amount of all allowed claims of the common creditors of said Company;
- (2) That the said I. E. Nelson shall thereupon proceed to pay all court costs remaining unpaid;
- (3) To then reimburse the Trustee, I. E. Nelson, for expense of carrying out the Court's orders and in preparing and distributing first and final dividend;
- (4) to then pay to Harry O. Glasser and Harry O. Janicke the cash remaining and deliver properly indorsed to the said Harry O. Glasser and Harry O. Janicke the accounts, notes and school warrants of the City of Sapulpa School District in the possession of said Trustee, in full and final settlement for expense incurred and additional allowance of attorneys fees for services rendered in the settlement of said estate, and this order will be authority therefore;

and,

- (5) to thereupon file with the Clerk of this Court satisfactory evidence of the carrying out of the terms of this order, upon the filing of which, this cause shall stand finally closed.

F. E. KENNAMER
JUDGE

COPY SERVED R. B. McDERMOTT

ENDORSED: Filed Jan 31 1940
H. P. Warfield, Clerk
U. S. District Court B

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

WILEY WATASHE, et al,	Plaintiffs,)	
)	
vs.		)	NO. 1292 EQUITY
NANCY WATASHE, et al,	Defendants.)	
)	
UNITED STATES OF AMERICA,	Intervenor.)	

C O R D E R

NOW, on this 31st day of January, 1940, this matter coming on before the court on application of the intervenor, United States of America, for additional time to answer in this action and it appearing to the court that said time should be granted,

IT IS, THEREFORE, THE ORDER OF THE COURT that the intervenor, United States of America, be and it hereby is granted Thirty (30) days additional time from this date within which to file its answer in this cause of action.

F. E. KENNAMER
UNITED STATES DISTRICT JUDGE

C.K. as to form
Service of copy acknowledged:

WHIT Y. MAUZY
United States Attorney

CHESTER A. BREWER
Assistant U. S. Attorney

ENDORSED: Filed Jan 31 1940
H. P. Warfield, Clerk
U. S. District Court B

Court adjourned to February 1, 1940

On this 1st 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:

MISCELLANEOUS - ADMISSION TO BAR.

Now on this 1st day of February, A. D. 1940, it being made satisfactorily to appear that John Wheeler Jr., is duly qualified for admission to the Bar of the Court, the oath prescribed by law is administered and said attorney is declared admitted to the Bar.

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

INSURANCE COMPANY OF NORTH AMERICA,
a corporation, Plaintiff,

v.

No. 135 - CIVIL

CRUDE OIL CONTRACTING COMPANY, a corporation,
and NATIONAL SURETY CORPORATION, a corporation,
Defendants.

O R D E R

Upon application of defendants in the within and foregoing action, said defendants are hereby granted permission to file a reply brief on or before February 3, 1940.

F. E. KENNAMER
JUDGE

ENDORSED: Filed Feb 1 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,

vs

No. 228 Civil

Joseph S. Owsley et al, Defendants.

ORDER OF DISBURSEMENT

Now on this 1st day of February, 1940, same being a judicial day of said court this matter comes on for hearing on the application of Joseph S. Owsley and Ada M. Owsley for

disbursement of funds. The said defendants appear by their 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 duly 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 said 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 certain lands described in the petition herein as "Tract No. 1 (25 GR-D 1370); 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 \$5805.00; that plaintiff has paid the amount of said award into the office of the Clerk of this court for the benefit of said defendants; that there is due the County Treasurer of Delaware County, Oklahoma the sum of \$235.67 for taxes duly levied and assessed against said lands; that taxes for all other years against said lands have been fully paid; that there are no other liens nor are there any mortgages against said lands no other claimants to said fund.

IT IS THEREFORE ORDERED that the Clerk of this Court do pay and disburse said fund in the sum of \$5805.00 to the following named persons in the following amounts to-wit:

1. To the County Treasurer of Delaware County, Jay, Oklahoma, the sum of \$235.67; and
2. To Joseph S. Owsley and Ada M. Owsley the sum of \$5569.33.

F. E. KENHAMER
JUDGE

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

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

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

ORDER OF DISBURSEMENT

Now this 1st day of February, 1940, same being a judicial day of said court, this matter comes on for hearing on the application of E. E. Hinds, Laura J. Hinds, Ralph H. Hinds and Frank Hinds for disbursement of funds. The said defendants appear by their attorney of record, J. 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. 1 (2 GR-D 74); that plaintiff has taken and appropriated said lands for its use 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 \$5805.00; that plaintiff has paid the amount of said award into the office

of the Clerk of this court for said defendants; that all taxes for 1939 and prior years have been fully paid; that there are no liens nor mortgages of any kind or character against said lands nor are there any claimants to said fund.

IT IS THEREFORE ORDERED that the Clerk of this court do pay and disburse said fund in the sum of \$9595.00 to E. E. Hinds, Laura J. Hinds, Ralph H. Hinds, and Frank Hinds.

F. E. KENNAMER
JUDGE

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

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

Grand River Dam Authority, a)
public corporation,) Plaintiff,)
) No. 246 Civil
vs)
)
H. E. Thompson, et al,) Defendants.)

ORDER OF DISBURSEMENT

Now this 1st day of February, 1940, same being a judicial day of said court, this matter comes on for hearing on the application of George C. Ray and Mattie E. Ray for disbursement of funds. The said defendants appear by their 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 said 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 certain lands described in the petition herein as "Tract No. 6 (31 GR-D 1635) and (33 GR-D 1678); 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 \$6,660.00; that plaintiff has paid the amount of said award into the office of the Clerk of this court for the benefit of said defendants; that there is due the County Treasurer of Delaware County for taxes against said lands the sum of \$3.13 and that all other taxes against said lands have been fully paid; that there are no other liens against said lands nor claimants to said fund.

IT IS THEREFORE ORDERED that the Clerk of this Court do pay and disburse said fund in the sum of \$6,660.00 to the following named persons in the following amounts, to-wit:

1. To the County Treasurer of Delaware County, Jay, Oklahoma, the sum of \$3.13 and
2. To George C. Ray and Mattie E. Ray the sum of \$6656.87.

F. E. KENNAMER
JUDGE

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

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

Grand River Dam Authority, a
public corporation,

Plaintiff,

No. 246 Civil

vs

H. H. Thomson, et al,

Defendants.

ORDER OF DISBURSEMENT

Now this 1st day of February, 1940, same being a judicial day of said court, this matter comes on for hearing on the application of Maude E. Gayman and M. W. Gayman for disbursement of funds. The said defendants appear by their 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 duly 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 (5 GR-D 170) and (9 GR-D 371) 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 \$16,925.00; that plaintiff has paid the amount of said award to the clerk of this court for the said defendants; that there is due the County Treasurer of Delaware County, Oklahoma, taxes against said lands in the sum of \$610.26 which is a lawful charge against said fund; that there are no other claimants to said fund.

IT IS THEREFORE ORDERED that the Clerk of this court do pay and disburse said fund in the sum of \$16,925.00 to the following named persons in the following amounts, to-wit:

1. To the County Treasurer, Delaware County, Jay, Oklahoma, the sum of \$610.26; and
2. To Maude E. Gayman and M. W. Gayman the sum of \$16,314.74.

F. L. KENNAMER
JUDGE

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

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

United States of America,

Plaintiff,

No. 309 Civil

vs.

Clarence Hambricht,

Defendant.

ORDER OF DISMISSAL

Now on this 1st day of February, 1940, this matter coming on before the Court, and it appearing that the defendant, Clarence Hambricht, has vacated the property involved in said cause, and that the court costs have been paid, and said cause should be dismissed;

IT IS THEREFORE THE ORDER of the Court that said cause be, and the same hereby is dismissed.

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

F. E. KENNAMER
JUDGE

CHESTER A. BREWER, Assistant United States Attorney

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

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

THE LINCOLN NATIONAL LIFE INSURANCE
COMPANY,,

Plaintiff,

No. 873 Equity

vs.

EXCHANGE NATIONAL COMPANY,

Defendant.

ORDER CONFIRMING SALE

THIS CAUSE COMING on to be heard, on this the 1st day of February, 1940, it being of the regular court days of this court on the motion of T. P. Farmer, as receiver for Exchange National Company, for an order approving and confirming the sale conducted by him on the 20th day of January 1940, wherein he sold unto Ralph W. Wilcutt, for the consideration of \$500.00 the following described premises, to-wit:

Lot Two (2) less a strip 100 feet wide off the west side and North 19.87 acres of Lot Three (3) and Northwest Quarter of North-east Quarter of Southwest Quarter (NW NE SW) and Southwest Quarter of Southeast Quarter of Northwest Quarter (SW SE NW) of Section Thirty-one (31) Township Seventeen (17) North, Range Twenty-one (21) East, consisting of 75.91 acres in Cherokee County, Oklahoma

and it appearing to the court that the proceedings leading up to said sale have been had in all things as required by law, and that said sale has been in all things held in compliance with the laws of the United States, and the order of this court; and the Court finding that it has jurisdiction to entertain said motion and enter an order thereon, and being fully advised in the premises finds that said motion to approve and confirm said sale should be sustained.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED BY THE COURT that said motion be, and the same is hereby sustained; and that said sale, more fully described in said motion, return and report of sale, and hereinabove, be and the same is in all things approved and confirmed, and said T. P. Farmer, as receiver for Exchange National Company, be and he is hereby directed, authorized and empowered to make, execute and deliver unto the said purchaser at said sale a good and sufficient conveyance, covering and affecting said lands; and that he do all other things necessary and proper in order fully and effectually to accomplish the letter and spirit of the motion and this order.

F. E. KENNAMER
United States District Judge

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

Court adjourned to February 2, 1940

On this 2nd 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, not pursuant to adjournment, Hon. F. E. Kennamer, Judge, present and presiding.

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

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

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

UNITED STATES OF AMERICA,	Plaintiff,)
)
vs.		) No. 222 Civil
)
W.E. Knapp and R. N. Malaby,	Defendants.)

O R D E R

Now on this 2nd day of February, 1940, this matter coming on before the Court on the application of the plaintiff and defendant for the appointment of a Receiver in this cause of action, pending a final determination of said cause, and it appearing to the Court that such Receiver should be appointed;

IT IS THEREFORE THE ORDER of the Court that John P. Logan, United States Marshal for the Northern District of Oklahoma, do, and he hereby is appointed Receiver, to take charge of the property involved in said cause, lease said property, collect the rents therefrom and report all collections and disbursements into this Court, pending a final determination of this cause of action.

F. E. KENNAMER
JUDGE

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

CHESTER A. BREWER, Asst. United States Attorney
ATTORNEYS FOR PLAINTIFF.

BRUCE B. POTTER,
Attorney for Defendant, W.E. Knapp & R. N. Malaby

ENDORSED: Filed Feb 2 1940
H. P. Lanfield, Clerk
U. S. District Court

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

THE LINCOLN NATIONAL LIFE INSURANCE COMPANY,

Plaintiff,

vs

No. 873 Equity

EXCHANGE NATIONAL COMPANY,

Defendant.

O R D E R

THIS CAUSE COMING on to be heard on this the 2nd day of February, 1940 on the verified application of T. P. Farmer, as receiver for the Exchange National Company, for an order authorizing and empowering him to demand and receive from the Court Clerk of Wagoner County, Oklahoma, any moneys now on hand in the office of said Court Clerk respecting condemnation damages arising from the taking of an easement over and across the following described premises:

Lots 1 and 4 in Section 18, Township 17, Range 18 East, less Highway, situate in Wagoner County, State of Oklahoma,

and the court having read said application and finding that it has jurisdiction to entertain the same and enter an order thereon and being fully advised in the premises, finds that said application should be sustained.

IT IS, THEREFORE, BY THE COURT ORDERED, ADJUDGED AND DECREED that the application of T. P. Farmer, as receiver of Exchange National Company be and it is hereby sustained and the said T. P. Farmer, as such receiver, be and he is hereby directed, authorized and empowered to demand and receive from the Court Clerk of Wagoner County any moneys in the office of said Court Clerk representing condemnation damages arising from the taking of an easement on the above described premises.

IT IS THE FURTHER ORDER, JUDGMENT AND DECREE OF THE COURT that after having received said moneys the said T. P. Farmer, as receiver of Exchange National Company be and he is hereby directed, authorized and empowered to retain the same in his account as receiver in said cause now pending in the District Court of Wagoner County, Oklahoma, until said cause is disposed of finally and that he shall be authorized and empowered after receiving said moneys to credit the judgment obtained by him in said cause now pending in Wagoner County, and he shall be and he is hereby directed, authorized and empowered to do all other things necessary and proper in order fully and effectually to accomplish the letter and spirit of said application and this order.

F. E. KENNAMER
United States District Judge

ENDORSED: Filed Feb 2 1940
H. P. Worfield, Clerk
U. S. District Court

C. E. BOND, et al,

Plaintiffs,

-vs-

No. 1257 - Equity

EUBNEE TOR, et al,

Defendants.

Now on this 2nd day of February, A. D. 1940, it is ordered by the Court that the Clerk file and spread Mandate in the above styled cause, same being in words and figures as follows, to-wit:

UNITED STATES OF AMERICA, et al

THE PRESIDENT OF THE UNITED STATES OF AMERICA

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

(SEAL)

ORDERING:

WHEREAS, lately in the District Court of the United States for the Northern District of Oklahoma, before you, in case of you in a cause between C.E. Bond and Nellie Bond, plaintiffs and Eubnee Tor et al., defendants, No. 1257, Equity, the judgment of the said district court in said cause, entered on November 3, 1938, was in the following words, to-wit:

"It is therefore ordered, adjudged and decreed by the court that the title and possession of said plaintiffs in the premises be and the same is hereby forever settled and quieted in the said plaintiffs as against said defendants and Intervener, and those claiming under them or any of them; and said defendants and Intervener, and those claiming or to claim under them or either of them are perpetually forbidden and enjoined from commencing any suit to disturb the said plaintiffs in their said possession and title to said premises, from setting up any claim, interest adverse to the title of plaintiffs herein, and from disturbing plaintiffs in their peaceable possession and quiet enjoyment of said described premises.

"It is further considered, ordered and adjudged that the said defendants and Intervener take nothing by their intervening petition filed herein, but that the plaintiffs take judgment as herein stated quieting their title, which is a binding order as aforesaid."

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 United States of America agreeably to the act of Congress, in such case made and provided, fully and at large appears:

AND WHEREAS, on the Seventh Term, in the year of our Lord one thousand nine-hundred and thirty-nine, the said cause was on the record 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 thereof, it is now more ordered and adjudged by this court that the judgment of the said District Court in this cause be and the same is hereby affirmed.

-- 5-October 26, 1939.

You, therefore, are hereby commanded that such proceedings be had in said case, 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 31st day of January, in the year of our Lord one thousand Nine Hundred and Forty.

COSTS OF

Clerk	\$-- --
Printing Record	\$-- --
Attorney	\$20.00
	<u>\$20.00</u>

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

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

Court adjourned to February 3, 1940

On this 3rd 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. Kennamoh, Judge, present and presiding, and 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:

MISCELLANEOUS - ADMISSION TO THE BAR.

Now on this 3rd day of February, A. D. 1940, it being made satisfactorily to appear that Hunter L. Johnson is duly qualified for admission to the Bar of the Court, the oath prescribed by law is administered and said attorney is admitted to the Bar of the Court. (A.P.M.J.)

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

J. B. SIMS, TRUSTEE,

Plaintiff,

vs.

No. 79 CIVIL

LOUIS P. ANDREWS, Deputy Collector
of Internal Revenue, and H. C. JONES,
Collector of Internal Revenue,

Defendants.

J U D G M E N T

This matter coming on for hearing this 5th day of December, 1939 in its regular order and the plaintiff appearing in person and by his attorneys, John L. Calkesberry and Harold E. Rorschach, and the Collector of Internal Revenue, H. C. Jones, and the Deputy Collector of Internal Revenue, Louis P. Andrews, appearing by their attorneys Whit Y. Maury, United States Attorney for the Northern District of Oklahoma, and Chester A. Brewer, Assistant United States Attorney for said district, and the intervenor, 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 after the introduction of evidence and argument of counsel and after the court being fully advised in the premises, the court finds that the plaintiff is not entitled to any relief on his first and second causes of action and further finds that the United States is entitled to the relief prayed for in its intervening petition.

IT IS, THEREFORE, ORDERED, ADJUDGED and DECREED that the plaintiff take nothing and that judgment be entered for H. C. Jones, Collector of Internal Revenue, and Louis P. Andrews, Deputy Collector of Internal Revenue, and for their costs herein expended, to which action of the court, the plaintiff excepts, which exception is duly allowed.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that the United States have and recover judgment against the plaintiff, J. B. Sims, Trustee, on its intervening complaint and,

IT IS FURTHER ORDERED that J. B. Sims, Trustee, within Twenty (20) Days from the date this judgment becomes final, sell at public auction, the following described real estate, to-wit:

East Half of Southwest quarter and Southeast quarter, less Ten (10)
acres in the southeast corner of Section Seven (7), Township Nineteen
(19) North, Range Fourteen (14) East;

that said Trustee advertise said property for sale in a newspaper of general circulation in Tulsa County for not less than Thirty (30) days prior to said sale and that said Trustee report his acts of sale to this court for confirmation and that a sufficient sum from the proceeds of said sale to be paid to H. C. Jones, Collector of Internal Revenue, in payment of income tax liability of Hazel Woodward Bradshaw nee Taylor, interest, penalties and costs of this action, and

IT IS FURTHER ORDERED that if the proceeds of said sale are not sufficient to pay said income tax, interest, penalties and costs in full, that said Trustee sell sufficient property in his possession to satisfy said deficiency, to all of which action of the court, the plaintiff excepts, which exception is duly allowed.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that the judgment in favor of the United States entered herein be executed for Twenty (20) days from this date.

To all of which the plaintiff hereby excepts, and exception by the court is allowed.

AND IT IS SO ORDERED.

ALFRED P. MURRAH
United States District Judge

O.K. AS TO FORM:
HAROLD E. RORSCHACH
Attorneys for Plaintiff

WHIT Y. MAUZY, United States Attorney
Attorneys for defendants and Intervenor.

ENDORSED: Filed In Open Court
Feb 3 1940
H. P. Warfield, Clerk
U. S. District Court E

Court adjourned to February 5, 1940

On this 5th 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. Kenamer, Judge, present and presiding.

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

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

MISCELLANEOUS - ADMISSION TO BAR.

Now on this 5th day of February, A. D. 1940, it being made satisfactorily to appear that James C. Denton, Jr., is duly qualified for admission to the Bar of the Court, the oath prescribed by law is administered and said attorney is declared admitted to the Bar of the Court.

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

United States of America, Libelant,
vs.

One 1939 Model Ford Deluxe Tudor Sedan
Automobile, Motor No. 18-5,119,524, and
approximately 90 gallons of assorted taxpaid
intoxicating liquors seized therewith; Tosco H.
Houston, C. J. Pappin, and the First National
Bank of Dewey, Oklahoma, Claimants.

No. 393 CIVIL

ORDER FOR MONITION

Now on this 5th day of February, 1940, it appearing to the court that the said

1934 Buick Road Deluxe Ford Sedan Automobile, Motor No. 18-5,112,534, with approximately thirty (30) gallons of intoxicating liquors containing more than four per centum (4%) of alcohol by volume, was seized at a warehouse near McAlester, Oklahoma about one (1) mile east of one-half (1/2) mile north of Bartlesville, in Nowata County, State of Oklahoma, Northern Judicial District of Oklahoma and within the jurisdiction of this Court, on November 25, 1939, by Sidney S. Kennedy and George H. Sawyer, Investigators of the Alcohol Tax Unit, Bureau of Internal Revenue of the United States, by virtue of authority of their said offices, and in accordance with the provisions of law in such cases made and provided, and the said automobile and liquors were transported by Lewis H. Houston for the transportation of intoxicating liquors from the Northern Judicial District of Oklahoma, both in the State of Arkansas, into the State of Oklahoma to the place and specified point of seizure; it further appearing that the same said property was appraised at more than Five Hundred Dollars (\$500.00) whereupon Plaintiff has instituted libel action herein and requests issuance of writ of replevin notifying claimantsasco H. Houston, J. J. Pappin and the First National Bank of Dewey, Oklahoma, of this proceeding, unless notice thereof be received.

IT IS HEREBY ORDERED that a writ of replevin issue as prayed for in said libel and that same be served uponasco H. Houston, J. J. Pappin and the First National Bank of Dewey, Oklahoma, unless notice thereof be received, and any other persons that might claim any interest in said automobile, replevin thereon to occur in this Court before ten (10) days after personal service thereof, and to show cause, if any they have, why said automobile and intoxicating liquors should not be forfeited to Plaintiff under provisions of Section 224, Title 27, U. S. Code Annotated, and in accordance with the provisions of the laws relating to seizures, forfeitures and disposition of property; and proceeds for violation of the Internal Revenue Laws of the United States.

IT IS FURTHER ORDERED that the United States Marshal for the Northern District of Oklahoma be and is directed to do and in the above described proceedings to do and in further order of this Court as to service of writ of replevin as required by law.

D. E. KENNAMER
JUDGE

RECORDED: Filed Feb 5 1940
H. P. Warfield, Clerk
U. S. District Court

Court adjourned to February 6, 1940

On this 6th 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 FOR THE NORTHERN
DISTRICT OF OKLAHOMA

GRAND RIVER DAM AUTHORITY, A Public Corporation,	Plaintiff,)
vs.)
J. E. BROWNING and CHARLOTTE BROWNING, husband and wife, et al,	Defendants.)
		) CIVIL # 226

ORDER FOR DISTRIBUTION OF FUNDS

Now on this the 6th day of February, 1940, this matter coming on for hearing pursuant to assignment, and it being made to appear that the Commissioners heretofore appointed in this case have filed areport herein awarding unto the defendants, J. E. Browning and Charlotte Browning, the sum of \$7,325.00 as compensation and damages for payment of the lands particularly described in plaintiff's petition as tract number ten herein and for good cause shown the Court being advised in the premises hereby orders, authorizes and directs the Clerk of this Court to make distribution of said fund in the following form and manner and amounts, to-wit: to the Commissioners of the Land Office of the State of Oklahoma, \$2553.89; to D. E. Shartel, Neosho, Missouri, \$533.97, ; To Shartell Mortgage Company, Neosho, Missouri, \$20.05, for and in full release and satisfaction of the liens owned and held by said payees, the balance of \$4217.09 is hereby ordered and directed to be disbursed to the defendants, J. E. Browning and Charlotte Browning.

F. E. KENNAMER
Judge of the District Court

ENDORSED: Filed Feb 6 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,	Petitioner,)
-vs-)
Joseph S. Owsley, et al.,	Defendants.)
		) No. 226 Civil

ORDER DISMISSING DEMAND FOR TRIAL BY JURY AS TO TRACT NO. 12 (17 GR-D 734)

NOW, on this the 6 day of February, 1940, upon the motion and application of the petitioner, praying for the dismissal of the Demand for Trial by Jury, and exceptions to the Report of Commissioners filed herein as to Tract No. 12 (17 GR-D 734), the Court being fully advised in the premises finds: that the petitioner and the owners of the lands described in Tract No. 12 (17 GR-D 734) have stipulated and agreed to settlement of the same, which stipulation and agreement have been approved by this Court.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Demand for Trial by Jury, and exceptions to the Report of Commissioners filed by the petitioner, Grand River Dam Authority be, and it is hereby dismissed.

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

ENDORSED: Filed Feb 6 1940
H. P. Warfield, Clerk
U. S. District Court B

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 5th 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 6 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,	Libelant,)	
)	
vs.)	
)	
One 1939 Model Ford Deluxe Coupe Automobile,)	
Motor No. 18-4,752,618, and approximately		)	No. 292 CIVIL
150 gallons of assorted taxpaid intoxicating)	
liquors seized therein; Wiley E. King and Bixler)	
Motor Company of Waynoka, Oklahoma,	Claimants.)	

JOURNAL ENTRY OF JUDGMENT

Now on this 23rd day of January, 1940, this cause of action having come on before the Court, pursuant to regular assignment, libelant appearing by Whit Y. Mauzy, United States Attorney for the Northern District of Oklahoma, and Joe W. Howard, Assistant United States Attorney for said District, and the claimant Wiley E. King having failed, neglected and refused to appear or file any pleadings contesting this litigation, and because of such default, is, by the court, declared to be in default, and the Bixler Motor Company of Waynoka, Oklahoma, having filed its answer and appearing by Tom Durham, its attorney, and the libelant and said claimant, Bixler Motor Company having stipulated and agreed as to certain facts in this case and offering evidence as proof of others, and the court, after hearing the arguments of counsel and being fully advised in the premises, finds in favor of the libelant and against said claimant.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that a forfeiture herein be, and the same is hereby allowed as to the said described 1939 Model Ford Deluxe Coupe Automobile, Motor No. 18-4,752,618, and said automobile is ordered delivered to the Treasury Department for the use of the Bureau of Internal Revenue in the enforcement of the Internal Revenue Laws, pursuant to Section 304 of the Liquor Law Repeal and Enforcement Act, together with all of its equipment and accessories.

deceased, Cherokee Roll No. 27712; of Woodrow Hendricks, deceased; of Charley Hendricks, deceased; by publication - - petitioner appearing by Q. B. Boydstun, Assistant Counsel, for the Grand River Dam Authority, a public corporation, and it appearing to the Judge of this Court that petitioner herein was with due diligence unable to serve personally upon the said defendants hereinabove named, notice of the institution of condemnation proceedings, and that if the said defendants, and each of them, do not apply to the Judge of the United States District Court in and for the Northern District of Oklahoma, on or before the 1st day of April, 1940, to have the damages assessed by reason of the condemnation and appropriation of the lands described in the original petition for condemnation filed herein, that the petitioner herein will, on said 1st day of April, 1940, at the hour of 10 o'clock A.M., or as soon thereafter as counsel may be heard, apply to the Judge of the United States District Court in and for the Northern District of Oklahoma, for an order determining the right and necessity of the condemnation and appropriation of said lands, and for an order appointing three (3) disinterested freeholders of said Northern District of Oklahoma, as commissioners, to be selected by the Judge of said Court, to inspect said real property involved and consider the injury and assess the damages which said defendants, and each of them, as owners of, or of any right, title or interest therein, may sustain by reason of the condemnation and appropriation of the fee simple title in and to said lands for public use and benefit.

It further appearing that the Petitioner herein has filed its affidavit and application duly verified, setting up that the defendants, hereinabove named, Jennie L. Wright, Jessie Squirrel, Jake Adams, Ruby Squirrel, now Bacon, Billie Lee Squirrel, a minor, and Kenneth A. Viles, a minor, and each of them, reside out of the State of Oklahoma, and that they are non-residents of the State of Oklahoma; and that said petitioner, after due diligence, has been unable to serve said defendants within the State of Oklahoma; and further, that the petitioner, after diligent search and inquiry, has been unable to ascertain the residence or whereabouts of the defendants; Bebb Ironside, Mayme Ironside, now Ward, Alex Hendricks, Charles Fayrien (also known as Charles Tayrien), and that said defendants cannot be served with notice of condemnation proceedings herein within the state of Oklahoma; that the defendants: the heirs, devisees, legatees, executors, administrators, trustees, creditors and assigns, known and unknown, immediate and remote, and their spouses, if any, of Jack Squirrel, deceased, Cherokee Roll No. 17765; of William Squirrel, deceased; of Lizzie Constitution, deceased, Cherokee Roll No. 19467; of J. G. Whitaker, deceased, of Verda Whitaker, deceased; of A. W. Viles, deceased; of Elizabeth Starr, deceased, Cherokee Roll No. N. B. 2550; of John Starr, deceased; of Catherine King, deceased, Cherokee Roll No. 9225; of Susan Shaw, nee King, deceased; of James King, deceased, Cherokee Roll No. 9226; of Catherine Yost, nee King, deceased, Cherokee Roll No. 8651; of Dixie Deckman, nee King, deceased; of Tracy Keller, nee Deckman, deceased; of Lucy Buzzard, deceased, Cherokee, Roll No. 19368; of Nancy Buzzard, deceased, Cherokee N. B. 4877; of Susan Hendricks, deceased, Cherokee Roll No. 27712; of Woodrow Hendricks, deceased; of Charley Hendricks, deceased, cannot with due diligence be served with notice of these condemnation proceedings, and of the time and place for the determination of the right and necessity of the condemnation and appropriation of said land, and for the appointment of commissioners; and the Judge of this Court, being fully advised in the premises, finds that the petitioner's application for service of notice by publication upon the defendants hereinabove named, and each of them, should be granted.

IT IS THEREFORE CONSIDERED, ORDERED AND ADJUDGED that notice be given to the defendants hereinabove named, and each of them, notifying them of the institution of condemnation proceedings herein, and of the time and place of the appointment of said commissioners, and that said notice be signed by the attorneys for the plaintiff herein, duly attested by the Clerk of this Court, and that said Notice be published in the Grove Sun, a newspaper of general circulation in Delaware County, Oklahoma, and in the Miami, News-Record, a newspaper of general circulation in Ottawa County, Oklahoma, for four weeks, notifying said defendants of the institution of condemnation proceedings, and the application of the petitioner for condemnation and appropriation, and that if the defendants, and each of them, do not apply to the Judge of the United States District Court in and for the Northern District of Oklahoma, to have the damages assessed by reason of the condemnation and appropriation of said lands by the petitioner on or before the 1st day of April, 1940, the petitioner, Grand River Dam Authority, a public corporation, will on said 1st day of April, 1940, at the hour of 10 o'clock A.M., or as soon thereafter as counsel may be heard, apply to the Judge of the United States District Court in and for the Northern District of Oklahoma, in the Federal Building in the City of Tulsa, Oklahoma, for an order determining the right and necessity for the condemnation and appropriation of said lands, and for an order appointing from the regular jury list three (3)

disinterested freeholders in said Northern District, as commissioners, who shall be selected by the Judge of said Court, to inspect and said real property and appraise the value of the absolute, entire and unencumbered fee simple title and consider the injury which said defendants, as the owners thereof or of those having any right, title or interest therein, may sustain by reason of the condemnation and appropriation of said absolute fee simple title for said public use and benefit, and that said defendants, and each of them be present, if they so desire.

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

ENDORSED: Filed Feb 6 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. 329
vs.)
)
Peter Barehead, et al,) Defendants.)

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

NOW, on this 6 day of February, 1940, the above entitled and numbered cause coming on to be heard, upon the application of the petitioner herein for an order of the Judge of this Court fixing the date for the appointment of three (3) disinterested freeholders of said Northern District of Oklahoma, as commissioners, to inspect said real property involved herein and consider the injuries sustained by reason of the condemnation and appropriation of the absolute, entire and unencumbered fee simple title to said lands, for public use and benefit, as alleged in the petition for condemnation filed herein, and for an order of the Judge of this Court prescribing notice to be given said defendants in said cause, of the time and place when the Judge of this Court will appoint said commissioners the petitioner appearing by R. L. Davidson, General Counsel, and Q. B. Boydston and Gayle M. Pickens, Assistant Counsels.

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

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

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

IT IS, THEREFORE, ADJUDGED AND DECREED by the Judge of this Court that notice be given said defendants, and each of them, and all persons claiming any right, title, interest or possession in and to the lands involved, personally, by serving a copy of said notice upon said defendants, and each of them, said notice to be served by the United States Marshal of the District and State in which said defendants, and each of them, may reside, and said notice to be signed by the Attorneys for the Petitioner, Grand River Dam Authority, a public corporation, and duly attested by the Clerk of this Court, notifying said defendants, and each of them, that the application of the petitioner for the appointment of three (3) disinterested freeholders in the Northern District of Oklahoma, as commissioners to inspect said real property and consider the injuries which the owners thereof, or persons having some right, title or interest therein, may have sustained or will sustain by reason of the condemnation and appropriation of said property for public use, will be heard before the Judge of this Court, at Tulsa, Oklahoma, on the 1st 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 defendants, and each of them, may appear if they so desire.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Judge of this Court that in the event the petitioner is unable to obtain personal service of the notice upon any of said defendants to said action, notifying them of the hearing of petitioner's application for the appointment of three (3) disinterested freeholders in said Northern District of Oklahoma, as aforesaid, that the petitioner may apply to the Judge of this Court for an Order directing the publication of such notice as the Judge of this Court may prescribe to said defendants.

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

ENDORSED: Filed Feb 6 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 6th 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 was a note, executed by Abe Dritch and Ida Dritch, his wife, for the sum of Two Thousand Nine Hundred Dollars (\$2,900.00), dated June 2, 1931, said note being secured by a first and prior real estate mortgage covering the following described real estate, to-wit:

Lot Two (2) in Block Two (2) in Pouders-Pomeroy Addition to the City of
Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof;

that because of the inability of the trustee to collect said note, he instituted cause No. 58392 in the District Court of Tulsa County, Oklahoma, against Abe Dritch and Ida Dritch, and obtained a judgment

therein on the 9th day of September, 1936, for the sum of Four Thousand Seventy Eight & 93/100 Dollars (\$4,078.93), including interest to date of judgment, and the further sum of Two Hundred Eighty Dollars (\$280.00) attorney's fees, and for the foreclosure of said mortgage; that pursuant to appropriate proceedings therefor, the real estate above described was sold by the Sheriff of Tulsa County, Oklahoma, to J. H. McBirney, Successor Trustee, and that J. H. McBirney, Successor Trustee, is the present owner of legal title to said real estate; and it further appearing that Thomas L. Shepherd and Eula May Shepherd have offered to purchase said real estate for the sum of Three Thousand Dollars (\$3,000.00), payable Five Hundred Dollars (\$500.00) in cash and the unpaid balance payable at Five Hundred Dollars (\$500.00) each six (6) months thereafter, said deferred payments bearing interest at the rate of six per cent (6%) per annum, and to be secured by a first and prior real estate mortgage covering said real estate; and it further appearing that the real estate above described is located at number 1168 North Main Street in the City of Tulsa, Oklahoma, and is improved with a frame one-story house, 28' x 46', with cement block foundation and composition roof, containing six (6) rooms and bath, as well as a garage, 14' x 18', and that said house is in a good state of repair; and it further appearing that the members of the Advisory Committee, appointed 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 same, and recommended that said trustee sell said real estate for said consideration and upon said terms; and it further appearing that the trustee has not had a higher or better offer for said real estate, and that the said trust is in liquidation, and that it is to the best interest of said trust and its beneficiaries that said real estate be sold, and that the trustee has recommended the sale of said real estate for said consideration and upon said terms; and it further appearing that the sale of said real estate was arranged by A. M. Alderson, a real estate broker in the City of Tulsa, Oklahoma, who is entitled to compensation for his said services, and that five per cent (5%) of said sales price is reasonable compensation therefor, and that the said A. M. Alderson should be paid the sum of One Hundred Fifty Dollars (\$150.00) as compensation in full for his said services, and for other good cause,

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

Lot Two (2) in Block Two (2) in Pouders-Pomeroy Addition to the
City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof,

for the sum of Three Thousand Dollars (\$3,000.00), payable as follows: Five Hundred Dollars (\$500.00) upon execution and delivery by J. H. McBirney, Successor Trustee, of trustee's special warranty deed, and the balance and remainder of the purchase price at the rate of Five Hundred Dollars (\$500.00) each six (6) months thereafter, said deferred payments to bear interest at the rate of six per cent (6%) per annum, and to be secured by a first and prior real estate mortgage covering said real estate.

IT IS FURTHER ORDERED that J. H. McBirney, Successor Trustee, execute and deliver to Thomas L. Shepherd and Eula May Shepherd, his trustee's special warranty deed, transferring and conveying the real estate above described to said grantees therein named, upon payment to him of said sum of Five Hundred Dollars (\$500.00) and the execution and delivery by Thomas L. Shepherd and Eula May Shepherd of promissory note evidencing the unpaid balance of Two Thousand Five Hundred Dollars (\$2,500.00), and execution and delivery to him of first and prior real estate mortgage covering the real estate above described, and securing the payment of said note, and delivery to the said J. H. McBirney, Successor Trustee, of suitable and proper policies of insurance covering said real estate, as additional security.

IT IS FURTHER ORDERED that the sale of the real estate above described, by J. H. McBirney, Successor Trustee, to Thomas L. Shepherd and Eula May Shepherd, 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 A. M. Alderson the sum of One Hundred Fifty Dollars (\$150.00), as compensation in

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

UNITED STATES OF AMERICA,	Plaintiff,)
)
vs.		) NO. 1258 EQUITY
)
ALFRED A. DRUMMOND, et al,	Defendants.)

JOURNAL ENTRY OF JUDGMENT

NOW, on this 26th day of January, 1940, this case having come on for hearing pursuant to regular assignment, before Honorable A. P. Murrah, United States District Judge, the plaintiff, United States of America, appearing by Whit Y. Mauzy, United States Attorney for the Northern District of Oklahoma, and Chester A. Brewer, Assistant United States Attorney for said district, and the defendant, Alfred A. Drummond, appearing by his attorneys, Settle, Monnet and Clammer, by Sam Clammer, and both parties having announced ready for trial, the plaintiff introduced its testimony and rested and, thereafter, the defendant introduced his testimony and rested and the court having heard the testimony of witnesses and arguments of counsel and being fully advised in the premises, finds in favor of the defendant, Alfred A. Drummond, and against the plaintiff, United States of America.

The court further finds that the indebtedness sought to be recovered in this cause of action has been paid and that the note evidencing such indebtedness and the mortgage securing the same should be canceled and held for naught.

To which finding of the Court, plaintiff, United States of America, excepts and exceptions are allowed.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the plaintiff take nothing by reason of its action herein and that judgment be in favor of the defendant.

IT IS FURTHER THE JUDGMENT OF THE COURT that the indebtedness sought to be recovered in this cause of action has been paid and that the note evidencing such indebtedness and the mortgage securing said note should be canceled and held for naught.

To which judgment of the court the plaintiff excepts and exceptions are allowed.

ALFRED P. MURRAH
UNITED STATES DISTRICT JUDGE

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

CHESTER A. BREWER, Assistant U. S. Attorney
ATTORNEYS FOR PLAINTIFF

SAM CLAMMER, Attorney for Defendant, Alfred A. Drummond.

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

Court adjourned to February 8, 1940

On this 8th 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 UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

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

ORDER APPROVING RECEIVER'S REPORT AND DISCHARGING RECEIVER.

Now on this 8th day of February, 1940, this matter coming on before the court on the report of Frank H. Letson, Receiver, and it being shown to the court that the said Frank H. Letson was appointed Receiver on March 4, 1939, to take charge of the personal and real property involved in this action, and it further appearing that said Receiver has filed his report showing receipts and disbursements during his administration, having filed as a part of such report, itemized statements thereon, and that the sum of Five Hundred Thirty-eight Dollars and Thirtyone Cents (\$538.31) remains on hand, and the court, having examined and inquired into the contents of said report and the matters therein stated, and the court being otherwise advised, finds that said report should, in all things, be approved, allowed and accepted.

IT IS, THEREFORE, THE ORDER OF THE COURT that said Receiver's report be, and the same is hereby approved, allowed, and accepted, and said Receiver is hereby directed to pay the sum of Five Hundred Thirty-eight Dollars and Thirty-one Cents (\$538.31) to the Clerk of this Court, which sum of Five Hundred Thirty-eight Dollars and Thirty-one Cents (\$538.31) is to be applied by said Clerk upon the deficiency judgment rendered herein on the 24th day of April, 1939.

IT IS THE FURTHER ORDER OF THE COURT that said Receiver, Frank H. Letson, be, and he is hereby discharged as such Receiver upon fulfillment of the requirements of him under this order.

F. E. KENNAMER
JUDGE

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

JOE W. HOWARD, Assistant United States Attorney

ENDORSED: Filed Feb 8 1940
H. P. Warfield, Clerk
U. S. District Court E

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

Ethel Shelton,	Plaintiff,)
)
vs.		) No. 271 Civil
)
Mutual Benefit-Health and Accident Association,	Defendant.)

ORDER DISMISSING CASE WITH PREJUDICE.

This matter comes on for hearing upon the written stipulation of compromise and settlement and dismissal with prejudice of the plaintiff on file herein, both parties appearing by their respective attorneys; and the Court, after considering the evidence, finds that it has jurisdiction of the parties and of the subject matter, and of this case; that there is a bona fide controversy and dispute between the parties herein, which has been settled and compromised by the payment of \$500.00 by defendant to the plaintiff and her attorneys of record, and that plaintiff has filed dismissal with prejudice herein; and the Court further finds that said settlement is reasonable and just.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the aforesaid settlement be and the same is hereby confirmed and approved, and that this case be and it is hereby dismissed with prejudice, at the costs of the plaintiff.

DATED this 8th day of February, 1940.

F. E. KENNAMER
JUDGE

ENDORSED: Filed Feb 8 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,)
)
-vs-		) CIVIL NO. 332
)
Charlotte J. Landrum, et al.,	Defendants.)

ORDER AUTHORIZING PUBLICATION OF NOTICE

NOW, on this 8th day of February, 1940, the above entitled and numbered cause coming on to be heard upon the Affidavit and Application of the Petitioner for an order authorizing Notice to the defendants, Charlotte J. Landrum, Cherokee Roll No. 17556, James Steed, and the heirs, devisees, legatees, executors, administrators, trustees, creditors and assigns, known and unknown, immediate and remote, and their spouses, if any, of Alice W. Landrum, deceased, Cherokee, Roll No. 17559; of David Pearson, deceased; of Martha or Mary Pearson, deceased, by publication - petitioner appearing by Q. B. Boydston, Assistant Counsel, for the Grand River Dam Authority, a public corporation, and it appearing to the Judge of this Court that the petitioner herein was with due diligence unable to serve personally;

upon said defendants hereinabove named, notice of the institution of condemnation proceedings, and that if the said defendants, and each of them, do not apply to the Judge of the United States District Court in and for the Northern District of Oklahoma, on or before the 1st day of April, 1940, to have the damages assessed by reason of the condemnation and appropriation of the lands described in the original petition for condemnation filed herein, that the petitioner herein will, on said 1st day of April, 1940, at the hour of 10 o'clock A.M., or as soon thereafter as counsel may be heard, apply to the Judge of the United States District Court in and for the Northern District of Oklahoma, for an order determining the right and necessity of the condemnation and appropriation of said lands, and for an order appointing three (3) disinterested freeholders of the Northern District of Oklahoma as commissioners, to be selected by the Judge of said Court, to inspect said real property involved and consider the injury and assess the damages which said defendants, and each of them, as owners of, or of any right, title or interest therein, may sustain by reason of the condemnation and appropriation of the fee simple title in and to said lands for public use and benefit.

It further appearing that the Petitioner herein has filed its affidavit and application, duly verified, setting up that the defendants, Charlotte J. Landrum, Cherokee Roll No. 17556 and James Steed, and each of them, reside out of the State of Oklahoma, and that they are non-residents of the State of Oklahoma; and that said petitioner, after due diligence, has been unable to serve said defendants within the State of Oklahoma; and further, that the petitioner, after diligent search and inquiry, has been unable to ascertain the residence or whereabouts of the defendants: the heirs, devisees, legatees, executors, administrators, trustees, creditors and assigns, known and unknown, immediate and remote, and their spouses, if any, of Alice W. Landrum, deceased, Cherokee, Roll No. 17559; of David Pearson, deceased; and of Martha or Mary Pearson, deceased, and that they cannot with due diligence be served with notice of these condemnation proceedings, and of the time and place for the determining of the right and necessity of the condemnation and appropriation of said land, and for the appointment of commissions; and the Judge of this Court, being fully advised in the premises, finds that the petitioner's application for service of notice by publication upon the defendants hereinabove named, and each of them, should be granted.

IT IS THEREFORE CONSIDERED, ORDERED AND ADJUDGED that notice be given to the defendants hereinabove named, and each of them, notifying them of the institution of condemnation proceedings herein, and of the time and place of the appointment of said commissioners, and that said notice be signed by the attorneys for the petitioner herein, duly attested by the Clerk of this court, and that said Notice be published in the Grove Sun, a newspaper of general circulation in Delaware County, Oklahoma, for four weeks, notifying the said defendants of the institution of condemnation proceedings and the application of the petitioner for condemnation and appropriation, and that if the said defendants, and each of them, do not apply to the Judge of the United States District Court in and for the Northern District of Oklahoma, to have the damages assessed by reason of the condemnation and appropriation of said lands by the petitioner on or before the 1st day of April, 1940, the petitioner Grand River Dam Authority, a public corporation, will on said 1st day of April, 1940, at the hour of 10 o'clock A.M., or as soon thereafter as counsel may be heard, apply to the Judge of the United States District Court in and for the Northern District of Oklahoma, in the Federal Building, in the City of Tulsa, Oklahoma, for an order determining the right and necessity for the condemnation and appropriation of said lands, and for an order appointing from the regular jury list three (3) disinterested freeholders of said Northern District of Oklahoma, as commissioners, who shall be selected by the Judge of said Court, to inspect said real property and appraise the value of the absolute, entire and unencumbered fee simple title and consider the injury which said defendants, as the owners thereof or of those having any right, title or interest therein, may sustain by reason of the condemnation and appropriation of said absolute fee simple title for said public use and benefit, and that said defendants, and each of them be present, if they so desire.

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

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

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

Grand River Dam Authority, a public corporation,)	
	)	Petitioner,
)	
-vs-	)	CIVIL NO. 332
)	
Charlotte J. Landrum, et al.,	)	Defendants.

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

NOW, on this 8th day of February, 1940, the above and entitled numbered cause coming on to be heard, upon the application of the petitioner herein for an order of the Judge of this Court fixing the date for the appointment of three (3) disinterested freeholders of said Northern District of Oklahoma, as commissioners, to inspect said real property involved herein and consider the injuries sustained by reason of the condemnation and appropriation of the absolute, entire and unencumbered fee simple title to said lands, for public use and benefit, as alleged in the petition for condemnation filed herein, and for an order of the Judge of this Court prescribing notice to be given said defendants in said cause, of the time and place when the judge of this Court will appoint said commissioner the petitioner appearing by R. L. Davidson, General Counsel and Q. B. Boydston and Gayle M. Pickens, Assistant Counsels.

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

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

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

IT IS THEREFORE, ADJUDGED AND DECREED by the Judge of this Court that notice be given said defendants, and each of them, and all persons claiming any right, title, interest or possession in and to the lands involved, personally, by serving a copy of said notice upon said defendants, and each of them, said notice to be served by the United States Marshal of the District and State in which said defendants, and each of them, may reside, and said notice to be signed by the attorneys for the petitioner, Grand River Dam Authority, a public corporation, and duly attested by the Clerk of this Court, notifying said defendants, and each of them, that the application of the petitioner for the appointment of three (3) disinterested freeholders in the Northern District of Oklahoma, as commissioners to inspect said real property and consider the injuries which the owners thereof, or persons having some right, title or interest therein, may have sustained or will sustain by reason of the condemnation and appropriation of said property for public use, will be heard before the Judge of this Court, at Tulsa, Oklahoma, on the 1st 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 defendants, and each of them, may appear if they so desire.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Judge of this Court that in the

On this 9th 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 FOR THE NORTHERN DISTRICT
OF OKLAHOMA

United States of America,	Plaintiff,)	
)	
-vs-		)	Civil No. 323.
)	
Atchison, Topeka and Santa Fe Railroad)	
Company, a corporation,	Defendant.)	

O R D E R

Now, to-wit, on this the 9th day of February, 1940, the above cause came on upon the application of the defendant for additional time in which to plead, and for good cause shown, the time is extended by agreement of the parties hereto to March 6, 1940.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the defendant have until and including March 6, 1940, in which to plead in the above cause.

SERVICE OF COPY ACKNOWLEDGED:
O.K. WHIT Y. MAUZY,
Attorney for Plaintiff

F. E. KENNAMER
JUDGE

RAINEY FLYNN & GREEN
Attorneys for Defendant

ENDORSED: Filed Feb 9 1940
H. P. Warfield, Clerk
U. S. District Court B

Court adjourned to February 12, 1940

On this 13th 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 FOR THE NORTHERN DISTRICT
OF OKLAHOMA

A. N. COPE,	Plaintiff,)
)
-vs-		) No. 2555 - Law
)
Phillips Petroleum Company, a)
corporation,	Defendant.)

ORDER OF DISMISSAL WITH PREJUDICE

Pursuant to the agreement of the parties, it is Ordered that the above cause be, and the same is hereby, dismissed with prejudice to the institution of any future action in any way connected with or related to any of the matters involved in the above entitled cause. The cause is dismissed at the cost of defendant.

Dated this 13th day of February, 1940.

O.K. W. RITTENHOUSE GORDON STATOR
Attorneys for Plaintiff

F. E. KENNAMER
DISTRICT JUDGE

O.K. RAYBURN L. FOSTER HARRY D. TURNER
Attorneys for Defendant

ENDORSED: Filed Feb 13 1940
H. P. Warfield, Clerk
U. S. District Court E

Court adjourned to February 14, 1940

On this 14th 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 FOR THE NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,	Plaintiff,)	
)	
vs.)	
		)	No. 14 CIVIL.
E. C. Mullendore, Trustee of Mullendore)	
Trust Company, Fred A. Drummond, et al,)	
	Defendants.)	

O R D E R

Now on this 14th day of February, 1940, this matter coming on before the Court, and it appearing to the Court that heretofore, and on January 16, 1940, a notice of appeal was filed in this cause of action by the United States of America; that the United States of America has appealed said cause to the Tenth Circuit Court of Appeals; and it further appearing to the Court that under the provisions of Rule 73 (g) of the rules of Civil Procedure, the appellant has 40 days from the date of filing the notice of appeal to docket its case in the Circuit Court of Appeals; and it further appearing to the Court that in its discretion the Court may, before the expiration of the 40 days period, extend the time for filing and docketing the appeal in the Circuit Court of Appeals, to a day not more than 90 days from the date of filing the notice of appeal; and it further appearing to the Court that the time for preparing, lodging and filing the record in the Circuit Court of Appeals in this cause of action should be extended to April 13, 1940;

IT IS THEREFORE THE ORDER of the Court that the time for preparing, filing and docketing this cause of action in the Circuit Court of Appeals of the Tenth Circuit, at Denver, Colorado is hereby extended to and including April 13, 1940.

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
ATTORNEYS FOR APPELLANT

ENDORSED: Filed Feb 14 1940
H. P. Warfield, Clerk
U. S. District Court B

Court adjourned to February 15, 1940.

On this 15th 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 FOR THE NORTHERN DISTRICT OF OKLAHOMA

J. D. SIMMS, Trustee,	Plaintiff,)	
)	
vs.		)	NO. 79 CIVIL
)	
LOUIS P. ANDREWS, Deputy Collector of Internal Revenue, and H. C. JONES, Collector of Internal Revenue,	Defendant,)	
)	
UNITED STATES OF AMERICA,	Intervenor.)	

JOURNAL ENTRY

This matter coming on for hearing this 3rd day of February, 1940, upon the motions of Louis P. Andrews, Deputy Collector of Internal Revenue, and H. C. Jones, Collector of Internal Revenue, and the motion of the United States, said motions being to vacate the judgment entered on December 22, 1939, and on the motion of the plaintiff for leave to amend the reply of the plaintiff to the petition of intervention of the United States and the motion of the plaintiff to amend its original complaint filed herein and the plaintiff appearing by his attorneys, John M. Goldesberry and Harold E. Rorschach and Harold C. Harper, and the defendants and the intervenor, United States of America, appearing by Whit Y. Mauzy, United States Attorney for the Northern District of Oklahoma and Chester A. Brewer, Assistant United States Attorney for said district, and the court, after argument of counsel and after being fully advised in the premises, finds that said motions of H. C. Jones, Collector of Internal Revenue, and Louis P. Andrews, Deputy Collector of Internal Revenue, and the motion of the United States of America, should be sustained and that the order vacating the judgment entered on the 22nd day of December, 1939, should be set aside and held for naught.

The court further finds that the two motions of the plaintiff, the motion to amend the reply to the petition of intervention and the motion to amend the original complaint, should be overruled. Thereupon, the United States moved that said amended pleadings filed in the clerk's office should be stricken and the court finds that said motion should be sustained.

IT IS, THEREFORE, ORDERED, ADJUDGED and DECREED that the motion of H. C. Jones, Collector of Internal Revenue, and Louis P. Andrews, Deputy Collector of Internal Revenue, should be and the same hereby is sustained, and

IT IS FURTHER ORDERED, ADJUDGED and DECREED that the order of the court vacating the judgment entered on the 22nd day of December, 1939, be and the same hereby is set aside and held for naught and that the judgment of the court entered herein on the 5th day of December, 1939, be not affected by said order of December 22, 1939.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that the motion of the plaintiff to amend the reply to the petition of intervention of the United States and the motion of the plaintiff to amend the original complaint on file herein, be and the same hereby is overruled.

