

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

Hanover First Insurance Company, a corporation, Plaintiff,
vs. CIVIL NO. 386
E. E. Michaelis, doing business as Michaelis Excavating Company, Defendant.

ORDER OF DISMISSAL WITHOUT PREJUDICE

This matter coming on to be heard on the application of the plaintiff to dismiss the within cause of action without prejudice for thereason that the defendant has acknowledged liability for the amount sued for as damages and agreed to pay the same, and the court being fully advised is of the opinion that sdd application for dismissal should be granted.

It is therefore ordered, adjudged and decreed by the court that the within action be and the same is hereby dismissed without prejudice at the cost of the plaintiff.

F. E. KENNAMER
Federal Judge.

C.K. RICHARD A. BILLIIPS, JR.
Attorneys for Plaintiff
O.K. E. E. MICHAELIS,
E. E. Michaelis, doing business as
Michaelis Excavating Company, Defendant

ENIDRSED: Filed May 28 1940
H. P. Warfield, Clerk
U. S. District Court AC

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

City of Shidler, a Municipal Corporation, Plaintiff,
ex rel J. E. Schwalb, vs. No. 390 - C
1ST CAUSE: Lawrence J. Diehl, et al., Defendants.

O R D E R

Now, on this 27th day of May, 1940, there is presented to the Court the Application of therelator herein for an order appointing some suitable person to make service of summons, writs and other forms of process in the above styled and numbered cause, and being duly advised, the Court finds that it would be beneficial and to the best interests of the parties hereto that such an order be made. The Court further finds that Frank T. McCoy, Jr., Pawhuska, Oklahoma, is a suitable person to be so appointed.

IT IS THEREFORE ORDERED AND DECREED that Fraak T. McCoy, Jr., Pawhuska,

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

REGULAR JANUARY 1940 TERM

TULSA, OKLAHOMA

TUESDAY, MAY 28, 1940

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 the petitioner has filed its petition in the above styled and numbered cause for the condemnation and appropriation of the absolute entire and unencumbered fee simple title to the lands described in the petition for condemnation heretofore filed, for use in connection with the construction, equipment, operation and maintenance of the Pensacole Dam and 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 and 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 22nd day of July, 1940, at the hour of ten o'clock A.M., or as soon thereafter as counsel may be heard.

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 May 28 1940
H. P. Warfield, Clerk
U. S. District Court H

Court adjourned to May 29, 1940

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

REGULAR JANUARY 1940 TERM

TULSA, OKLAHOMA

WEDNESDAY, MAY 29, 1940

On this 29th day of May, 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

THE UNITED STATES OF AMERICA, Plaintiff,)
vs.) CIVIL ACTION NO. 351
Leon C. Phillips, individually and as)
Governor of the State of Oklahoma, et al)
Defendants.)

ORDER ALLOWING APPEAL

The petition of Leon C. Phillips, individually and as Governor of the State of Oklahoma; Mac Q. Williamson, individually and as Attorney General of the State of Oklahoma; Louis A. Ledbetter, individually and as Adjutant General of the National Guard of the State of Oklahoma; S.H. Singleton, George Meacham and H. E. Bailey, individually and as members of the State Highway Commission of the State of Oklahoma, in the above entitled cause for an appeal to the Supreme Court of the United States from the order granting a preliminary injunction entered in the above cause on the 25th day of April, 1940, is hereby granted and the appeal is allowed upon said petitioners giving bond according to law in the sum of Three Hundred Dollars with sufficient sureties conditioned as required by law to pay all costs that may be assessed against said petitioners.

It is further ordered that a transcript of the record, proceedings and papers upon which the order granting the preliminary injunction was made, duly authenticated, be transmitted to the Supreme Court of the United States.

Dated May 25th, 1940.

ROBERT L. WILLIAMS
United States Circuit Judge

F. E. KENNAMER
United States District Judge

ALFRED P. MURRAH
United States District Judge

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

Court adjourned to June 1, 1940

On this 1st day of June, 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

In the matter of the Estate of Wosey Thomas, nee John	No. 35 Civil,))
)))
In the matter of the Estate of Wosey Deere, nee John, Creek, #9546, Osharsha John, now Evelyn Seber, an adult person, et al.,	Plaintiffs,	)	Consolidated under Civil No. 35
vs.	)	No. 42)
Jimmie Poweshiek, a minor, et al.,	Defendants,))
Milford Thomas,	Intervener,))
Alexander George,	Intervener.))

ORDER TAXING COSTS

This court having heretofore and on the 13th day of May, 1940 ordered and directed the Clerk of this court to prepare an order, itemized and taxing costs, in the above style and numbered cause, and the clerk having submitted same in accordance with the instructions of this court and this court being well and truly advised in the premises finds the following items to be properly taxable as costs herein;

I Clerk Costs

- | | |
|--|---------|
| 1. Docket fee--Attorneys for Milford Thomas ----- | \$20.00 |
| 2. File certified transcript of record-
removal from County Court, Creek
County, Oklahoma ----- | 5.00 |
| 3. Cost of Publication--Notice to Unknown
Heirs as shown by proof of publication filed----- | 10.25 |
| 4. Cost of depositions of Mrs. Ethel Paul,
Alfred Paul, Mrs. Gladys Nissen, John R.
Westbrook and Thomas C. Armstrong, taken
by Paul C. Lynde, Notary Public, San
Bernadino, California----- | 57.00 |
| 5. Filing Petition Alexander George----- | 5.00 |
| 6. Response Milford Thomas to George ----- | 2.00 |

7. Cost of depositions of Nancy Two Eagle, and Oscar Two Eagle taken before Ernest M. Johnson, U. S. Commr. Nevr. -----	25.00
8. Filing response Juanita Deere to cross-petition Milford Thomas-----	2.00
9. Filing response Evelyn Seber and Jimmie Powesheik to cross-petition Milford Thomas-----	2.00
10. Entry of Decree of District Court -----	5.00
11. Certified Copy of Decree to court clerk Creek County-----	1.25
12. Filing Notice of Appeal-----	5.00
13. Preparing Record - Sept. 30, 1939-----	14.75
14. Taxed on Mandate filed Feb. 21, 1940-----	25.25
15. File transcript case #42 - County Court, Creek County, Oklahoma-----	5.00
16. Enter order consolidating 35 and 42-----	5.00
17. Postage - George Watkins, Postmaster-----	2.10
Total	191.60

II Cost Transcript on Removal from State Court

1. Transcript from County Court, Creek County, Oklahoma cause No. 4614-----	\$26.10
2. Transcript from County Court, Creek County, Oklahoma, cause No. 4619-----	26.05
Total	52.15

III Witness Fees

The motion to tax costs filed herein and the return of subpoenas filed herein show certain amounts paid direct to witnesses; These amounts as have been paid direct are shown under the column herein-after headed (paid direct by attorneys for Milford Thomas) and the total of such amount so paid is properly chargeable as costs herein and reimbursement should be made therefore.

As to those persons who were witnesses and have not already been advanced their full witness fee, the amount now due and payable to said witnesses will be found under the column headed (yet due)

<u>WITNESS:</u>	<u>FEE ATTEND- MILES</u>	<u>MILEAGE</u>	<u>TOTAL DUE FOR MILE-</u>	<u>PAID DIRECT</u>	<u>YET DUE:</u>
	<u>ANCE:</u>	<u>TRAVELLED:</u>	<u>AGE AND ATTENDANCE:</u>	<u>BY ATTYS:</u>	
1. C. H. Dietz	\$1.50	30	1.50	3.00	\$3.00
2. Albert Holland	3.00	60	3.00	6.00	5.50 .50
3. Kelly Yellowhead	3.00	60	3.00	6.00	3.00 3.00
4. Jacob Rolland	3.00	60	3.00	6.00	5.50 .50

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

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TULSA, OKLAHOMA

SATURDAY, JUNE 1, 1940

5.	Sylvia Heidinger	1.50	30	1.50	3.00	3.00	
6.	Acie Littlehead	3.00	30	1.50	4.50	3.00	1.50
7.	Nochey Grayson	3.00	30	1.50	4.50	3.00	1.50
8.	Joe Bruner	1.50	30	1.50	3.00	3.00	
9.	Edward Miller	3.00	20	1.00	4.00		4.00
10.	Tecumsah Second-						
	ine	3.00	20	1.00	4.00		4.00
11.	Lucy Secondine	3.00	20	1.00	4.00		4.00
12.	Ethel Watasche	3.00	60	3.00	6.00	4.50	1.50
13.	Mollie Gibbs	e.00	30	1.50	4.50	3.00	1.50
14.	Walter Thompson	3.00	40	2.00	5.00	4.50	.50
15.	Peter White	3.00	154	7.70	10.70	4.00	6.70
16.	Rannie Carpenter	3.00	154	7.70	10.70	3.00	7.70
17.	John Daugherty	3.00	154	7.70	10.70	10.70	
18.	Marie Dick	3.00	154	7.70	10.70	3.00	7.70
19.	Clarence Secondine						
		3.00	154	7.70	10.70	4.00	6.70
20.	John Thompson	3.00	130	6.50	9.50	5.00	4.50
21.	Nellie Thompson	3.00	130	6.50	9.50	3.50	6.00
22.	Charlie Little-						
	bear	3.00	70	3.50	6.50	4.50	2.00
23.	Georgia Thomas	3.00	90	4.50	7.50	4.00	3.50
24.	Basil Smith	1.50	90	4.50	6.00		6.00
25.	Mrs. Scott Secondine						
		3.00	154	7.70	10.70	3.00	7.70
26.	Mrs. Victoria Daugherty						
		3.00	154	7.70	10.70	3.00	7.70
27.	Rosa Secondine	3.00	154	7.70	10.70	3.00	7.70
28.	Willie Daugherty						
		3.00	154	7.70	10.70	10.70	
29.	Winifred Corbin						
		1.50	134	6.70	8.20	3.90	.30
30.	Rufus George	3.00	50	2.50	5.50	4.00	1.50
				Totals:	\$212.50	\$114.30	\$98.20

IV. Credits for Costs Paid In by the United States.

1.	Transcript from County Court, Creek County, Oklahoma, cause #4616 Probate	\$26.10
2.	Filing Fee for #4616 Probate on removal	5.00
3.	Transcript from County Court, Creek County, Oklahoma, cause #4619 Probate	26.05
4.	Filing Fee for #4619 Probate on removal	5.00
Total:		\$62.15

V. Credits Paid In by Davidson and Taylor, Attorneys:

1.	Filing Petition of A. George	\$5.00
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VI. Credits Paid In by Eldee Starr.

1.	Filing Response of Juanita Deere to petition of A. George	\$2.00
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VII: Credits Paid In by McNeill, Barker, and Young Attorneys:

1. Response of Milford Thomas to petition of A. George	\$2.00
2. Entry of Decree and Copy Thereof	6.25
Total:	\$8.25

VIII. Credits Paid Direct by McNeill, Barker and Young, Attorneys.

1. Cost of Depositions - San Bernadino, California	\$57.00
2. Cost of Depositions - State of Nebraska	25.00

IX. Credits Paid In By George H. Jennings, Attorney.

1. Filing Response of Seber to petition of A. George	\$ 2.00
2. Filing Notice of Appeal	5.00
3. Preparing Record for Appeal	14.75
4. Costs of Publication for Unknown Heirs	10.25
5. Costs of postage to George Watkins, postmaster	2.10
Total	\$34.10

The Court findsthat the costs heretofore itemized in the total sum of \$456.25, being paragraphs I, II, and III above, are properly subject to the credits shown in paragraphs IV through IX inclusive and advancement on witness fees, as shown by the nature of subpoenas issued and receipts filed herein.

IT IS, THEREFORE, THE ORDER, JUDGMENT, AND DECREE OF THIS COURT that the above costs, less the sum of \$5.00 for filing petition of A. George and paid by Davidson and Taylor, attorneys be and are hereby taxed as costs of this cause and are taxed against Osharsha John known as Evelyn Seber, Jimmie Powesheik, and Juanita Deere in the sum of \$451.25, said parties being the plaintiff and defendants herein; and hat intervener, Milford Thomas, have and recover his costs herein expended.

IT IS THE FURTHER ORDER OF THE COURT that out of said costs so paid in to the Clerk of this Court, that the Clerk make the following disbursements representing refunds due for costs advanced and witness fees due, to-wit:

1. To the Clerk's Funds for the United States:			
Taxed on Mandate filed Feb. 21, 1940		\$5.25	
Order consolidating Causes #35 and #42		5.00	
Refund for Credits Paid in		62.15	\$72.40
2. To Eldee Starr - Refund Credit Paid in			\$ 2.00
3. To McNeill, Barker, and Young - attorneys			
Refund for Credits Paid in		\$8.25	
Refund Witness Fees Advanced		114.30	
Cost Depositions Paid Direct		82.00	
Docket Fee - Attorneys Milford Thomas		20.00	
Recovered as taxed on Mandate		20.00	\$244.55
4. To George H. Jennings, attorney			
Refund for Credits Paid in			\$34.10
5. To the following named persons amount set after each name---same being balance due on witness fee.			

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

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TULSA, OKLAHOMA

SATURDAY, JUNE 1, 1940

6

1. Albert Holland	\$.50
2. Kelly Yellowhead	3.00
3. Jacob Holland	.50
4. Acie Littlehead	1.50
5. Nochey Grayson	1.50
6. Edward Miller	4.00
7. Tecumsah Secondine	4.00
8. Lucy Secondine	4.00
9. Ethel Watasche	1.50
10. Mollie Gibbs	1.50
11. Walter Thompson	.50
12. Peter White	6.70
13. Rannie Carpenter	7.70
14. Marie Dick	7.70
15. Clarence Secondine	6.70
16. John Thompson	4.50
17. Nellie Thompson	6.00
18. Charlie Littlebear	2.00
19. Georgia Thomas	3.50
20. Basil Smith	6.00
21. Mrs. Scott Secondine	7.70
22. Mrs. Victoria Daugherty	7.70
23. Rosa Secondine	7.70
24. Winifred Corbin	.30

Total: \$98.20

Grand Total \$451.25

Dated this the 1st day of June, 1940.

F. E. KENNAMER
DISTRICT JUDGE

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

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

T. L. SEBASTIAN AND LULA SEBASTIAN,)	
)	
vs.	)	No. 168 CIVIL
)	
NASH-FINCH COMPANY, a Corporation,)	
)	
)	

JOURNAL ENTRY OF JUDGMENT

Now on this 20th day of May, 1940, this matter coming on for trial in its regular order and the parties being present in person and by their counsel and having announced ready for trial a jury was empaneled, opening statements were made and both sides introduced evidence at the conclusion of which the defendant moved for a directed verdict which was by the Court overruled and exceptions allowed. Thereupon counsel argued said cause to the jury and the Court charged the jury and the jury returned the following verdict into Court:

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

REGULAR JANUARY 1940 TERM

SAURDAY, JUNE 1, 1940

"We, the jury in the above entitled case, duly empaneled and sworn, upon our oath find for the plaintiff, and assess their damages at 4412.00 Dollars, Fourty four twelve and no/100.

Ray B. Whitaker, Foreman.

IT IS, THEREFORE, BY THE COURT ORDERED, ADJUDGED AND DECREED that the plaintiffs have and recover of and from the defendant the sum of \$4,412.00 in accordance with the verdict of the jury to which judgment and verdict the defendant excepts.

F. E. KENNAMER
Judge

O.K. B. A. HAMILTON, Attorney for Plaintiff
O.K. HAL CROUCH, Attorney for Defendant

Service of a copy of the within and foregoing Journal Entry is hereby acknowledged to have been made upon me this 28 day of May, 1940.

B. A. HAMILTON
Attorney for Plaintiff

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

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

T. L. SEBASTIAN AND LULA SEBASTIAN,)
Plaintiffs,)
vs.) No. 168 CIVIL
NASH-FINCH COMPANY, a corporation,)
Defendant.)

ORDER TO STAY EXECUTION

Now on this 1st day of June, 1940, this matter coming on to be heard upon the motion of the defendant to stay execution pending the disposition of the motion non obstente verdicto and the motion for new trial and the Court being advised in the premises, it is ordered that execution be, and the same is hereby stayed until the Court passes on the motion non obstente verdicto and the motion for new trial and until then further order of the Court to which order the plaintiff excepts.

F. E. KENNAMER
Judge of the U. S. District Court

O.K. B. A. HAMILTON
Attorney for Plaintiff

O.K. HAL CROUCH
Attorney for Defendant

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

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

T. L. SEBASTIAN and LULA SEBASTIAN,)
 Plaintiffs,)
 vs.) NO. 168 CIVIL
)
 NASH-FINCH COMPANY, a corporation, Defendant.)

ORDER SUSTAINING MOTION FOR NEW TRIAL

Now on this 13th day of February, 1940 this matter coming on to be heard upon the motion for new trial filed by the plaintiff on November 1, 1939 moving the Court to grant the plaintiff a new trial on the verdict rendered by the jury on October 31, 1939 at Vinita, Oklahoma, which verdict was as follows:

"We, the jury in the above entitled case, duly empanelled and sworn, upon our oaths find for the defendant."
 H. R. Warner, Foreman

and both parties being represented by counsel and the matter having been argued to the Court and the Court being advised in the premises finds that the said motion for new trial should be sustained.

IT IS, THEREFORE, BY THE COURT ORDERED, ADJUDGED AND DECREED that the motion of the plaintiff for a new trial be and the same is hereby sustained to which order and judgment of the Court the defendant excepts.

F. E. KENNAUER
 Judge

O.K. B. A. HAMILTON
 Attorney for Plaintiff

O.K. HAL CROUCH
 Attorney for Defendant

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

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

UNITED STATES OF AMERICA, Plaintiff,)
 vs.) No. 351 Civil
)
 LEON C. PHILLIPS, et al, Defendants.)

O R D E R

This matter coming on for hearing this 1st day of June, 1940, upon the application of the United States for an extension of time within which to file a cross designation of record and the United States appearing by Whit Y. Mauzy, United States Attorney for the Northern District of Oklahoma, and the defendants being represented by Vilhard Martin, of the firm of Ramsey, Martin and Logan and the court being fully advised in the premises finds that for good cause shown, an extension of time should be granted to the United States for filing a cross designation of record.

IT IS, THEREFORE, ORDERED that the United States be and it hereby is granted an

extension of time until June 20, 1940 in which to file its cross designation of record.

AND IT IS SO ORDERED.

F. E. KENNAMER
JUDGE

O.K. AS TO FORM
SERVICE OF COPY ACKNOWLEDGED this 1st day of June, 1940.

VILLARD MARTIN
Of Counsel for Defendants.

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

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

WILLIAM BUSMAN, ADMINISTRATOR OF THE)
ESTATE OF ELMER EARL CARY, DECEASED,)
PLAINTIFF,)
vs.) NO. 368 - CIVIL
ATCHISON, TOPEKA AND SANTA FE RAILWAY)
COMPANY, A CORPORATION,)
Defendant.)

ORDER OF DISMISSAL

Now, on this 1st day of June, 1940, this cause comes on for hearing upon the motion of the plaintiff for an order dismissing plaintiff's action, and the court, having heard said motion and being fully advised in the premises, finds that the plaintiff's action should be dismissed, without prejudice to the bringing of future action.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the court that the plaintiff's action herein be, and hereby is, dismissed, without prejudice to the bringing of any future action, with the plaintiff to pay all costs accrued herein.

F. E. KENNAMER
JUDGE

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

On this 3rd day of June, A.D. 1940, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1940 Term at Tulsa, met pursuant to adjournment, Hon. F. E. Kennamer, and Hon. Alfred P. Murrah, 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.

On this 3rd day of June, A. D. 1940, it being made satisfactorily to appear that Amos Joseph Nichols, Henry Lawrence Burris and Taswell Leonadus Martaney are duly qualified for admission to the Bar of the Court, the oath prescribed by law is administered and said attorneys are declared admitted to the Bar of this Court. (F.E.K. Judge)

SECURITIES AND EXCHANGE COMMISSION, Plaintiff,)
)
-vs-) No. 248 - Civil
)
OKLAHOMA-SOUTHERN TRUST, ET AL., Defendants.)

Now on this 3rd day of June, A. D. 1940, it is ordered by the Court that the Clerk file and spread of record the Mandate in the above cause, same being in words and figures as follows, to-wit:

UNITED STATES OF AMERICA, ss:

THE PRESIDENT OF THE UNITED STATES OF AMERICA:

(SEAL)

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

GREETING:

WHEREAS, lately in the District Court of the United States for the Northern District of Oklahoma, before you, or some of you in a cause between Securities and Exchange Commission and Oklahoma Southern Trust and A. J. Diffie, No. 248, Civil, the judgment of the said district court in said cause, entered on October 3-, 1939, was in the following words, viz:

Clerk's Note:

Order filed September 27, 1939 and recorded J 1, Page 916 and Judgment filed October 3, 1939, Recorded J1, Page 928, omitted herefrom.

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 Oklahoma-Southern Trust, an express trust, and A. J. Diffie agreeably to the Act of Congress, in such case made and provided, fully and at large appears;

AND WHEREAS, at the April Term, in the year of our Lord one thousand nine hundred and forty, the said cause came on to be heard before the said United States Circuit Court of Appeals, on the motion of appellee to remand the proceedings to the United States District Court for the Northern District of Oklahoma on the ground that the proceeding has become moot; and thereupon, pursuant to a written stipulation of counsel for the parties hereto herein filed.

It is now here ordered by the court that this cause be and the same is hereby remanded to the United States District Court for the Northern District of Oklahoma with instructions to vacate the judgment entered October 3, 1939, and dismiss the proceedings.

It is further ordered that Securities and Exchange Commission, appellee, have and recover of and from Oklahoma-Southern Trust, an express trust, and A. J. Diffie, appellants, its costs herein.

-- April 22, 1940.

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

WITNESS, the Honorable CHARLES E. HUGHES, Chief Justice of the United States, the 2 day of May, in the year of our Lord one thousand nine hundred and forty.

COSTS OF	<u>APPELLEE:</u>	
Clerk,	\$ 2.65	ROBERT B. CARTWRIGHT
Printing Record	\$ -- --	Clerk of the United States Circuit Court of
Attorney,	\$20.00	Appeals, Tenth Circuit.
	<u>\$22.65</u>	

UNITED STATES CIRCUIT COURT OF APPEALS TENTH CIRCUIT

Costs taxed in favor of appellee, in the case of Oklahoma Southern Trust, an express trust, and A. J. Diffie, vs. Securities and Exchange Commission No. 2016

Filing record and docketing cause,	\$-- --
Filing copies of printed record,	-- --
Filing and entering 2 appearances for appellee	1.00
Filing and entering appearances for	-- --
Clerk, preparing record for printer, etc.,	-- --
Filing 5 papers	1 25
Entering 2 orders, folio,	- 40
Filing briefs for	-- --
Filing briefs for	-- --
Filing opinion,	-- --
Filing and entering judgment or decree,	-- --
Filing petition for a rehearing,	-- --
Issuing mandate to District Court,	-- --
Filing receipt for mandate	-- --
Filing receipt for balance of deposit,	-- --
Attorney's docket fee,	20 00
	<u>\$22 65</u>

ATTEST:

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

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

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

REGULAR JANUARY 1940 TERM

TULSA, OKLAHOMA

MONDAY, JUNE 3, 1940

SECURITIES AND EXCHANGE COMMISSION Plaintiff,)
)
 -vs-) No. 249 Civil
)
 SECOND LARKINS-WARR TRUST, ET AL., Defendants.)

Now on this 3rd day of June, A. D. 1940, it is ordered by the Court that the Clerk file and spread of record the Mandate in the above styled and numbered cause, same being in words and figures as follows, to-wit:

UNITED STATES OF AMERICA, ss:

THE PRESIDENT OF THE UNITED STATES OF AMERICA,

(SEAL)

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

GREETING:

WHEREAS, lately in the District Court of the United States for the Northern District of Oklahoma, before you, or some of you in a cause between Securities and Exchange Commission and Second Larkins-Warr Trust and A. J. Diffie, No. 249, Civil, the judgment of the said District Court in said cause, entered on October 3-, 1939, was in the following words, viz:

Clerk's note:

Judgment filed October 3, 1939 and recorded J 1, Page 931, omitted herefrom.

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 Second Larkins-Warr Trust, an express trust, and A. J. Diffie, agreeably to the act of Congress, in such case made and provided, fully and at large appears;

as by the inspection of the transcript of the record AND WHEREAS, at the April Term, in the year of our Lord one thousand nine hundred and forty, the said cause came on to be heard before the said United States Circuit Court of Appeals, on the motion of appellee to remand the proceeding to the United States District Court for the Northern District of Oklahoma on the ground that the proceeding has become moot; and thereupon, pursuant to a written stipulation of counsel for the parties hereto herein filed,.

It is now here ordered by the court that this cause be and the same is hereby remanded to the United States District Court for the Northern District of Oklahoma with instructions to vacate the judgment entered October 3, 1939, and dismiss the proceedings.

It is further ordered that Securities and Exchange Commission, appellee, have and recover of and from Second-Larkins-Warr Trust, an express trust, and A. J. Diffie, appellants, its costs herein.

-- April 22, 1940.

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

WITNES, the Honorable CHARLES E. HUGHES, Chief Justice of the United States, the 29th day of May, in the year of Our Lord One thousand nine hundred and forty.

COSTS OF APPELLEE:
CLERK, \$2.65
Printing Record, \$- -
Attorney, \$20.00
\$22.65

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

UNITED STATES CIRCUIT COURT OF APPEALS
TENTH CIRCUIT

Costs taxed in favor of appellee, in the case of Second Larkins-Warr Trust, an express trust, and A. J. Diffie, vs. Securities and Exchange Commission. No. 2017

Filing record and docketing cause,	\$- -
Filing copies of printed record,	- -
Filing and entering 2 appearances for appellee	1 00
Filing and entering appearance for Clerk, preparing record for printer, etc.	- -
Printer, for printing record,	- -
Filing 5 papers,	1 25
Entering order, folio	- 40
Filing briefs for	- -
Filing briefs for	- -
Filing opinion	- -
Filing and entering judgment or decree,	- -
Filing petition for a rehearing,	- -
Issuing mandate to District Court,	- -
Filing receipt for mandate	- -
Filing receipt for balance of deposit,	- -
Attorney's docket fee	20 00
	<u>\$22 65</u>

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

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

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

REGULAR JANUARY 1940 TERM MONDAY, JUNE 3, 1940

sufficiently advised in the premises, finds that the plaintiff, Hartford Accident & Indemnity Company, should be assessed with transcript fees in the amount of One Hundred Ninety Eight Dollars (\$198.00), clerk's costs advanced by the defendant in the amount of Fifteen Dollars Five Cents (\$15.05) and court costs heretofore assessed by the circuit court of appeals in the amount of Three Hundred Sixty Nine Dollars Thirty Cents (\$369.30); the court further finds that plaintiff should not be taxed with the poundage fees in the amount of Three Hundred Fifty Dollars (\$350.00), which fees were retained by the clerk of this court out of the Thirty Five Thousand Dollars (\$35,000.00) deposited by the defendant to supersede the judgment, to which portion of the ruling of the court the defendants except, and such exception is by the court allowed.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT that costs in the amount of Two Hundred Thirteen Dollars Five Cents (\$213.05) as above itemized be assessed as against the plaintiff, and that the same be paid in to the clerk of this court by the plaintiff in addition to the sum of Three Hundred Sixty Nine Dollars Thirty Cents (\$369.30) heretofore assessed against the plaintiff by the circuit court of appeals.

IT IS FURTHER ORDERED BY THE COURT that upon the payment of said costs into court the clerk is authorized and directed to pay over to the defendant Petroleum Royalties Company, a trust estate, the costs heretofore advanced by them.

ALFRED P. MURRAH
JUDGE

OK AS TO FORM

G. ELLIS GABLE H. R. WILLIAMS

ENDORSED: Filed Jun 5 1940
H. P. Warfield, Clerk
U. S. District Court ME

Court adjourned to June 4, 1940

REGULAR JANUARY 1940 TERM TULSA, OKLAHOMA TUESDAY, JUNE 4, 1940

On this 4th day of June, A. D. 1940, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1940 Term at Tulsa, met pursuant to adjournment, Hon. F. E. Kennamer, and Hon. Alfred P. Murrah, Judges, present and presiding.

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

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

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

ORDER FOR ADDITIONAL PETIT JURORS.

On this 4th day of June, A. D. 1940, it is ordered by the Court that there be publicly drawn by the Marshal for the Northern District of Oklahoma, or one of his deputies, in the presence of the Clerk, or one of his deputies, in accordance with the law and the rules of this Court, the names of Forty (40) persons, good and lawful men, from said District, duly qualified to serve as Petit Jurors at the Regular January 1940 Term of this Court to be held at Tulsa, Oklahoma.

IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE
NORTHERN DISTRICT OF OKLAHOMA
REGULAR JANUARY 1940 TERM TULSA, OKLAHOMA WEDNESDAY, JUNE 5, 1940

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

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

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

ALONZO BURR WHITELEY, Plaintiff,)
)
)
-vs-) No. 76 Civil
)
MILCONTINENT PETROLEUM CORPORATION,)
a corporation, and Cosden Pipe Line)
Corporation, a corporation, Defendants.)

A S S I G N M E N T

On this 4th day of June, 1940, the undersigned, Plaintiff, for and in consideration of One Dollar (\$1.00) and other valuable consideration paid and delivered to the undersigned by Robert W. Gibbs, the said undersigned Alonzo Burr Whiteley hereby seels, transfers and assigns to the said Robert W. Gibbs one Thousand dollars (\$1,000.00) interest in and to the judgment rendered in favor of the plaintiff and against the defendants herein on or about the 19th day of January, 1940, from which judgment the defendant is perfecting its appeal to the Circuit Court of Appeals.

It is understood and agreed by and between the parties hereto that if and when said judgment becomes final and paid, One thousand dollars (\$1,000.00) thereof shall be paid to the said Robert W. Gibbs and the same deducted from the plaintiff's share of said judgment.

It is further understood that if said judgment is reversed, the said Robert W. Gibbs shall have a lien upon the plaintiff's interest in and to his cause of action herein or any future judgment rendered upon a new trial to the extent of One Thousand Dollars (\$1,000.00).

This sale is binding upon plaintiff, his successors or assigns.

Said Alonzo Burr Whiteley represents to said Robert W. Gibbs that he is the owner of said judgment and all rights thereto except for a lien which his attorneys of record have herein upon said judgment and that he has in no wise transferred, or sold any portion thereof to anyone else.

ALONZO BURR WHITELEY
Alonzo Burr Whiteley

Subscribed and sworn to before me this 4th day of June, 1940.

WILMA WOOD
Notary Public

(SEAL)
My commission expires Feb. 2, 1943
ENDORSED: Filed Jun 5 1940
H. P. Warfield, Clerk
U. S. District Court H

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

UNITED STATES OF AMERICA, Plaintiff,)
)
-vs-) No. 372 CIVIL
)
MARGARET MASHUNKASHEY, now)
BRADSHAW, Defendant.)

O R D E R

NOW, on this 5th day of June, 1940, this matter coming on before the court and it appearing to the court that additional time should be granted the defendant to plead in the above entitled cause.

IT IS THEREFORE, the order of the court that the defendant be and is hereby granted five (5) days or up to and including the tenth day of June within which to plead in the above entitled action.

AND IT IS SO ORDERED.

ALFRED P. MURRAH
JUDGE

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

ENDORSED: Filed Jun 5 1940
H. P. Warfield, Clerk
U. S. District Court G

MISCELLANEOUS - ORDER DISCHARGING CERTAIN PETIT JURORS.

On this 5th day of June, A. D. 1940, it is ordered by the Court that certain petit jurors be, and they are hereby discharged Sine Die for this Regular January Term of this Court, at Tulsa, Oklahoma.

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

On this 5th day of June, 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 Term of Court, their mileage and attendance as shown by the Record of Attendance.

Court adjourned to June 6, 1940

IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE NORTHERN DISTRICT OF OKLAHOMA
REGULAR JANUARY 1940 TERM TULSA, OKLAHOMA THURSDAY, JUNE 6, 1940

On this 6th day of June, A. D. 1940, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1940 Term at Tulsa, met pursuant to adjournment, Hon. Alfred P. Murrah, Judge, present and presiding.

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

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

MISCELLANEOUS - ADMISSION TO BAR.

Now on this 6th day of June, A. D. 1940, it being made satisfactorily to appear that Frank Thomas McCoy, Jr., was 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.

MISCELLANEOUS - ORDER DISCHARGING PETIT JURORS, SINE DIE.

On this 6th day of June, A. D. 1940, it is ordered by the Court that all Petit Jurors be, and they are, hereby discharged for this Regular January 1940 Term at Tulsa, Sine Die. (A.P.M.J)

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

On this 6th day of June, 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. (A.P.M. J)

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

UNITED STATES OF AMERICA, Plaintiff,)
vs.)
Mary Brockman, Bannister Real Estate)
Company, Jack Thomas, doing business) No. 1267 Equity
as Thomas Hardware Company, Pearl)
McKeown, M. F. Steil, Rosie E. Steil,)
Arthur W. Avers, Wade Sisler, Sarah)
Perryman and Newman Perryman, Guy)
Savage and Charles B. Walker, Defendants.)

O R D E R

Now on this 6 day of June, 1940, this matter coming on before the Court on the application of plaintiff, United States of America, to amend its answer to the answer and cross petition of the defendants, Sarah Perryman and Newman Perryman, and it appearing to the Court that said application should be granted,

IT IS THEREFORE THE ORDER of the Court that plaintiff, United States of America, be, and it hereby is allowed to amend its answer to the answer and cross petition of the defendants, Sarah Perryman and Newman Perryman.

ALFRED P. MURRAH
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 PLAINTIFF.

BAILEY E. BELL
Attorney for defendants, Sarah
Perryman and Newman Perryman.

ENDORSED: Filed Jun 6 1940
H. P. Warfield, Clerk
U. S. District Court G

Court adjourned to June 7, 1940

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

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

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

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

GRAND RIVER DAM AUTHORITY, a public corporation,)
Plaintiff,)
vs.) No. 324 Civil
JAMES W. ELLIOTT, ET AL,)
Defendants.)

O R D E R

NOW, on this 7th day of June, 1940, this matter coming on before the court and it appearing to the court for good cause shown that additional time should be granted to the United States of America, defendant herein, to file its answer in this cause of action:

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

AND IT IS SO ORDERED.

ALFRED P. MURNAH
UNITED STATES DISTRICT COURT

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

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

Court adjourned to June 10, 1940

On this 10th day of June, 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, Honorable 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

In the Matter of the Estate of Wosey Thomas, nee John,	)	No. 35 Civil)
))
In the Matter of the Estate of Wosey Deere, nee John Creek #9546))
))
Osharsha John, now Evelyn Seber, an adult, et al,))
Plaintiffs))
vs.))
))
Jimmie Powesheik, a minor, et al., Defendants.))
))
The United States of America, Intervener.))

NO. 35 CIVIL
CONSOLIDATED

O R D E R

NOW, on this 10th day of June, 1940, this matter coming on before the Court and it appearing to the court that additional time should be granted to the intervener, United States of

America, to file it's answering memorandum in this cause of action.

IT IS, THEREFORE, the order of the court that the United States of America be and it hereby is granted Thirty (30) days from this date within which to file its answering memorandum in this cause of action.

AND IT IS SO ORDERED.

F. E. KENNAMER
JUDGE

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

WHITBY, MAUZY
United States Attorney

N. E. McNEILL
Attorneys for Milford Thomas

ENDORSED: Filed Jun 10 1940
H. P. Warfield, Clerk
U. S. District Court B

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

GEORGE CHISHOLM, Administrator of the Estate)
of Lessey Hawkins Chisholm, nee Yarkola,)
deceased, Plaintiff,)
vs.) No. 387 Civil
H. G. HOUSE, et al, Defendant.)

O R D E R

This matter coming on for hearing this 10th day of June, 1940, upon the application of the United States and the court being fully advised in the premises, upon good cause shown, finds that the time for the filing of an intervening petition on behalf of the United States, as intervener, in this cause, should be extended for a period of Sixty (60) days from this date.

IT IS, THEREFORE, ORDERED that the United States be and it hereby is granted an extension of time for a period of Sixty (60) days from this date for the filing of an intervening petition herein on behalf of the United States as intervener.

AND IT IS SO ORDERED.

F. E. KENNAMER
UNITED STATES DISTRICT JUDGE

ENDORSED: Filed Jun 10 1940
H. P. Warfield, Clerk
U. S. District Court

Court adjourned to June 11, 1940

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

REGULAR JANUARY 1940 TERM

TULSA, OKLAHOMA

TUESDAY, JUNE 11, 1940

On this 11th day of June, 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, Honorable 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:

UNITED STATES OF AMERICA TENTH CIRCUIT

In my judgment the public interest requires the designation and appointment of a District Judge to hold District Court of the United States in the Northern District of Oklahoma in the place, or in aid of Honorable Alfred P. Murrah, District Judge of that District:

I do, therefore, by these presents designate and appoint the Honorable Franklin E. Kennamer, retired District Judge of the Eastern District of Oklahoma, and assigned to hold court in the Northern District of Oklahoma, by the Act of Congress of February 16, 1925, 43 Stat. 945, 946, to hold or assist in holding the District Court of the United States for the Northern District of Oklahoma from June 1, 1940, until December 31, 1940, both inclusive, in place or in aid of the Honorable Alfred P. Murrah, District Judge for the Northern District of Oklahoma.

Witness my hand this first day of June, A.D. 1940.

ORIE L. PHILLIPS
Senior Circuit Judge

ENDORSED: Filed Jun 11 1940
H. P. Warfield, Clerk
U. S. District Court

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

L. W. Zimmerman, Ed B. Babcock,)
and N. E. Campbell, Plaintiffs,)
)
-vs-) Civil Case No. 261
)
R. P. Mase, and Erick-Reid Supply)
Corporation, Defendants.)

ORDER REMANDING CAUSE

Now, on this first day of June, 1940, this cause comes on for decision upon the Motion of Plaintiffs to remand.

And now, the court having heretofore heard arguments of respective counsel, and being fully advised, finds that said motion to remand is well taken and should be sustained.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the court, that this cause be, and the same is hereby remanded to the District Court of Tulsa County, Oklahoma. To which order and ruling the defendants except, and their exceptions are allowed.

This motion to remand is sustained by the court on the grounds that the plaintiffs have but one single cause of action against the defendants, for fraud and deceit, and it is further ordered that if at any time plaintiffs change their theory in the State court and attempt to recover from the defendants upon any other cause of action, defendants will be authorized to renew their petition for removal of this cause to this court.

F. E. KENNAMER
JUDGE

ENDORSED: Filed Jun 11 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.)

ORDER TO MAKE DISTRIBUTION

Now, on this 11th day of June, 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 $\frac{1}{2}$ per unit to all unit-holders of Associated Petroleum Properties and Provident Trust, each a Trust estate.

F. E. KENNAMER
JUDGE

ENDORSED: Filed Jun 11 1940
H. P. Warfield, Clerk
U. S. District Court H

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

HUBERT GOODWIN, Plaintiff,)
vs))
HERBERT RAY, et al, Defendants.) No. 325 Civil

J U D G M E N T

Now on this the 17th day of May, 1940, this cause comes on for trial, plaintiff appears in person and by his attorneys, S. J. Clendinning, Esq., Horace D. Payne, Esq., and William E. Potect, Esq., and the defendants appear in person and by their attorneys, Messrs. Broadus and Fite.

IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE NORTHERN
DISTRICT OF OKLAHOMA
REGULAR JANUARY 1940 TERM TULSA, OKLAHOMA TUESDAY, JUNE 11, 1940

Thereupon the causes dismissed as to F. M. Hartley and Ray-Hartley Insurance Agency, a co-partnership consisting of Herbert Ray and F. M. Hartley, and proceeds to trial as between the plaintiff and the defendant Herbert Ray.

By agreement between the parties, it is found that the plaintiff is entitled to recover in this action, and that on the second cause of action plaintiff is entitled to recover the sum of \$450.00 and that the cause be tried to a jury as to the amount of plaintiff's recovery on the first cause of action.

Thereupon this cause comes on for trial on such question before a jury of twelve good men, who being duly empaneled and sworn well and truly to try the issues joined between the plaintiff and defendant and a true verdict render according to the evidence and having heard the evidence, charges of the court and argument of counsel, upon their oaths say:-

"We, the jury, duly empaneled and sworn, upon our oaths, find
the amount of plaintiff's recovery in the sum of \$3412.00."

IT IS, THEREFORE, ORDERED AND ADJUDGED by the Court that the plaintiff have and recover from the defendant Herbert Ray the sum of \$3862.00 together with costs of this action.

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

OK BROADDUS and FITE
Attorneys for Defendants

OK WM. E. POTEET
OK HORACE D. PAYNE
OK S. J. CLINDINNING
Attorneys for Plaintiff

ENDORSED: Filed Jun 11 1940
H. P. Warfield, Clerk
U. S. District Court B

Court adjourned to June 12, 1940

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

REGULAR JANUARY 1940 TERM

TULSA, OKLAHOMA

WEDNESDAY, JUNE 12, 1940

On this 12th day of June, 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. 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

INSURANCE COMPANY OF NORTH AMERICA, a corporation, Plaintiff,)
vs.) No. 135 - Civil
CRUDE OIL CONTRACTING COMPANY, a corporation,)
and NATIONAL SURETY CORPORATION, a corporation, Defendants.)

ORDER EXTENDING TIME WITHIN WHICH TO FILE RECORD ON APPEAL

This matter coming on to be heard on this 12th day of June, 1940, before the Honorable F. E. Kennamer, Judge of the United States Court for the Northern District of Oklahoma, upon the application of the defendants, Crude Oil Contracting Company and National Surety Corporation, for an order extending and enlarging the time within which to prepare, file and docket agreed record on appeal in the United States Circuit Court of Appeals for the Tenth Circuit, for the reasons and cause in said application set forth and submitted to this Court by the applicants, and it appearing that said causes are good and sufficient, and that said extension and enlargement of time should be granted,

IT IS, THEREFORE, ORDERED, ADJUDGED and DECREED that the defendants, Crude Oil Contracting Company, a corporation, and National Surety Corporation, as appellants, should be, and they are hereby, granted thirty (30) days extension and enlargement of time from and after June 18, 1940, within which to prepare and file the record on appeal, and to docket said action in the United States Circuit Court of Appeals for the Tenth Circuit.

F. E. KENNAMER
JUDGE

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

Court adjourned to June 14, 1940

IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE NORTHERN
DISTRICT OF OKLAHOMA
REGULAR JANUARY 1940 TERM TULSA, OKLAHOMA FRIDAY, JUNE 14, 1940

On this 14th day of June, 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. Judge, present and presiding.

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

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

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

C. J. LAURISCH, Trustee,	Plaintiff,)	
)	
vs		)	No. 205 Civil
)	
C. T. THOMPSON, A. M. THOMPSON, and)	
R. S. WILLIAMS, TRUSTEES, of SEMINOLE)	
PROVIDENT TRUST, a Trust Estate,	Defendants.)	

ORDER ENLARGING AND EXTENDING TIME FOR PREPARING, SERVING,
FILING AND LODGING OF THE RECORD IN THE CIRCUIT
COURT OF APPEALS

On this the 11th day of June, 1940, on application of the defendant, C. T. Thompson, and for good cause shown, the court finds that the time for preparing, serving, filing and lodging of the record in the Circuit Court of Appeals for the Tenth Circuit, should be extended from May 6, 1940 to August 4, 1940.

IT IS THEREFORE, THE ORDER OF THE COURT that the time for preparing, serving, filing and lodging of the record in this case on appeal in the Circuit Court of Appeals for the Tenth Circuit, be, and the same is hereby extended to August 4, 1940.

F. E. KENNAMER
United States District Judge

ENDORSED: Filed Jun 14 1940
H. P. Warfield, Clerk
U. S. District Court G

Court adjourned to June 17, 1940

On this 17th day of June, 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 IN AND FOR THE NORTHERN DISTRICT
OF OKLAHOMA

TOM COLLINS, Plaintiff,)
-vs-) No. Civil - 334.
D. O. LEFTWICH, Defendant.)

ORDER OF DISMISSAL

Upon motion of plaintiff for leave to dismiss this cause and after hearing counsel,

IT IS ORDERED, ADJUDGED AND DECREED that the complaint herein be, and it hereby is dismissed without prejudice at the cost of the plaintiff.

Dated this 17th day of June, 1940.

F. E. KENNAMER
District Judge

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

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

BERTHA MCGREW, Plaintiff,)
vs.) No. 339 - CIVIL
ARMOUR AND COMPANY, a corporation, Defendant.)

J U D G M E N T

This action being at issue and having been brought on for trial before the Court and a jury; the plaintiff appearing by her attorneys, WARD, JUSTUS AND WARD, by John L. Ward and L. A. Justus, Jr., and the defendant appearing by its attorneys, TUCKER & MARTIN, by William F. Tucker, William H. Martin, and C. M. Warren; and the issues having been tried and a general verdict for the plaintiff having been duly rendered on May 17, 1940, for the sum of One Thousand (1,000.00) Dollars.

NOW, on the 17th day of May, 1940, on motion of John L. Ward, attorney for plaintiff

it is adjudged that the said plaintiff, Bertha McGrew, have and recover of and from said defendant, Armour and Company, a corporation, One Thousand (1,000.00) Dollars found by the jury, with Six and 27/100 (6.27) Dollars costs, for which let execution issue.

F. E. KENNAMER
J U D G E

OK WARD JUSTUS & WARD
BY Jno. L. Ward, Attys for Plft.
O.K. TUCKER AND MARTIN By W. F. Tucker, Atty for Deft.

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

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

UNITED STATES OF AMERICA, Plaintiff,)
vs.) NO. 351 CIVIL
LEON C. PHILLIPS, et al, Defendants.)

O R D E R

This matter coming on for hearing this 17th day of June, 1940 and the clerk is hereby directed and ordered in making up his transcript of record, to include all original exhibits therein.

AND IT IS SO ORDERED.

F. E. KENNAMER
UNITED STATES DISTRICT JUDGE

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

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

UNITED STATES OF AMERICA, Plaintiff,)
vs.) No. 377 CIVIL
Frank Wooten, Defendant.)

JOURNAL ENTRY OF JUDGMENT

Now on this 17th day of June, 1940, this matter coming on before the Court on the application of the plaintiff, the United States of America, for a default judgment, plaintiff appeared by Whit Y. Mauzy, United States Attorney for the Northern District of Oklahoma, and Chester A. Brewer Assistant United States Attorney for said district; and it being shown to the Court that the defendant, Frank Wooten, has been duly and regularly served with summons and a copy of the complaint in

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

REGULAR JANUARY 1940 TERM

TULSA, OKLAHOMA

MONDAY, JUNE 17, 1940

this cause more than 20 days prior to this date, and that said defendant has failed to answer, demur or otherwise plead herein, the Court finds that he is in default, and that plaintiff is entitled to judgment in accordance with its complaint and application filed herein.

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

Lots Fifteen (15) and Sixteen (16) Block Nine (9)
original townsite of Fairfax, Oklahoma,

is restricted Indian land belonging to Doris Maker Bullutte, Peggy Maker Crow and Aileen Maker, restricted Osage Indians, and that said land is under the supervision and control of the Secretary of the Interior of the United States of America, and that said defendant, Frank Wooten, should be restricted and enjoined from interfering with the possession, management and control of said land by the Secretary of the Interior, or his authorized representative, the Superintendent of the Osage Indian Agency.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the defendant, Frank Wooten, be, and he hereby is permanently restrained and enjoined from interfering with the possession, management and control of the following described land, to-wit:

Lots Fifteen (15), and Sixteen (16), Block Nine (9)
original townsite of Fairfax, Osage County, Oklahoma.

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

F. E. KENNAMER
JUDGE

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

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

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

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

United States of America,	Libelant,)	
)	
-vs-)	
)	
One 1940 Model Standard Ford Coach Automobile,		)	No. 405 CIVIL
Motor No. 18-5,415,867 and approximately 73)	
gallons of assorted taxpaid intoxicating liquors)	
seized therein; Max J. Weisband, and the Citizens)	
Loan & Investment Company of Joplin, Missouri,)	
	Claimants.)	

ORDER FOR MONITION

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

REGULAR JANUARY 1940 TERM

TULSA, OKLAHOMA

MONDAY, JUNE 17, 1940

Now on this 17th day of June, 1940, it appearing to the court that the said 1940 Model Standard Ford Coach Automobile, Motor No. 18-5,415,867, with approximately Seventy-three (73) gallons of intoxicating liquors containing more than four per centum (4%) of alcohol by volume, was seized at a point on United States Highway No. 66, about Three (3) miles Northeast of the town of Quapaw, in Ottawa County, State of Oklahoma, Northern Judicial District of Oklahoma and within the jurisdiction of this court, on April 11, 1940, by John W. Sawyer and William F. Wolverton, Investigators of the Alcohol Tax Unit, Bureau of Internal Revenue of the United States, by virtue of authority of their said offices, and in accordance with the provisions of law in such case made and provided, while said automobile was being used by Max J. Weisband for transportation of such intoxicating liquors from _____, in the State of Illinois, into the State of Oklahoma and to the aforesaid described point of seizure; it further appearing that thereupon said property was appraised at more than Five Hundred Dollars (\$500.00) whereupon libelant has instituted libel action herein and requests issuance of monition notifying claimants Max J. Weisband and the Citizens Loan & Investment Company and all other interested persons, unless notice thereof be waived, of the pendency of such libel action.

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

IT IS FURTHER ORDERED, that the United States Marshal for the Northern District of Oklahoma be so directed to detain the above described automobile 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 Jun 17 1940
H. P. Warfield, Clerk
U. S. District Court H

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

SILVA C. ROBINSON, Plaintiff,)
vs.) No. 1287 Equity
THE EXCHANGE NATIONAL BANK OF TULSA, ET AL.,)
Defendants.)

ORDER OF EXTENSION OF TIME TO APPEAL

Now on this 17th day of June, 1940, being one of the regular judicial days of this Court comes regularly on and is presented the application of the plaintiff for an extension of time to docket and file her appeal and record of appeal in the above case and the Court being fully advised in the premises and for good and sufficient cause shown, the Judge of said court finds that said application should be and the same is hereby granted.

IT IS THEREFORE ORDERED that said application be and is granted and that the time is hereby enlarged 50 days from this date and appellant is hereby granted 50 days from this date to

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

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REGULAR JANUARY 1940 TERM

TULSA, OKLAHOMA

SATURDAY, JUNE 22, 1940

On this 22nd day of June, 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. 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

W. B. MILLER and W. R. WILKINSON, in person)
and for all persons similarly situated,)
Plaintiffs,)
v.) No. 365 Civil
NASH-FINCH COMPANY, a corporation, Defendants.)

O R D E R

The above entitled cause coming on for hearing on this 21st day of June, 1940, upon the motion of the plaintiffs herein for leave to dismiss the above entitled cause with prejudice, and the Court being advised in the premises,

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that this cause be and the same is hereby dismissed with prejudice to any future action in the premises.

F. E. KENNAMER
JUDGE

O.K. AS TO FORM N. A. GIBSON

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

Court adjourned to June 24, 1940

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

REGULAR JANUARY 1940 TERM

TULSA, OKLAHOMA

MONDAY, JUNE 24, 1940

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

R. E. Olds Company, a corporation,

Plaintiff,

vs.

The Board of Education of the Town of Oilton, of the State of Oklahoma, designated as Independent School District #20, Creek County, State of Oklahoma, a body corporate, et al,

Defendants.

No. 302 Civil Action

J U D G M E N T

This cause came on to be heard on regular assignment, on April 30, 1940, and was argued by counsel, and thereupon, upon consideration thereof, it was ordered, adjudged and decreed as follows, viz:

That the plaintiff have and recover judgment against the defendant, Board of Education of the Town of Oilton of the State of Oklahoma, designated as Independent School District #20, Creek County, State of Oklahoma, in the principal sum of \$84,000.00, and the costs of this action; and that said judgment bear interest at six per cent (6%) from this date. It is further ordered that said bonds and coupons be surrendered to the Court Clerk which is accordingly done in open Court.

It is further ordered that the preliminary injunction heretofore issued be and the same is continued and that this cause be continued for further hearing on all other matters and that the Court retain full jurisdiction and render such further orders as it may find to be proper.

F. E. KENNAMER
JUDGE

FORM APPROVED:

A. N. MURPHEY, Attorney for Plaintiff

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

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

UNITED STATES OF AMERICA, Plaintiff,)
vs.) No. 328 Civil.
H. M. Fitts, Defendant.)

JOURNAL ENTRY OF JUDGMENT

Now on this 24th day of June, 1940, this matter coming on before the Court on the application of the plaintiff, the United States of America, for a default judgment, plaintiff appearing by Whit Y. Mauzy, United States Attorney for the Northern District of Oklahoma, and Chester A. Brewer, Assistant United States Attorney for said district; and it being shown to the Court that the defendant, H. M. Fitts, has been duly and regularly served with summons and a copy of the complaint in this cause more than 20 days prior to this date, and that said defendant has failed to answer, demur or otherwise plead herein, the Court finds that he is in default, and that plaintiff is entitled to judgment in accordance with its complaint and application filed herein.

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

Northeast Quarter of Northeast Quarter; South Half of Northwest Quarter of Northeast Quarter of Section Twenty-four (24), Township Twenty-seven (27) North, Range Thirteen (13) East,

is restricted Indian land belonging to Fred Whiteturkey, restricted Cherokee Indian, and that said land is under the supervision and control of the Secretary of the Interior of the United States of America, and that said defendant, H. M. Fitts, should be restrained and enjoined from interfering with the possession, management and control of said land by the Secretary of the Interior, or his authorized representative, the Superintendent of the Five Civilized Tribes.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the defendant, H. M. Fitts, be, and he hereby is permanently restrained and enjoined from interfering with the possession, management and control of the following described land, to-wit:

Northeast Quarter of Northeast Quarter; South Half of Northwest Quarter of Northeast Quarter of Section Twenty-four (24), Township Twenty-seven (27) North, Range Thirteen (13) East, Washington County, Oklahoma.

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

F. E. KENNAMER
JUDGE

ENDORSED: Filed Jun 24 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

REGULAR JANUARY 1940 TERM

TULSA, OKLAHOMA

WEDNESDAY, JUNE 26, 1940

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

T. L. SEBASTIAN and LULA SEBASTIAN,)
 Plaintiffs,)
 vs) NO. 168 CIVIL
 NASH-FINCH COMPANY, a corporation,)
 Defendant.)

ORDER OVERRULING MOTION FOR JUDGMENT NON OBSTANTE VEREDICTO AND FOR NEW TRIAL

Now, on this 26 day of June, 1940, the motion of the defendant, Nash-Finch Company, a corporation, for judgment non obstante veredicto and, in the alternative, for a new trial, coming on to be heard in its regular order, and the above named plaintiffs appearing by their attorneys of record, and the said defendant appearing by its attorney of record, and, after argument of counsel and the court being fully and sufficiently advised in the premises, finds that each of said motions and each and every ground contained therein should be denied and overruled.

IT IS THEREFORE BY THE COURT ORDERED that the motion of the defendant, Nash-Finch Company, a corporation, for judgment non obstante veredicto and each and every separate ground therein contained be and the same is hereby denied and overruled, to which action of the court the defendant duly excepted.

IT IS FURTHER ORDERED that the said defendant's alternative motion for new trial, and every separate ground therein contained be and the same is hereby overruled, to which action of the court said defendant duly excepted.

F. E. KENNAMER
JUDGE

ENDORSED: Filed Jul 13 1940
H. P. Warfield, Clerk
U. S. District Court ME

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

Frank A. Anthony, Veva Naoma Lindsey, Ruby)
 Franklin Anthony and Ruby Franklin Anthony,)
 Trustee for Warren Victor Swanson, Bettie)
 Lou Swanson and Franklin Edward Swanson,)
 Complainants,)
 vs,) No. 399 Civil
 C.D. Klingensmith, Sr., Fred Klingensmith, and)
 C. D. Klingensmith, Jr., doing business as the)
 Klingensmith Oil Company,)
 Respondents.)

ORDER AND JUDGMENT IN PARTITION

Now on this 17th day of June, 1940, this cause came regularly on in its order for hearing, pursuant to notice heretofore given, for the appointment of a receiver. The complainants appeared by S.W. Anthony, their agent and by their attorneys, L. C. Lytle and John R. Miller, the respondents appeared by C. D. Klingensmith, Sr., and by their attorneys, Eugene B. Smith and C. J. Davenport. And all parties announced ready to proceed with said hearing for the appointment of a receiver.

Thereupon the respondents in open court objected to the appointment of a receiver and announced that they would agree that the leasehold estate sought to be partitioned as set forth in the complaint of the complainants filed herein, could not be partitioned in kind and would further agree that this Court make an order of partition and waive the appointment of appraisers and agree that the Marshal of this Court should sell said leasehold estate without appraisal, to the highest and best bidder therefore, and that said sale be made as quickly as possible. Thereupon, the complainants in open court accepted said agreement; under said conditions, the complainants did not further press their request for the appointment of a receiver.

Thereafter, and on the 21st day of June, 1940, the respondents filed their answer herein and their counterclaim, seeking to recover from the costs and expenses of operating said leasehold estate from March 1, 1940, to the time when said property is sold under the partition proceedings hereinbefore proposed in open court.

Now on this 26th day of June, 1940, this cause comes on for trial by agreement for partition only of the rights of complainants and respondents in and to the leasehold estate in controversy. The complainants appear by their attorneys, L. O. Lytle and John R. Miller; the respondents appear by their attorneys, Eugene B. Smith and C. J. Davenport. Thereupon, the parties submit their evidence to the Court, and at the time make certain agreements as shown herein-after. From all of which, the Court finds that complainants are owners, by assignments, of that certain oil and gas mining lease executed on the 22nd day of July, 1936, by John I. Gilbert, Receiver for Gum Brothers Company, to S.W. Anthony, duly recorded in the office of the County Clerk of Creek County, Oklahoma, in Book 438 at Page 54; that while the respondents entered into possession of the lands described as Southeast Quarter of Southeast Quarter of Section 33, Township 17 North, Range 12 East, Creek County, Oklahoma, under that certain oil, gas and mineral grant executed on the 19th day of August, 1936, by Charles V. O'Hern, Receiver of Peoria Life Insurance Company of Peoria, Illinois, to C. D. Klingensmith, Jr., duly recorded in the office of the County Clerk of Creek County, Oklahoma, in Book 437 at Page 542, the present rights of the respondents in operation of the oil wells on the premises are those given and granted by that certain instrument in writing executed on the 18th day of June, 1940, by C.D. Klingensmith, Jr., to Klingensmith Oil Company, a co-partnership composed of C.D. Klingensmith Sr., Fred Klingensmith and C.D. Klingensmith, Jr., duly recorded in the office of the County Clerk of Creek County, Oklahoma, in Book 472, at Page 31, and that complainants are owners of one-half interest in the leasehold estate covering the above land, and that respondents are owners of one-half interest in the leasehold estate covering the above land, and that the personal property located upon the premises, and used in connection with the operations thereon, are owned one-half by complainants and one-half by respondents.

The Court further finds that, in accordance with the allegations of the complainants' pleading and in accordance with the allegations of the respondents' pleading, the parties hereto are entitled to a partition of the leasehold interests so owned by them.

The Court further finds that the parties in open court have agreed, and it is hereby adjudged that, the leasehold interests of the parties cannot be partitioned in kind without injury to the rights of the parties so owning said interests, and that the parties in open court have agreed, and it is hereby adjudged, that the leasehold estate owned by said complainants by virtue of said oil and gas lease of the 22nd day of July, 1936, and the leasehold estate owned by said respondents by virtue of said oil and gas lease of the 18th day of June, 1940, hereinbefore referred to, together with all casing, tubing, rods, pumps, engines, buildings and all personal property located upon the premises and used in connection with the operations thereon, be sold without an appraisal, by the Marshal of this Court to the highest and best bidder therefore.

The Court further finds that the parties in open court have agreed, and it is hereby adjudged, and that said sale be made at public auction at the north front door of the County Court House in the City of Sapulpa, Oklahoma, after notice by publication for thirty days in the Sapulpa Legal News, a newspaper of general circulation in Creek County, Oklahoma, in the Tulsa Daily Legal News, a newspaper of general circulation in Tulsa County, Oklahoma; and each of said

newspapers being printed and published in the Northern Judicial District of Oklahoma, in which notice the general description of the leasehold estate and the description of the property included with said leasehold estate as above set forth, shall be given, together with the number of wells on said leasehold estate and the approximate gross production of said wells (but without a minute description thereof, of all of said property) will be sold with the said leasehold estate above mentioned.

The Court further finds that the parties in open court have agreed, and it is adjudged, that the terms of said sale be as follows: Of the amount of said bid, the sum of \$2500.00 shall be paid to the Marshal at the time of sale, and the remainder of said bid to be paid when said sale shall be confirmed by the Court.

PROVIDED, however, that if a person other than the parties to this action shall become the highest and best bidder for said property, said person shall pay one-half of the said remainder of his bid to complainants and one-half to respondents, and upon presenting to the Marshal receipts showing the payment of said bid shall be entitled upon confirmation to an appropriate conveyance of the property so sold.

PROVIDED, further, that if either complainants or respondents shall become the highest and best bidder, then said bidder shall satisfy said bid by paying to the parties not purchasing the property one-half of the difference between said bid and the said \$2500.00 paid at the time of sale.

PROVIDED, further that the sum of \$2500.00 paid by whoever becomes the purchaser shall be by the Marshal paid to the Clerk of this Court and there remain for the purpose of (1), paying the costs of this action and the costs of sale; including attorney fees if any are hereafter allowed as chargeable against said fund; (2) to satisfy the amount of the judgment to be hereafter rendered on the accounting between complainants and respondents for the cost of operation of the leasehold estate from March 1, 1940, to date when said property shall be delivered to the purchaser; (3) the remainder of said \$2500.00, if any there be, to be disbursed as hereinafter ordered by this Court.

It is further ordered that from and after said sale and confirmation, neither the complainants nor respondents, nor any one of them, shall have any right, title, or interest in and to the property so sold, except by virtue of such conveyance to such of said parties as may be the purchaser of said property, and that upon confirmation of said sale, a writ of assistance is hereby awarded to be issued by the clerk of this Court upon the written precept of the purchaser at said sale, or his attorney, said writ to be directed to the Marshal of this Court to place the purchaser in possession thereof.

It is further ordered and adjudged by the Court that a duly certified copy of this order and judgment delivered to the Marshal of the above entitled Court, shall be sufficient authority for the said Marshal to make said sale and issue his notice of sale as hereinbefore provided for, and advertise and sell said property under this order and judgment of the Court. And that he shall make his return of this proceedings, how he has executed this order and the sale of said property, which return shall be made on such duly certified copy of this order so delivered to said Marshal.

It is further ordered that there remains yet to be determined by this Court the issue as to the reasonable amount of charges and expenses for the operation of said lease from the 1st day of March, 1940; and that this Court retains jurisdiction of this matter to hear and determine that issue as between the complainants and respondents and fix the amount of the reasonable compensation, costs and charges for the operation of said leasehold estate; and to determine the question of allowance of attorney fee, if any, and to whom. And complainants are given ten (10) days from this date in which to reply to the counterclaim of respondents.

It is further ordered that the costs of this action be divided between the

complainants and respondents and that the complainants pay one-half thereof and the respondents pay the other one-half thereof.

For all of which judgment is now rendered.

F. E. KENNAMER
JUDGE

ENDORSED: Filed Jun 26 1940
H. P. Warfield, Clerk
U. S. District Court B

SINCLAIR PRAIRIE OIL CO.	Plaintiff,)	
-vs-)	
		)	No. 2652 - Law
MISSOURI-KANSAS-TEXAS RR. CO.,	Defendant.)	

Now on this 26th day of June, A.D. 1940, it is ordered by the Court that the Clerk be directed to file and spread the Mandate in the above styled cause, being in words and figures as follows, to-wit:

UNITED STATES OF AMERICA, ss:

THE PRESIDENT OF THE UNITED STATES OF AMERICA

(SEAL)

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

GREETING:

WHEREAS, lately, in the District Court of the United States for the Northern District of Oklahoma, before you, or some of you in a cause between Sinclair Prairie Oil Company, a corporation, plaintiff, and Missouri-Kansas-Texas Railroad Company, a corporation, defendant, No. 2652 Law, the judgment of the said district court in said cause, entered on June 15, 1939, was in the following words, viz:

* * * * *

"Now on this 12th day of June, 1939, it is by the court considered, ordered and adjudged that the plaintiff, Sinclair Prairie Oil Company, do have and recover of and from defendant, Missouri-Kansas-Texas Railroad Company, the sum of \$466.82, with interest thereon at the rate of six per cent (6%) per annum from the 13th day of December, 1928, to date, in the sum of \$294.00, together with the costs of this action."

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 Missouri-Kansas-Texas Railroad Company agreeable to the Act of Congress, in such case made and provided, fully and at large appears;

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

IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE NORTHERN
DISTRICT OF OKLAHOMA
REGULAR JANUARY 1940 TERM TULSA, OKLAHOMA WEDNESDAY, JUNE 26, 1940

On consideration whereof, it is now here ordered and adjudged by this court that the judgment of the said district court, in this cause be and the same is hereby affirmed; and that Sinclair Prairie Oil Company, a corporation, appellee, have and recover of and from Missouri-Kansas-Texas Railroad Company, a corporation, appellant, its costs herein.

-- June 3, 1940.

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

WITNESS, the Honorable CHARLES E. HUGHES, Chief Justice of the United States, the 24th day of June, in the year of our Lord one thousand nine hundred and forty.

COSTS OF Clerk, Printing Record, Attorney,	Appellee: \$-- -- \$-- -- \$20 00 \$20.00	ROBERT B. CARTWRIGHT Clerk of the United States Circuit Court of Appeals, Tenth Circuit
---	---	---

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

 Court adjourned to June 27, 1940

REGULAR JANUARY 1940 TERM TULSA, OKLAHOMA THURSDAY, JUNE 27, 1940

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

SECURITIES AND EXCHANGE COMMISSION,)	
)	
v.	)	No. 248 Civil
)	
OKLAHOMA-SOUTHERN TRUST, ET AL,	)	Defendant.

O R D E R

On this 5th day of June, 1940, the above came on for hearing upon the mandate of the United States Circuit Court of Appeals for the Tenth Circuit, which remanded said case to this Court with directions that it be dismissed for the reason that it has become moot;

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

REGULAR JANUARY 1940 TERM

TULSA, OKLAHOMA

THURSDAY, JUNE 27, 1940

IT IS, THEREFORE, ORDERED that the judgment of this Court in this case entered on the 3rd day of October, 1939, be and it hereby is vacated and set aside, and this case is hereby dismissed.

ALFRED P. MURRAH
JUDGE

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

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

SECURITIES AND EXCHANGE COMMISSION, Plaintiff,)
v.) No. 249 - Civil
SECOND LARKINS-WARR TRUST, ET AL, Defendants.)

O R D E R

On this 27th day of June, 1940, the above case came on for hearing upon the mandate of the United States Circuit Court of Appeals for the Tenth Circuit, which remanded said case to this Court with directions that it be dismissed for the reason that it has become moot;

IT IS, THEREFORE, ORDERED that the judgment of this Court in this case entered on the 3rd day of October, 1939, be and it hereby is vacated and set aside, and this case is hereby dismissed.

ALFRED P. MURRAH
JUDGE

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

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

SECURITIES AND EXCHANGE COMMISSION, Plaintiff,)
v.) No. 250 Civil
SOUTHWEST INVESTMENT TRUST, ET AL, Defendants.)

O R D E R

On this 27th day of June, 1940, the above case came on for hearing upon the mandate of the United States Circuit Court of Appeals for the Tenth Circuit, which remanded said case to this Court with directions that it be dismissed for the reason that it has become moot;

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

REGULAR JANUARY 1940 TERM

TULSA, OKLAHOMA

THURSDAY, JUNE 27, 1940

IT IS, THEREFORE, ORDERED that the judgment of this Court in this case entered on the 3rd day of October, 1939, be and it hereby is vacated and set aside, and this case is hereby dismissed.

ALFRED P. MURRAH
JUDGE

ENDORSED: Filed Jun 27 1940
H. P. Warfield, Clerk
U. S. District Court 3

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

H. C. Jones, Collector of Internal Revenue,)
for the District of Oklahoma, Plaintiff,)

vs.

No. 412 Civil

A. M. Busler, doing business as Skelley's)
Lunch, and/or Archie's Cafe, 302 East 3rd)
Street, Tulsa, Oklahoma, Defendant.)

JOURNAL ENTRY OF JUDGMENT

Now on this 1st day of July, 1940, this matter having come on for hearing on June 27, 1940, before Honorable A. P. Murrah, Judge, on the application for a writ of attachment herein plaintiff appearing by Whit Y. Mauzy, United States Attorney for the Northern District of Oklahoma, and Chester A. Brewer, Assistant United States Attorney for said district, and the defendant, A. M. Busler, appearing in person, and the Court, after hearing the statements of counsel for plaintiff, and the statements of the defendant, finds: That the defendant, A. M. Busler, should be required to file Social Security tax returns for the quarterly periods ending September 30, 1939 and December 31, 1939, and March 31, 1940 forthwith.

IT IS THEREFORE THE ORDER AND JUDGMENT of the Court that the defendant, A. M. Busler, be, and he hereby is required to file forthwith with the Collector of Internal Revenue Social Security tax returns for the quarterly periods ending September 30, 1939, December 31, 1939, and March 31, 1940.

IT IS THE FURTHER JUDGMENT of the Court that plaintiff recover its costs herein.

ALFRED P. MURRAH
JUDGE

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

MISCELLANEOUS - ADMISSION TO BAR.

It being made satisfactorily to appear that Herbert C. Burcham is duly qualified for admission to the Bar of the Court, the oath prescribed by law is duly administered and said attorney is declared admitted to the Bar of the Court.

Court adjourned to July 1, 1940

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

REGULAR JANUARY 1940 TERM

MONDAY, JULY 1, 1940

Payne and S. J. Glendinning, who represent the plaintiff herein in the above styled case, are entitled to the sum of Fifteen Hundred Sixty-two (\$1562.00) Dollars as attorneys' fee and expenses in this litigation, and the remainder thereof is to be paid to the plaintiff, Hubert Goodwin.

The court further finds that S. J. Glendinning, who is at this time holding the Thirty-eight Hundred Sixty-two (\$3862.00) Dollars heretofore paid by the defendants in this case to the plaintiff, is hereby directed to pay to the attorneys the sum of Fifteen Hundred Sixty-two (\$1562.00) Dollars, and to pay to Hubert Goodwin the remainder of the \$3862.00, less the expenses heretofore paid at the direction of the plaintiff.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the plaintiff herein pay to the attorneys, W.E. Potest, Horace D. Payne and S. J. Glendinning, the sum of Fifteen Hundred and Sixty-two (\$1562.00) Dollars.

IT IS FURTHER ORDERED that S. J. Glendinning, who is holding the money heretofore paid on the judgment herein, pay to the said attorneys the sum of Fifteen Hundred Sixty-two (\$1562.00) Dollars, and that he pay the remainder of said judgment, less the expenses heretofore paid at the direction of the plaintiff, to the plaintiff.

F. E. KENNAMER

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

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

CITY OF PAWUSKA, OKLAHOMA, A)
MUNICIPAL CORPORATION,) Plaintiff,)
) No. 373 Civil
vs.)
)
UNITED STATES OF AMERICA, ET AL.,) Defendants.)

ORDER APPOINTING COMMISSIONERS

This cause came on to be heard on the 1st day of July, 1940 upon petition of the plaintiff for an order appointing commissioners in said cause, and it appearing to the court that the plaintiff herein is a municipal corporation, organized and existing under and by virtue of the laws of the State of Oklahoma and for the right to condemn land for use as a part of its city water distribution system and has located a line for the purpose of laying thereon a pipe line to the city lake of the City of Pawhuska; that said land is particularly described as follows:

Part of the Northwest Quarter of the Southeast Quarter of Section 13, Township 25 North, Range 8 East, more particularly described as follows:

A strip of land 1 rod wide, lying one half upon each side of the following described land, to wit:

Beginning at a point 93 feet North of the Southeast corner of the Northwest Quarter of the Northwest Quarter of the Southeast Quarter of Section 13, Township 25 North, Range 8 East, thence South 66 degrees and 25 minutes East a distance of 367 feet; thence South 43 degrees and no minutes East a distance of 458 feet to a point on the East line of the Northwest Quarter of the Southeast Quarter of Section 13, Township 25 North, Range 8 East approximately 280 feet North of the Southeast corner of the Northwest Quarter of the Southeast Quarter of Section 13, Township 25 North, Range 8 East, in Osage County, Oklahoma,

That said right of way is necessary for the plaintiff in the construction and maintenance of the city water distribution system and that the plaintiff has been unable to secure said property by private purchase; that commissioners should be appointed in said cause; that due notice has been given.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the court that James P. Lawyer, Joe S. McGuire and Chas. A. Carter, disinterested freeholders of Osage County, Oklahoma, be and they are hereby appointed commissioners to inspect said real property hereinbefore described, consider the injury which the defendants, Wah-lell Ware, unallotted Osage, a minor, and Gladys Ware, unallotted Osage, an incompetent, as the owners of an undivided one-half interest will sustain by reason of the appropriation thereof and said commissioners are hereby authorized and empowered and directed to forthwith take the oath prescribed by law and to forthwith inspect said property and make their report as provided by law.

F. E. KENNAMER
United States District Judge

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

Court adjourned to July 3, 1940

REGULAR JANUARY 1940 TERM TULSA, OKLAHOMA WEDNESDAY, JULY 3, 1940

On this 3rd day of July, 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

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

O R D E R

NOW on this 4th day of January, 1940, this action coming on to be heard upon the Motion of Defendant, Sinclair Prairie Oil Company, to Dismiss Second Amended Complaint and for a More Definite Statement, and the Motion of the Defendant, Gulf Oil Corporation, to Dismiss Second Amended Complaint and for a more definite statement, and the defendant, Sinclair Prairie Oil Company, appearing by its attorney, Paul B. Mason, and the defendant, Gulf Oil Corporation appearing by its attorney, James B. Diggs, Jr., and the plaintiff appearing notk either in person or by attorney, and if further appearing that plaintiff has failed to appear either in person or by

IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE NORTHERN DISTRICT
OF OKLAHOMA
REGULAR JANUARY 1940 TERM TULSA, OKLAHOMA WEDNESDAY, JULY 3, 1940

attorney at any of the numerous prior settings in this action,

IT IS THEREFORE ORDERED that the same be dismissed for want of prosecution.

F. E. KENNAMER
J U D G E

APPROVED: EDWARD H. CHANDLER, By Paul B. Mason
Attorneys for Defendant, Sinclair Prairie Oil Company.

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

ENDORSED: Filed Jul 3 1940
H. P. Warfield, Clerk
U. S. District Court AC

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

AURILLA CORBRAY WILLIAMS, Plaintiff,)
vs.) No. 180 - Civil
SINCLAIR P RAIRIE OIL COMPANY, Defendants.
et al.,

O R D E R

NOW on this 29th day of February, 1940, the motion of the plaintiff to reinstate this action coming on to be heard, and the plaintiff appearing by her attorney, Benjamin H. Brown, and the defendant, Sinclair Prairie Oil Company appearing by its attorney, Paul B. Mason, and the defendant, Gulf Oil Corporation, appearing by its attorney, James B. Diggs, Jr., and the court having heard the argument of counsel and being duly advised in the premises,

IT IS ORDERED that said motion be sustained and that this action be reinstated upon condition that plaintiff obtain service upon all of the defendants within sixty days from this date, and plaintiff is granted leave to file an amended complaint herein within ten days from this date.

F. E. KENNAMER
JUDGE

ENDORSED: Filed Jul 31 1940
H. P. Warfield, Clerk
U. S. District Court AC

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

REGULAR JANUARY 1940 TERM

TULSA, OKLAHOMA

WEDNESDAY, JULY 3, 1940

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

M. P. PERRY, TRUSTEE,

Plaintiff,

-vs-

A. ASSOCIATED PETROLEUM PROPERTIES,
a Trust Estate; PROVIDENT TRUST,
a Trust Estate; E. R. PERRY and
S. L. DEDMAN,

Defendants.

No. C-285

ORDER DISSOLVING TRUST

On this 3rd day of July, 1940, this matter coming on before me, the undersigned Judge of this Court, in its regular order, and the Receiver, Joseph R. McGraw, being present in person and by his attorney, Henry L. Pist; and the Court having examined the files, finds that the defendants, E. R. Perry and S. L. Dedman, have entered their appearance in this court, but have not filed any pleading, and that of a total of 303 unit-holders, representing 1850 units, 264 unit-holders, representing 1716 units, or more than 87% of all unit-holders, representing more than 92% of all outstanding units, have filed their interventions in this cause; and the Court having heard the testimony of witnesses sworn and examined in open Court, is of the opinion that the declaration of trust made and executed the 20th day of May, 1935, by E. R. Perry and J. D. Singley and M. P. Perry, in favor of themselves as Trustees, and to the use of the said intervenors and others, the owners of beneficial units therein, was fraudulent in its conception, operation and conduct and should be vacated, set aside and held for naught.

IT IS, THEREFORE, BY THE COURT ORDERED, ADJUDGED AND DECREED that the declaration of trust made and executed under date of May 25, 1935, by E. R. Perry, J. D. Singley and M. P. Perry known as Associated Petroleum Properties, and Provident Trust, is hereby vacated, set aside and held for naught, and the properties formerly of said trust are adjudged to be held and owned by the lawful holders and owners of its beneficial units in common, subject to the further order of this Court, with relation to the administration, liquidation and disposition thereof.

IT IS FURTHER ORDERED that the Receiver, Joseph R. McGraw, continue to administer the affairs of said Trust under the former orders of this Court, with the rights, powers, duties and obligations of a Receiver, until the further order of this Court.

IT IS FURTHER ORDERED that the said Joseph R. McGraw, Receiver herein, continue under the same Bond which he now has filed as Receiver herein.

IT IS FURTHER ORDERED that the said Joseph R. McGraw communicate by mail with the owners and holders of beneficial units herein for the purpose of determining the attitude of a majority of the holders of said beneficial units, in number and amount, as to the sale of the properties of the Trust, or the future disposition thereof, and after having ascertained the wishes of said unit-holders, to make a report to this Court of the results thereof.

Dated at Tulsa, Oklahoma, this 2 day of July, 1940.

F. E. KENNAMER
JUDGE OF THIS COURT

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

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

THE LINCOLN NATIONAL LIFE INSURANCE COMPANY, Plaintiff,
vs.
EXCHANGE NATIONAL COMPANY, Defendant.

ORDER AUTHORIZING SALE OF TIMBER

THIS CAUSE COMING on to be heard on this the 3rd day of July, 1940, on the application of T. P. Farmer, as receiver for Exchange National Company, for an order directing, authorizing and empowering him to sell timber from the following described premises:

Northwest Quarter of Section 14 and lots 7 and 8, Section 11, and the Northern 11.11 acres of Lot 4, Section 10, all in Township 10 North, Range 20 East, Haskell County, Oklahoma,

for the price of \$2.00 per thousand feet, the same being cotton-wood timber, and the court having read said application and being fully advised in the premises, finds that it has jurisdiction to entertain said application and enter an order thereon, and finds that said application should be sustained.

IT IS, THEREFORE, BY THE COURT, ORDERED, ADJUDGED AND DECREED that said application be and the same is hereby sustained.

IT IS, THE FURTHER ORDER, JUDGMENT AND DECREE OF THE COURT that the said T. P. Farmer as receiver of the Exchange National Company be and he is hereby directed, authorized and empowered to sell to M. A. Hibbley all timber thirteen inches or larger for \$2.00 per thousand feet, from the above described premises, and is further directed, authorized and empowered to do all things necessary and proper in order accomplish the letter and spirit of the application and this order.

F. E. KENNAMER
United States District Court Judge

ENDORSED: Filed Jul 3 1940
H. P. Warfield, Clerk
U. S. District Court B

Court adjourned to July 5, 1940

On this 5th day of July, 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. Judge, present and presiding.

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

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

IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE NORTHERN DISTRICT OF OKLAHOMA
 REGULAR JANUARY 1940 TERM TULSA, OKLAHOMA FRIDAY, JULY 5, 1940

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

IN THE MATTER OF THE RE-APPOINTMENT OF CONCILIATION COMMISSIONERS FOR THE VARIOUS COUNTIES IN THE NORTHERN DISTRICT OF OKLAHOMA

O R D E R

Now, on this 5th day of July, A.D. 1940, the Court's attention being called to the fact that the appointment of Conciliation Commissioners has expired on this date, it is

THEREFORE ORDERED that

<u>Name</u>	<u>County</u>	<u>Address</u>
John R. Miller	Creek	Sapulpa
Glenn H. Chappell	Nowata	Nowata
C.E. Baldwin	Tulsa	Tulsa

be, and they are hereby re-appointed Conciliation Commissioners for the respective counties for a period of One (1) Year and that they and each of them make bond in the sum of Five Hundred (\$500.00) Dollars.

ALFRED P. MURRAH
 U. S. DISTRICT JUDGE

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

 Court adjourned to July 6, 1940

REGULAR JANUARY 1940 TERM TULSA, OKLAHOMA SATURDAY, JULY 6, 1940

On this 6th day of July, A. D. 1940, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1940 Term at Tulsa, met pursuant to adjournment, Hon. F. E. Kennamer and Hon. Alfred P. Murrah, Judges, present and presiding.

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

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

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

IN THE MATTER OF THE ESTATE) NO. 176 - CIVIL
 OF BEN SEWELL, DECEASED,)

ENTRY OF JUDGMENT

This cause and proceeding came on for hearing on this, 25th day of April, 1940, the proponent of the will of Ben Sewell, deceased, namely, Leona Sewell, appearing in person

and by her attorneys, Dan Odell and Eben L. Taylor; the contestants of said will, Loney Sewell, Leslie Sewell, Noah Sewell, Liza Sewell Gleason and Thomas Sewell, appearing in person and by their attorneys, Glenn C. Young, A. L. O'Bannon and Sabe Christian, and the intervener, United States of America, in its own behalf and on behalf of Tom Sewell, Leslie Sewell, Lonnie Sewell, Noah Sewell, Eliza Sewell, Dora Brady and Lucinda Brady, appearing by Whit Y. Maury, United States Attorney, and Joe Brown, United States Probate Attorney; and all parties announcing ready for trial, the court proceeded to hear said cause and proceeding;

Whereupon the proponent offered and introduced her testimony and evidence and rested, and said contestants and said intervener offered and introduced their testimony and evidence and rested, and after hearing said testimony and evidence and the argument of counsel, the court took said cause under advisement;

And now, on this 3rd day of July, 1940, upon consideration thereof, and being well and sufficiently advised, the court finds the issues herein in favor of said proponent and against said contestants and said intervener, and this day makes, enters and files herein its Findings of Fact and Conclusions of Law, which said Findings of Fact and Conclusions of Law herein separately filed are made a part of this judgment and decree the same as if set out in full herein;

IT IS THEREFORE CONSIDERED, ORDERED, ADJUDGED AND DECREED by the court that the instrument herein propounded by the said Leona Sewell as the last will and testament of Ben Sewell, deceased, be, and the same hereby is, admitted to probate as and for the last will and testament of said Ben Sewell, deceased, and that the same, together with the proof thereof, be, and the same hereby is established as a valid will passing both real and personal estate; and that the action of the County Court of Creek County, State of Oklahoma, in admitting to probate, and allowing and establishing said will, be, and the same hereby is, in all things approved and confirmed.

It is further ordered that this cause and proceeding be remitted to said County Court of Creek County, State of Oklahoma, for further action herein in accordance with this decree and the Findings of Fact and Conclusions of Law herein made and entered as aforesaid, and as by law in such cases made and provided.

To the aforesaid judgment, decree and orders, and the said Findings of Fact and Conclusions of Law herein made and entered, and to each and every part of same, the contestants and the intervener, the United States of America, each and all except, and each and all are allowed their said exceptions.

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

ENDORSED: Filed Jul 6 1940
H. P. Warfield, Clerk
U. S. District Court G

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

No. 228 - Civil

ONE 1939 MODEL FORD DeLUXE COUPE,
MOTOR No. 18-5150,319, etc.,

Defendant.

Now on this 6th day of July, A. D. 1940, it is ordered by the Court that the Clerk file and spread of record, the Mandate in the above cause, same being in words and figures as follows:

UNITED STATES OF AMERICA, ss:

THE PRESIDENT OF THE UNITED STATES OF AMERICA

(SEAL)

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

GREETING:

WHEREAS, lately in the District Court of the United States for the Northern District of Oklahoma, before you, or some of you in a cause between United States of America, Libellant, and One 1939 Model Ford De Luxe Coupe, Motor No. 18-5-150-319, and approximately 150 gallons of assorted tax-paid liquors seized therein; Richard E. Blythe, claimant, Civil Act on No. 228, Portland Finance Company, a partnership composed of Kent B. Hayes, C. A. Vose and Buck Turner, intervenors, the judgment of the said district court in said cause, entered on December 4, 1939, was in the following words, viz:

It is therefore Ordered, Adjudged and Decreed by the Court that a forfeiture herein be, and the same is hereby allowed as to the said described 1939 Model Ford DeLuxe Coupe, Motor No. 18-5,150,319, and that said automobile is ordered delivered to the Treasury Department for the use of the Bureau of Internal Revenue in the enforcement of internal revenue laws pursuant to Section 304 of the Liquor Law Repeal and Enforcement Act, together with all of its equipment and accessories.

It is Further ordered, Adjudged and Decreed by the Court that a forfeiture herein be, and the same is hereby allowed as to the said approximately 150 gallons of assorted taxpaid liquors seized in and with said described automobile, which intoxicating liquors are ordered delivered to the Secretary of the Treasury of the United States for the proper and lawful disposition thereof.

It is Further Ordered, Adjudged and Decreed by the Court that the storage charges incident to the seizures of said automobile to and including December 4, 1939, be, and the same are hereby ordered paid by the Treasury Department of the United States of America. Such storage charges thereafter to be paid by the non-prevailing party herein on appeal.

It is Further Ordered, Adjudged and Decreed by the Court that the intervenor herein have thirty (30) days from this date in which to file an appeal and supersedeas bond in the amount of Eight Hundred Fifty Dollars (\$850.00) to be approved by the court; that delivery of the automobile, involved herein, to the Treasury Department be stayed pending the filing of such an appeal and supersedeas bond and upon the filing and approving of such an appeal and supersedeas bond, said appeal shall operate as a supersedeas of said judgment and stay of execution thereof until final judgment on appeal, and said automobile be and remain in the custody of the United States Marshal for the Northern District of Oklahoma until said judgment on appeal.

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 Kent B. Hayes, C. A. Vose and Buck Turner, a copartnership doing business under the name of Portland Finance Company agreeably to the act of Congress in such case made and provided, fully and at large appears;

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

On consideration whereof, it is now here ordered and adjudged by this court that the judgment of the said district court in this cause be and the same is hereby affirmed; and that United States of America, appellee, have and recover of and from Kent B. Hayes, C. A. Vose and Buck Turner, a copartnership doing business under the name of Portland Finance Company, appellants, its costs herein.

--May 20, 1940.

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

WITNESS, the Honorable CHARLES E. HUGHES, Chief Justice of the United States, the 26th day of June, in the year of our Lord one thousand nine hundred and forty.

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

COSTS OF APPELLEE	
Clerk,	\$ 5.50
Printing record	\$-- --
Attorney	\$20.00
	<u>\$25.50</u>

UNITED STATES CIRCUIT COURT OF APPEALS
TENTH CIRCUIT

COSTS taxed in favor of appellee, in the case of Kent B. Hayes, C. A. Vose and Buck Turner, etc., vs. United States of America, No. 2055

Filing record and docketing cause,	\$-- --
Filing copies of printed record,	-- --
Filing and entering appearance for	-- --
Filing and entering 1 appearance for appellee	-- 50
Clerk, preparing record for printer, etc.,	-- --
Printer, for printing record,	-- --
Filing paper,	-- --
Entering order, folio	-- --
Filing briefs for	-- --
Filing briefs for appellee	5 00
Filing opinion	-- --
Filing and entering judgment or decree	-- --
Filing Petition for a rehearing	-- --
Issuing mandate to District Court	-- --
Filing receipt for mandate	-- --

Filing receipt for balance of deposit
Attorney's docket fee

20 00
\$25 50

Attest:

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

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

THOMAS KAPSEMALIS, Plaintiff,)

-vs-

) No. 2551 - Law

IRENE TAYLOR, nee DOUGLAS, ET AL, Defendants.)

Now on this 6th day of July, A.D. 1940, the District Court of the United States, it is ordered by the Court that the Clerk file and spread of record the Mandate in the above cause, same being in words and figures as follows, to-wit:

UNITED STATES OF AMERICA, ss:

THE PRESIDENT OF THE UNITED STATES OF AMERICA

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

(SEAL)

GREETING:

WHEREAS, lately in the District Court of the United States for the Northern District of Oklahoma, before you, or some of you in a cause between Thomas Kapsemalis, plaintiff, and Irene Taylor, nee Douglas, et al., defendants, No. 2551 Law, the judgment of the said district court in said cause entered on May 8, 1939, was in the following words, viz:

* * * * *

"It is by the court ordered, adjudged, and decreed that the demurrers of the defendants, and each of them, to the evidence of plaintiff, be and they are hereby sustained, to which findings, conclusions, order and judgment of the court, the plaintiff requested and was allowed an exception."

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 Thomas Kapsemalis, agreeably to the act of Congress, in such case made and provided fully and at large appears;

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

On consideration whereof, it is now here ordered and adjudged by this court that the judgment of the said District Court in this cause be and the same is hereby affirmed; and that Irene Taylor, nee Douglas, Robert K. Taylor, her husband, and Irene Taylor, as Executrix of the Last Will and Testament of Alice M. Douglas, deceased, and John L. Maynard, Executor of the last will and testament of Charles E. Douglas, deceased, and A. A. Moulter, appellees, have and recover of and from Thomas Kapsomalis, appellant, their costs herein.

-- May 24, 1940.

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 2nd day of July, in the year of our Lord one thousand nine hundred and forty.

COSTS OF	Appellees:	
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 Jul 6 1940
H. P. Warfield, Clerk
U. S. District Court H

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

T. P. Farmer, Receiver,	Plaintiff,)
vs.	)	No. 883 - Equity
Southwest Bank Shares Corporation, a Delaware Corporation,	Defendant.)

ORDER DISCHARGING RECEIVER

This matter came on to be heard at this term on the final report of J. H. McBirney, Receiver.

It appearing that said Receiver has disbursed to creditors all balances in his hands and that he has no funds on hand nor assets from which any funds can be realized and that said receivership should be closed,

IT IS THEREFORE BY THE COURT ORDERED, AND DECREED that the acts and doings of J. H. McBirney, as receiver herein be and they are hereby approved and affirmed; that said J. H. McBirney be and he is hereby discharged as such receiver, and his bond be and it is hereby exonerated.

F. E. KENNAMER
JUDGE

ENDORSED: Filed Jul 6 1940
H. P. Warfield, Clerk
U.S. District Court AC

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

I. E. NELSON, Trustee,

vs.

No. 1966 - In Equity

SAPULPA GAS COMPANY, et al.,

JULY 6TH, 1940

On this date there was presented to the Court the application of E. H. Shaufler for an order authorizing and directing the Clerk of this Court to disburse to him, the said E. H. Shaufler, his pro rata distributive share of the First Mortgage Five Per Cent. Gold bonds of Sapulpa Gas Company as held and owned by him, the said E. H. Shaufler, as set forth in his application filed herein; and having heard and considered said application, the Court finds that the said E. H. Shaufler is the legal and equitable owner and holder of bonds of the Sapulpa Gas Company, as set forth in his application and particularly described as follows, to-wit:

<u>Bond No.</u>	<u>Amount</u>	<u>Coupons numbered 10 to 40 inclusive; amount of each coupon:</u>
269	\$500.00	\$12.50
307A	235.00	7.12
320A	350.00	8.75
323A	355.00	8.87
447	500.00	12.50
478E	17.50	.43¢
526H	35.00	.82¢

And the Court further finding that said application is verified by the applicant; and applicant having possession of said bonds and having tendered the same with said application for cancellation;

It is therefore ORDERED, ADJUDGED and DECREED by the Court that the application filed herein by E. H. Shaufler for payment to him from the registry of the Court of 51-1/2% of the face amount of his said bonds be and the same is hereby granted; and it is further ORDERED, ADJUDGED and DECREED by the Court that the Clerk of this Court be and he is hereby authorized and directed to disburse and pay unto the said E. H. Shaufler from the registry of the Court the pro rata distributive share of the moneys in the registry of the Court due the said E. H. Shaufler as a bondholder of said Sapulpa Gas Company, upon surrender for cancellation by the said E. H. Shaufler of the bonds so held and owned by him, as described in his application and in this order, and upon payment by the said E. H. Shaufler to the Clerk of the Court of an impounding fee of one per cent of the amount so paid to him for said bonds, such impounding fee to be deducted by the Clerk from the principal amount of such payment; such payment to be made and said bonds to be cancelled in accordance with orders of the Court heretofore made pertaining thereto.

F. E. KENNAMER
JUDGE

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

On this 13th day of July, 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. Kammmer, Judge, present and presiding,

H. P. Warfield, Clerk, U. S. District Court
 Whit V. Mazy, 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 - OATH OF JOHN R. MILLER, CONCILIATION COMMISSIONER.

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

OATH OF OFFICE

I, John R. Miller, do solemnly swear that I will administer justice without respect to persons, and to equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent on me as Conciliation Commissioner, according to the best of my ability and understanding, agreeably to the Constitution and laws of the United States;

SO HELP ME GOD.

JOHN R. MILLER

Subscribed and sworn to before me this 10 day of July, 1940.

DOROTHY COCK
 Notary Public

(SEAL)

My commission expires 11-3-42

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

MISCELLANEOUS - BOND OF CONCILIATION COMMISSIONER.

FORM NO. 69

BOND OF CONCILIATION COMMISSIONER

Know all men by these presents: That we John R. Miller of Sapulpa, Creek County, Oklahoma as principal, and Roy T. Wildman and L. C. Lytle of Sapulpa, Creek County, Oklahoma, as sureties, are held and firmly bound to the United States of America, in the sum of FIVE HUNDRED (\$500.00) DOLLARS, lawful money of the United States, to be paid to the said United States, for the payment of which, well and truly to be made, we bind ourselves, our heirs, executors, and administrators, jointly and severally, by these presents:

Signed and sealed this 10 day of July, A. D. 1940.

The condition of this obligation is such that whereas the said John R. Miller has been on the 5 day of July, A. D. 1940, re-appointed by the Honorable Alfred P. Murrah, Judge of the District Court of the United States for the Northern District of Oklahoma, a conciliation commissioner under Section 75 of the Receptor Act, in and for the County of Creek, in said District;

Now, therefore, if the said John R. Miller shall well and faithfully discharge and perform all the duties pertaining to the said office of conciliation commissioner, then this obligation to be void; otherwise to remain in full force and virtue.

Signed and sealed in the presence of:

DOROTHY COOK

JOHN R. MILLER (L.S.)
ROY T. WILDMAN (L.S.)
L. C. LYTLE (L.S.)

Approved this 13 day of July, 1940.

F. E. KENNAMER
District Judge

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

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

OATH OF OFFICE

I, Glenn H. Chappell, do solemnly swear that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent on me as Conciliation Commissioner, according to the best of my ability and understanding, agreeably to the Constitution and laws of the United States;

SO HELP ME GOD.

GLENN H. CHAPPELL

Subscribed and sworn to before me this 9th day of July, 1940.

LEONA M. TEMPLE
Notary Public

(SEAL)

My commission expires -
July 25, 1940

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

BOND OF GLENN H. CHAPPELL, CONCILIATION COMMISSIONER.

FORM NO. 69

BOND OF CONCILIATION COMMISSIONER

Know all men by these presents: That we Glenn H. Chappell of Nowata, Okla., as principal, and J. Wood Glass and Roy E. Cobbs, of Nowata, Okla., as sureties, are held and firmly

bound to the United States of America in the sum of FIVE HUNDRED (\$500.00) DOLLARS, lawful money of the United States, to be paid to the said United States, for the payment of which, well and truly to be made, we bind ourselves, our heirs, executors, and administrators, jointly and severally by these presents:

Signed and sealed this 9 day of July, A. D. 1940.

The condition of this obligation is such that whereas the said Glenn H. Chappell has been on the 5 day of July, A. D. 1940, re-appointed by the Honorable A. P. Murrah, Judge of the District Court of the United States for the Northern District of Oklahoma, a conciliation commissioner under Section 75 of the Bankruptcy Act, in and for the County of Nowata in said District:

Now, therefore, if the said Glenn H. Chappell shall well and faithfully discharge and perform all the duties pertaining to the said office of conciliation commissioner, then this obligation to be void; otherwise to remain in full force and virtue.

Signed and sealed in the presence of -

GLENN H. CHAPPELL (L.S.)
J. WOOD GLASS (L.S.)
ROY E. COBBS (L.S.)

Approved this 15 day of July, 1940.

F. E. KENNAMER
DISTRICT JUDGE

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

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

OATH OF OFFICE

I, C. E. Baldwin, do solemnly swear that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent on me as Conciliation Commissioner, according to the best of my ability and understanding, agreeably to the Constitution and laws of the United States;

SO HELP ME GOD.

C. E. BALDWIN

Subscribed and sworn to before me this 8th day of July, 1940.

(SEAL) BETTY HOWARD
Notary Public

My commission expires 4-6-42

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

FORM NO. 89

BOND OF CONCILIATION COMMISSIONER

Know all men by these presents: That C. E. Baldwin as principal, and James E. Laughlin and E. N. Holmes of Tulsa, Oklahoma, as sureties, are held and firmly bound to the United States of America in the sum of FIVE HUNDRED (\$500.00) DOLLARS, lawful money of the United States, to be paid to the said United States, for the payment of which, well and truly to be made, we bind ourselves, our heirs, executors, and administrators, jointly and severally, by these presents;

Signed and sealed this 9th day of July, A. D. 1940.

The condition of this obligation is such that where as the said C. E. Baldwin, has been on the 5th day of July, A. D. 1940, re-appointed by the Honorable Alfred P. Murrah, Judge of the District Court of the United States for the Northern District of Oklahoma, a conciliation commissioner under Section 75 of the Bankruptcy Act, in and for the County of Tulsa in said District;

Now, therefore, if the said C. E. Baldwin shall well and faithfully discharge and perform all the duties pertaining to the said office of conciliation commissioner, then this obligation to be void; otherwise to remain in full force and virtue.

Signed and sealed in the presence of -

C. E. BALDWIN
JAMES E. LAUGHLIN (L.S.)
E. N. HOLMES (L.S.)

Approved this 13th day of July, 1940.

F. E. KENNAMER
DISTRICT JUDGE

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

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

T. L. SEBASTIAN and LULA SEBASTIAN,)
Plaintiffs,)
vs.) NO. 288 CIVIL
NASH FINCH COMPANY, a corporation,)
Defendant.)

C E D E R

Now, on this 13th day of July, 1940, it being made to appear that the above named defendant, Nash-Finch Company, a corporation, has filed its notice to appeal from the final judgment rendered herein on the 20th day of May, 1940, and has also filed a good and sufficient supersedeas bond which the court has accepted and approved,

IT IS THEREFORE ORDERED BY THE COURT that the execution upon the final judgment entered herein upon the 23th day of May, 1940, in favor of the above-named plaintiffs and against the above-named defendant, be and the same hereby is stayed during the pendency of the appeal and until further order of the Court.

F. E. KENNAMER
United States District Judge

ENDORSED: Filed Jul 13 1940
H. P. Warfield, Clerk
U. S. District Court ME

Court adjourned to July 18, 1940

REGULAR JANUARY 1940 TERM

TULSA, OKLAHOMA

TUESDAY, JULY 18, 1940

On this 18th day of July, 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,
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

ALONZO BURR WHITELEY,	Plaintiff,)
)
-vs-)
)
)
MID CONTINENT PETROLEUM CORPORATION,)
a corporation, and Cosden Pipe Line)
Corporation, a corporation,	Defendants.)

No. 78 Civil

A S S I G N M E N T

On this 18th day of July, 1940, the undersigned, Plaintiff, for and in consideration of One Dollar (\$1.00) and other valuable consideration paid and delivered to the undersigned by Robert W. Gibbs, the said undersigned Alonzo Burr Whiteley hereby sells, transfers and assigns to the said Robert W. Gibbs Five hundred dollars (\$500.00) interest in and to the judgment rendered in favor of the plaintiff and against the defendants herein on or about the 19th day of January, 1940, from which judgment the defendant is perfecting its appeal to the Circuit Court of Appeals.

It is understood and agreed by and between the parties hereto that if and when said judgment becomes final and paid, Five hundred dollars (\$500.00) thereof shall be paid to the said Robert W. Gibbs and the same deducted from the plaintiff's share of said judgment.

It is understood that if said judgment is reversed, the said Robert W. Gibbs shall have a lien upon the plaintiff's interest in and to this cause of action herein or any future judgment rendered upon a new trial to the extent of Five hundred dollars (\$500.00).

IT IS THEREFORE ORDERED that Jno. I. Logan, Receiver in this cause, be, and he hereby is authorized to pay for fire insurance on the building located on the land involved in this cause of action, for a period of one year, the sum of \$56.30 from any funds said Receiver may have in his hands collected from the property involved herein.

F. E. KERNAMER
JUDGE

ENDORSED: Filed Jul 18 1940
H. P. Warfield, Clerk
U. S. District Court G

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

UNITED STATES OF AMERICA, Plaintiff,

vs.

Mary Brockman, Bannister Real
Estate Company, Jack Thomas,
doing business as Thomas Hardware
Company, Pearl McKeown, M. F.
Steil, Rosie E. Steil, Arthur W.
Ayers, Wade Sisler, Sarah Perryman
and Newman Perryman, Guy Savage
and Charles S. Walker,

Defendants.

No. 1267 Equity

JOURNAL ENTRY OF JUDGMENT

Now on this 18th day of July, 1940, this matter coming on before the Court, pursuant to regular assignment, On June 27, 1940, plaintiffs appearing by Whit Y. Mauzy, United States Attorney for the Northern District of Oklahoma, and Chester A. Brewer, Assistant United States Attorney for said district, and the defendants, Sarah Perryman and Newman Perryman, appearing by Bailey E. Bell, their attorney, and the Court having examined the stipulation filed in this cause of action and the files herein, finds that the defendants, Pearl McKeown, Wade Sisler and Charles S. Walker have filed disclaimers in this cause, disclaiming any right, title or interest in or to the land involved herein. That the defendants, Mary Brockman, Jack Thomas, doing business as the Thomas Hardware Company, M. F. Steil, Rosie E. Steil, Arthur W. Ayers and Guy Savage have been personally served with summons in this cause of act on more than 30 days prior to this date, and that neither of said defendants has answered or otherwise pleaded herein, and they are by the Court found to be in default. That the defendant, Bannister Real Estate Company has been duly served by publication service in the Tulsa Daily Legal News, a newspaper of general circulation, published in Tulsa County, Oklahoma for a period of 134 weeks prior to the date of the first publication of said notice, and that said defendant, Bannister Real Estate Company has failed to answer or otherwise plead herein, said defendant is by the Court found to be in default. That the defendants, Sarah Perryman and Newman Perryman, have been personally served with summons in this cause more than 30 days prior to this date, and have filed herein their answer and cross petition, alleging that the will of Rachel Perryman, deceased, was obtained through fraud and undue influence, and through a conspiracy between George Perryman, Leslie Shirk and Ella Horner.

That the United States of America has filed herein its answer and amended answer to the answer and cross petition of the defendants, Sarah Perryman and Newman Perryman, denying the allegations of said answer and cross petition of the defendants, Sarah Perryman and Newman Perryman, and alleging that said defendants are barred by the Statute of Limitations from contesting the will of Rachel Perryman, deceased, and the Court, having heard the arguments of counsel and being fully advised in the premises, finds in favor of the plaintiff and against the defendants, and each of them.

IT IS WHEREFORE ORDERED, ADJUDGED AND DECREED that the judgments in the following cases:

Mary Brockman, plaintiff, vs. Mrs. S. D. Shirk, defendant, No. 40697, District Court of Tulsa County, Oklahoma.

Bannister Real Estate Company, plaintiff, vs. Mamie Shirk, defendant, No. 31934 District Court of Tulsa County, Oklahoma.

Jack Thomas, doing business as Thomas Hardware Company, vs. Mayme S. Shirk, No. 57341 District Court of Tulsa County, Oklahoma.

Pearl McKeown, plaintiff, vs. Mayme Shirk, No. 52334, District Court of Tulsa County, Oklahoma.

M. F. Steil and Rosie E. Steil, plaintiffs, vs. Mayme Shirk, defendant, No. 60748 District Court of Tulsa County, Oklahoma.

Wade Sisler, doing business under the name of Sisler Hospital plaintiff, vs. Mayme Shirk, No. 61628, District Court of Tulsa County, Oklahoma.

Arthur W. Avers, plaintiff, vs. Mayme Shirk and A. B. Iee, defendants, No. 60991 Court of Common Pleas of Tulsa County, Oklahoma.

are void and of no force and effect and that the same are cancelled of record insofar as the following described land is concerned:

Southeast Quarter of Southwest Quarter and Lot Four (4), Section Nineteen (19), Township Nineteen (19) North, Range Thirteen (13) East, Tulsa County, Oklahoma,

and that said judgments do not constitute liens on said land.

IT IS THE FURTHER DECREE of the Court that Sarah Perryman and Newman Perryman are barred from contesting the will of Rachel Perryman, deceased, by reason of the Statute of Limitations of the State of Oklahoma, as put in force and effect by the Act of Congress of April 12, 1926.

IT IS THE FURTHER JUDGMENT AND DECREE of the Court that Ella Horner, Creek Roll No. 2633, and Mamie Shirk, Creek Roll No. 2628, are the owners of the above described property in fee simple, and that the defendants, Mary Brockman, Bannister Real Estate Company, Jack Thomas, doing business as Thomas Hardware Company, Pearl McKeown, M. F. Steil, Rosie E. Steil, Arthur W. Avers, Wade Sisler, Sarah Perryman and Newman Perryman, Gay Savage and Charles S. Walker, and each of them, are hereby restrained and enjoined from claiming or asserting any right, title, interest, equity or estate in and to the above described property.

IT IS THE FURTHER JUDGMENT AND DECREE of the Court that the title to the above described land be, and the same hereby is quieted in Ella Horner, Creek Roll No. 2633, and Mamie Shirk, Creek Roll No. 2628.

IT IS THE FURTHER JUDGMENT AND DECREE of the Court that the plaintiff recover its costs herein against the defendants, Sarah Perryman and Newman Perryman, for the costs said defendants caused to be incurred to which judgment the defendants, Sarah Perryman and Newman Perryman, except, and exceptions are allowed.

F. E. KENNAMER
JUDGE

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

Court adjourned to July 22, 1940

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

Mollie Davis, nee Jones, Creek Roll No. 7721,	Plaintiff,)	
)	
vs.		)	No. 220 CIVIL
)	
Cynthia Chandler, et al,	Defendants.)	
)	
United States of America,	Intervener.)	

ORDER OF REVIVOR

Now on this 22nd day of July, 1940, there comes on before the Court the motion of the intervener, United States of America, for an order reviving the above cause of action in the name of Gordon Denton, administrator of the estate of Mollie Jones, deceased, and the Court having examined the files herein, and being fully advised in the premises, finds that Mollie Davis, nee Jones, Creek Roll No. 7721, plaintiff in this action, departed this life on the 4th day of February, 1940, and that Gordon Denton is now the duly appointed, acting and qualified administrator of the estate of Mollie Jones, deceased. And it further appearing that the said Mollie Jones is the same person as the plaintiff in this action, and that said plaintiff on August 15, 1939, filed this action, seeking a money judgment and the foreclosure of a real estate mortgage; and it further appearing to the Court that this action is still pending, and is at issue, and should be revived in the name of the administrator of the estate of Mollie Jones, deceased;

IT IS THEREFORE THE ORDER of the Court that this action be, and the same hereby is revived in the name of Gordon Denton, administrator of the estate of Mollie Jones, deceased, and that all further proceedings in this action be in the name of said administrator.

F. E. KENNAMER
JUDGE

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

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

LILY BROWN,	Plaintiff,)	
)	
-vs-		)	NO. 346 - C
)	
MIDLAND VALLEY RAILROAD COMPANY, a corp., et al.,	Defendants.)	

O R D E R

This matter coming on to be heard before the undersigned Judge of this Court on the 9th day of May, 1940, upon plaintiff's motion to remand to the District Court of Tulsa County, Oklahoma, plaintiff appearing by her attorneys, E. M. Connor and Geo Wilson and the defendant appearing by its attorney, H. L. Smith, and the Court having heard the evidence upon said motion and having heard the argument of counsel and being fully advised in the premises finds that said motion should be sustained.

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

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by this Court that plaintiff's motion to remand this cause to the District Court of Tulsa County, Oklahoma be sustained and the Clerk of this Court is hereby directed to remand said cause to said Court.

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

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

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

United States of America,	Libelant,)	
)	
-vs-)	
)	
One 1939 Model DeSoto Coupe		)	No. 349 CIVIL
Automobile, Motor No. S6-27,687)	
and approximately 63 gallons of)	
assorted, taxpaid intoxicating)	
liquors seized therein; D. A.)	
(Dan) Myers and Commercial In-)	
vestment Trust Corporation,	Claimants.)	

O R D E R

Now on this 22nd day of July, A. D. 1940, this cause coming on before the court, upon application of the Commercial Investment Trust Corporation, for an order of the court allowing it to make a bond for the release of the automobile involved in this action, the plaintiff appearing by Whit Y. Mauzy, United States Attorney for the Northern District of Oklahoma, and Joe W. Howard, Assistant United States Attorney for said district; and the defendant, Commercial Investment Trust Corporation, appearing by F. J. Lucas, its attorney, and the court being fully advised in the premises, finds that the appraised value of the automobile involved in this action is \$450.00.

THE COURT FURTHER FINDS that the Commercial Investment Trust Corporation should be allowed to make a supersedeas bond for the release of said automobile from storage.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED by the Court, that upon the Commercial Investment Trust Corporation filing with the Clerk of this court a good and sufficient bond in the penal sum of \$450.00 to be approved by the court, that the Marshal for the United States District Court for the Northern District of Oklahoma is ordered and directed to deliver the possession of said automobile to the defendant, Commercial Investment Trust Corporation, upon it paying all storage charges assessed against said automobile.

F. E. KENNAMER
JUDGE

ENDORSED: Filed Jul 24 1940
H. P. Warfield, Clerk
U. S. District Court G

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

FRANK MELROY,	Plaintiff,)
)
vs.)
		) No. 2639 Law
SUN OIL COMPANY, a corporation,)
and HARTFORD ACCIDENT & INDEMNITY)
COMPANY, a corporation,	Defendants.)

O R D E R

Now on this the 22nd day of July, 1940, this matter is presented to the court by the stipulation of parties hereto praying that the court enter its order dismissing this action with prejudice at the cost of the defendants.

The court being advised in the premises finds that said order should be entered.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that this case be, and the same is, hereby dismissed with prejudice to the bringing of a future action, at the cost of the defendants; and the clerk is ordered to enter such dismissal upon the payment of said costs.

F. E. KENNAMER
U. S. District Judge

O.K. and service of copy acknowledged:
B. A. HAMILTON
Attorney for Plaintiff

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

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

The First National Bank & Trust Company)
of Tulsa, Oklahoma, Successor Trustee)
for Mary Frances Walter,	) Plaintiff,
)
vs.	) No. 1195 Equity
)
Oklahoma Hospital, Inc.,)
a Corporation, et al,	) Defendants.
)
United States of America,	) Intervener.

ORDER OF REVIVOR

Now on this 22nd day of July, 1940, there comes regularly on for hearing in the above cause a motion for revivor of said cause and judgment rendered, in the name of Gordon Denton, administrator of the estate of Mollie Jones, deceased, movant appearing by Whit Y. Mauzy, United States Attorney for the Northern District of Oklahoma, and Chester A. Brewer, Assistant United States Attorney for said district, and it appearing to the Court, after examination the files herein,

and being fully advised in the premises, that Mollie Davis, nee Jones, departed this life on the 4th day of February, 1940, and that the said Gordon Denton is the duly appointed, qualified and acting administrator of the estate of Mollie Jones, deceased, and it further appearing to the Court that the said Mollie Jones is the same person as the defendant and cross petitioner in this action, and that there was obtained a judgment herein on the 17th day of September, 1937, in favor of Mollie Davis, nee Jones, and the intervener, the United States of America, and against Oklahoma Hospital, a Corporation, Oklahoma Hospital Corporation, Oklahoma Hospital, Inc., a Corporation, Fred S. Clinton and Jane H. Clinton, his wife, in the sum of \$17,500.00, with interest thereon at the rate of 10% per annum from August 1, 1931, until paid, and that there remains due on said judgment the sum of \$17,500.00, with interest thereon at the rate of 10% per annum from August 1, 1931, until paid, and that said judgment is in full force and effect and unsatisfied in the amount last above named, and should be revived in the name of the administrator of the estate of Mollie Jones, deceased.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court th t this action and the judgment, aforesaid, insofar as Mollie Davis, nee Jones, is concerned, be, and the same hereby is revived in the name of Gordon Denton, administrator of the estate of Mollie Jones, deceased, and that all further proceedings in this cause be in the name of said administrator.

F. E. KENNAMER
JUDGE

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

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

CHESTER A. BREWER
Chester A. Brewer,
Asskstant United States Atorney

Attorneys for Intervener,
United States of America.

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

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

Elizabeth Daniel Wallace, et al.,	Plaintiffs,)	
)	
-vs-)	
Richard T. Daniek, Jr., et al.,	Defendants.	)	No. 1244 Equity
)	
Kelly F. Gibson,	Intervener.)	

O R D E R

This cause coming on this 11th day of July, 1940, upon the motion of Kelly F. Gibson to intervene in said cause, and the court finds that said motion should be sustained.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the Motion of

and expended, for which let execution issue.

(SEAL)

H. P. WARFIELD, CLERK
By M. M. EWING, DEPUTY

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

Court adjourned to June 24, 1940

On this 24th day of July, 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 24th day of July, A. D. 1940, it being made satisfactorily to appear that Thomas Owen Criswell, Jr., Darwin C. Smith, Alexander Johnston, Jr., William I. Robinson, Gretta Ruth Palm and Harley W. Van Cleave are duly qualified for admission to the Bar of the Court, the oath prescribed by law is administered and said attorneys are admitted to the Bar of the Court.

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

The City of Barnsdall, Oklahoma, ex)
rel, Jacob Schulz, et al., Plaintiffs,)
vs.) No. 119
Carl Gordon, et al, Defendants.)

SUPPLEMENTAL DECREE

THE PRESIDENT OF THE UNITED STATES OF AMERICA TO _____ SPECIAL COMMISSIONER OF THE UNITED STATES FOR THE NORTHERN DISTRICT OF OKLAHOMA:

WHEREAS, judgment has heretofore been rendered on the 28th day of November, 1939, on the properties described in said judgment for the respective amounts thereof; and

WHEREAS, said judgment provides that if the defendants fail for thirty days (30) after the rendition thereof to pay said judgment, interest and prorata costs, an order of sale, shall issue to a Commissioner, to be appointed by the court, commanding him to advertise and sell

according to law, without appraisalment, said real estate, and each lot separately, subject to existing general or ad valorem taxes and special assessments not herein foreclosed.

NOW, THEREFORE, IT IS ORDERED, DECREED AND ADJUDGED that H. M. Curnutt, be, and is hereby appointed Special Commissioner to make the sale of the several lots and tracts of land involved in said foreclosure.

IT IS FURTHER ORDERED that said H. M. Curnutt cause said tracts of land to be advertised and sold separately in the manner and for provided in the case of sale of real estate without appraisalment, and that notice of said sale be given by publication in a newspaper published in the City of Barnsdall, Oklahoma, once a week for at least four weeks prior to such sale; said newspaper to be one printed, regularly issued, and having a general circulation in the City of Barnsdall, Osage County, State of Oklahoma. Said sale shall be conducted pursuant to a writ issued by the Clerk of this Court/

This court retains jurisdiction for such other orders and decrees as may be necessary in the premises.

Dated this 24 day of July, 1940.

F. E. KENNAMER
U. S. District Judge

ENDORSED: Filed Jul 24 1940
H. P. Warfield, Clerk
U. S. District Court ME

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

Grand River Dam Authority, a public corporation,	Petitioner,)	
)	
-vs-		)	CIVIL NO. 370
)	
United States of America, et al.,	Defendants.)	

ORDER APPOINTING COMMISSIONERS

Now, on this 24 day of July, 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 of said application has been given in the manner and form, for the length of time, and in all respects as required by law.

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

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

TRACT NO. 1 (36 GR-D 1915)

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

The $N\frac{1}{2}$ SW $\frac{1}{4}$ and the $N\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 7, T 25 N - R 25 E of the Indian Base and Meridian, Seneca Survey, containing one hundred (100.0) acres, more or less.

TRACT NO. 2 (34 GR-D 1728)

All that part of the NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 11, 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 NW corner of said NW $\frac{1}{4}$ SE $\frac{1}{4}$, thence N. 89° 53' E. along the North boundary of said NW $\frac{1}{4}$ SE $\frac{1}{4}$ a distance of 166.0 feet to a point 1153.6 feet West of the NE corner thereof; thence S. 1° 18' E. 145.0 feet; thence S. 25° 28' W. 386.7 feet to a point in the West boundary of said NW $\frac{1}{4}$ SE $\frac{1}{4}$ and 837.0 feet North of the SW corner thereof; thence N. 0° 21' W. along said West boundary a distance of 493.9 feet to the point of beginning, containing 1.2 acres, more or less.

TRACT NO. 3 (34 GR-D 1738)

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

The $N\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 11, T 25 N - R 24 E of the Indian Base and Meridian, Seneca Survey, less tract of land particularly described as follows, to-wit:

Beginning at the NE corner of said $N\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$; thence Westerly along the North boundary of said $N\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ to the NW corner thereof; thence Southerly along the West boundary of said $N\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ a distance of 547.8 feet to a point 118.1 feet North of the SW corner thereof; thence N. 76° 12' E. 292.1 feet; thence N. 85° 02' E. 949.9 feet; thence N. 84° 49' E. 88.6 feet to a point in the East boundary of said $N\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$; thence Northerly along said East boundary a distance of 391.5 feet to the point of beginning, containing 13.5 acres, more or less.

The total acreage to be acquired being 6.5 acres, more or less.

TRACT NO. 4 (48 GR-O 433-A)

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

Lot 3 of Sec. 30, T 27 N - R 24 E of the Indian Base and Meridian Quapaw Survey, containing six-tenths (0.6) 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.

TRACT NO. 5 (56 GR-O 760
57 GR-O 783)

All that part of the NE 10.45 acres, the S. 20.0 acres, and the NW 10.0 acres of Lot 10, Sec. 4, T 27 N - R 23 E of the Indian Base and Meridian, Cherokee Survey, in Ottawa County, Oklahoma, particularly described as follows, to-wit:

Commencing at the NW corner of the NE $\frac{1}{4}$ SW $\frac{1}{4}$; thence S. 86° 50' W. 501.4 feet to a point on the meander line on the Right bank of the Neosho River and the point of beginning; thence S. 11° 34' W. 128.9 feet; thence S. 30° 52' E. 182.6 feet; thence S. 1° 58' W. 228.4 feet; thence S. 66° 05' W. 92.0 feet; thence N. 89° 01' W. 62.5 feet; thence S. 0° 02' W. 182.0 feet; thence S. 51° 22' W. 105.2 feet; thence S. 48° 48' W. 148.2 feet; thence S. 23° 03' W. 40.9 feet; thence N. 1° 24' W. 147.5 feet; thence N. 49° 50' E. 136.6 feet; thence N. 4° 14' E. 454.2 feet; thence N. 86° 01' W. 124.7 feet; thence N. 29° 26' E. to the meander line along the Right bank of the Neosho River; thence Northeasterly along said meander line to the point of beginning, containing 3.4 acres, more or less.

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

AND

All that part of Lot 7, and Lot 8, the N $\frac{1}{2}$ SE $\frac{1}{4}$ of Sec. 5, T 27 N - R 23 E of the Indian Base and Meridian, Cherokee Survey, in Ottawa County, Oklahoma, particularly described as follows, to-wit:

Beginning at a point in the West boundary of said Lot 7 and 673.2 feet North of the SW corner thereof; thence S. 70° 49' E. 182.5 feet; thence S. 70° 21' E. 1014.7 feet; thence S. 42° 33' W. 185.6 feet; thence S. 42° 10' W. 128.3 feet; thence S. 74° 08' W. 176.9 feet; thence N. 86° 48' E. 230.4 feet; thence N. 44° 53' E. 235.3 feet; thence S. 40° 13' E. 79.8 feet; thence N. 4° 57' E. 135.3 feet; thence S. 83° 43' E. 272.5 feet; thence S. 84° 02' E. 937.9 feet; thence S. 14° 02' W. 163.5 feet; thence N. 36° 47' E. 118.3 feet; thence N. 14° 10' E. 54.4 feet; thence N. 70° 29' E. 183.5 feet to a point in the East boundary of said Lot 8 and 12.4 feet North of the SE corner thereof; thence Northerly along said East boundary to the meander line along the Right bank of the Neosho River; thence Northwesterly along said meander line to the West boundary of said Lot 7; thence Southerly along said West boundary to the point of beginning, containing 1.8 acres, more or less.

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

The two (2) tracts containing in all a total of 5.2 acres, more or less.

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

AND THAT such commissioners ought to be appointed.

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

IT IS FURTHER ORDERED that the Marshall for the Northern District of Oklahoma immediately summon said commissioners to the performance of their duties by reporting to the Clerk of this Court on the 24 day of July, 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 24th day of July, 1940.

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

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

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

UNITED STATES OF AMERICA,	Plaintiff,)	
)	
vs.)	
)	
BOARD OF COUNTY COMMISSIONERS OF		)	NO. 374 CIVIL
Osage County, State of Oklahoma,)	
TOM FRALEY, County Treasurer of)	
Osage County, State of Oklahoma,)	
and L. D. SOUTER, County Assessor)	
of Osage County; Oklahoma,	Defendants.)	

JOURNAL ENTRY

This matter coming on for hearing this 24th day of July, 1940, and the United States appearing by Whit Y. Mauzy, United States Attorney for the Northern District of Oklahoma, and the defendants and each of them appearing by their attorney, Sim T. Carmen, County Attorney of Osage County, Oklahoma, and the court being fully advised in the premises, finds that all the principal allegations of the plaintiff's petition are true and correct and that the plaintiff is entitled to judgment against the defendants and each of them.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the plaintiff have and recover judgment against the defendants and each of them and said defendants and each of them are enjoined and restrained from attempting to collect the 1930 taxes against the following described real estate to-wit:

Improvements on Lots Nine (9), Ten (10), and Eleven (11),
Block Two (2), Tallchief Addition to Fairfax, Oklahoma,

or to attempt to take any steps whatsoever to affect the sale of said property for said taxes.

IT IS FURTHERORDERED, ADJUDGED AND DECREED that said defendants and each of them be restrained and enjoined from placing said property upon the tax rolls of Osage County, Oklahoma, and that said defendants and each of them are hereby instructed to strike said 1930 taxes against said property from the tax rolls of Osage County, Oklahoma and that the plaintiff recover its costs, for which let execution issue.

F. E. KENNAMER
UNITED STATES DISTRICT JUDGE

ENDORSED: Filed Jul 24 1940
H. P. Warfield, Clerk
U. S. District Court G

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. 392
)	
United States of America; Bushyhead O'Field, et al.,	Defendants.)	

ORDER APPOINTING COMMISSIONERS

Now on this 22 day of July, 1940, comes on for hearing petitioner's application as embodied in its petition for condemnation, for an order appointing commissioners to ascertain the injury and assess the damages sustained by the above named defendants by the appropriation of their lands for the uses and purposes set out and described in said petition.

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

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

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

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

MAP NO. 7, TRACT NO. GR-D 264

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

The N $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 12, T 23 N - R 22 E of the Indian Base and Meridian, containing twenty (20.0) acres, more or less.

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

AND THAT such commissioners ought to be appointed.

IT IS, THEREFORE, ORDERED THAT Henry Hoffman, Dan Bishop and Edward Soph, they being disinterested freeholders selected by me from the regular jury list for the Northern District of Oklahoma, and not interested in any like question, be, and they are, appointed as commissioners to be sworn to perform their duties justly and impartially, according to law, to inspect each tract of said real estate separately, and consider the injury which the owner or owners of each separate tract of real estate above described may sustain by reason of the taking and appropriation

and acquisition by petitioner of the absolute, entire and unencumbered fee simple title of each of said tracts of real estate, and assess the damages which said owner or owners will sustain, directly or indirectly, by such appropriation and acquisition of his, or their, land, irrespective of any improvements proposed.

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

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

IT IS FURTHER ORDERED that the Marshal of the Northern District of Oklahoma immediately summon said commissioners to the performance of their duties by reporting to the Clerk of this Court on the 24 day of July, 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 22nd day of July, 1940.

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

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

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

Federal Housing Administration, a corp.,)
Plaintiff,)
vs.) No. 411 - Civil
Katie Van Dorn,)
Defendant.)

ORDER EXTENDING TIME WITHIN WHICH TO ANSWER

NOW, on this 24th day of July, 1940, for good cause shown, it is ordered that the defendant be, and she is hereby granted an extension of 15 days from this date within which to plead or answer to the complaint filed herein.

F. E. KENNAMER
District Judge.

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

Court adjourned to July 25, 1940

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

C. J. LAURISCH, TRUSTEE,	Plaintiff,)
)
vs.		) No. 205 Civil
)
C. T. THOMPSON, ET AL,	Defendants.)

ORDER SETTING TRUSTEES' FINAL REPORT AND
APPLICATION FOR FINAL ALLOWANCE AND HEARING

Now on this the 8th day of July, 1940, the same being a regular judicial day of the Regular term of the above indicated court, the final report of Noble C. Hood and W. W. McClure, Trustees of Seminole Provident Trust, a trust estate, having been filed with the Clerk of this Court with the request that same be set for hearing at an early date, and the Court being fully advised in the premises and finding that a hearing on the same should be had at an early date;

IT IS HEREBY ORDERED AS FOLLOWS:

1. That the final report of Noble C. Hood and W. W. McClure, Trustees of Seminole Provident Trust, a trust estate, together with the application of said trustees for discharge of themselves and their bondsmen and allowance of final compensation for their services be set for hearing before this court at its courtroom in the Federal Building, Tulsa, Oklahoma, on July 24, 1940, at 9:30 o'clock A.M.
2. That written notice of said hearing be given to the unit-holders of record of said Seminole Provident Trust (as shown by the records of said trust) by the Trustees thereof by mailing the same to each of said unitholders at their last known place of residence as shown by the records of said trustees, at least ten days before the date of said hearing; provided, however, that as to those unitholders who are already parties to the above cause and represented by counsel, said notice may be given to such unitholders by mailing a copy thereof to their attorneys of record.
3. That said notice shall be in substantially the following form, to-wit:

"TO THE UNITHOLDERS OF SEMINOLE PROVIDENT TRUST, A TRUST ESTATE:

PLEASE TAKE NOTICE that on July 8, 1940, Noble C. Hood and W. W. McClure, Managing Trustee of Seminole Provident Trust, a trust estate, filed their final report in the office of the Clerk of the United States District Court of the Northern District of Oklahoma, in the cause entitled "C. J. Laurisch, Trustee, Plaintiff, vs. C. T. Thompson, et al, defendants, No. 205 Civil, whereby their requested said final report be approved, that they be discharged as trustees of said trust and their bondsmen released from further liability, and that they be allowed and paid a reasonable fee for their services as such trustees. That on said date said final report and request for discharge and allowance of fees was set for hearing before said court in its courtroom in the Federal Building, Tulsa, Oklahoma, on July 24, 1940, at 9:30 o'clock A.M., and all unitholders and any other persons interested desiring to be heard shall appear before said Court at the above stated time and place.

NOBLE C. HOOD
W. W. McCLURE
Managing Trustees of Seminole Provident Trust"

DATED July 8, 1940, at Tulsa, Oklahoma.

F. E. KENNAMER
F. E. Kennamer, United States District Judge

ENDORSED: Filed Jul 25 1940
H. P. Warfield, Clerk
U. S. District Court G

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

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

O R D E R

NOW ON the 24th day of July, 1940, the same being a regular judicial day of the above court, the application of W. W. McClure, Trustee of the Seminole Provident Trust, for an allowance as Trustee, from the 3rd day of September, 1939, to the 16th day of February, 1940, came on regularly for hearing; and the Court being fully advised in the premises finds:

That the said Trustee, W.W. McClure, should be allowed the sum of Two Hundred Dollars (\$200.00).

IT IS, THEREFORE, ORDERED BY THE COURT that the said trustee, W. W. McClure, be allowed the sum of Two Hundred Dollars (\$200.00) in full compensation for his services as Trustee from the 3rd day of September, 1939, to the 16th day of February, 1940.

F. E. KENNAMER
UNITED STATES DISTRICT JUDGE

ENDORSED: Filed Jul 25 1940
H. P. Warfield, Clerk
U. S. District Court B

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

C. J. LAURISCH, TRUSTEE,	Plaintiff,)
)
vs.)
)
)
)
C. T. THOMPSON, A. M. THOMPSON and)
R. S. WILLIAMS, Trustees of)
SEMINOLE PROVIDENT TRUST, a trust)
estate,	Defendants.)

NO. 205 Civil

O R D E R

NOW on this 24th day of July, 1940, the same being a regular judicial day of the above court, the application of Noble C. Hood, Trustee of the Seminole Provident Trust, for an allowance, as Trustee, from the 3rd day of September, 1939, to the 16th day of February, 1940, came on regularly for hearing; and the Court being fully advised in the premises finds:

That the said Trustee, Noble C. Hood, should be allowed the sum of Six Hundred and Fifty Dollars (\$650.00).

IT IS, THEREFORE, ORDERED BY THE COURT that the said Trustee, Noble C. Hood, be allowed the sum of Six Hundred and Fifty Dollars (\$650.00) in full compensation for his services as Trustee from the 3rd day of September, 1939, to the 16th day of February, 1940.

F. E. KENNAMER
UNITED STATES DISTRICT JUDGE

ENDORSED: Filed Jul 25 1940
H. P. Warfield, Clerk
U. S. District Court B

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

C. J. LAURISCH, TRUSTEE,	Plaintiff,)
)
vs.)
)
)
)
C. T. THOMPSON, A. M. THOMPSON and)
R. S. WILLIAMS, Trustees of SEMINOLE)
PROVIDENT TRUST, a Trust Estate,	Defendants.)

NO. 205 Civil

O R D E R

NOW ON the 24th day of July, 1940, the same being a regular judicial day of the above court, the application of Frank Settle, Eugene O. Monnet and Sam Clammer, attorneys for the trustees, Noble C. Hood and W. W. McClure, and for the allowance, as such attorneys, from the 3rd day of September, 1939, to the 16th day of February, 1940, of an attorney fee, came on regularly for hearing; and the Court being fully advised in the premises, finds:

That the said attorneys, Frank Settle, Eugene O. Monnet and Sam Clammer, should be allowed the sum of Seven Hundred and Fifty Dollars (\$750.00).

IT IS, THEREFORE, ORDERED BY THE COURT that the said attorneys, Frank Settle, Eugene

Lots One (1) and Two (2), and the Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section One (1), Township Twenty-one (21) North, Range Twenty-two (22) East of the Indian Base and Meridian, containing 119.62 acres, more or less, situate in Delaware County, Oklahoma.

The Court hears evidence, and finds that the following persons are entitled to an interest in said funds in the amount as set opposite each of their names, as follows, to-wit:

L. Keith Smith, Assignee for the benefit of creditors of Charles Price	\$194.20
Court Clerk Delaware County, Oklahoma	137.00
County Treasurer Delaware County, Oklahoma	74.59
Cashier Superintendent Five Civilized Tribes for the benefit of Price Mouse, Roll Mouse, Lucy Mouse, Babe Russell, Claude Harry, Flossie Harry, Arch Harry, Polly Wifekiller and Jennie Collier	194.21

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Clerk of this Court issue its checks to the following persons and in the following amounts as set opposite each of their names, to-wit:

L. Keith Smith, Assignee for the benefit of creditors of Charles Price	\$194.20
Court Clerk Delaware County, Oklahoma,	137.00
County Treasurer Delaware County, Oklahoma -	74.59
Cashier Superintendent Five Civilized Tribes for the benefit of Price Mouse, Roll Mouse, Lucy Mouse, Babe Russell, Claude Harry, Flossie Harry, Arch Harry, Polly Wifekiller and Jennie Collier	194.21

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Clerk of this Court, by reason of the law in such case made and provided, shall make no charge as commission or poundage for the handling of distributing of said funds.

F. E. KENNAMER
JUDGE

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

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

J. L. TURNBULL,	Plaintiff,)	
)	
vs.)	
		)	NO. 278 Civil
Devonian Oil Company, a corporation,)	
Sinclair Prairie Oil Company, a)	
corporation, et all,	Defendants.)	

JOURNAL ENTRY

Now on this 29th day of April, 1940, this cause coming on to be heard plaintiff appeared by his attorneys of record, Walker and Lewis, and B. A. Hamilton, the defendant, Devonian Oil Company, a corporation, appeared by its attorney, H. E. Geiger, defendant, Phillips Petroleum Company, a corporation appeared by its attorneys of record, Rayburn L. Foster and Walter L. Barnes, and defendant Sinclair Prairie Oil Company appeared by its attorneys of record, Edward H. Chandler, and Summers Hardy, and the defendants, Dewey Leonard and John Duncan appeared not, but wholly made default."

Thereupon all parties in open court waiving a trial by jury and agreeing that the case may be tried to the Court sitting as a jury, the plaintiff offered his testimony and rested.

Thereupon the defendants appearing as above, offered their testimony and rested.

The Court thereupon took said case under advisement.

And now on this 26th day of July, 1940, this cause coming on for further hearing, the Court after hearing the argument of counsel and being well and fully advised in the premises, finds the issues in favor of the plaintiff, assesses his damages herein in the sum of EIGHTEEN HUNDRED DOLLARS (\$1800.00).

IT IS, THEREFORE, BY THE COURT CONSIDERED, ORDERED AND ADJUDGED that the plaintiff, J. L. Turnbull, do have and recover of and from the defendants, Devonian Oil Company, a corporation; Phillips Petroleum Company, a corporation; Sinclair Prairie Oil Company, a corporation; Dewey Leonard and John Duncan, the sum of EIGHTEEN HUNDRED DOLLARS (\$1800.00).

F. E. KENNAMER
J U D G E

ENDORSED: Filed Aug 5 1940
H. P. Warfield, Clerk
U. S. District Court ME

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

Ora Turnbull,	Plaintiff,)	
)	
vs.)	
		)	NO. 279 Civil
Devonian Oil Company, a corporation,)	
Sinclair Prairie Oil Company, a corporation, et al.,)	
	Defendants.)	

JOURNAL ENTRY

Now on this 26th day of July, 1940, this cause coming on to be heard plaintiff

by his attorneys of record, Walker and Lewis, and B. A. Hamilton, the defendant, Devonian Oil Company, a corporation, appeared by its attorney, H. E. Geiger, defendant, Phillips Petroleum Company a corporation, appeared by its attorneys of record, Rayburn L. Foster and Walter L. Barnes, and defendant Sinclair Prairie Oil Company appeared by its attorneys of record, Edward H. Chandler and Summers Hardy, and the defendants, Dewey Leonard and John Duncan, appeared not but wholly made default.

Thereupon all parties in open court waiving a trial by jury and agreeing that the case may be tried to the Court sitting as a jury; the plaintiff offered his testimony, and it appearing from the testimony the title to said premises was in Clara Turnbull, upon motion of plaintiff, Clara Turnbull is made a party plaintiff herein.

Thereupon the defendants appearing as above, offered their testimony and rested.

The Court thereupon took said case under advisement.

And now on this 26th day of July, 1940, this cause coming on for further hearing, the Court after hearing the argument of counsel and being well and fully advised in the premises finds the issues in favor of the plaintiffs, and assess their damages herein in the sum of NINE HUNDRED DOLLARS (\$900.00).

IT IS, THEREFORE, BY THE COURT CONSIDERED, ORDERED AND ADJUDGED that the plaintiffs, Ora Turnbull and Clara Turnbull, do have and recover of and from the defendants, Devonian Oil Company, a corporation, Phillips Petroleum Company, a corporation, Sinclair Prairie Oil Company, a corporation, Dewey Leonard and John Duncan, the sum of NINE HUNDRED DOLLARS (\$900.00), with the costs of this action.

F. E. KENNAMER
JUDGE

ENDORSED: Filed Aug 5 1940
H. P. Warfield, Clerk
U. S. District Court ME

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

THE CITY OF MIAMI, OKLAHOMA, a municipal)
corporation, EX REL. W. J. MEREDITH, Plaintiff,)
v.) Civil Action No. 360
MRS. FRANK RICHARDSON, et al., Defendants.)

O R D E R

NOW, on this day, comes on for hearing the motion of W. J. Meredith, relator herein, for an order dismissing from this cause S. M. Galloway and Nancy Galloway, his wife, and Laura A. Wilson, an asking an order of this court joining as parties hereto Mrs. C. H. Polley as heir at law of Nancy Galloway, and Ben Barnhart and Fay Barnhart as heirs at law of S. M. Galloway, and Joe Wilson and R. L. Wilson as heirs at law of Laura A. Wilson, and the court, having considered said motion and the pleadings in this cause and being duly advised, finds that said motion should be sustained.

It is, therefore, CONSIDERED, ORDERED, ADJUDGED AND DECREED by the Court that S. M. Galloway and Nancy Galloway, his wife, and Laura A. Wilson be dismissed without prejudice as parties to this cause; and

It is further CONSIDERED ORDERED, ADJUDGED and DECREED that Mrs. C. H. Polley of Yale, Payne County, Oklahoma, heir at law of Nancy Galloway and Fay Barnhart and Ben Barnhart, heirs at law of S. M. Galloway be and they are hereby made parties defendant to this cause; and

It is further CONSIDERED, ORDERED, ADJUDGED and DECREED that Joe Wilson and R. L. Wilson, heirs at law of Laura A. Wilson, deceased, be, and they are hereby made parties defendant to this cause.

DONE at Tulsa, Oklahoma, this 26 day of July, A. D. 1940.

F. E. KENNAMER
United States District Judge

Approved: A. G. CRONINGER
JUSTUS H. FUGATE
Attorneys for Relator

ENDORSED: Filed Jul 26 1940
H. P. Warfield, Clerk
U. S. District Court AC

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

The CITY OF MIAMI, OKLAHOMA, a municipal corporation, EX REL., W. J. MEREDITH, Plaintiff,)
)
) Civil Action No. 361
v.)
)
LAURA A. WILSON, et al., Defendants.)

PUBLICATION ORDER

Upon motion of Justus H. Fugate, attorney for the relator in the above entitled action, and it appearing to the court that this is an action to foreclose the lien of certain real property securing the payment of certain CITY OF MIAMI, OKLAHOMA STREET IMPROVEMENT BONDS, SERIES 11, Nos. 6 to 10 and 12 to 20 inclusive, which lien is created under and pursuant to the provisions of Chapter 93 of the Session Laws of the State of Oklahoma, 1927, which said real property is within this district, and that Floyd A. Hicks, Fred Evans and Charles Baum are not inhabitants within nor found with this, the Northern District of Oklahoma, and that they have not voluntarily appeared in this action and that their addresses are unknown, and that relator is unable to ascertain their respective addresses, and the court, being duly advised, finds that personal service on said parties is not practicable because their residence addresses and whereabouts are unknown, and that said motion should be granted.

It is, therefore, CONSIDERED, ORDERED, ADJUDGED and DECREED that the said Floyd A. Hicks, Fred Evans and Charles Baum, defendants, appear, plead, answer or demur to the complaint as amended of relator by the 10th day of September, 1940, and, in default thereof, the court will proceed to the hearing and adjudication of this action in the same manner as if Floyd A. Hicks, Fred Evans and Charles Baum had been served with process in this district.

It is further ORDERED that this order be published in the Miami News-Record a daily newspaper published at miami, Ottawa County in the State of Oklahoma once a week for six successive weeks, and it is further ORDERED that certified copies of this order be served by Horace M. Rider on the person or persons, if any there be, in possession or in charge of said property described in said motion.

DONE at Tulsa, Oklahoma, this 26 day of July, 1940.

F. E. KENNAMER
United States District Judge

ENDORSED: Filed Jul 26 1940
H. P. Warfield, Clerk
U. S. District Court AC

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

The CITY of MIAMI, OKLAHOMA, a municipal)
corporation, EX REL., W. J. MEREDITH,)
Plaintiff,) Civil Action No. 361
v.)
LAURA A. WILSON, et al.,)
Defendants.)

O R D E R

NOW on this 26 day of July, 1940, the above matter comes on for hearing by his attorney, Justus H. Fugate, praying for an order directing service of summons together with the complaint and amendments thereto upon L. G. Webb and other residents of Ottawa County, Oklahoma, defendants to this action, by Horace M. Rider, special service officer, and the court, being duly advised, finds that said motion should be sustained.

It is, therefore, CONSIDERED ORDERED, ADJUDGED and DECREED by the court that Horace M. Rider be appointed as officer of this court specially for the purpose of making service of summons accompanied by the complaint and amendments thereto upon L. G. Webb, defendant in this action, and such other defendants in this action, residents of Ottawa County, Oklahoma as he may be directed by the attorneys for the relator herein.

IT IS FURTHER ORDERED, ADJUDGED and DECREED by the court that the said Horace M. Rider shall make due and lawful service of the summons accompanied by the complaint and amendments, as by law provided, and that, having made such service, he shall make due and lawful return thereof.

F. E. KENNAMER
United States District Judge

ENDORSED: Filed Jul 26 1940
H. P. Warfield, Clerk
U. S. District Court AC

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

THE CITY OF MIAMI, OKLAHOMA, a municipal)
corporation, EX REL., W. J. MEREDITH, Plaintiff,)
vs.)
S. M. GALLOWAY, ET AL.,)
Defendants.)

Civil Action No. 363

O R D E R

NOW, on this day comes on for hearing the motion of W. J. Meredith, relator herein, for an order dismissing from this cause S. M. Galloway and Nancy Galloway, his wife, and praying for an order of this court joining as parties hereto Mrs. C. H. Polley as heir at law of Nancy Galloway and Ben Barnhart and Fay Barnhart as heirs at law of S. M. Galloway, and the court having considered the motion and the pleadings in this cause and being duly advised finds that said motion should be sustained.

It is, therefore, CONSIDERED, ORDERED, ADJUDGED and DECREED by the court that S. M. Galloway and Nancy Galloway, his wife, be and they are hereby dismissed without prejudice as parties to this cause; and

It is further CONSIDERED, ORDERED, ADJUDGED and DECREED by the court that Mrs. C. H. Polley of Yale, Payne County, Oklahoma, heir at law of Nancy Galloway and Fay Barnhart and Ben Barnhart of Phillipsburg, Missouri, heirs at law of S. M. Galloway, be and they are hereby made parties defendant to this cause.

DONE at Tulsa, Oklahoma this 26 day of July, A. D. 1940.

F. E. KENNAMER
UNITED STATES DISTRICT JUDGE

ENDORSED: Filed Jul 26 1940
H. P. Warfield, Clerk
U. S. District Court AG

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

The CITY of MIAMI, OKLAHOMA, a municipal)
corporation, EX REL., W. J. MEREDITH, Plaintiff,)
v.)
C. W. TURNER, et al.,)
Defendants.)

Civil action No. 364

O R D E R

NOW on this 26 day of July, 1940, the above matter comes on for hearing by his attorney, Justus H. Fugate, praying for an order directing service of summons together with the complaint and amendments thereto upon L. G. Webb and other residents of Ottawa County, Oklahoma, defendants to this action, by Horace M. Rider, special service officer, and the court, being duly advised, finds that said motion should be sustained.

It is, therefore, CONSIDERED, ORDERED, ADJUDGED and DECREED by the court that Horace M. Rider be appointed an officer of this court specially for the purpose of making service of summons accompanied by the complaint and amendments thereto upon L. G. Webb, defendant in this action, and such other defendants in this action, residents of Ottawa County, Oklahoma as he may be directed by the attorneys for the relator herein.

It is further ORDERED, ADJUDGED and DECREED by the court that the said Horace M. Rider shall make due and lawful service of the summons accompanied by the complaint and amendments, as by law provided, and that, having made such service, he shall make due and lawful return thereof.

F. E. KENNAMER
United States District Judge

ENDORSED: Filed Jul 26 1940
H. P. Warfield, Clerk
U. S. District Court AC

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

The CITY of MIAMI, OKLAHOMA, a)
municipal corporation, EX REL.)
W. J. MEREDITH,) Plaintiff,)
) Civil action No. 364
v.)
)
C. W. TURNER, et al.,) Defendants.)

PUBLICATION ORDER

Upon motion of Justus H. Fugate, attorney for the relator in the above entitled action, and it appearing to the court that this is an action to foreclose the lien upon certain real property securing the payment of certain CITY of MIAMI, OKLAHOMA, STREET IMPROVEMENT BONDS, SERIES 9, Nos. 2 to 9 inclusive, which lien is created under and pursuant to the provisions of Chapter 93 of the Session Laws of the State of Oklahoma, 1927, which said real property is within this district, and that Floyd A. Hicks, Dink Harnar, Beulah Brown, Curtis Harnar, Eula Harnar and Charles Harnar are not inhabitants within, nor found within this, the Northern District of Oklahoma, and that they have not voluntarily appeared in this action, and that their addresses are unknown, and that relator is unable to ascertain their respective addresses, and the court, being duly advised, finds that personal service on said parties is not practicable because their residence address and whereabouts are unknown, and that said motion should be granted.

It is, therefore, CONSIDERED, ORDERED, ADJUDGED and DECREED that the said Floyd A. Hicks, Dink Harnar, Beulah Brown, Curtis Harnar, Eula Harnar, and Charles Harnar, defendants, appear plead, answer or demur to the complaint as amended of relator by the 10 day of September, 1940, and, in default thereof, the court will proceed to the hearing and adjudication of said action in the same manner as if said Floyd A. Hicks, Dink Harnar, Beulah Brown, Curtis Harnar, Eula Harnar and Charles Harnar had been served with process in this district.

It is further ORDERED that this order be published in the Miami News Record, a daily newspaper published at Miami, Ottawa County, State of Oklahoma once a week for six successive weeks, and it is further ORDERED that certified copies of this order be served by Horace M. Rider on the person or persons, if any there be, in possession of or in charge of said property described in said motion.

DONE at Tulsa, Oklahoma, this 26 day of July, A. D. 1940.

F. E. KENNAMER
United States District Judge

ENDORSED: Filed Jul 26 1940
H. P. Warfield, Clerk
U. S. District Court AC

Court adjourned to July 29, 1940

On this 29th day of July, 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

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 July, 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 said trustee, is the following described real estate, to-wit:

A tract of land in Section Seven (7), Township Eighteen (18) North, Range Fourteen (14) East, described as follows:
Beginning at the Southwest corner of Lot Two (2) of said Section Seven (7); thence running East a distance of 685.6 feet; thence North a distance of 2639.83 feet; thence West a distance of 325.7 feet; thence South a distance of 702.8 feet; thence West a distance of 309.9 feet; thence South to the placing of beginning, Tulsa County, Oklahoma;

and it further appearing that the said trustee acquired said real estate described, by virtue of a deed from the Bank Commissioner of the State of Oklahoma, who was the legal holder of title thereto, for the benefit of said trust estate involved herein, and that the said Bank Commissioner acquired

title to said real estate by and through the Exchange Trust Company, which last named company acquired title from the Sheriff of Tulsa County, Oklahoma, under foreclosure proceedings instituted in the name of said Exchange Trust Company for the benefit of this said trust; and it further appearing that the said real estate above described comprises 32½ acres of land, located approximately 13 miles from Tulsa, Oklahoma, on the Broken Arrow road, and that said real estate is unimproved, but is largely in cultivation; that there is no water available for said land, and that the only income therefrom is the landowner's portion of crops raised thereon annually; and it further appearing that the said trustee has an offer from E. C. Hinkfent for the purchase of said real estate for the sum of One Thousand Six Hundred Dollars (\$1,600.00), payable Two Hundred Dollars (\$200.00) upon execution and delivery of trustee's special warranty deed, and the balance payable at the rate of Twenty (\$20.00) Dollars, per month, all deferred payments to bear interest at the rate of 6% per annum, and the entire unpaid balance to be payable within three (3) years; and it further appearing that the members of the Advisory Committee, appointed and designated by this Court, upon whom notice shall be given of all proposed sales of real estate, have been notified of said offer for the purchase of said real estate, and have considered the same, and all of the members of said Committee approved the price offered therefor, to-wit, One Thousand Six Hundred Dollars (\$1,600.00) but that only two of the said members of said Committee, to-wit, Messrs. Cook and Krause, approved the terms of said sale, and that Judge Diggs, a member of said Committee, does not approved of the terms of said sale for the reason that in his opinion Two Hundred Dollars (\$200.00) is an insufficient down payment for the purchase of said land; and it further appearing that the trustee, J. H. McBirney, recommends the sale of said real estate for said consideration and upon said terms, independently of the recommendation of the majority of the Advisory Committee, and that the said trustee has not had a higher or better offer for said real estate; that said trust estate is in liquidation, and in the opinion of said trustee it is to the best interest of said trust estate and its beneficiaries to sell said real estate for said consideration and upon said terms; and it further appearing that the sale of said real estate was arranged by Mr. Newt Williams, a real estate broker, who is entitled to compensation for his said services, and that the sum of Eighty Dollars (\$80.00) is reasonable and proper compensation therefor, and for other good cause,

IT IS ORDERED that J. H. McBirney, Successor Trustee, be and he is hereby authorized to sell to E. C. Hinkfent the above described real estate, for the sum of One Thousand Six Hundred Dollars (\$1,600.00), payable Two Hundred Dollars (\$200.00) upon execution and delivery of trustee's special warranty deed, and the balance payable at Twenty Dollars (\$20.00) per month, all deferred payments to bear interest at the rate of six per cent (6%) per annum, and the entire unpaid balance of said purchase price to be due and payable within three (3) years.

IT IS FURTHER ORDERED that J. H. McBirney, Successor Trustee, execute and deliver his trustee's special warranty deed, to E. C. Hinkfent, conveying the land above described, upon payment by the said E. C. Hinkfent to J. H. McBirney, Successor Trustee, of the sum of Two Hundred Dollars (\$200.00), and the execution and delivery by E. C. Hinkfent to J. H. McBirney, Successor Trustee, of a proper promissory note evidencing the indebtedness for the balance of the unpaid purchase price, as well as real estate mortgage acceptance to said trustee, covering the land above described and securing the payment of the said note.

IT IS FURTHER ORDERED that J. H. McBirney, Successor Trustee, be and he is hereby authorized to pay to Newt Williams the sum of Eighty Dollars (\$80.00) as compensation in full for his services as a real estate broker herein.

IT IS FURTHER ORDERED that the sale of the land above described, by J. H. McBirney, Successor Trustee, to E. C. Hinkfent, be and the same is hereby ratified and approved.

F. E. KENNAMER
United States District Judge

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

Court adjourned to August 1, 1940

On this 1st day of August, 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

Burg Hughes,	Plaintiff,)	
)	
vs.)	
		)	No. 269 - Civil
Crime Detective, a corporation, Daniel West,)	
The American News Company, a corporation,)	
Blanchard E. Belknap,	Defendants.)	

ORDER OF DISMISSAL

NOW on this 1st day of August, 1940, the above entitled cause comes on for hearing upon the Stipulation for Dismissal heretofore filed herein and it appearing to the Court therefrom that all matters in controversy herein have been fully compromised and settled between the parties hereto.

It is, by the Court, ORDERED, ADJUDGED and DECREED that this action be and the same hereby is dismissed with prejudice, the costs herein to be paid by the defendants.

F. E. KENNAMER
District Judge

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

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

Ollie Turner, Hugh Tunstall, J. E. Turner,	Plaintiffs,)	
Pauline Turner Dye and Norvin Scott,)	
vs.)	
		)	No. 335 Civil
"Crime Detective", a corporation, Daniel West, The)	
American News Company, a corporation, and Blanchard)	
E. Belknap,	Defendants.)	

ORDER SUSTAINING MOTION TO DISMISS

NOW on this 1st day of August, 1940, the above entitled cause comes on for decision upon the Motion to Dismiss heretofore filed herein by the defendant, The American News Company. The Court having heretofore heard the argument of counsel and having considered briefs filed herein, finds that the Motion to Dismiss heretofore filed herein by the Defendant, The American News Company,

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

Frank A. Anthony, Veva Naoma Lindsey,)	
Ruby Franklin Anthony and Ruby Franklin)	
Anthony, Trustee for Warren Victor)	
Swanson, Bettie Lou Swanson and)	
Franklin Edward Swanson,)	
	)	No. 399 Civil
Complainants,)	
vs.)	
C. D. Klingensmith, Sr., Fred)	
Klingensmith and C. D. Klingensmith,)	
Jr., doing business as the Klingensmith)	
Oil Company,)	
)	
Respondents.)	

ORDER CONFIRMING SALE BY UNITED STATES MARSHAL IN PARTITION SUIT

Now on this 3rd day of Aug., 1940, the same being one of the regular judicial days of the above entitled Court, this cause came regularly on in its order for hearing on the motion of the complainants to confirm the sale made by the Honorable John P. Logan, United States Marshal for the Northern District of Oklahoma on the 29th day of July, 1940, of the leasehold estate on the lots and lands involved in this action, together with the appertinences thereunto belonging on all of that certain oil and gas mining leasehold estate covering the

Southeast Quarter (SE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section Thirty-three (33), Township Seventeen (17), North, Range Twelve (12 East in Creek County, State of Oklahoma,

together with the lease house thereon and all the appertinences used in connection therewith, including power plant, pumps, tanks and all equipment thereon. The complainants being present by Miller, Lytle & Wildman, their attorneys; the respondents being present by Eugene S. Smith and C. J. Davenport, their attorneys, and all the parties announced ready to proceed with said hearing.

The Court having examined the pleadings, files and records in this cause, finds that the United States Marshal has made his return of his sale of said property showing that the same was duly advertised as required by the orders of this Court; that said property was sold pursuant to the notice and advertisement of the same and the orders of this Court, on the 29th day of July, 1940, and that said sale was fairly conducted and was in all respects legally made and in full compliance with the orders of this Court.

The Court further finds that there has not been any objections filed to the confirmation of said sale and that the said sale should be, and is hereby, in all respects approved and confirmed.

THEREFORE, it is by the Court considered, ordered, adjudged and decreed that the sale of said leasehold estate so made by the United States Marshall for the Northern District of Oklahoma, on the 29th day of July, 1940, to the said complainants, Frank A. Anthony, Veva Naoma Lindsey, Ruby Franklin Anthony and Ruby Franklin Anthony Trustee for Warren Victor Swanson, Bettie Lou Swanson and Franklin Edward Swanson, for the sum of Thirty Thousand Dollars (\$30,000.00) be and the same is hereby in all respects approved and confirmed by this Court.

IT IS FURTHER by the Court rodered that the said complainants being the purchasers at said sale, shall pay to the said respondents, Klingensmith Oil Company, the sum of Thirteen Thousand Seven Hundred Fifty Dollars (\$13,750.00) and take respondents's receipt therefore in duplicate. That then and in that event, Klingensmith Oil Company, a co-partnership, shall make,

execute and deliver to complainants their assignment of said leasehold estate, thereby conveying said leasehold estate together with all appertinences, and appliances thereunto belonging including lease house powers and tanks, and in case that they shall fail so to do, then, upon presentation and delivery to the said Honorable P. Logan, United States Marshal for the Northern District of Oklahoma of one of said receipts, that he the said John P. Logan, the United States Marshal aforesaid, shall make, execute, sign and deliver to the said complainants herein, Frank A. Anthony, Veva Naoma Lindsey, Ruby Franklin Anthony and Ruby Franklin Anthony, Trustee for Warren Victor Swanson, Bettie Lou Swanson and Franklin Edward Swanson, his deed of assignment conveying and assigning to the said complainants all of the leasehold estate of both complainants and respondents and the oil and gas mining leases involved in this action on the Southeast Quarter (SE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section Thirty-three (33), Township Seventeen (17) North, Range Twelve (12) East in Creek County, State of Oklahoma, together with all of the property upon said leasehold estate consisting of lease house, pumps, wells, casing tanks, pipelines and all other property used in connection therewith or upon said leasehold, whether herein enumerated or not, together with all oil in the tanks as of the 1st day of August, 1940, at 7 o'clock A.M. thereof.

IT IS FURTHER by the Court ordered that upon the execution and delivery of said deed of assignment by the said United States Marshall to the complainants herein, that the complainants be, and they are hereby awarded a writ of assistance to be issued by the Clerk of this Court upon the written praecipe filed heretofore by said complainants, or their attorneys of record, directed to the United States Marshal for the Northern District of Oklahoma to place the purchasers in possession of said property and every part thereof.

F. E. KENNAMER
JUDGE

ENDORSED: Filed Aug 3 1940
H. P. Warfield, Clerk
U. S. District Court ME

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

Frank A. Anthony, et al.,	Complainants,)
)
vs		) No. 399 Civil
)
C.D. Klingensmith, Sr., et al.,	Respondents.)

FINAL ORDER AND JUDGMENT

Now on this 2nd day of August, 1940, the above matter comes on to be heard for an order of distribution of the moneys in the hands of the Clerk of this Court. Complainants appeared by Miller, Lytle & Wildman, their attorneys and respondents appeared by Eugene B. Smith and C. J. Davenport, their attorneys.

The Court being fully advised in the premises, finds that the parties hereto have settled and adjusted all claims and differences. That the expenses for the operation of said leasehold estate up to August 1, 1940, has been settled and paid. That respondents herein have executed to the complainants an assignment of all their right, title and interest in the oil and gas mining lease in controversy herein and have also executed and delivered to complainants a transfer order effective August 1, 1940, at 7:00 A.M., transferring the runs on said premises to complainants.

That there is nothing further to be settled or disposed of in this case, except the distribution of the \$2500.00 which was paid into Court by the purchaser of said lease. That certain court costs and expenses, to-wit: the sum of \$25.00 deposit on filing the case, \$10.00 paid to the United States Marshal and \$36.00 publication fee due to the Sapulpa Legal News, has been paid by

complainants; but, that respondents have paid the complainants the sum of \$35.50, a one-half of the same.

IT IS, THEREFORE, by the Court Ordered, Adjudged and Decreed that this case is fully settled and determined and that the Clerk of this Court, after deducting any charges of the United States Marshal or the Clerk, shall then pay and disburse to the complainants, one-half, and to the respondents a one-half of the \$2500.00, less costs.

All of which is Ordered and Adjudged by the Court.

F. E. KENNAMER
JUDGE

ENDORSED: Filed Aug 3 1940
H. P. Warfield, Clerk
U. S. District Court ME

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

REX WATKINSON, Receiver of the)
Exchange National Company, a)
corporation,) Plaintiff,)
) No. 2017 Law
vs.))
))
ROBERT G. FRY, et al,) Defendants.)

ORDER DIRECTING COMPROMISE SETTLEMENT

THIS CAUSE coming on for hearing Before me, F. E. Kennamer, Judge of the said Court, on this the 24th day of July, 1940, in the proceeding for the examination of the debtor in aid of execution, the debtor appearing in person and by his attorney, H. L. Smith, and the receiver herein appearing by his attorneys, T. Austin Gaving and G. C. Spillers, by G. C. Spillers, and the court having heard the testimony offered in open court and being advised in the premises finds that the matter should be continued until 1:30 o'clock P.M. on the 26th day of July, 1940.

NOW, on this 26th day of July, 1940, the court finds that the said claim should be compromised against the defendant, Robert G. Fry, by the payment of Three Hundred Dollars (\$300.00) in cash; and

THE RECEIVER IS HEREBY AUTHORIZED AND DIRECTED to compromise the said claim in full against the said Robert G. Fry, including principal, interest, costs and all accrued costs, for the sum of Three Hundred Dollars (\$300.00).

DONE IN OPEN COURT this the 26th day of July, 1940.

F. E. KENNAMER
J U D G E

ENDORSED: Filed Aug 3 1940
H. P. Warfield, Clerk
U.S. District Court G

Court adjourned to August 5, 1940

opinion, and hereby adjudges and decrees, that plaintiff is not entitled under the pleadings and evidence, to the relief sought in his complaint; and that judgment be and same is hereby rendered for defendant, Skelly Oil Company, for its costs expended herein.

Done in open court at Tulsa, Oklahoma, on this July 26, 1940.

F. E. KENNAMER
JUDGE

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

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

SAINT PAUL MERCURY INDEMNITY COMPANY,)
Plaintiff,)
v.)
B. I. DAVENPORT, JUDGE JAMES S. DAVENPORT,) No. 141 - Civil
CONCHITA IRONSIDE, and BERTHA IRONSIDE,)
Defendants.)

ORDER OF REVIVOR OF ACTION

Now on this 5th day of August, 1940, the above styled and numbered cause coming on for hearing before me, the undersigned Judge of the United States District Court in and for the Northern District of Oklahoma, upon the motion and application of the Saint Paul Mercury Indemnity company, plaintiff herein, for an order reviving the above entitled cause, No. 141 - Civil, pending in this Court, in the name of W. T. Rye, administrator of the estate of Judge James S. Davenport, deceased, as against the said Judge James S. Davenport, one of the defendants herein; and the plaintiff, being present by its attorneys, Mart Brown and Hudson & Hudson, and the defendant Judge James S. Davenport, now deceased, and Conchita Ironside, being present by their attorney, Roy Ford, and the defendants, B. I. Davenport, and Bertha Ironside, being present by their attorneys, Gibson and Holleman, and W. T. Rye, administrator of the Estate of James S. Davenport, deceased, being present by his attorney, Roy Ford, and it appearing to the satisfaction of the Court that due notice of the filing of said motion and application for revivor, and of the hearing of same on this date before this Court, was duly and legally served upon the attorneys for said parties by mail, as evidenced by Proof of Service filed herein.

And the Court being satisfied that the defendant herein, Judge James S. Davenport, departed this life on or about the 3rd day of January, 1940, and that the cause of action stated in the petition against the said defendant is one which survives as against the estate of the said Judge James S. Davenport, deceased, and that W. T. Rye is the duly and legally appointed, qualified and acting administrator of the said estate and that said action ought to be revived as against the defendant, James S. Davenport, deceased, in the name of W. T. Rye, as administrator of said estate;

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that said action be and the same is hereby revived as against the defendant, Judge James S. Davenport, deceased, in the name of W. T. Rye, as administrator of the estate of James S. Davenport, deceased, and that all further proceedings herein with regard to said defendant be as against such administrator.

ALFRED P. MURRAH
Judge of the United States District Court

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

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

Sam Cooper, et al,	Plaintiffs,)	
)	
vs.)	
		)	No. 273 CIVIL
Edward Tecumseh, et al,	Defendants.)	
)	
United States of America,	Intervener.)	

O R D E R

Now on this 8th day of August, 1940, this matter having come on before the court on August 5, 1940, pursuant to regular assignment on the motion of George Clinton to intervene in this cause of action, the plaintiffs appearing by their attorneys, Miller, Lytle & Wildman, the United States of America appearing by its attorneys, Whit Y. Mauzy, United States Attorney for the Northern District of Oklahoma, and Chester A. Brewer, Assistant United States Attorney for said District, and George Clinton appearing by his attorney, J. S. Severson, and the court having heard the arguments of counsel, finds that the petition for intervention filed by George Clinton falls within subsection B of rule twenty-four (24) as to permissive intervention and such intervention is disallowed under the said rule of practice and that intervener's remedy is by a separate suit in equity. The court further finds that said motion to intervene should be overruled.

IT IS, THEREFORE, THE ORDER OF THE COURT that said motion of George Clinton to intervene in this cause of action be and the same hereby is overruled for the reasons hereinabove set out, to which order of the Court George Clinton excepts, and exceptions are allowed.

ALFRED P. MURRAH
JUDGE

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

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

Ora Turnbull and Clara Turnbull,	Plaintiffs,)	
)	
vs.		)	No. 279 Civil.
)	
Devonian Oil Company, et al.,	Defendants.)	

A S S I G N M E N T

KNOW ALL MEN BY THESE PRESENTS THAT:

WHEREAS, Ora Turnbull, one of the judgment creditors in the above entitled cause, is indebted to W. F. Parshall of Depew, Oklahoma, in the sum of \$184.68, by virtue of a certain judgment in favor of said W. F. Parshall against said Ora Turnbull, which judgment was docketed in the office of the Clerk of the District Court within and for Creek County, Oklahoma, on April 13, 1938, as case No. 23138 therein, and said Ora Turnbull is further indebted to said W. F. Parshall in the sum of \$135.90 by virtue of a certain judgment in favor of said W. F. Parshall, which judgment was docketed in the office of the Clerk of the District Court within and for Creek County, Oklahoma, on April 13, 1938, as case No. 23139; and

WHEREAS, Ora Turnbull and Clara Turnbull, his wife, are judgment creditors under and by virtue of a certain judgment entered July 26, 1940 in the above captioned cause; and

WHEREAS, said W. F. Parshall, has agreed, and does hereby agree, when the sum of \$200.00 is paid to him pursuant to the hereinafter mentioned partial assignment of the last mentioned judgment, he will release and discharge both of said above mentioned judgments against Ora Turnbull;

NOW, THEREFORE, for and in consideration of the premises, and other good, valuable and sufficient considerations, receipt of which by assignors herein is hereby acknowledged, Ora Turnbull and Clara Turnbull, his wife, in whose favor was entered and docketed in the United States District Court for the Northern District of Oklahoma in case No. 279 Civil, on June 26, 1940, against Devonian Oil Company, Phillips Petroleum Company, Sinclair Prairie Oil Company and others, judgment for the sum of \$900.00 as will more fully appear by the record thereof, to which reference is hereby made, do hereby sell, assign, transfer and set over to said W. F. Parshall of Depew, Oklahoma, and his assigns, said judgment and any and all sums of money that may be or obtained by means thereof, or on any proceedings to be had thereupon, to the extent of \$200.00. Said Ora Turnbull and Clara Turnbull, his wife, do hereby covenant with the said W. F. Parshall that there is now due on said judgment the sum of \$900.00, and the judgment debtors in said civil case No. 279, and each, all or any of them, are hereby authorized and directed, without liability on their part, to pay to the said W. F. Parshall said sum of \$200.00, in accordance with the assignment herein contained, and to credit such amount so paid upon the judgment in said civil case No. 279.

This the 2 day of August, 1940.

ORA TURNBULL
Ora Turnbull

CLARA TURNBULL
Turnbull,

W. F. PARSHALL
W. F. Parshall

ENDORSED: Filed Aug 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-

ASSOCIATED PETROLEUM PROPERTIES, a Trust)
Estate; PROVIDENT TRUST, a Trust Estate;)
E. E. PERRY and S. L. DEDMAN,)

Defendants.)

No. C-285

ORDER TO MAKE DISTRIBUTION

Now, on this 5th day of August, 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 Aug 5 1940 H. P. Warfield, Clerk

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

THE CITY OF SAND SPRINGS, a municipal corporation, ex rel Leonard Versluis, Complainant,

vs.

Sand Springs Townsite Co., et al,

)
)
)
) Civil Action No. 355
)
)

O R D E R

W. M. Jeffries and G. C. Denton having this 18th day of May, 1940 filed in this cause of action their petition praying for authority to intervene and the court having heard the petition and the evidence thereto appertaining finds that intervention on the part of the said W. M. Jeffries and G. C. Denton should be allowed.

NOW, THEREFORE, it is ordered that W. M. Jeffries and G. C. Denton be allowed to intervene in this cause of action and that they be given ten days from the date hereof to plead or answer.

ALFRED P. MURRAH
Judge of the United States District Court for the Northern Division of Oklahoma

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

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

UNITED STATES OF AMERICA, Plaintiff,)

-vs-

Margaret Mashunkashey, now Bradshaw, Defendant.)

)
)
) No. 372 Civil
)
)

ORDER OVERRULING MOTION FOR A MORE DEFINITE AND CERTAIN STATEMENT AND BILL OF PARTICULARS

Now on this 5th day of August, 1940, there came on to be heard the Motion of the Defendant for a More Definite and Certain Statement and Bill of Particulars, the plaintiff being present by the Honorable Whit Y. Mauzy, United States District Attorney, and the defendant by her attorney, N. E. McNeill. The court being fully advised in the premises finds that said motion in all of its parts should be overruled, to which ruling of the court the defendant excepts, and exception is, by the court, allowed.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the first grounds of said Motion as to the fact relied upon by plaintiff upon which it draws its conclusion that the release constitutes a valid release by the defendant of "all claims, interests, and rights of the defendant in and to the estate of Charles Mashunkashey" is hereby denied, to which ruling of the court the defendant excepts and exception is, by the court, allowed.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the second Ground of said Motion for a More Particular Bill of Particulars as to the theory and facts relied upon that said release constituted a complete accord and satisfaction of defendant's right, title and interest in and to said estate should be and the same is hereby denied, to which ruling of the court the defendant excepts and exception is, by the court, allowed.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the Third Ground set forth in said Motion for a Further Bill of Particulars as to the facts relied upon to justify the conclusion that the defendant has no further right, title and interest in and to the Estate of Charles Mashunkashey, and as to whether said conclusion was based upon the theory that the instrument attached to plaintiff's complaint constituted an assignment and conveyance of defendant's distributive share of the property of decedent that became vested in her upon his death, and whether the plaintiff bases its conclusion upon the principle of estoppel and, if so, to state the facts relied upon by plaintiff for estoppel, be and the same is hereby denied, to which ruling of the court the defendant excepts and exception is, by the Court allowed.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the fourth Grounds of said motion to require the plaintiff to make a further Bill of Particulars and describe the property of the decedent which it is claimed the defendant has no right, interest or title therein be, and the same is hereby denied, to which ruling of the court the defendant excepts and exception is, by the court, allowed.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the Fifth Ground of said Motion for a More Particular Statement as to the consideration said parties, plaintiff, or either of them paid, if any, and whether said plaintiff paid any consideration except that disbursed to the defendant out of the Estate of Charles Mashunkashey, deceased, be denied, to which ruling of the court, the defendant excepts and exception is by the court, allowed.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the Sixth Ground of said Motion to require the plaintiff to state the relationship that Ben Mashunkashey, Osage Allottee No. 457, Pah-pu-son-tsa, Osage Allottee No. 520, and Games G. Blaine, Jr., Osage Allottee No. 431, sustained to the said Charles Mashunkashey be denied, to which ruling of the court the defendant excepts and exception is, by the court, allowed.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the Seventh Ground of said Motion to Require the Plaintiff to make its Paragraph 7 of said complaint more definite and certain and set out a copy of the check issued to Margaret Mashunkashey, now Bradshaw, and her attorney, dated the 6th day of June, 1938, together with endorsements and notations thereon upon which it relies, be and the same is hereby denied, to which ruling of the Court the defendant excepts and exception is, by the court, allowed.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the Eighth Ground of said Motion to require the plaintiff to make said complaint more definite and certain and set forth the particular controversy that exists between plaintiff and defendant, as to the theory and basis of plaintiff's claim be denied, to which ruling of the court the defendant excepts and exception is, by the court, allowed.

It is further ordered the defendant be granted ten days from this date to further plead, or fifteen days to answer.

ALFRED P. MURRAH
JUDGE

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

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

CHARLES JOHNSON,	Plaintiff,)
)
-versus-		) No. 378 Civil
)
FRUEHAUF TRAILER COMPANY, a corporation,)
	Defendant.)

JOURNAL ENTRY

On this 5th day of August, 1940, there coming on for hearing the special appearance and motion of the defendant, Fruehauf Trailer Company, to quash, set aside, and hold for naught the summons and pretended service and return thereof in the above-entitled cause, upon the grounds and for the reason that the same was not issued, served, and returned according to law; and the plaintiff and defendant appearing by their attorneys of record, the court, being fully advised in the premises, upon consideration thereof finds that said motion should be and the same is hereby overruled, to which ruling and judgment of the court the defendant excepts, and exceptions are allowed.

It is ordered that the defendant have, and it is hereby given, twenty (20) days from this date in which to plead in this cause.

ALFRED P. MURRAH
JUDGE.

ENDORSED: Filed Aug 14 1940
H. P. Warfield, Clerk
U. S. District Court AC

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

ARROW DRILLING COMPANY,	Plaintiff,)
)
vs.		) NO. 380 -CIVIL
)
SHELL OIL COMPANY, INCORPORATED,	Defendant.)

ORDER OF AUGUST 5, 1940

This matter coming on for hearing upon defendant's special appearance and motion to quash and motion for bill of particulars, and the parties being represented by their respective counsel, and the court, being fully advised in all the premises, enters the following orders herein:

1. IT IS ORDERED, ADJUDGED AND DECREED that the special appearance and motion to quash of the defendant herein be and the same is hereby overruled.
2. IT IS FURTHER ORDERED, ADJUDGED AND DECREED that plaintiff may, within twenty (20) days file an amended complaint herein, and that the defendant may have twenty (20) days thereafter within which to plead or thirty (30) days thereafter within which to answer.
3. IT IS FURTHER ORDERED, ADJUDGED AND DECREED that defendant's motion for a bill

of particular may be and the same is hereby withdrawn with the reservation that it may be refiled as to the amended petition, if not collaterally satisfied by stipulation of the parties.

4. IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the contract, attached to plaintiff's petition as the same appears in the transcript of the record on appeal, contains a typographical error in that on page 9 of said transcript it erroneously states that said wells are located on the Northwest Quarter (NW $\frac{1}{4}$) of Section Twenty-four (24), Block Thirty-Two (32), whereas the original contract correctly states that said wells are located in Block Forty-three (43). Permission is hereby granted to correct said typographical error instantler, by interlineation.

DATED this 5th day of August, 1940.

ALFRED P. MURRAH
United States District Judge

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

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

F. C. Swindell, as Trustee in)
Bankruptcy of Joe Liken, bank-)
rupt, in cause No. 4309-B in)
said Court,) Plaintiff,) No. 381 - Civil
vs.)
A. Greenberg,) Defendant.)

O R D E R

NOW on this 5th day of August, 1940, the above entitled cause comes on for hearing, pursuant to assignment, upon the Motion of the Defendant to Dismiss and to require the plaintiff to make a more definite statement of certain matters alleged in his Bill of Complaint, and upon the Motion of the defendant to vacate the Order of Reference entered in this cause on the 17th day of May, 1940. The plaintiff appears by his attorney, Geo. W. Reed, Jr., and defendant appears by his attorney, C. H. Rosenstein. The Court having heard the argument of counsel and being fully advised in the premises finds that defendant's Motion to Dismiss and for a More Definite Statement should be denied, and that defendant's Motion to Vacate the Order of Reference entered herein on the 17th day of May, 1940, should be granted.

It is, therefore, ORDERED that defendant's Motion to Dismiss and for a More Definite Statement of certain matters alleged in the Complaint be and the same hereby is denied and overruled.

It is further ORDERED that defendants' Motion to Vacate the Order of Reference entered in this cause on the 17th day of May, 1940, be and the same hereby is granted and sustained and the aforesaid Order of Reference is hereby vacated, set aside and held for naught.

It is further ORDERED that the defendant be and he hereby is granted twenty (20) days from this date in which to further plead or answer.

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

ALFRED P. MURRAH
JUDGE

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

GEORGE CHISHOLM, ADM'R OF THE ESTATE OF)	
LESSEY HAWKINS CHISHOLM, NEE YARHOLA,)	
DECEASED,)	
	)	Plaintiff,
)	
	)	NO. 387 - Civil
v.)	
)	
H. G. HOUSE, SHELL OIL COMPANY, INCORPORATED,)	
ET AL.,	)	Defendants.

ORDER OVERRULING MOTION OF SHELL OIL COMPANY, INCORPORATED, TO
REQUIRE PLAINTIFF TO MAKE HIS PETITION MORE DEFINITE

Now on this 5th day of August, 1940, this cause coming on to be heard upon the separate motion of defendant, Shell Oil Company, Incorporated, to require plaintiff to make his petition mre definite and certain in that he be required to estate his cause of action against Shell in a separate count and all parties being represented by their respective counsel and the court being fully advised in the premises is of the opinion that said motion should be overruled.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that said motion of defendant, Shell Oil Company, Incorporated, be and the same is hereby overruled; to which ruling said defendant requests an exception and an exception is allowed. It is the further order of the court that defendant, Shell Oil Company, Incorporated, have 30 days from this date within which to plead or 40 days from date within which to answer.

DATED this 9th day of August, 1940.

ALFRED P. MURRAH
A. P. Murrah, United States District Judge

ENDORSED: Filed Aug 12 1940
H. P. Warfield, Clerk
U. S. District Court G

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

GEORGE CHISHOLM, Administrator of the)	
Estate of Lessey Hawkins Chisholm, nee)	
Yarhola, deceased,)	
	)	Plaintiff,
)	
	)	NO. 387 CIVIL
vs.)	
)	
H. G. HOUSE, et al,	)	Defendants.

ORDER

This matter coming on for hearing this 5th day of August, 1940, upon the application of the United States presented in open court, for an extension of time in which to file herein an intervening complaint, if desired, and the court being fully advised in the premises and for good cause shown, finds that the United States should be granted an additional time in which to file an intervening complaint herein.

IT IS, THEREFORE, ORDERED, ADJUDGED and DECREED that the United States be and it hereby is granted an extension of time of Sixty (60) days from this date within which to file an intervening complaint herein.

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

INSUL-WOOL INSULATION CORPORATION, Plaintiff,)
)
 vs.)
) Civil Action File No. 402
 FEDERAL BUILDING MATERIAL COMPANY,)
 a corporation, Defendant.)

ORDER SUSTAINING MOTION FOR BILL OF PARTICULARS

The motion of defendant for bill of particulars coming on for hearing before the undersigned Judge of the United States District Court for the Northern District of Oklahoma, and the court being fully advised in the premises, finds that said motion should be sustained.

IT IS, THEREFORE, ORDERED that plaintiff within fifteen days from this date file in the above entitled cause a bill of particulars setting forth the manner in which defendant is alleged to have infringed the patents of plaintiff and also attaching the patent documents.

DATED this the 5th day of August, 1940.

ALFRED P. MURRAH
JUDGE

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

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

BLANCHE WICKETT AND LINDA BLANCHE)
 WICKETT, a minor, suing herein by)
 and through her Mother and next)
 friend, BLANCHE WICKETT, Complainants,)
) No. 408 - Civil
 -vs-)
 NATIONAL BANK OF COMMERCE OF TULSA, OKLAHOMA,)
 Defendant.)

JOURNAL ENTRY OVER-RULING MOTION TO DISMISS

ON this 5th day of August, 1940, this cause comes on to be heard in its regular order before the undersigned Judge, upon the motion of the defendant to dismiss; the plaintiff, appearing by her attorneys, Milsten & Milsten, and Slay & Simon; the defendant, appearing by its attorneys, Ownby & Warren, and the court, having examined the pleadings in said cause and having heard the argument of counsel, finds that Kenneth L. Wickett and Alice W. Wickett are necessary and indispensable parties to this cause in order to make a final determination of the issues, and that said Kenneth L. Wickett and Alice W. Wickett should be made parties defendant in this action. The court further finds that by reason of the foregoing, the motion of the defendant to dismiss said cause, should be over-ruled without prejudice.

IT IS, THEREFORE, ORDERED that Kenneth L. Wickett and Alice W. Wickett be, and they are hereby made parties defendant in this cause and process for said defendants is ordered issued by the Clerk of this Court.

IT IS FURTHER ORDERED that the motion of the defendant to dismiss, be, and the same is hereby over-ruled without prejudice, and said defendant, National Bank of Commerce of Tulsa, Oklahoma, is granted thirty (30) days from this date within which to further plead or answer herein.

ALFRED P. MURRAH
Judge of the United States District Court for
the Northern District of Oklahoma

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

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

United States of America,

Plaintiff,

vs.

197 Boxes labeled in part
"10 lbs. Red Perch Fillets,
Deep Sea Brand T. and J.
Busalacchi, Inc., Boston,
Massachusetts."

Defendant.

No. 438 CIVIL

ORDER FOR MONITION

Now on this 5th day of August, 1940, there having been filed herein a petition in libel on behalf of the United States of America and against One Hundred Ninety-seven (197) boxes, more or less, of an article labeled in part "10 lbs. Red Perch Fillets, Fish Fillets, Deep Sea Brand T. and J. Busalacchi, Inc., Boston, Massachusetts", praying the usual process and monition of this court for an order condemning and forfeiting said merchandise to said plaintiff under provisions of the Act of Congress of June 25, 1938, commonly known as the Pure Food and Drug Act, and it appearing from said petition in libel that on or about July 23, 1940, said merchandise was shipped in interstate commerce by Slade Gorton Company from Boston, Massachusetts to New Fisheries, Tulsa, Oklahoma, via Riss & Company.

And it further appearing from said petition in libel that said One Hundred Ninety-seven (197) boxes, more or less, of an articles labeled in part "10 lbs. Red Perch Fillets, Fish Fillets, Deep Sea Brand T. and J. Busalacchi, Inc., Boston, Massachusetts" was and is in an adulterated condition, containing parasites and other filthy matter in violation of the Acts of Congress, and that said shipment should be seized under and by virtue of said Acts of Congress, and it further appearing that the said New Fishers Company claim some interest in and to said merchandise.

IT IS, THEREFORE, THE ORDER OF THE COURT that process of this court be duly issued, directing the United States Marshal for the Northern District of Oklahoma to seize and arrest said merchandise, take and safely keep the same in his custody until the further order of this court and that he serve such warrant and monition upon all parties known to be interested in such merchandise and particularly the New Fisheries Company, 107 S. Boston, Tulsa, Oklahoma, demanding them to appear and show cause, if any there be, why said merchandise should not be forfeited to this plaintiff.

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

ALFRED P. MURRAH
JUDGE

Court adjourned to August 6, 1940

On this 6th day of August, A. D. 1940, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1940 Term at Tulsa, met pursuant to adjournment, Hon. Alfred P. Murrah, Judge, present and presiding.

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

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. 438 CIVIL
197 Boxes Labeled in part "10)	
lbs. Red Perch Fillets, Deep Sea)	
Brand T. and J. Busalacchi, Inc., Boston,)	
Massachusetts."	Defendant.)	

JOURNAL ENTRY OF JUDGMENT

Now on this 6th day of August, 1940, this matter coming on before the court, and it appearing to the court that heretofore, and on the 5th day of August, 1940, plaintiff herein filed its Petition in Libel against said heretofore described defendant herein alleging that said 197 boxes labeled in part "10 lbs. Red Perch Fillets" were shipped on or about July 23, 1940 by Slade Gorton Company, Boston, Massachusetts, via Riss & Company, a truck line, to New Fisheries Company located at 107 S. Boston Street, Tulsa, Oklahoma.

That said merchandise was shipped in interstate commerce and is now being held by the said New Fisheries Company, Tulsa, Oklahoma, and that said 197 boxes, labeled in part "10 lbs. Red Perch Fillets" were and are now in an adulterated condition in that said fish products contain parasites and other filthy matter which renders said produce harmful to the health of the general public. That said product was shipped and is now held for sale in violation of Title 21, U. S. C. A. 342 (A), 3, as provided by the Act of Congress of June 25, 1938.

It further appearing to the court that one John A. Wooten is the sole owner, manager and duly authorized agent of the New Fisheries Company, and that the said John A. Wooten has filed in this action his entry of appearance and consented to the destruction of said merchandise, the court, after having examined the files in this action and heard the statements of counsel, and being fully advised in the premises, finds that the said New Fisheries has on hand approximately seven (7) boxes of such merchandise described as defendant herein, and finds further that such sea food products were shipped in interstate commerce by truck from Boston, Massachusetts to Tulsa, Oklahoma, on or about July 23, 1940, and that such merchandise was then, and is now in an adulterated condition, containing parasites and other filthy matter, and that said product is harmful to the general public.

The court further finds that said seven (7) boxes, more or less, are now held by John P. Logan, United States Marshal for the Northern District of Oklahoma, pursuant to order of monition of this court.

IT IS, THEREFORE, THE ORDER, JUDGMENT AND DECREE of this court that said seven (7) boxes, labeled in part "Red Perch Fillets, Deep Sea Brand T. and J. Busalacchi, Inc., Boston, Massachusetts," be delivered to the City Zoo of the City of Tulsa, and be removed from channels of trade, sale and commerce for public consumption and he is hereby instructed and directed to deliver said seven (7) boxes labeled in part "Red Perch Fillets" to the Tulsa City Zoo, to be used only and

and solely as food material for such animals and birds of such Zoo, and that said United States Marshal report to this court within ten days from this date of such action.

IT IS THE FURTHER JUDGMENT OF THE COURT that the plaintiff, the United States of America recover the cost of this action from the New Fisheries Company.

ALFRED P. MURRAH
JUDGE

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

Court adjourned to August 9, 1940

On this 6th day of August, A. D. 1940, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular March 1940 Term at Vinita, met pursuant to adjournment, Hon. F. E. Kennamer, Judge, present and presiding.

H. P. Warfield, Clerk, U. S. District Court
Ben C. Stanley, Deputy United States Marshal

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

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

Grand River Dam Authority, a
public corporation,

Appellant,)

-vs-

CIVIL NO. 246 (Tract No. 7)

Roy Wood, et al.,

Appellees.)

ORDER EXTENDING TIME FOR FILING RECORD ON APPEAL

On this 6th day of August, 1940, on application of the appellant Grand River Dam Authority, and for good cause shown, it is hereby ordered and adjudged that said appellant in relation to its appeal as against the defendant s Roy Wood, et al., (Tract No. 7; 19 GR-D 909; 19 GR-D 912; 19 GR-D 959; 20 GR-D 1008; 19 GR-D 912-A; 19 GR-D 958), in the case entitled and numbered as above, be, and it hereby is granted and allowed ten (10) days additional time, commencing on August 15, 1940, within which to file a record on appeal and docket its said appeal in the United States Circuit Court of Appeals for the Tenth Circuit.

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

ENDORSED: Filed In Open Court
Aug 6 1940
H. P. Warfield, Clerk
U. S. District Court H

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

Petitioner,

-vs-

C. D. Mitchell, A. M. Burks, sometimes known
as A. M. Burks, et al.,

Defendants.

Civil No. 277

Tract No. 8.

J U D G M E N T

Now, on this 19th day of April, 1940, the above entitled cause coming on for trial, and the petitioner, Grand River Dam Authority, a public corporation, appearing by its counsel of record, R. L. Davidson and Gayle M. Pickens, and the defendants, A. M. Burks, sometimes known as A. M. Burks, and others, appearing in person and by their counsel of record, Frank Nesbitt and Keith Smith; and it appearing to this Court that the petitioner, Grand River Dam Authority, a public corporation, filed herein its petition and application for the acquisition of the fee simple title to certain lands located in Mayes County, State of Oklahoma, and it appearing to this Court that the petitioner, Grand River Dam Authority, a public corporation, was created under the Acts of the Legislature of the State of Oklahoma, and under said Acts petitioner is a public corporation, possessing the powers of government for the public benefit, and is authorized and empowered, among other things, to control, store and preserve the waters of Grand River and its tributaries for any useful purpose, and to develop and generate water power and electric energy through the use thereof, and to sell and distribute electric energy so produced, and to acquire by purchase or condemnation and to maintain, use and operate all kinds of property, real, personal, and mixed, or any interest therein necessary or convenient to the exercise of the powers, rights, privileges and functions conferred upon it, and to do any and all acts and things necessary to the exercise of such powers, rights, privileges and functions.

And it further appearing that the petitioner, Grand River Dam Authority, has heretofore determined and declared that it is necessary to acquire for use in the construction, operation and maintenance of the Grand River Dam Project the following described land, to-wit:

Tract No. 3 (2 GR-M 101)

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

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

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

to be used as a gasin and reservoir for the lake formed by the Grand River Dam and for such other uses and purposes as may be authorized by law.

It further appearing that the petitioner, Grand River Dam Authority, a public corporation, has been unable to secure and acquire by purchase the entire, unencumbered and absolute fee simple title to the land hereinabove described, and that the only manner in which the said Grand River Dam Authority, a public corporation, may acquire title to said land is by condemnation.

It further appearing to this Court that all requirements as required by law have been met by the petitioner, Grand River Dam Authority, a public corporation, and that all of the defendants have been duly served with notice, either by personal service or publication, of the condemnation and appropriation of said land, for the length of time required by law, and that all of the defendants herein have had due and sufficient notice of this action and of the appointment of commissioners, as prayed for in petitioner's petition and application.

It further appearing that on the 4th day of December, 1939, the Judge of this Court, after considering the petition and application of the petitioner, made and entered an order finding and determining that the petitioner, Grand River Dam Authority, had the authority and right to acquire said land, and finding and determining that the only manner in which the petitioner could acquire said land was by condemnation, and did select and appoint from the regular jury list of names, Ed Soph, Dan Bishop, and Henry Hoffman, three (3) disinterested freeholders residing within the confines of the United States Judicial District for the Northern District of Oklahoma, to inspect said real property and consider the injury which the owners thereof, or those having any right, title or interest therein, may sustain by reason of the condemnation and appropriation by the petitioner of said land hereinabove first described, and to assess the damages which said owners may sustain by reason of such appropriation irrespective of any benefits accruing to said land from the construction of or the proposed construction of the Grand River Dam Project, and there after did, on the 27th day of January, 1940, make their report in writing to the Clerk of the United States District Court in and for the Northern District of Oklahoma, and did assess and award damages in the sum of \$6,505.00 to the owners of said land for the appropriation and taking of the same, and the Grand River Dam Authority did, on the 10th day of February, 1940, pay into and deposit with the Clerk of the United States District Court in and for the Northern District of Oklahoma, the sum of \$6,505.00, for the uses of the owners of said land, and that the defendants did, on the 12th day of February, 1940, within thirty (30) days after the filing of said commissioners' report, file with the Clerk of the United States District Court in and for the Northern District of Oklahoma written Demand for trial by Jury, and that the Grand River Dam Authority did, on the 21st day of February, 1940, within thirty (30) days after the filing of said commissioners' report, file with the Clerk of the United States District Court in and for the Northern District of Oklahoma written Demand for Trial by Jury.

And, on the 19th day of April, 1940, this cause coming on for trial in its regular order before a jury of twelve (12) good men, who, being duly impaneled and sworn, well and truly to try the issues joined between the petitioner and the defendants, and a true verdict render according to the evidence, having heard the evidence and charges of the Court, and the argument of counsel, upon their oaths say:

"We, the jury in the above-entitled cause, duly impaneled and sworn, upon our oaths assess damages at 7,500.00 DOLLARS,"

which verdict was returned on the 19th day of April, 1940.

IT IS, THEREFORE, CONSIDERED, ORDERED AND ADJUDGED by the Court that the petitioner Grand River Dam Authority, a public corporation, has the right and authority, and that it is necessary and convenient to acquire by condemnation for use in the construction, operation and maintenance of the Grand River Dam Project the entire, absolute, and unencumbered fee simple title to the land described as follows, to-wit:

Tract No. 3 (2 GR-M 101)

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

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

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

And it is further considered, ordered and adjudged by the Court that the damages sustained by the defendants and the owners of said land by reason of the taking and appropriating of the land herein described by the Grand River Dam Authority, a public corporation, are assessed at \$7,500.00.

And it is further considered, ordered and adjudged by the Court that the petitioner, Grand River Dam Authority, a public corporation, upon the payment of the sum of \$995.00 to the Clerk of the United States District Court in and for the Northern District of Oklahoma, the said sum of \$995.00 being the difference between the amount awarded the owners of said land by the jury in the sum of \$7,500.00, and the amount awarded the owners of said land by the commissioners in the sum of \$6,505.00, which last amount has heretofore been paid to the Clerk of the United States District Court in and for the Northern District of Oklahoma, for the use and benefit of the owners of said land, shall be vested with the absolute, entire and unencumbered fee simple title to said land, and the Grand River Dam Authority, a public corporation, shall have all rights incident to the ownership of said land, including the right of immediate possession thereof.

To all of which findings, verdict, award and judgment the petitioner, Grand River Dam Authority, a public corporation, then and there excepted and said exceptions were allowed by the Court.

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

ENDORSED: Filed In Open Court
Aug 6 1940
H. P. Warfield, Clerk
U. S. District Court H

Court recessed subject to call.

On this 9th day of August, 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:

as by the inspection of the transcript of the record of the said District Court, which was brought in to 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, at the April Term, in the year of our Lord one thousand nine hundred and forty, the said cause came on to be heard before the said United States Circuit Court of Appeals, on the transcript of the record from the said district court and was argued by counsel.

On consideration whereof, it is now here ordered and adjudged by this court that the judgment of the said district court in this cause be and the same is hereby affirmed.

--June 29, 1940.

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

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

COSTS OF	-----	
Clerk,	\$-- --	
Printing Record,	\$-- --	
Attorney,	\$-- --	
	\$-- --	

ROBERT B. CARTWRIGHT
Clerk of the United States Circuit Court of Appeals, Tenth Circuit.
By GEORGE A. BEAN, Deputy Clerk

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

UNITED STATES OF AMERICA,	Plaintiff,)
)
-vs-	) No. 2570 - Law.
)
STANOLIND CRUDE OIL PURCHASING CO.,	Defendant.)

Now on this 9th day of August, A. D. 1940, it is ordered by the Court that the Clerk file and spread the Mandate in the above cause, same being in words and figures as follows, to-wit

UNITED STATES OF AMERICA, ss:

THE PRESIDENT OF THE UNITED STATES OF AMERICA

(SEAL

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

GREETING:

WHEREAS, lately in the District Court of the United States for the Northern District of Oklahoma, before you, or some of you in a cause between United States of America, plaintiff, and Stanolind Crude Oil Purchasing Company, a corporation, defendant, No. 2570, Law, the judgment of the district court in said case entered on June 7, 1939, was in the following words, viz:

* * * * *

"It is hereby ordered, that the motion of the defendant to dismiss the amended complaint is sustained, to which action in open court the plaintiff then and there excepts which said exception is hereby the the court allowed, and the plaintiff elects to stand upon its amended complaint and refuses to plead further, and said complaint and this action is hereby dismissed, to which action of the court the plaintiff, in open court duly excepts, and said exception is allowed, and the plaintiff gives notice of appeal to the United States Circuit Court of Appeals for the Tenth Circuit."

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

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

On consideration whereof, it is now here ordered and adjudged by this court that the judgment of the said district court in this cause be and the same is hereby affirmed.

- - June 29, 1940.

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

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

COSTS OF	-----
Clerk,	\$-- --
Printing Record,	\$-- --
Attorney	\$-- --

	\$-- --

ROBERT B. CARTWRIGHT
Clerk of the United States Circuit Court of Appeals,
Tenth Circuit.
By George A. Pease, Deputy Clerk

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

UNITED STATES OF AMERICA,	Plaintiff,)
)
-vs-		) No. 1171 - Equity
)
GULF OIL CORP. A Corporation,	Defendant.)

Now on this 9th day of August, A. D. 1940, it is ordered by the Court that the Clerk file and spread of record the Mandate in the above cause, same being in words and figures as follows, to-wit:

UNITED STATES OF AMERICA, ss:

THE PRESIDENT OF THE UNITED STATES OF AMERICA:

(SEAL)

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

GREETING:

WHEREAS, lately in the District Court of the United States for the Northern District of Oklahoma, before you, or some of you in a cause between the United States of America, plaintiff and Gulf Oil Corporation, a corporation, defendant, No. 1171, Equity, the judgment of the said district Court in said cause entered on June 7, 1939, was in the following words, viz:

* * * * *

"It is therefore ordered, adjudged and decreed by the court that plaintiff's cause of action set out in its said complaint is hereby dismissed, to which judgment, order and decree plaintiff in open court objects and exceptions, which exception is allowed, and gives notice of appeal".

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

On consideration whereof, it is now here ordered and adjudged by this court that the judgment of the said district court in this cause be and the same is hereby affirmed.

--June 28, 1940.

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

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

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

By George A. Pease
Deputy Clerk

COSTS OF	-----
Clerk,	\$-- --
Printing Record	\$-- --
Attorney,	\$-- --
	<u>\$-- --</u>

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

Court adjourned to August 12, 1940

On this 12th day of August, 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

C. J. LAURISCH

Plaintiff)

vs.

No. 205 - Civil)

G. T. THOMPSON, et al

Defendants.)

C O R D E R

Now on this 12 day of Aug., 1940, the same being a regular judicial day of the above court, the application of Noble C. Hood, Receiver of the Seminole Provident Trust, for authority to sell certain assets of the said trust estate coming on regularly for hearing, and the Court, being fully advised in the premises and finding that said application should be in all things allowed; NOW, THEREFORE,

IT IS HEREBY ORDERED by the Court that the written offer of the Central Supply Company to purchase from the Receiver of the Seminole Provident Trust, for cash, the following undivided interests in the oil and gas leases (known as the Brandenburg Leases) covering the following described lands situated in Pottawatomie County, Oklahoma, to-wit:

Well	Interest	Description
B-1	11%	S $\frac{3}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 3, Twp. 7 N. R 4E
B-2	22%	NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ " " " " " " " "
C	22%	SW $\frac{1}{4}$ SE $\frac{1}{4}$ " " " " " " " "

together with like interests in and to the personal property and equipment located thereon or used or obtained in connection therewith (except that the Seminole Provident Trust only owns a 11% interest in the drilling derrick on Well B-2), for the sum of \$1,943.33, should be accepted, with the exception that the purchaser shall receive the oil runs from said leases after June 1, 1940, instead of after February 1, 1940, as set out in its written offer of purchase, and said Receiver is hereby authorized and directed to sell unto said Central Supply Company the above described interests for said consideration, to be paid in cash, the purchaser to receive credit on the purchase price for all oil runs accruing to the interest of the said trust estate after June 1, 1940, less expenses chargeable thereto for said period, and the Receiver is further authorized and directed to execute unto said purchaser such written instruments as are necessary and required to cause the transfer and conveyance of said interests to said purchaser.

F. E. KENNAMER
United States District Judge

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

"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 asupersedeas 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."

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 W. M. Smith, otherwise known as Wesley M. Smith, agreeably to the act of Congress, in such case made and provided, fully and at large appears;

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

On consideration whereof, it is now here ordered and adjudged by this court that the judgment of the said district court in this cause be and the same is hereby affirmed; and that United States of America, appellee, have and recover of and from W. M. Smith, otherwise known as Wesley M. Smith, appellant, its costs herein.

-- June 29, 1940.

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

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

CESTS OF	Appellee:
Clerk,	\$ 6.95
Printing Record,	\$ -- --
Attorney	\$20.00
	<u>\$26.95</u>

ROBERT B. CARTWRIGHT
Clerk of the United States Circuit Court of Appeals, Tenth Circuit.
By George A. Pease,
Deputy Clerk

UNITED STATES CIRCUIT COURT OF APPEALS
TENTH CIRCUIT

Costs taxed in favor of appellee, in the case of W. M. Smith vs. United States of America,
No. 2075

Filing record and docketing cause,	-- --
Filing copies of printed record,	-- --
Filing and entering appearance for	-- --

Filing and entering 2 appearances for appellee	1 00
Clerk, preparing record for printer, etc.,	-- --
Printer, for printing record,	-- --
Filing 3 papers	75
Entering 1 order, 1 folio	20
Filing briefs for	-- --
Filing brief for appellee	5 00
Filing opinion	
Filing and entering judgment or decree	
Filing petition for a rehearing,	
Issuing mandate to District Court,	
Filing receipt for mandate,	
Filing receipt for balance of deposit,	
Attorney's docket fee,	
	<u>20 00</u>
	<u>26 95</u>

Attest:

Robert B. Cartwright,
 Clerk, U. S. Circuit Court of
 Appeals, Tenth Circuit
 By George A. Pease, Deputy Clerk

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

MISCELLANEOUS - admission to bar.

Now on this 12th day of August, A. D. 1940, it being made satisfactorily to appear that Orville Edwin Langley 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.

Court adjourned to August 16, 1940

On this 16th day of August, 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
 Wait 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:

LILIA QUAPAW HANSON,	Plaintiff,)
)
-vs-		) No. 198 - Civil
)
AGNES QUAPAW HOFFMAN, ET AL,	Defendants.)

Now on this 16th day of August, A. D. 1940, it is ordered by the Court that the

Clerk file and spread of record the Mandate the above cause, same being in words and figures as follows, to-wit:

UNITED STATES OF AMERICA, ss:

THE PRESIDENT OF THE UNITED STATES OF AMERICA

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

(SEAL)

GREETING:

WHEREAS, lately in the District Court of the United States for the Northern District of Oklahoma, before you, or some of you in a cause between Lilia Quapaw Hanson, plaintiff, and Agnes Quapaw Hoffman et al., defendants, No. 198 Civil, the judgment of the said district court, in said cause entered October 11, 1939, was in the following words, vix:

* * * * *

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

* * * * *

"It is therefore considered, ordered and decreed that the third ground of defendants' motion to dismiss this action as to all of said defendants and each of them be and the same is hereby in all things sustained, and this cause is accordingly dismissed, to which ruling of the court the plaintiff is allowed exceptions."

* * * * *

"It is therefore the order and decree of this court that said cause be dismissed at the cost of the plaintiff as to all of said defendants, to all of which plaintiff is allowed an exception."

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 Lilia Quapaw Hanson, agreeably to the act of Congress, in such case made and provided, fully and at large appears;

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

On consideration whereof, it is now here ordered and adjudged by this court that the judgment of the said district court in this cause be and the same is hereby reversed and the cause remanded with instructions to enter an order dismissing the complaint in so far as it relates to classes 4 and 5, and in so far as it seeks a decree adjudging the will to be void and setting aside the approval thereof with respect to classes 3, 4 and 5, and overruling the motion to dismiss in so far as it seeks relief with respect to classes 1, 2, and 3, and permitting Lilia Quapaw Hanson to file an amended complaint in accordance with the views expressed in the opinion of this court;

and that the costs of this appeal in this court will be assessed equally between the parties.

-- May 24, 1940.

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

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

costs

Clerk, \$53.20
Printing record, 103.10
\$156.30

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

UNITED STATES CIRCUIT COURT OF APPEALS
TENTH CIRCUIT

Costs of appeal in this court taxed equally between the parties in the case of Lilia Quapaw Hanson vs. Agnes Quapaw Hoffman, et al., No. 2011

Filing record and docketing cause,	5 00
Filing copies of printed record,	-- --
Filing and entering 1 appearance for appellant	50
Filing and entering 3 appearances for appellees	1 50
Clerk, preparing record for printer, etc.,	19 75
Printer for printing record,	103 10
Filing 17 papers,	4 25
Entering 1 order, 1 folio	20
Filing brief for appellant	5 00
Filing brief for appellees	5 00
Filing opinion,	25
Filing and entering judgment or decree,	1 25
Filing petition for a rehearing,	5 00
Issuing mandate to District Court,	5 00
Filing receipt for mandate	25
Filing receipt for balance of deposit,	25
Attorney's docket fee	-- --
<u>ALL COSTS IN THIS COURT PAID BY APPELLANT, and she is</u>	
entitled to recover one-half thereof from appellees.	
	<u>156.30</u>

Attest:

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

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

Court adjourned to August 19, 1940

On this 19th day of August, 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 19th day of August, A. D. 1940, it being made satisfactorily to appear that Don M. Mattlocks 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.

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

Lee Howell, Guardian of Leona Fox, nee Richard, Incompetent,	Plaintiff,)	
)	
-vs-		)	No. 175 CIVIL
John W. Porter, W. F. Sessions, Ivan Sessions, B. A. Marlin and Elzie Fox,	Defendants.)	

O R D E R

This matter coming on for hearing this 19th day of August, 1940, and the court being fully advised in the premises, finds that heretofore the defendants, W. F. Sessions, Ivan Sessions and B. A. Marlin have made an offer of compromise, which offer of compromise has been fully consummated; that by virtue of said compromise offer the defendants have executed to Leona Fox, nee Richard, their deed to certain properties containing the customary restrictive clause, restricting alienation except with the consent of the Secretary of the Interior of the United States;

That the Secretary of the Interior, in consideration of the execution of said deed, has paid from restricted funds of Leona Fox, nee Richard, to said defendants above named the sum of Six Thousand Dollars (\$6,000.00), and that the defendants have paid One-half ($\frac{1}{2}$) of the court costs;

That said property deeded by said defendants to said Leona Fox, nee Richard, is restricted property subject to alienation only by consent of the Secretary of the Interior, said real estate being, to-wit:

Undivided Five-thirtieths ($\frac{5}{30}$ ths) interest in and to the South One-half ($\frac{1}{2}$) of Section Four (4) and the Northeast Quarter ($\frac{NE}{4}$) of Section Five (5), all in Township Seventeen North (17N), Range Seven (7) East, Creek County, Oklahoma.

The Court further finds that this cause should be dismissed as to said defendants, W. F. Sessions, Ivan Sessions, B. A. Marlin and Elzie Fox; that this offer of compromise in no manner does affect the cause of action alleged against the defendant John W. Porter.

IT IS, THEREFORE ORDERED that this cause be and it hereby is dismissed insofar as the defendants, W. F. Sessions, Ivan Sessions, B. A. Marlin and Elzie Fox are concerned, and the cause is to proceed as to the defendant, John W. Porter.

AND IT IS SO ORDERED.

F. E. KENNAMER
DISTRICT JUDGE

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

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

Evelyn Seber, otherwise known as
Osharsha John, et al,

)
) Plaintiffs,)

vs.

) No. 436 Civil)

Board of County Commissioners of Creek
County, et al,

) Defendants.)

O R D E R

Now on this 16th day of August, 1940, this matter coming on before the Court on the application of the United States of America for an extension of time within which to plead in the above cause, and it appearing to the Court that service was had on the Superintendent of the Five Civilized Tribes, and that the United States of America is a necessary party to said cause, and should have an extension of time within which to plead herein;

IT IS THEREFORE THE ORDER of the Court that the United States of America be, and hereby is granted 60 days from this date within which to plead in this cause of action.

DONE IN OPEN COURT this 16th day of August, 1940.

F. E. KENNAMER
JUDGE

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

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

Sammons-Robertson Company, a
corporation,

Plaintiff,

-vs-

No. 443 Civil

Massman Construction Company, a
corporation, et al,

Defendants.

O R D E R

In the above numbered and entitled cause, it having been made to appear that each of the corporate defendants herein named is a foreign corporation which has duly appointed a service agent resident of the State of Oklahoma upon whom process may be served and that such service agent of each such defendant is a resident of Oklahoma County, State of Oklahoma., and the undersigned Judge of said court finding that substantial saving of travel fees will result herefrom, specially appoints Joseph M. Barnhill, of Oklahoma City, Oklahoma to make service of summons and of copy of Complaint on such defendants by service upon their several respective service agents, to-wit: Massman Construction Company, a corporation, Fidelity and Deposit Company of Maryland, a corporation, United States Fidelity and Guaranty Company, a corporation, Maryland Casualty Company, a corporation, Standard Accident Insurance Company, a corporation, New Amsterdam Casualty Company, a corporation, National Surety Corporation, a corporation, The Fidelity and Casualty Company of New York, a corporation, The American Surety Company of New York, a corporation, Hartford Accident and Indemnity Company, a corporation, The Aetna Casualty and Surety Company, a corporation, Firemans Fund Indemnity Company, a corporation, Standard Surety & Casualty Company of New York, a corporation, Massachusetts Bonding and Insurance Company, a corporation, Great American Indemnity Company, a corporation, The Century Indemnity Company, a corporation, Columbia Casualty Company, a corporation, Continental Casualty Company, a corporation, Central Surety and Insurance Corporation, a corporation.

Made and entered this 19th day of August, 1940.

F. E. KENNAMER
JUDGE

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

Court adjourned to August 22, 1940

On this 22nd day of August, 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,
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:

FRANKLIN D. ROOSEVELT
PRESIDENT OF THE UNITED STATES OF AMERICA

TO ALL WHO SHALL SEE THESE PRESENTS GREETING:

KNOW YE: That reposing special trust and confidence in the integrity, ability and diligence of Jno. P. Logan, of Oklahoma I HAVE NOMINATED and by and with the advice and consent of the Senate appoint him Marshal of the United States in and for the Northern District of Oklahoma, and do authorize and empower him to execute and fulfil the duties of that office according to law and to have and to hold the said office with all the powers, privileges and emoluments to the same of right appertaining unto him the said Jno. P. Logan, for the term of four years commencing with the date hereof, subject to the conditions prescribed by law.

IN TESTIMONY WHEREOF: I have caused these letters to be made patent and the seal of the Department of Justice to be hereunto affixed.

DONE AT THE CITY OF WASHINGTON THE FOURTEENTH DAY OF AUGUST IN THE YEAR OF OUR LORD ONE THOUSAND NINE HUNDRED AND THIRTY SEVEN, AND OF THE INDEPENDENCE OF THE UNITED STATES OF AMERICA THE ONE HUNDRED AND SIXTY SECOND.

(signed) FRANKLIN D. ROOSEVELT

BY THE PRESIDENT.

(Signed) HOMER S. CUMMINGS, Attorney General

GREAT SEAL OF THE DEPARTMENT OF JUSTICE.

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

(Clerk's Note: This appointment was brought into the Clerk's office by Geo. W. Rogers, Examiner, and ordered spread of record this 22nd day of August, 1940. H. P. Warfield, Clerk).

Court adjourned to August 23, 1940

CONTINUED TO JOURNAL 3 - commencing with August 23, 1940.

