

RECEIVED JANUARY 1941 THREE

OKLA, -OKLAHOMA

THURSDAY, APRIL 24, 1941

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

Grand River Dam Authority, a
public corporation,

Petitioner,

-vs-

CIVIL NO. 474

Sewaca-Cayuga Tribe of Oklahoma,
a corporation; United States of
America, et al.,

Defendants.

ORDER CONFIRMING REPORT OF COMMISSIONERS AND JOURNAL ENTRY
AS TO TRACT NO. 5 (Map No. 44, Tract No. GR-0 333)

NOW, on this 24 day of April, 1941, the above entitled cause of action and the report of commissioners filed herein on the 6th day of January, 1941, coming on for consideration, and the petitioner, Grand River Dam Authority, a public corporation, filed herein its petition and application for the acquisition of the absolute, entire and unencumbered fee simple title to the tract of land described in and known as Tract No. 5 (Map No. 44, Tract No. GR-0 333), and it appearing to this Court that the petitioner, Grand River Dam Authority, a public corporation, was created under Acts of the Legislature of the State of Oklahoma; that under said Acts, petitioner is a public corporation and possesses the powers of government for public use and 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, to develop and generate water power and electric energy through the use thereof, and to sell and distribute the electric energy so produced; to acquire by purchase, 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 acquire by condemnation, any and all property, real, personal and mixed, or any interest therein, in the manner provided by general law in respect to condemnation, and to do any and all other acts and things necessary in the exercise of such powers, rights, and functions; and

It further appearing to the Court that the petitioner, Grand River Dam Authority, a public corporation, has heretofore determined that it is necessary for the construction, maintenance and operation of the Grand River Dam Project, to acquire the absolute, entire and unencumbered fee simple title to all of the lands in the basin or reservoir area below the meander line running on the 75 foot contour line, all of said lands to be used as the basin or reservoir for the lake formed by the Grand River Dam, and that the following described property, to-wit:

TRACT NO. 5 (44 GR-0 333)

All that part of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 9, T 26 N - R 24 E of the Indian Base and Meridian, Quapaw Survey in Ottawa County, Oklahoma, particularly described as follows, to-wit:

Beginning at the N E corner of said NE $\frac{1}{4}$ SW $\frac{1}{4}$, thence Southerly along the East boundary of said NE $\frac{1}{4}$ SW $\frac{1}{4}$ to the SE corner thereof; thence Westerly along the South boundary of said NE $\frac{1}{4}$ SW $\frac{1}{4}$ to the SW corner thereof; thence N. 0° 28' E. along the West boundary of said NE $\frac{1}{4}$ SW $\frac{1}{4}$ a distance of 1160.0 feet to a point 163.6 feet South of the NW corner thereof; thence S. 53° 30' E. 58.3 feet; thence S. 35° 33' E. 547.8 feet; thence N. 57° 36' E. 149.1 feet; thence E. 5° 47' E. 133.3 feet; thence S. 20° 38' E. 281.3 feet; thence E. 25° 03' E. 105.6 feet; thence E. 57° 27' E. 176.2 feet; thence S. 31° 18' E. 172.0 feet; thence S. 71° 39' E. 99.7 feet; thence N. 3° 46' E. 119.6 feet; to a point in the North boundary of said NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 1259.6 feet East of the NW corner thereof; thence S. 39° 49' E. along said North boundary a distance of 107.1 feet to the point of beginning, containing 12.3 acres, more or less,

is in the basin or reservoir area of the Grand River Dam Project, and is below the meander line which follows the 750 foot contour line, and that the petitioner has heretofore determined and declared that it is necessary for the petitioner to acquire the absolute, entire and unencumbered fee simple title to the above described land; and

It further appearing that the petitioner, Grand River Dam Authority, a public corporation, has been unable to acquire by condemnation, and all property, real personal and mixed, entire and unencumbered fee simple title in and to the land described, and that the only manner in which the petitioner may acquire said, is by condemnation; and

It further appearing to the 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 herein named have had due and sufficient notice of this action, and of the time and place of the appointment of commissioners as prayed for in petitioner's petition and application; that on the 31st day of December, 1940, the Judge of this Court, after considering the petition and application of the petitioner, selected and appointed from the regular jury list of names, Glenn W. Keith, Page Crahan and Jacob Smith, three (3) disinterested freeholders of 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 the absolute entire and unencumbered fee simple title to the above described land and to assess the damages to said land, which said owners may sustain by such appropriation, irrespective of any benefit from any improvements proposed, and that on the 3rd day of January, 1941, said commissioners took the oath of office as such commissioners to perform their duties impartially and justly, and did actually go upon and view and inspect the real property herein described, and did consider the injury which the owners and those having any right, title or interest therein sustained by reason of the appropriation and taking thereof, and did assess damages in the sum of \$1050.00 to the owners and those having any right, title or interest therein by reason of the taking of said properties for public purposes; and that said commissioners did make and file their report in writing with the Clerk of this Court, on the 6th day of January, 1941.

It further appearing to the Court that the petitioner, Grand River Dam Authority a public corporation, has deposited with H. A. Andrews, Superintendent of the Quapaw Indian Agency, for the use and benefit of said owners and those having any right, title or interest in said land, the sum of \$1050.00, so assessed and reported; and

It further appearing to the Court that more than sixty (60) days have elapsed since the filing of the report of said commissioners, and that neither the petitioner nor any of the defendants have filed written objections to the report of commissioners, praying for a review by the United States District Court in and for the Northern District of Oklahoma, or demanding a trial by jury.

IT IS THEREFORE, CONSIDERED, ORDERED AND ADJUDGED that the petitioner, Grand River Dam Authority, a public corporation, has the right and authority, and 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. 5 (44 GR-O 302)

All that part of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 9, T 26 N - R 24 E of the Indian Base and Meridian, Quapaw Survey in Ottawa County, Oklahoma, particularly described as follows, to-wit:

REGULAR SALARY WILL BE

PAID, OKLAHOMA

THURSDAY, APRIL 24, 1941

Beginning at the NE corner of said NE 1/4 SW 1/4, thence Southerly along the East boundary of said NE 1/4 SW 1/4 to the SE corner thereof; thence Westerly along the South boundary of said NE 1/4 SW 1/4 to the SW corner thereof; thence N. 0° 38' E. along the West boundary of said NE 1/4 SW 1/4 a distance of 1160.0 feet to a point 163.6 feet South of the NW corner thereof; thence S. 53° 30' E. 55.3 feet; thence S. 55° 38' E. 547.8 feet; thence N. 57° 38' E. 149.1 feet; thence E. 0° 47' E. 132.2 feet; thence S. 20° 38' E. 231.3 feet; thence N. 39° 03' E. 103.6 feet; thence E. 57° 27' E. 176.2 feet; thence S. 51° 18' E. 133.0 feet; thence S. 71° 39' E. 99.7 feet; thence N. 5° 46' E. 519.6 feet to a point in the North boundary of said NE 1/4 SW 1/4 and 1253.6 feet East of the NW corner thereof; thence S. 89° 48' E. along said North boundary a distance of 107.1 feet to the point of beginning, containing 29.6 acres, more or less.

IT IS FURTHER CONSIDERED, ORDERED AND ADJUDGED by this Court that the report of the commissioners filed herein on the 8th day of January, 1941, be, and is hereby confirmed and approved, and that the Grand River Dam Authority, a public corporation, has paid to the Clerk of this Court the sum of \$1050.00, same being the award fixed by the commissioners; and that the Grand River Dam Authority, a public corporation, is hereby vested with the absolute, entire and unencumbered fee simple title to the above described land.

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

ENDORSED: Filed Apr 24 1941
H. P. Warfield, Clerk
U. S. District Court ME

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

Ella Carr, Lena Tiger and Emma Marshall,)
Plaintiffs,)
vs.) No. 562 CIVIL
Lee Hoover, et al,)
Defendants.)

ORDER

Now on this 26th day of April, 1941, this matter coming on before the Court on the motion of the United States of America for permission to intervene in this cause of action, and it appearing to the Court that this action involves lands allotted to restricted Creek Indians, and that the plaintiffs herein are restricted Creek Indians, and that the United States of America should be a party to this action;

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

ENDORSED: Filed Apr 24 1941
H. P. Warfield, Clerk
U. S. District Court ME

F. E. KENHAMER
Judge

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

The Security National Bank of Independence, Kansas, Plaintiff,
vs. E. J. Lambert, Defendant.
No. 2089 Law

ORDER REVIVING JUDGMENT

Now on this 24th day of April, 1941, it appearing that defendant, on December 23, 1939, paid the sum of \$5.00 on the judgment heretofore rendered herein, and it further appearing that defendant has, in writing filed herein, consented to a revival of the said judgment, which stands unreleased, unmodified, and unappealed from, and now of record in favor of Kirke C. Veeder, Trustee, Assignee of plaintiff,

IT IS ORDERED that the judgment made, rendered, and entered herein June 20, 1935, for the sum of Forty Thousand Six Hundred Twenty-four and 49/100 (\$40,624.49) Dollars, with interest and costs, in favor of plaintiff and against defendant, and said judgment is hereby revived, validated, and judged to be of full force and effect against defendant, E. J. Lambert; that all costs herein be, and they are hereby adjudged against and ordered paid by said defendant.

Hereof let execution issue.

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

ENDORSED: Filed Apr 24 1941
H. P. Warfield, Clerk
U. S. District Court H

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

Elizabeth Daniel Wallace, et al, Plaintiffs,
vs. Richard T. Daniel, Jr., et al, Defendants.
No. 1244 Equity

ORDER APPROVING ACCOUNTS AND DISCHARGING RECEIVER

THIS CAUSE coming on for hearing before me, F. E. Kennamer, Judge of the said Court, on the application of W. C. Buck, Receiver, for an order of this court approving final and all other accounts filed herein by him, and closing the estate so far as he is concerned, and discharging him and his bondsmen from further liability, and the court being fully advised in the premises finds that the final report herein and all other reports filed herein should be in all matters and things fully and faithfully discharged the duties of his trust as receiver and has fully and faithfully accounted for any and all sums of money which came into his hands as such receiver.

IT IS HEREBY FULLY CONSIDERED, ORDERED, ADJUDGED AND DECREED by the court that the final report of W. C. Buck, Receiver, and all other reports filed by the receiver be and they

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

Grand River Dam Authority, a public corporation, Plaintiff, vs. Reid Parker, et al, Defendants. No. 545 Civil

C E R T I F I C A T E

Now on this 24th day of April, 1941, this matter coming on before the Court, and it appearing that the United States of America should file a reply brief in this cause of action, and should be granted 15 days additional time from this date within which to file its brief.

IT IS THEREFORE THE ORDER of the Court that the United States of America be, and hereby is granted an extension of time of 15 days from this date within which to file its reply brief in this cause of action.

ROYCE H. SAVAGE JUDGE

ENDORSED: Filed Apr 25 1941 H. P. Warfield, Clerk U. S. District Court H

Court adjourned to April 26, 1941

On this 26th day of April, A.D. 1941, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1941 Term at Tulsa, met pursuant to adjournment, Hon. Royce H. Savage, 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 WITHIN AND FOR THE NORTHERN DISTRICT OF OKLAHOMA

FLORENCE BLUM, Plaintiff, vs. BARNSDALE OIL COMPANY, a corporation, Defendant. No. 463 - Civil

J O U R N A L O F T H E C O U R T

Now, on this 26th day of April, 1941, this case comes on for trial, and the parties appearing in person are the plaintiff, Florence Blum, and the defendant, Barnsdale Oil Company, represented by her counsel, Lloyd Helton, and the defendant, Barnsdale Oil Company, represented by its counsel, Lloyd Helton.

its counsel, William H. Fleetwood, Jr.; both parties being prepared ready for trial and having waived a jury, the Court proceeded to the trial of said cause.

The plaintiff then introduced her evidence and rested, and the Court, being fully advised in the premises, upon consideration thereof finds:

1. That Harry Blum, deceased, died on the 3rd day of August, 1936, and left surviving him as his sole and only heirs at law and next of kin the following:

Florence Blum, widow, adult and
Elden Blum, son, age two years;

2. That there is not at this time any duly qualified, appointed and acting personal representative, executor or administrator of the estate of Harry Blum, deceased; that the plaintiff herein maintains said action for the benefit of herself as widow and the above named minor child as the sole heirs and next of kin of said deceased;

3. That Deceased, prior to his death, was not subject to any conscious pain and suffering and that damages for same are not herein sought and should not be awarded.

4. That plaintiff is entitled to recover of and from defendant for the wrongful death of Harry Blum, deceased, the sum of Seven Thousand Five Hundred Dollars (\$7,500.00) and the costs of this action.

5. That said sum of Seven Thousand Five Hundred Dollars (\$7,500.00) shall be paid to the plaintiff and shall constitute a trust fund for the benefit of said Florence Blum as widow and for the benefit of the minor child of said Deceased, Elden Blum; and that said sum is not properly a part of the estate of said Deceased and not subject to administration.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that said plaintiff Florence Blum, have and recover of said Defendant, Barnsdall Oil Company, a corporation, the said sum of Seven Thousand Five Hundred Dollars (\$7,500.00) on the cause of action alleged in the petition filed herein, together with the costs of this action.

IT IS FURTHER ORDERED that the Clerk file and enter any satisfaction of judgment herein tendered for filing by plaintiff or defendant, showing the payment of the sum of Seven Thousand Five Hundred Dollars (\$7,500.00) aforesaid, after the costs of this action have been paid.

ROYCE H. SAVAGE
DISTRICT JUDGE

ENDORSED: Filed Apr 26 1941
H. P. Warfield, Clerk
U. S. District Court B

to, of course, for four (4) weeks, including said defendants of the institution of condemnation proceedings, and the application of the petitioner for condemnation and appropriation, and that if the defendants, and each of them, do not apply to the Judge of the United States District Court in and for the Northern District of Oklahoma, to have the damages assessed by reason of the condemnation and appropriation of said lands by the petitioner on or before the 27th day of June, 1941, the petitioner, Grand River Dam Authority, a public corporation, will on said 27th day of June, 1941, at the hour of 10:00 o'clock A.M., or as soon thereafter as counsel may be heard, apply to the Judge of the United States District Court in and for the Northern District of Oklahoma, in the Federal Building in the City of Tulsa, Oklahoma, for an order determining the right and necessity for the condemnation and appropriation of said land, and for an order appointing from the regular jury list three (3) disinterested freeholders in said Northern District, as commissioners, who shall be selected by the Judge of said Court, to inspect said real property and appraise the value of the absolute, entire and unencumbered fee simple title and consider the injury which said defendants, as the owners thereof or of those having any right, title or interest therein, may sustain by reason of the condemnation and appropriation of said absolute, entire and unencumbered fee simple title for said public use and benefit, and that said defendants, and each of them, may be present, if they so desire.

ROYCE H. SAVAGE
 JUDGE OF THE UNITED STATES DISTRICT COURT
 IN AND FOR THE NORTHERN DISTRICT OF
 OKLAHOMA

ENDORSED: Filed Apr 26 1941
 H. P. Waffield, Clerk
 U. S. District Court M

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. 563
)
 Sadie Spicer, sometimes known as Sadie Jamison Vigil, et al.,)
)
) Defendants.)

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

NOW, on this 26th day of April, 1941, the above entitled and numbered cause coming on to be heard, upon the application of the petitioner herein for an order of the Judge of this Court fixing the date for the appointment of three (3) disinterested freeholders of said Northern District of Oklahoma, as commissioners, to inspect said real property involved herein and consider the injuries sustained by reason of the condemnation and appropriation of the absolute, entire and unencumbered fee simple title to said lands, for public use and benefit, as alleged in the petition for condemnation filed herein, and for an order of the Judge of this Court prescribing notice to be given said defendants in said cause, of the time and place when the Judge of this Court will appoint said commissioners; the petitioner appearing by G. B. Boydston, Assistant Counsel.

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

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

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

IT IS THEREFORE ADJUDGED AND DECREED by the Judge of this Court that Notice be given said defendants, and each of them, and all persons claiming any right, title, interest or possession in and to the lands involved, personally, by serving a copy of said notice upon said defendants, and each of them, said notice to be served by the United States Marshal of the District and State in which said defendants, and each of them, may reside, and said notice to be signed by the attorneys for the petitioner, Grand River Dam Authority, a public corporation, and duly attested by the Clerk of this Court, notifying said defendants, and each of them, that the application of the petitioner for the appointment of three (3) disinterested freeholders in the Northern District of Oklahoma, as commissioners to inspect said real property and consider the injuries which the owners thereof, or persons having some right, title or interest therein, may have sustained or will sustain by reason of the condemnation and appropriation of said property for public use, will be heard before the Judge of this Court, at Tulsa, Oklahoma, on the 27th day of June, 1941, at the hour of ten o'clock A.M., or as soon thereafter as counsel may be heard, and that said defendants, and each of them, may appear if they so desire.

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

ROYCE H. SAVAGE
JUDGE OF THE UNITED STATES DISTRICT COURT IN AND
FOR THE NORTHERN DISTRICT OF OKLAHOMA

ENDORSED: Filed Apr 26 1941
H. P. Warfield, Clerk
U. S. District Court H

Court adjourned to April 28, 1941

IN SENATE
COMMISSION DISTRICT OF OKLAHOMA

RECEIVED MARCH 24 1941

OKLAHOMA

FRIDAY, APRIL 26, 1941

On the 26th day of April, A. D. 1941, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1941 Term at Tulsa, in presence to adjournment, Hon. Royce L. George, Judge, present and presiding.

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

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

INSURANCE COMPANY OF NORTH AMERICA, Plaintiff,)
)
-vs-) No. 135 - Civil)
)
CRUDE OIL CONTRACTING COMPANY, ET AL, Defendants.)

Now on this 28th day of April, A. D. 1941, it is ordered by the Court that the Clerk file and spread of record the Mandate in the above styled cause, same being in words and figures as follows, to-wit:

UNITED STATES OF AMERICA, ss;

THE PRESIDENT OF THE UNITED STATES OF AMERICA

(SAL)

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 Insurance Company of North America, a corporation, plaintiff, and Crude Oil Contracting Company, a corporation, and National Surety Corporation, a corporation, defendants, No. 135, Civil, the judgment of the said district court in said cause, entered on April 24, 1940, was in the following words, viz:

* * * * *

"It is ordered and adjudged as follows:

That the findings of fact requested by both plaintiff and defendants are denied insofar as the same are inconsistent with those entered in this cause.

That the plaintiff, Insurance Company of North America, a corporation, have and recover judgment of and from the defendant, Crude Oil Contracting Company, a corporation, in the sum of \$23,904.35, with interest thereon at six per cent per annum from the 20th day of March, 1940, until paid, and have and recover judgment of and from the defendant, National Surety Corporation a corporation, in the sum of \$10,000.00.

It is further ordered and adjudged that upon payment by the defendant, National Surety Corporation of the judgment rendered against it, that it have and recover judgment of and from its co-defendant, Crude Oil Contracting Company, for such sum as aforesaid."

U. S. DISTRICT COURT FOR THE DISTRICT OF OKLAHOMA

U. S. DISTRICT COURT FOR THE DISTRICT OF OKLAHOMA

RECEIVED JANUARY 1941

OKLAHOMA

MOORE, OKLAHOMA, 1941

Drilling Company, as filer, and as filer of Special Oil Company, Inc., and as filer of Special Oil Company, Inc., for tax (10) from April 26, 1941.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Apr 23 1941
H. P. Warfield, Clerk
U. S. District Court JS

VERDICT

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

SIMON JEWELRY COMPANY, a corporation,)
Plaintiff,)
vs.)
Case No. 456 Civil)
SAINT PAUL FIRE & MARINE INSURANCE)
COMPANY OF SAINT PAUL, MINNESOTA,)
a corporation,)
Defendant.)

We, the jury in the above-entitled cause, duly empaneled and sworn, upon our oaths, find for the plaintiff, and assess damages at \$5977.79 DOLLARS.
(Five Thousand Nine Hundred Seventy Seven and 79/100)

FRED W. CONDEN
Foreman

FILED In Open Court
Apr 23 1941
H. P. Warfield, Clerk
U. S. District Court H

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OKLAHOMA

ELSIE GRAVES AS ADMINISTRATRIX OF THE ESTATE)
OF FRANK CHARLES LEAO, DECEASED,)
Plaintiff,)
vs.)
No. 486 Civil)
ALLEN MINING COMPANY, AN EXPRESS BUSINESS)
TRUST; GEORGE F. ALLEN, ORA BLACK AND OVA D.)
HICKS AS TRUSTEES OF AND FOR THE ALLEN MINING)
COMPANY, AN EXPRESS TRUST,)
Defendants.)

JOURNAL ENTRY

Now on this 23th day of April, 1941, the court being a regular judicial day of said court, the parties and their respective attorneys of record and by agreement filed in open court a stipulation by jury and waive the regular setting of said cause, and waive that the issues may be forthwith submitted to the court for determination.

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

FILED JANUARY 28 1941

OKLAHOMA, OKLAHOMA

FILED, APRIL 28, 1941

Thereupon witnesses were sworn and testified in open court and the court heard and examined the pleadings, heard and the evidence, and being fully advised in the premises, finds the issues generally in favor of plaintiff and against defendants, and finds that plaintiff is entitled to recover damages in the sum of One Thousand Eight Hundred (\$1,800.00) Dollars and finds that the parties hereunto have stipulated and agreed that plaintiff is entitled to recover damages in that amount, which stipulation and agreement the court finds fair and reasonable and doth so decree.

IT IS, THEREFORE, ADJUDGED AND DECREED that plaintiff have judgment against defendants for the sum of One Thousand Eight Hundred (\$1,800.00) dollars and costs of the action.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Apr 28 1941
H. P. Warfield, Clerk
U. S. District Court ME

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

IN THE MATTER OF THE ESTATE OF DENNIS FLINT)
WILSON, DECEASED,) No. 557 CIVIL

O R D E R

Now, on this 28th day of April, 1941, this matter coming on before the Court on the motion of the United States of America for permission to intervene in this cause of action, and it appearing to the Court that this action involves land allotted to a full-blood Cherokee Indian, and that the United States should be a party to this action;

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

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Apr 28 1941
H. P. Warfield, Clerk
U. S. District Court H

Court adjourned to April 29, 1941

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

RECEIVED JANUARY 1941 FILE

OKLAHOMA, OKLAHOMA

TUESDAY, APRIL 16, 1941

On this 18th day of April, A. D. 1941, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1941 Term at Tulsa, Oklahoma, at adjournment, Hon. Royce H. Savage and Hon. F. E. Kennamer, Judges, present and presiding.

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

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

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

Grand River Dam Authority, a public corporation,

Petitioner,

CIVIL NO. 282

-vs-

J. B. Wise, et al,

Defendants.

J U D G M E N T

Now, on this 18th day of March, 1941, 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 Jesse L. Ballard, and the defendants, J. B. Wise, and others, appearing in person and by their counsel of record, W. E. Rice; 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 Ottawa 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 B. L (Map No. 43 - Tract No. GR-O 223)

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

Lot 2 of Sec. 16 containing 8.50 acres, more or less; and part of the S $\frac{1}{2}$ E $\frac{1}{2}$ of Sec. 16 particularly described as follows, to-wit:

Beginning at a point in the North boundary of said S $\frac{1}{2}$ E $\frac{1}{2}$ and 51.7 feet west of the N E corner thereof; thence S. 76; 52' W. along said North boundary a distance of 300.8 feet to a point 51.7 feet west of the N E corner thereof; thence S. 62° 11' W. 123.5 feet; thence S. 23° 32' E. 343.4 feet; thence N. 20° 10' E. 233.4 feet; thence N. 12° 31' W. 242.5 feet to the N E corner of said land containing 8.50 acres, more or less;

All in Section 9 - Range 23 E of the Indian Base and Meridian, Gageau Survey, the whole tract containing in all 10.70 acres, more or less.

TRACT NO. 2 (Map No. 64 - Tract CR-C 1332)

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

Lot 2 of Sec. 9, T 23 N - R 24 E of the Indian Base and Meridian, Gageau Survey, containing twenty-nine (29.0) acres, more or less,

to be used as a basin and reservoir for the Lake formed by the Grand River Dam and for such other and 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 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 2nd day of January, 1940, 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, Dan Bishop, Ed Soph, and Henry Hoffman; that said three (3) commissioners reside within the confines of the United States Judicial District for the Northern District of Oklahoma, and are disinterested freeholders therein, and said above named commissioners were so appointed 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 irrespective of any benefits accruing to said land from the construction of or the proposed construction of the Grand River Dam Project, and thereafter did, on the 19th day of March, 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 \$3320.00 to the owners of said land for the appropriation and taking of the same, and the Grand River Dam Authority did, on the 2nd day of April, 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 \$3320.00, for the use of the owners of said land, and that the Grand River Dam Authority, a public corporation, did, on the 25th day of March, 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 March, 1941, 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, and their oaths say:

"We, the jury in the above entitled case, duly impaneled and sworn, find that the assessed damages are \$4000.00 DOLLARS."

WHEREFORE the petitioner prays that on the 19th day of March, 1941.

RECEIVED JANUARY 1961

1961, APRIL 20

WEDNESDAY, APRIL 20, 1961

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. 1 (Map No. 43 - Tract No. GR-O 233)

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

Lot 1 of Sec. 16, containing 8.50 acres, more or less; and part of the S $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 16 particularly described as follows, to-wit:

Beginning at a point on the North boundary of said SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 51.7 feet West of the NE corner thereof; thence S. 39° 52' W. along said North boundary a distance of 399.3 feet to a point 385.7 feet East of the NW corner thereof; thence S. 6° 11' W. 38.5 feet; thence S. 29° 32' E. 342.4 feet; thence N. 48° 53' E. 311.4 feet; thence N. 1° 34' W. 182.9 feet to the point of beginning, containing 2.2 acres, more or less;

All in T 36 N - R 24 E of the Indian Base and Meridian, Quapaw Survey, the whole tract containing in all 10.70 acres, more or less.

Tract No. 2 (Map No. 44 - Tract No. GR-O 332)

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

Lot 2 of Sec. 9, T 36 N - R 24 E of the Indian Base and Meridian, Quapaw Survey, containing twenty-nine (29.0) 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 \$4000.00.

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 \$680.00 to the Clerk of the United States in and for the Northern District of Oklahoma, the said sum of \$680.00 being the difference between the amount awarded the owners of said land by the jury in the sum of \$3320.00 and the amount awarded the owners of said land by the commissioners in the sum of \$4000.00, 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. KENNAUER
JUDGE OF THE UNITED STATES DISTRICT COURT in and
for the Northern District of Oklahoma

RECORDED: Filed Apr 15 1961
H. P. Perkins, Clerk
U. S. District Court in

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

Grand River Dam Authority,)
 a public corporation,)
 Petitioner,)
) CIVIL NO. 329
 -vs-)
 Peter Warfield, Ethel Ballard Hall, et al.,)
 Defendants.)

ORDER DISMISSING AS TO TRACT NO. 4 (19 GR-D 916-A) and DIRECTING CLERK TO MAKE REFUND OF AWARD OF COMMISSIONERS ON DEPOSIT

NOW, on this 29th day of April, 1941, there coming on for hearing the motion of the petitioner, Grand River Dam Authority, a public corporation, praying that this action be dismissed as to Tract No. 4 (19 GR-D 916-A), and for an order directing the Clerk of this Court to make refund of the award of commissioners deposited by the petitioner herein in the sum of \$1800.00, and the Court being fully advised in the premises, finds:

That there is now on deposit with the Clerk of this Court the sum of \$1800.00 same having been deposited by the petitioner for the use and benefit of the owners and those having any right, title or interest in and to the land described as Tract No. 4 (19 GR-D 916-A), said award in the sum of \$1800.00 being the damages as assessed by the commissioners appointed by this Court; and it further appearing to the Court that the land described as Tract No. 4 (19 GR-D 916-A) are not restricted Indian lands and that the amount involved does not exceed \$3,000.00, and therefore, this Court does not have jurisdiction.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Clerk of this Court be, and he is hereby authorized and directed to pay to the petitioner, Grand River Dam Authority, a public corporation, the award of commissioners deposited herein as to Tract No. 4 (19 GR-D 916-A) in the sum of \$1800.00; and

IT IS FURTHER ORDERED that these proceedings be, and they are hereby dismissed as to Tract No. 4 (19 GR-D 916-A), without prejudice to the petitioner.

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

ENDORSED: Filed Apr 29 1941
 H. P. Warfield, Clerk
 U. S. District Court ME

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

Dewey T. Ross Engineering Corporation, Plaintiff,

-vs-

No. 544 Civil

Grand River Dam Authority, a corporation, Defendant.

ORDER GRANTING ENLARGEMENT OF TIME IN WHICH TO PLEAD

Now, on this 1st day of May, 1941, application having been made by the defendant, Grand River Dam Authority, a corporation, for an enlargement of time in which to plead in the above entitled cause, and the court, being well and sufficiently advised in the premises, finds that good cause for such enlargement has been shown and that said application should be granted.

NOW, THEREFORE, IT IS HEREBY ORDERED that the defendant, Grand River Dam Authority, a corporation, be, and it is hereby granted and allowed until May 15, 1941, within which to prepare and file herein its pleading to the plaintiff's complaint.

ROYCE H. SAVAGE
J U D G E

ENDORSED: Filed May 1, 1941
H. P. Warfield, Clerk
U. S. District Court H

Court adjourned to May 2, 1941

REGULAR JANUARY 1941 TERM

TULSA, OKLAHOMA

FRIDAY, MAY 2, 1941

On this 2nd day of May, A. D. 1941, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1941 Term at Tulsa, met pursuant to adjournment, Hon. Royce H. Savage and Hon. F. E. Kennamer, 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 FOR THE NORTHERN DISTRICT OF OKLAHOMA

CREEK NATION OF INDIANS, BY ALEX NOON,)
PRINCIPAL CHIEF,) Plaintiff,) No. 367 Civil
vs.)
NANCY BARNETT, nee GRAYSON,) Defendant.)

ORDER OVERRULING MOTIONS TO DISMISS CROSS CLAIM OF JIM PAYNE WOODS

The above matter coming on for hearing on the motions of certain defendants to dismiss the cross claim of defendant, Jim Payne Woods, and the court having had said matter under advisement, now on this 2nd day of May, 1941, finds that said motions should be overruled.

such case made and provided, fully and at large appears;

AND WHEREAS, at the January Term, in the year of our Lord one thousand nine hundred and forty-one, 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 were 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 these causes be and the same is hereby reversed on the cross appeal; and that these causes be and the same are hereby remanded to the said district court for further proceedings not inconsistent with the views expressed in the opinion of this court; and that J. P. C. Petroleum Corporation, appellant and cross-appellee, have and recover of and from Vulcan Steel Tank Corporation, appellee and cross-appellant, its costs herein and have execution therefor.

-- March 24, 1941.

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 28th day of April, in the year of our Lord one thousand nine hundred and forty-one.

COSTS OF	Appellant
Clerk,	\$91.80
Printing record	\$312.02
Attorney,	\$20.00
	<u>\$423.82</u>

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

UNITED STATES CIRCUIT COURT OF APPEALS TENTH CIRCUIT

Costs taxed in favor of appellant in the case of J. P. C. Petroleum Corporation, appellant, vs. Vulcan Steel Tank Corporation, Appellee. No. 2137

Filing record and docketing cause,	5 00
Filing copies of printed record	-- --
Filing and entering 1 appearance for appellant	50
Filing and entering 1 appearance for appellee	50
Clerk, preparing record for printer, etc. 5/12 of cost	58 50
Printer, for printing record, 5/12 of cost	312 02
Filing 18 papers	4 50
Entering 4 orders, 4 folios	80
Filing brief for appellant	5 00
Filing briefs for appellee	10 00
Filing opinion	25
Filing and entering judgment or decree	1 25
Filing petition for a rehearing	-- --
Issuing Mandate to District Court	5 00
Filing receipt for mandate	25
Filing receipt for balance of deposit	25
Attorney's docket fee	20 00
	<u>423 82</u>

ATTEST:

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

ENDORSED: Filed May 2 1941
H. P. Warfield, Clerk
U. S. District Court H

Court adjourned to May 3, 1941

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

REGULAR JANUARY 1941 TERM

SATURDAY, MAY 14, 1941

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the plaintiff herein, United States of America, be, and hereby is granted an extension of Fifteen (15) days from April 23, 1941, within which to file an amended complaint herein.

ROYCE H. SAVAGE
UNITED STATES DISTRICT JUDGE

ENDORSED: Filed May 3 1941
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. 354 CIVIL
MISSOURI, KANSAS, TEXAS RAILROAD)
COMPANY, Defendant.)

O R D E R

NOW, on this 2nd day of May, 1941, the above cause came on for hearing upon the application of Whit Y. Mauzy, United States Attorney for the Northern District of Oklahoma, for additional time within which to file an amended complaint herein for the reason there was a misunderstanding as to the length of time granted and for good cause shown, the Court finds that the time should be extended for a period of fifteen (15) days from April 23, 1941.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the plaintiff herein, United States of America, be, and hereby is granted an extension of Fifteen (15) days from April 23, 1941 within which to file an amended complaint herein.

ROYCE H. SAVAGE
UNITED STATES JUDGE

ENDORSED: Filed May 3 1941
H. P. Warfield, Clerk
U. S. District Court H

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.) CIVIL ACTION NO. 360
MRS. FRANK RICHARDSON, et al, Defendants.)

C R D E R

Now on this day this matter comes on for hearing upon the verified motion of relator by his attorney, Justus H. Fugate, for an order appointing Horace M. Rider, commissioner of this court to make sale of the property subject to the lien of the judgments granted by the final decree of this court

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

REGULAR JANUARY 1941 TERM

SATURDAY, MAY 3, 1941

dated March 26, 1941, and for an order of sale directing said commissioner to sell said property prescribed by said final decree and in accordance with Sections 847 and 849 of Title 20, of the United States Code.

The court being fully advised findsthat Horace M. Rider is a fit and proper person to be appointed as said commissioner and that said order of sale should issue as prayed for by relator.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that Horace M. Rider, be and he is hereby appointed commissioner of this court to sell the property described in paragraph II of the final decree in this cause dated March 26, 1941; and

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, by the Court that the said Horace N. Rider sell said property in accordance with the terms and conditions of said final decree dated March 26, 1941, and in accordance with the provisions of Sections 847 and 849, Title 28 United States Code; and

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the notice of sale published by said Horace M. Rider, Commissioner shall be in the form furnished him by the attorneys for the relator, W. J. Meredith, and that upon the completion of said sale said commissioner, Horace M. Rider, shall forthwith make due report thereof to this court.

MADE AND ENTERED at Tulsa, Oklahoma, this 3rd day of May, 1941.

ROYCE H. SAVAGE
United States District Judge

endorsed; Filed May 3 1941
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,	)	NO. 361 CIVIL ACTION
vs.)	
)	
LAURA A. WILSON, ET AL.,)	
Defendants.)	

O R D E R

Now on this day this matter comes on for hearing upon the verified motion of relator by his attorney, Justus H. Fugate, for an order appointing Horace M. Rider, commissioner of this court to make sale of the property subject to the lien of the judgments granted by the final decree of this court, dated March 26, 1941, and for an order of sale directing said commissioner to sell said property prescribed by said final decree and in accordance with Sections 847 and 849 of Title 28 of the United States Code.

The court being duly advised finds that Horace M. Rider is afit and proper person to be appointed as said commissioner and that said order of sale should issue as prayed for by relator.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED, by the Court that Horace M. Rider, be and he is hereby appointed commissioner of this court to sell the property described in paragraph II of the final decree in this cause dated March 26, 1941; and

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

REGULAR JANUARY 1941 TERM

TULSA, OKLAHOMA

SATURDAY, MAY 3, 1941

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the court that the said Horace M. Rider sell said property in accordance with the terms and conditions of said final decree dat3d March 26th, 1941, and in accordance with the provisions of Sections 847 and 849, Title 28 United States Code and

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that the notice of sale published by said Horace M. Rider, Commissioner shall be in the form furnished him by the attorneys for the relator, W. J. Meredith, and that upon the completion of said sale said commissioner, Horace M. Rider, shall forthwith make due report thereof to this court.

MADE AND ENTERED at Tulsa, Oklahoma, this 3rd day of May, 1941.

ROYCE H. SAVAGE
United States District Judge

ENDORSED: Filed May 3 1941
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,)
vs.) NO. 362 CIVIL ACTION
J. J. SMITH, et al, Defendants.)

O R D E R

Now on this day this matter comes on for hearing upon the verified motion of relator by his attorney, Justus H. Fugate, for an order appointing Horace M. Rider, commissioner of this court to make sale of the property subject to the lien of the judgments granted by the final decree of this court, dated March 26, 1941, and for an order of sale directing said commissioner to sell said property described by said final decree and in accordance with Section 847 and 849 of Title 28 of the United States Code.

The court being duly advised that finds that Horace M. Rider is a fit and proper person to be appointed as said commissioner and that said order of sale should issue as prayed for by relator.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED, by the court that Horace M. Rider, be and he is hereby appointed commissioner of this court to sell the property described in paragraph II of the final decree in this cause dated March 26, 1941; and

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, By the court that the said Horace M. Rider shall sell said property in accordance with the terms and conditions of said final decree dated March 26, 1941, and in accordance with the provisions of Section 847 and 849, Title 28 United States Code; and

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the notice of sale published by said Horace M. Rider, Commissioner shall be in the form furnished him by the attorneys for the relator, W. J. Meredith, and that upon the completion of said sale said commissioner, Horace M. Rider, shall forthwith make due report thereof to this court.

MADE AND ENTERED at Tulsa, Oklahoma, this 3rd day of May, 1941.

ROYCE H. SAVAGE
United States District Judge

ENDORSED: Filed May 3 1941
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,)	
)	
Plaintiffs,	)	Civil Action No. 363
)	
vs.)	
)	
S. M. GALLOWAY, et al.,)	
)	
Defendants.)	

O R D E R

Now on this day this matter comes on for hearing upon the verified motion of relator by his attorney, Justus H. Fugate, for an order appointing Horace M. Rider, commissioner of this court to make sale of the property subject to the lien of the judgments granted by the final decree of this court, dated March 26, 1941, and for an order of sale directing said commissioner to sell said property as prescribed by said final decree and in accordance with Section 847 and 849 of Title 28 of the United States Code.

The court being duly advised finds that Horace M. Rider is a fit and proper person to be appointed as said commissioner and that said order of sale should issue as prayed for by relator.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED by the court that Horace M. Rider be and he is hereby appointed commissioner of this court to sell the property described in paragraph II of the final decree in this cause dated March 26, 1941; and

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the court that the said Horace M. Rider sell said property in accordance with the terms and conditions of said final decree entered March 26, 1941, and in accordance with the provisions of Sections 847 and 849, Title 28 United States Code, and

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the notice of sale published by said Horace M. Rider, Commissioner shall be in the form furnished by him the attorneys for the relator, W. J. Meredith, and that upon the completion of said sale said commissioner, Horace M. Rider, shall forthwith make due report thereof to this court.

MADE AND ENTERED at Tulsa, Oklahoma, this 3rd day of May, 1941.

ROYCE H. SAVAGE
UNITED STATES DISTRICT JUDGE

ENDORSED: Filed May 3 1941
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 1941 TERM

TULSA, OKLAHOMA

SATURDAY, MAY 3, 1941

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

vs.

C. W. TURNER, ET AL.,

Defendants.

O R D E R

Now on this day this matter comes on for hearing upon the verified motion of relator by his attorney, Justus H. Fugate, for an order appointing Horace M. Rider, commissioner of this court to make sale of the property subject to the lien of the judgments granted by the final decree of this court, dated March 26, 1941, and for an order of sale directing said commissioner to sell said property prescribed by said final decree and in accordance with Section 847 and 849 of Title 28 of the United States Code.

The court being duly advised finds that Horace M. Rider is a fit and proper person to be appointed as said commissioner and that said order of sale should issue as prayed for by relator.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the court that Horace M. Rider, be and he is hereby appointed commissioner of this court to sell the property described in paragraph II of the final decree in this cause dated March 26, 1941; and

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the court that the said Horace M. Rider sell said property in accordance with the terms and conditions of said final decree dated March 26, 1941, and in accordance with the provisions of Sections 847 and 849, Title 28 United States Code; and

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the notice of sale published by said Horace M. Rider, Commissioner shall be in the form furnished him by the attorneys for the relator, W. J. Meredith, and that upon the completion of said sale said commissioner, Horace M. Rider, shall forthwith make due report thereof to this court.

MADE AND ENTERED at Tulsa, Oklahoma, this 3rd day of May, 1941.

ROYCE H. SAVAGE
United States District Judge

ENDORSED: Filed May 3 1941
H. P. Warfield, Clerk
U. S. District Court ME

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

Simon Jewelry Company, Inc.,
a corporation,

Plaintiff,

No. 455 Civil

vs

St. Paul Fire and Marine Insurance
Company, a corporation,

Defendant.

JOURNAL ENTRY

Now on this 28th day of April, 1941, the same being a judicial day of said court, this cause comes on for trial in its regular order of setting on the jury trial docket of said court at Tulsa, Oklahoma. Said cause so coming on for trial on the amended complaint and the amended answer. Plaintiff appears by its officials and its attorney of record, Frank Nesbitt, defendant appears by its representatives and its attorneys of record, Rittenhouse, Webster, Hanson & Rittenhouse, and both sides announced ready for trial;

Thereupon, a jury of twelve lawful men were empaneled and sworn to try said cause; thereupon the attorneys for the respective parties litigant made their opening statements, witnesses were sworn and placed under the rule of court, and the plaintiff introduced its evidence and rested; thereupon, he defendant demurred to the plaintiff's evidence, which demurrer was by the court overruled and defendant allowed an exception; thereupon the defendant introduced its evidence and rested; thereupon the plaintiff introduced its rebuttal evidence and both sides finally closed. At the close of the evidence, the defendant renewed its demurrer to the evidence and moved the court to instruct the jury to return a verdict in favor of defendant, which demurrer was overruled and motions was denied, and to which ruling the defendant was allowed an exception.

Thereupon, the court did instruct the jury on the law, arguments were made to the jury by the attorneys for the respective parties litigant, and the jury did retire in charge of its sworn bailiff to deliberate upon said cause in private. Thereupon, the jury was returned into open court with their verdicts, which verdict, omitting the caption and forma portions thereof, reads:

"We, the jury in the above entitled case duly impaneled and sworn, upon our oaths find for the plaintiff and assess its damages at \$5,977.79 (Five thousand nine hundred seventy seven dollars and seventy nine cents)
Fred Cowden, foreman."

Said verdict was read in open court, in the presence of the court and its officers, the jury, the parties litigant and their respective attorneys of record; thereupon the jury did announce the same to be their verdict and the court did order said verdict to be received, filed and made a part of the records of said cause and the jury was discharged from further deliberation in said cause.

IT IS FURTHER ADJUDGED AND DECREED on the verdict of the jury that plaintiff have judgment against the defendants for the sum of Five thousand nine hundred seventy-seven and 79/100 Dollars (\$5,977.79), with the costs of this action, to which the defendant is allowed an exception.

ROYCE H. SAVAGE
J U D G E

ENDORSED: Filed May 3 1941
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

REGULAR JANUARY 1941 TERM

TULSA, OKLAHOMA

SATURDAY, MAY 3, 1941

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

UNITED STATES OF AMERICA,	Plaintiff,)
)
vs.		) NO. 569 CIVIL
)
ONE HUNDRED EIGHTY (180) UNITS OF)
WILLAT METHOD OF HEATLESS PERMANENT)
WAVING,	Defendant.)

ORDER FOR MONITION

NOW, on this 3rd day of May, 1941, there having been filed herein a petition in libel on behalf of the United States of America and against one hundred eighty (180) units of Willat Method of Heatless Permanent Waving, praying the usual process and monition of this court for an order condemning and confiscating said merchandise to said plaintiff under provisions of an Act of Congress of June 25, 1938, commonly known as the Food and Drug Act, and it appearing from said petition in libel that said merchandise was shipped in interstate commerce by Heatless Permanent Waving Company, of San Francisco, California, as follows:-

On January 15, 1941 sixteen units were shipped to Vandever Dry Goods Company, Tulsa, Oklahoma, a total of eighty-three units were shipped to the Gill Beauty Solon, Tulsa, Oklahoma, on December 16, 1940, February 17, 1941, and March 3, 1941, thirty-six units were shipped by said company to the Little Beauty Shop, Tulsa, Oklahoma, on February 3, 1941, and forty-five units were shipped to Eugene's Beauty Solon, Tulsa, Oklahoma, on January 31, 1941.

And it further appearing from said petition that said merchandise was in an adulterated condition in violation of said Act of Congress and that said merchandise should be seized under and by virtue of said Act of Congress and it further appearing that said Heatless Permanent Wave Company of San Francisco, California, and Vandever Dry Goods Company, Gill Beauty Solon, Little Beauty Shop, and Eugene's Beauty Solon, all of Tulsa, Oklahoma claim some interest in 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 said merchandise and particularly Heatless Permanent Wave Company of San Francisco, California, the said Vandever Dry Goods Company, Gill Beauty Solon, Little Beauty Shop, and Eugene's Beauty Solon, all of Tulsa, Oklahoma, commanding them to appear and show cause, if any there be, why said merchandise should not be forfeited to this plaintiff.

ROYCE H. SAVAGE
UNITED STATES DISTRICT JUDGE

ENDORSED: Filed May 3 1941
H. P. Warfield, Clerk
U. S. District Court AC

Court adjourned to May 5, 1941

On this 5th day of May, A. D. 1941, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1941 Term at Tulsa, met pursuant to adjournment, Hon. Royce H. Savage, 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

ARROW DRILLING COMPANY, a corporation,)	
	Plaintiff,)
)	
vs.	)	No. 380 - Civil
)	
SHELL OIL COMPANY, INCORPORATED,)	
(formerly Shell Petroleum Corporation,))	
	Defendant.)

O R D E R

This matter coming on to be heard this 5th day of May, 1941, on the request of the plaintiff for additional time to prepare and file brief in answer to brief of Shell Oil Company, Incorporated, in support of its motion to dismiss, and the Court being fully advised in the premises is of the opinion that such order should issue.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the time for the plaintiff, Arrow Drilling Company, to file answer to brief of Shell Oil Company, Incorporated, filed herein be extended for fifteen (15) days from May 6, 1941.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed May 5 1941
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 MARCH 1941 term

VINITA, OKLAHOMA

MONDAY, MAY 5, 1941

On this 5th day of May, A. D. 1941, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular March 1941 Term at Vinita, met pursuant to adjournment, Hon. F. E. Kennamer, Judge, present and presiding.

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

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

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

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

ORDER NUNC PRO TUNC

The above matter coming on to be heard before me, the undersigned Judge of said Court, on this the 5th day of May, 1941, and there being presented in open court the application of said petitioner for an Order Nunc Pro Tunc herein, correcting the Order Confirming Report of Commissioners and Journal Entry as to Map No. 17, Tract No. GR-D 741 and Map No. 17, Tract No. GR-D 742, filed in said cause; and the Court having heard the evidence and being satisfied that by a clerical error the lands involved herein were erroneously described in the last paragraph of page 4 of said Order, that there in line 5 of said paragraph said Order recited the figures 51.0 instead of the figures 41.0, and it appearing that the proceedings are regular and that said mistake should be corrected.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the last paragraph on page 4 of said Order be, and is hereby corrected to read as follows, to-wit:

Beginning at a point in the South boundary of said Lot 8 and 68.0 feet East of the SW corner thereof; thence S. 89 degrees 38' E. along said South boundary a distance of 218.2 feet; thence N. 53 degrees 08' E. 76.1 feet; thence S. 84 degrees 23' E. 88.5 feet; thence S. 21 degrees 42' E. 41.0 feet to a point in the South boundary of said Lot 8 and 450.4 feet East of the SW corner thereof; thence S. 89 degrees 37' E. along said South boundary of the meander line along the left bank of Grand River; thence Northwesterly along said meander line to the point of intersection of said meander line and the North boundary of said Lot 8;

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

ENDORSED: Filed In Open Court
May 5 1941
H. P. Warfield, Clerk
U. S. District Court H

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

Grand River Dam Authority, a Corporation,	Plaintiff,)	
)	
vs.		)	No. 322 Civil Tract No. 4
)	
John J. Nichols, Carpathia Beardon, et al,	Defendants.)	

O R D E R

Now on this 6th day of May, 1941, this matter coming on before the Court on application for disbursement of the funds involved in this cause of action, and it appearing to the Court that the Plaintiff, the Grand River Dam Authority, a public Corporation, under its power of condemnation heretofore filed its petition in this cause of action seeking to condemn the East Half of the Southeast Quarter of the Southeast Quarter and the Southeast Quarter of the Northeast Quarter of the Southeast Quarter of Section Thirteen (13) Township Twenty-four (24) North, Range Twenty-two East (22E) Delaware County, Oklahoma, and it further appearing to the Court that heretofore and on the 12th day of April, 1940, this Court appointed appraisers for the purpose of appraising said land and on 25th day of October, 1940, said appraisers returned their appraisal into this Court, awarding damages in the sum of Two Thousand Two Hundred Dollars (\$2200.00); that the Grand River Dam Authority has paid said amount into the office of the Clerk of this Court, and it further appearing to the Court that on March 18, 1941, this Court determined the heirs of Elijah Hilderbrand, deceased, the allottee to whom said land was allotted, to be John Hildebrand, Lucy Hilderbrand Summerfield, Jennie Hilderbrand Creekiller and Chiccowie Cheeter, each of whom inherited a One-fourth (1/4) interest in the above described land; that Chiccowie Cheeter departed this life during the year 1927 leaving as her heirs her husband, Heavy Keener, who inherited a One-Twelfth (1/12) interest in said land, and her children, Joe Keener, Bob Keener, Joanna Keener, Scott Keener, Russell Keener, and Ben Keener, each of whom inherited a One-thirty-sixth (1/36) interest in the above described land.

The Court further finds that John Hilderbrand and Lucy Hilderbrand Summerfield have conveyed their interest in said land by deed approved by the County Court of Delaware County, Oklahoma, the Court having supervision of the probation of the Estate of Elijah Hilderbrand, deceased, to Belle Duffield.

The Court further finds that heretofore, the grantees of John Hilderbrand and Lucy Hilderbrand Summerfield entered into an agreement with the Grand River Dam Authority under the terms of which agreement they agreed to accept in full satisfaction for their One-Half (1/2) interest in said land the sum of Six Hundred Fifty-one Dollars and Eighty Cents (\$651.80).

The Court further finds that the United States of America, in behalf of its restricted wards, has agreed to accept for their one-half (1/2) interest in said land the sum of Eight Hundred Ten Dollars (\$810.00).

The Court further finds that the Indian owners of a One-Half (1/2) interest in the above described land are restricted and under the supervision and control of the United States of America, and any funds received by them in compensation for said land should be paid to F. W. Sunderwirth, Disbursing Agent for the Five Civilized Tribes, for the use and benefit of said restricted heirs.

IT IS, THEREFORE, THE ORDER OF THE COURT that the Clerk of this Court disburse to Carpathia Beardon and John J. Nichols, the sum of Six Hundred Fifty-one Dollars and Eighty Cent (\$651.80) and it is the further order of the Court that the Clerk of this Court disburse to F. W. Sunderwirth for the use and benefit of Jennie Hilderbrand Creekiller, Heavy Keener, Joe Keener,

Bob Keener, Joanna Keener, Scott Keener, Russell Keener and Ben Keener, the sum of Eight Hundred Ten Dollars (\$810.00) for their use and benefit.

F. E. KENNAMER
JUDGE

ENDORSED: Filed In Open Court
May 5 1941
H. P. Warfield, Clerk
U. S. District Court H

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

Grand River Dam Authority, a public corporation,	Petitioner,)
)
-vs-)
)
Peter Barehead, Catherine King, et al.,	Defendants.)

CIVIL NO. 329
Tract No. 6 (4 GR-D 1-A)

O R D E R

NOW, on this the 13th day of March, 1941, the petitioner Grand River Dam Authority, a public corporation, appearing by its assistant counsel, Q. B. Boydston, and the defendants James W. King; Bebb Ironside; Mayme Ironside, now Ward; James W. King; Rosa King, now Han; Thomas King; Dora King; now Utley; Pearl King; Maude King; Wm. H. Ward; Ella Yost, now Scott; Laura B. Deckman, now Clasby; Pearl Beckman, now McSpadden; appearing by the Honorable Chester A. Brewer, Assistant United States District Attorney, and the court being fully advised in the premises finds that the petitioner seeks to acquire the entire fee simple title to the following described land, to-wit:

TRACT NO. 6 (4 GR-D 1-A)

All that part of the S $\frac{1}{2}$ of the W. 14.22 acres of Lot 5, Sec. 6, T 23 N - R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, particularly described as follows, to-wit:

Beginning at the SW corner of said Lot 5, thence S. 89 degrees 02' E. along the South boundary of said S $\frac{1}{2}$ of W. 14.22 acres of Lot 5 a distance of 251.2 feet to a point 217.7 feet West of the SE corner thereof; thence N. 4 degrees 03' W. 119.2 feet; thence N. 2 degrees 26' W. 125.7 feet; thence N. 40 degrees 30' E. 153.7 feet; thence N. 57 degrees 44' E. 163.2 feet to a point in the East boundary of said E $\frac{1}{2}$ of W. 14.22 acres of Lot 5 and 452.2 feet North of the SE corner thereof; thence N. 1 degree 19' E. along said East boundary a distance of 16.6 feet to a point 190.3 feet South of the NE corner thereof; thence N. 61 degrees 11' W. 89.4 feet; thence N. 35 degrees 01' W. 48.9 feet; thence S. 39 degrees 14' W. 56.3 feet; thence S. 61 degrees 56' W. 188.2 feet; thence N. 42 degrees 02' W. 193.0 feet; thence N. 21 degrees 49' W. 61.5 feet to a point in the West boundary of said S $\frac{1}{2}$ of W. 14.22 acres of Lot 5 and 48.4 feet South of the NW corner thereof; thence S. 1 degree 46' W. along said West boundary a distance of 611.6 feet to the point of beginning, containing 3.4 acres, more or less,

and that said land was allotted to Catherine King, Cherokee Roll No. 9225, three-fourths (3/4ths)

DEGREE blood, who died intestate in Mayes County, Oklahoma, during the month of February, 1906, and that at the time of said Catherine King's death the lands herein described were restricted from alienation and the Court having heard the testimony of witnesses sworn and examined in open court, and having considered documentary evidence produced, finds that the sole and only heirs at law of Catherine King, deceased, are Bebb Ironside, Cherokee, Not Enrolled; Mayme Ironside, now Ward, Cherokee, Not Enrolled; James W. King, Cherokee Roll No. 29274, one-fourth (1/4th) degree blood; Rosa King, now Han, Cherokee Roll No. 9228, three-fourths (3/4ths) degree blood; Thomas King, Cherokee Roll No. 9230, three-fourths (3/4ths) degree blood; Dora King, now Utley, Cherokee Roll No. 441, three-fourths (3/4ths) degree blood; Pearl King, Cherokee, Not Enrolled, three-fourths (3/4ths) degree blood; Maude King, Cherokee, Not Enrolled, three-fourths (3/4ths) degree blood; William H. Ward, Cherokee Roll No. 8654, one-fourth (1/4th) degree blood; Ella Yost, now Scott, Cherokee Roll No. 8652, one-fourth (1/4th) degree blood; Laura B. Deckman, now Glasby, Cherokee Roll No. 26562, three-eighths (3/8ths) degree blood; Pearl Deckman, now McSpadden, Cherokee, Not Enrolled, three-sixteenths (3/16ths) degree blood.

And the court further finds that Catherine King, deceased, did not leave surviving any heirs of more than three-fourths (3/4ths) degree blood and left surviving no issue born after March 4, 1906, and that said lands herein described are not restricted from alienation by the heirs at law of Catherine King as herein determined, and the court having considered the motion of the petitioner to dismiss the condemnation proceeding herein for the acquisition of the lands herein described and finds that the same should be dismissed without prejudice.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by this court that the heirs at law of Catherine King, Cherokee Roll No. 9225, be, and are determined as follows, to-wit: Bebb Ironside, Cherokee, Not Enrolled; Mayme Ironside, now Ward, Cherokee, Not Enrolled; James W. King, Cherokee Roll No. 29274, one-fourth (1/4th) degree blood; Rosa King, now Han, Cherokee Roll No. 9228, three-fourths (3/4ths) degree blood; Thomas King, Cherokee Roll No. 9230, three-fourths (3/4ths) degree blood; Dora King, now Utley, Cherokee Roll No. 441, three-fourths (3/4ths) degree blood; Pearl King, Cherokee, Not Enrolled, three-fourths (3/4ths) degree blood; Maude King, Not Enrolled, three-fourths (3/4ths) degree blood; William H. Ward, Cherokee Roll No. 8654, one-fourth (1/4th) degree blood; Ella Yost, now Scott, Cherokee Roll No. 8652, one-fourth (1/4th) degree blood; Laura B. Deckman, now Glasby, Cherokee Roll No. 26562, three-eighths (3/8ths) degree blood; Pearl Deckman, now McSpadden, Cherokee, Not Enrolled, three-sixteenths (3/16ths) degree blood; and that the lands herein described as Tract No. 6, 5 GR-D 1-A, are not restricted from alienation as to said heirs as so determined.

IT IS THE FURTHER ORDER that the petitioner's motion to dismiss the condemnation proceedings to acquire said land be granted and it is so ordered.

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

ENDORSED: Filed In Open Court
May 5 1941
H. P. Warfield, Clerk
U. S. District Court H

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

GRAND RIVER DAM AUTHORITY, A
public corporation,

Plaintiff,

vs.

CHARLOTTE J. LANDRUM, et al,

Defendants.

)
)
) No. 332 Civil
) Tract No. 2 (22 GR-D 1052)
)
)
)

ORDER OF DISBURSEMENT

Now on this 5th day of May, 1941, the Court hears an application for disbursement asking that the sum of \$491.00 be disbursed to Alfred M. Pearson, Zora Boyd, Youra Jones, Hattie Pearson, Pearl Smith, and Laura Oyler.

The Court finds that said sum of \$491.00 is now held by the registry of this Court, pursuant to an order of this Court made on the 16th day of April, 1941, herein.

The Court finds that notice of the hearing for disbursement has been waived by all parties interested.

The Court finds that the moneys herein are due to the heirs of David Pearson, and that David Pearson died leaving as his only heirs his brothers and sisters: Alfred M. Pearson, Zora Boyd, Youra Jones, and J. C. Pearson; that thereafter J. P. Pearson died, leaving as his only heirs his wife, Hattie Pearson, and his daughters Pearl Smith and Laura Oyler.

The Court finds that the above named parties are entitled to receive the fund herein in the following proportions:

Alfred M. Pearson	one-fourth
Zora Boyd	one-fourth
Youra Jones	one-fourth
Hattie Pearson	one-twelfth
Pearl Smith	one-twelfth
Laura Oyler	one-twelfth

WHEREFORE IT IS THE ORDER, JUDGMENT AND DECREE of the Court that the Clerk of this Court forthwith disburse the sum of \$491.00 as follows:

To Alfred M. Pearson	\$122.75
to Zora Boyd	122.75
to Youra Jones	122.75
to Hattie Pearson	40.91
to Pearl Smith	40.91
to Laura Oyler	40.91

F. E. KENNAMER
JUDGE

ENDORSED: Filed In Open Court
May 5 1941
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
VINITA, OKLAHOMA

REGULAR MARCH 1941 TERM
666

MONDAY, MAY 5, 1941

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

Grand River Dam Authority, a
public corporation,

Plaintiff,

-vs-

Charlotte J. Landrum, et al,

Defendants.

Civil No. 332

Tract No. 2 (22-GR-D 1052)

JOURNAL ENTRY

Now on this 16th day of April, this case comes on first to be heard upon the motion of L. J. Buck, Belle M. Buck, I. J. Buck and Edna Buck, asking the Court to strike a motion heretofore filed by Alfred M. Pearson, Zora Boyd and Youra Jones, which motion asks the Court to vacate and set aside an order of disbursement heretofore made, said L. J. Buck, Belle M. Buck, I. J. Buck, and Edna Buck appearing by and through their attorney of record, Luther P. Lane, and Alfred M. Pearson, Zora Boyd and Youra Jones appearing personally and through their attorneys of record, Ad V. Coppedge and L. Keith Smith, the Court proceeded to examine the files and hear argument of counsel and finds that the motion filed on behalf of L. J. Buck, Belle M. Buck, I. J. Buck, and Edna Buck, should be overruled.

AND IT IS THEREFORE ORDERED by the Court that said motion be, and the same is overruled.

Whereupon, the Court proceeded with the hearing on motion filed on behalf of Alfred M. Pearson, Zora Boyd, and Youra Jones, which motion seeks to vacate and set aside an order of disbursement heretofore made by the Court. At the conclusion of evidence taken in support of such motion and introduced in opposition to said motion, and after hearing argument of counsel the Court finds that the factual allegations set out in the motion to vacate filed by Alfred M. Pearson, Zora Boyd, and Youra Jones to be true and correct, and that the order of disbursement heretofore made by the Court should be and the same is hereby set aside.

Upon suggestion from the Court the parties announced to the Court that it has been agreed by and between the parties that the Court may make an order directing the said L. J. Buck, Belle M. Buck, I. J. Buck, and Edna Buck to deposit with the registry of this Court the sum of \$491.00, which sum is to be received by Alfred M. Pearson, Zora Boyd, Youra Jones, and the heirs of J. O. Pearson, in full and complete satisfaction of their rights and interests in and to the award of the condemnation commissioners heretofore made herein; said award having been in the original amount of \$591.00, and that the said L. J. Buck, Belle M. Buck, I. J. Buck, and Edna Buck, hold and retain the sum of \$100.00 of said award.

WHEREFORE pursuant to agreement of the parties and findings of the Court, IT IS HEREBY ORDERED, DIRECTED, AND DECREED by the Court that L. J. Buck, Belle M. Buck, I. J. Buck, and Edna Buck, shall within 10 days after the date hereof deposit in the registry of this Court, the sum of \$491.00, said sum to be disbursed in accordance with further orders of the Court.

F. E. KENNAMER

ENDORSED: Filed In Open Court
May 5 1941
H. P. Warfield, Clerk
U. S. District Court H

Court recessed subject to call.

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

REGULAR JANUARY 1941 TERM

WEDNESDAY, MAY 7, 1941

On this 7th day of May, A. D. 1941, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1941 Term at Tulsa, met pursuant to adjournment, Hon. Royce H. Savage, Judge, present and presiding.

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

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

MISCELLANEOUS - ORDER FOR ADDITIONAL PETIT JURORS.

On this 7th day of May, A. D. 1941, it appearing to the Court that there are not sufficient jurors in the panel, it is ordered that the Marshal of said District summon from the bystanders ten good and lawful men, duly qualified, to serve as petit jurors for this Regular January 1941 Term of said Court.

Thereupon, the Marshal returns the names of Lee V. Crater, Leo M. Coates, Thom as F. Richardson, Roscoe E. Nichols, Abraham J. Freed, Robert J. McCune, Ralph V. Miller, William De Sott, Earl D. Prowant, who are examined by the Court, and all are accepted as petit jurors for this Regular January 1941 Term of said Court.

J. O. WILLIAMS, in person and for all persons)	
similarly situated,	Plaintiff,)
		) No. 114 - Civil
-vs-)
)
JEWEL TEA COMPANY, INC. A CORPORATION,)
	Defendant.)

Now on this 7th day of May, A. D. 1941, 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 J. O. Williams, in person and for all other persons similarly situated, plaintiff, and Jewel Tea Company, a corporation, defendant, No. 114 Civil, the judgment of the said district court in said cause, entered on May 6, 1940, was in the following words, viz:

* * * * *

"It is, therefore, Ordered, Adjudged and Decreed by the Court, that each of said plaintiffs be, and he is hereby, allowed a judgment against said defendant in a sum sufficient to pay him for overtime compensation computed at the rate of one and one half times his regular pay for all hours worked in excess of

44 hours per week, for a work week of 70 hours which the Court finds that each of said plaintiffs worked during the period of his respective employment since the effective date of the Fair Labor Standards Act of 1938, to-wit, October 24, 1938, as set forth in the aforesaid Findings of Fact and Conclusions of Law hereto attached; that each of said plaintiffs recover an additional equal amount, as liquidated damages, as provided by said Act; that the attorney for said plaintiffs be and he is hereby, allowed an attorney fee of Five Hundred (\$500.00) Dollars additional to the judgment aforesaid, to be paid by said defendant, together with the costs of this action.

It Is Further Ordered that said defendant's motion for a verdict on said plaintiff's evidence be overruled; that defendant's Conclusions of Law be denied; to the rulings, and to each of them separately, said defendant excepted in proper form and manner, and such exceptions were allowed by the Court; and said defendant duly excepted to the rendition of judgment in favor of said plaintiffs, and to each of them, and its exceptions were allowed by the Court.

It Is Further Ordered, that said defendant be, and it is hereby required to furnish a surety bond in the sum of \$2,000.00 to supersede the judgment rendered in this cause, and that such Supercedeas Bond be filed within ten days of this judgment; that a cash bond in the sum of \$250.00 be filed by said defendant to provide for payment of court costs on appeal.

It Is Further Ordered by the court that all other employees, who claim to be "similarly situated" as are the three above named plaintiffs, are perpetually enjoined and foreclosed from setting up any right to compensation in this action, but such injunction shall be effective only as relief sought in 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 Jewel Tea Company, a corporation, 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-one, the said cause came on to be heard before the said United States Circuit Court of Appeals, on the application of the Jewel Tea Company to modify the judgment of this court entered herein on March 6, 1941, and was submitted to the court.

On consideration whereof and for good cause shown, it is now here ordered that the judgment of this court entered on March 6, 1941, be and the same is hereby modified to read as follows:

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; that this cause be and the same is hereby remanded to the said district court with instructions to enter a judgment dismissing the action with prejudice; and that Jewel Tea Company, a corporation, appellant, have and recover of and from J. O. Williams, Carl Ransdell and S. W. Mead, appellees, its costs herein and have execution therefor.

-- April 15, 1941.

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

REGULAR JANUARY 1941 TERM

TULSA, OKLAHOMA

WEDNESDAY, MAY 7, 1941

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 5th day of May, in the year of our Lord one thousand nine hundred and forty-one.

COSTS OF	Appellant
Clerk,	\$60.95
Printing Record	133.00
Attorney	<u>20.00</u>
	\$ 213.95

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

ENDORSED: Filed May 7, 1941
H. P. Warfield, Clerk
U. S. District Court ME

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

Patterson-Ballagh Corporation, a corporation,	Plaintiff,)	
		)	Civil Action No. 147
vs.)	
)	
Rubber Sleeve Specialty Corporation, a corporation, and R. H. Howard,	Defendants.)	

O R D E R

Now on this 7th day of May, 1941, the above matter comes on for hearing upon the withdrawal of the motion for new trial filed herein by defendants.

The Court, having examined said withdrawal and being advised in the premises, finds that the same should be approved and granted.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the court that the defendants' withdrawal of their motion for new trial is hereby approved and authorized.

ROYCE H. SAVAGE
JUDGE, United States District Court for the
Northern District of Oklahoma

ENDORSED: Filed May 7 1941
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 1941 TERM

TULSA, OKLAHOMA

WEDNESDAY, MAY 7, 1941

IN THE UNITED STATES DISTRICT COURT NORTHERN DISTRICT
OF OKLAHOMA

PATERSON-BALLAGH CORPORATION, a)	
corporation,)	
	)	CIVIL ACTION NO. 147
vs.)	
)	
RUBBER SLEEVE SPECIALTY CORPORATION,)	
a corporation, and R. H. HOWARD,)	
	)	Defendants.

FINAL DECREE

This cause having come on to be heard before the Court upon the subjoined consent of the parties hereto that a Final Decree be entered herean and the Court being advised in the premises;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

The plaintiff having waived its accounting for profits and damages, the defendants and counterclaimants having waived their judgment entered herein in the amount of One Hundred Dollars (\$100), the Interlocutory Decree heretofore entered herein is otherwise made and is the Final Decree herein, with the parties hereto bearing their costs of suit.

DATED: This 7th day of May, 1941.

ROYCE H. SAVAGE
United States District Judge

ENDORSED: Filed May 7 1941
H. P. Warfield, Clerk
U. S. District Court ME

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

O. L. WELCH, ET AL.,)	
)	
vs.	)	No. 556 - Civil
)	
Commander Mills Inc. a corp.,)	

VERDICT

SUBMITTED IN THE FORM OF INTERROGATORIES

How many hours do you find, if any, that the Plaintiff, Irene Welch, worked overtime from October 24th, 1938 to January 22nd, 1941, for which she was not paid. Answer 50.

How many hours do you find, if any, that the plaintiff, O. L. Welch, worked overtime from October 24th, 1938 to January 22nd, 1941, for which he wasnot paid. Answer 12 $\frac{1}{2}$.

How many hours do you find, if any, that the plaintiff, Anna Reed, worked overtime from January 1st, 1939 to September 25th, 1939, for which she was not paid. Answer 20.

ROY L. DENTON
Foreman

FILED In Open Court May 7, 1941
H. P. Warfield, Clerk, U. S. District Court H

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

United States of America, Plaintiff,
-vs- No. 1215 Equity
Chas. A. Nichols, et al, Defendants.

O R D E R

Now on this 7th day of May, 1941, this matter comes on before the Court, upon the application of the United States of America for an order directing the Receiver in this cause of action to pay taxes on the property involved in this action for the years 1939 and 1940, in the sum of Six Hundred Twenty-six dollars and Twenty-nine cents (\$626.29) and it appearing to the Court that said taxes should be paid in order to preserve and conserve said Estate,

IT IS, THEREFORE, THE ORDER OF THE COURT that John P. Logan, United States Marshal, Receiver in this cause of action, be, and he is hereby ordered and directed to pay to Joe Parkinson, County Treasurer of Tulsa County, Oklahoma, out of funds now in the hands of said Receiver, the sum of Six Hundred Twenty-six dollars and twenty-nine cents (\$626.29) covering the taxes on the property involved in this cause of action for the years 1939 and 1940.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed May 7 1941
H. P. Warfield, Clerk
U. S. District Court H

Court adjourned to May 8, 1941

On this 8th day of May, A. D. 1941, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1941 Term at Tulsa, met pursuant to adjournment, Hon. Royce H. Savage, Judge, preset 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

REGULAR JANUARY 1941 TERM

TULSA, OKLAHOMA

FRIDAY, MAY 9, 1941

Plaintiff appeared by her Counsel of Record, Dick Rice, and the defendants appeared by two of their Counsel of record, Vern. E. Thompson and Byron B. Hoffman.

After argument of Counsel and upon the Court being fully advised in the premises, the Court finds that there are other interlocking and interdependent issues presented by the pleadings in this cause which cannot be presented separately and a final judgment rendered thereon, except the issue of the measure of plaintiff's damages and should be deferred until plaintiff has by evidence established her right to such damages.

And it further appears that this cause has been regularly set for trial on the 16th day of June, 1941; and that the defendants have announced ready for trial.

It is therefore by this Court Considered, Ordered and Decreed that the motion of the plaintiff for a separate trial of the issues involved herein, except as to the issue of accounting or measure of plaintiff's recovery, if and when she establishes her right thereto under the law and evidence, be and the same is hereby denied and that the setting of this cause for trial on the said 16th day of June, 1941, as to all of said issues, except the issue of accounting, shall stand as hereinbefore made, to all of which ruling of the Court the plaintiff is given an exception; and, that so much of plaintiff's said motion as prays for a separate trial of the issue of accounting or measure of damages be and the same is hereby granted.

Done in open Court this 9th day of May, 1941.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed May 20 1941
H. P. Warfield, Clerk
U. S. District Court JS

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

Grand River Dam Authority, a
public corporation,)
Plaintiff,)

vs.)

J. B. Wise, Elsie Wise, Alice A. Kane,)
Arthur James Kane, Alice A. Kane, Administratrix)
of the Estate of A. R. Kane, deceased, Betsy)
Bearskin Uptegrove, C. E. (Mickey) Coleman,)
Curtis Johnson, Russell Doss, County Treasurer)
of Ottawa County,)
Defendants.)

Civil No. 282

O R D E R

On this 9th day of May, 1941, before the Hon. F. E. Kennamer, Judge of the United States District Court in and for the Northern District of Oklahoma, the application of J. B. Wise and Elsie Wise, seeking an order for distribution and disbursement of the sum of Six Hundred Eighty Dollars (\$680.00) now in the hands of the clerk of said court, which sum represents the balance of the judgment heretofore rendered in the above entitled cause, comes on for hearing.

And it appearing to the court that all the other defendants, namely, Alice A. Kane, administratrix of the Estate of A. R. Kane, deceased, and Betsy Bearskin Uptegrove, have executed

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

REGULAR JANUARY 1941 TERM

TULSA, OKLAHOMA

FRIDAY, MAY 9, 1941

a waiver and release of any right, title or interest in and to the said sum of Six Hundred Eighty Dollars (\$680.00) and the court, being well and truly informed in the premises, finds that the defendant applicants, J. B. Wise and Elsie Wise, are the only persons entitled to share and receive the balance of the judgment in this case, namely, the sum of Six Hundred Eighty Dollars (\$680.00) and that they are entitled to an order directed to and directing the Clerk of this court to disburse, distribute and pay to them the balance of said judgment now remaining in his hands in the sum of Six Hundred Eighty Dollars (\$680.00).

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT, that the clerk shall disburse the balance of the judgment rendered in this cause, namely, the sum of Six Hundred Eighty Dollars (\$680.00) to J. B. Wise and Elsie Wise, and the clerk is ordered to pay the sum of Six Hundred Eighty Dollars (\$680.00) to J. B. Wise and Elsie Wise, and shall take receipts for the payment from the defendants, J. B. Wise and Elsie Wise, in full settlement of the judgment rendered in this case, of and for the extinguishment of the defendants' title of all the real estate involved in this action.

F. E. KENNAMER

F. E. Kennamer, Judge of the U. S. District Court
in and for the Northern District of
Oklahoma

ENDORSED: Filed May 9 1941
H. P. Warfield, Clerk
U. S. District Court H

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 Inde-
pendent School District #20, Creek County,
State of Oklahoma, a body corporate; D. W.
Humphrey, Lee Joliff and Ray H. Apple, Members
of the Board of Education of the Town of Oilton,
Robert L. Seaton, Treasurer of the Board of
Education of the Town of Oilton; J. Clyde
Staiger, County Assessor of Creek County; W. B.
Key, County Clerk of Creek County; H. L. Payne,
County Treasurer of Creek County; and Leonard May,
Cy Covery and Lucien B. Wright, Members of and
Constituting the Excise Board of Creek County,
and their Successors in Office, Defendants.)

No. 302 Civil

JOURNAL ENTRY OF JUDGMENT

This cause came on to be heard on regular assignment on April 7, 1941, on motion of defendants D. W. Humphrey, Lee Joliff and Ray N. Apple, as members of the Board of Education of Independent School District No. 20, Creek County, Oklahoma, Robert L. Seaton, as Treasurer of said Board, The Board of Education of said District, and said Independent School District No. 20 to vacate and set aside judgment heretofore rendered herein on April 30, 1940. Thereupon, after argument of counsel and upon consideration thereof,

It is ordered, adjudged and decreed by the Court that said motion be same hereby is denied.

It appearing that under the provisions of the judgment rendered her April 30, 1940, the preliminary injunction herein was continued in effect and that this Court retained jurisdiction of said cause,

It is ordered, adjudged and decreed:-

That the defendant, Robert L. Seaton, Treasurer of the Board of Education of the Town of Oilton, and his successors in office, be and they are hereby perpetually restrained and enjoined, until plaintiff's judgment is satisfied in full or until the further order of Court, from investing any sinking fund moneys of said Board of Education, or disbursing any funds except on the payment of plaintiff's judgment, the interest thereon and cost of this and the interest on and the principal of the \$30,000.00 outstanding Building Bonds of 1922.

That the defendants, D. W. Humphrey, Lee Joliff and Ray H. Apple, members of the Board of Education of the Town of Oilton, and their successors in office, be and they are hereby perpetually enjoined from refusing and neglecting to perform their full and legal duties in the matter of making and certifying to the Excise Board of said county yearly itemized statements of the estimated needs of the amount required by law for sinking fund purposes and from failing to maintain and distribute the funds in the Sinking Fund of said Board of Education as authorized by law.

That the defendants, J. Clyde Staiger, W. B. Key and H. L. Payne, respectively, the County Assessor, County Clerk and County Treasurer, respectively, of Creek County, and their successors in office, be and they are hereby perpetually enjoined from neglecting or refusing to perform their official duties in assessing property for taxation, certifying tax rolls and collecting taxes as authorized by law, for providing funds for the sinking fund of the Board of Education of the Town of Oilton, as authorized and required by law, and from in any manner failing and refusing to take such action or actions or instituting such proceeding or proceedings as may be required by law for the compelling of the payment of tax levies so to be made for the aforesaid purposes.

That the defendants, Leonard May, Cy Covey and Lucien B. Wright, members of and constituting the Excise Board of Creek County, and their successors in office, be and they are hereby perpetually enjoined from neglecting or refusing to ascertain and appropriate the amount required by law to be raised annually for Sinking Fund purposes for said Board of Education from neglecting or refusing to make and approve proper taxes levies on all the taxable property within the corporate limits of said Board of Education for the purpose of providing funds for the satisfaction of plaintiff's claim and interest thereon.

That the preliminary injunction heretofore issued be and the same is hereby dissolved by the permanent injunction ordered herein and that the surety on the bond given by plaintiff upon the issuance of the preliminary injunction herein be and it is hereby released and discharged.

That the Court hereby retains jurisdiction over this cause, the parties hereto, their successors and assigns, and reserves the power and right to make such orders and enter such judgment from time to time as it may find to be just and equitable.

F. E. KENNAMER
JUDGE

ENDORSED: Filed May 9 1941
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
TULSA, OKLAHOMA

REGULAR JANUARY 1941 TERM

FRIDAY, MAY 9, 1941

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

Grand River Dam Authority, a public corporation,	Petitioner,)	
)	
-vs-		)	No. 322 Civil
		)	TRACT NO. 4 (10 GR-D 497)
John J. Nichols, Carpathia Reardon, et al.,	Defendants.)	

SUPPLEMENTAL ORDER

The Court having this date made and entered an order determining the owners of the fee simple title to the lands described in the above cause as Tract No. 4 (10 GR-D 497) at the time said lands were appropriated by the Grand River Dam Authority, a public corporation, and further ordered that distribution be made to the owners as determined, and it now appearing to this Court that the petitioner, Grand River Dam Authority, a public corporation, deposited with the Clerk of this court the damages as assessed by the commissioners in the sum of \$2200.00 and that said Clerk will have on hand the sum of \$738.20 after making distribution as ordered by this Court.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Clerk of this Court be, and he is hereby authorized and directed to pay to the Grand River Dam Authority, the sum of \$738.20, said sum being the difference between the damages as fixed by the commissioners and the amount fixed by the order of this court upon stipulation of the parties hereto.

DATED this 5th day of May, 1941.

F. E. KENMAMER
JUDGE

ENDORSED: Filed May 9 1941
H. P. Warfield, Clerk
U. S. District Court H

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

Grand River Dam Authority, a public corporation,	Petitioner,)	
)	
-vs-		)	CIVIL NO. 329
		)	Tract No. 6 (4 GR-D 1-A)
Peter Barehead, Catherine King, et al.,	Defendants.)	

O R D E R

NOW, on this the 9th day of May, 1941, it appearing to this Court that an order was made and entered herein on the 13th day of March, 1941, determining the heirs-at-law of Catherine King, deceased, and determining that the lands involved herein and designated as Tract No. 6 (4 GR-D 1-A) are not restricted from alienation, and that said proceedings were dismissed as to Tract No. 6; and

It further appearing that this Court appointed commissioners to assess the damages for the appropriation and taking of said lands in the sum of \$225.00; that the petitioner, Grand River Dam Authority, deposited said award with the Clerk of this Court and that said sum now remains in the hands of said Clerk and should be refunded to the petitioner.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by this court that the
of this Court, be, and is hereby authorized and directed to pay to the Grand River Dam Autho
the sum of \$235.00, the same being the award as fixed by commissioners herein as damages for
ap ropriating and taking of the lands designated as Tract No. 6 (4 GR-D 1-A).

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

ENDORSED: Filed May 9, 1941
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,)
) No. 443 - Civil
vs.)
)
MASSMAN CONSTRUCTION COMPANY, A)
CORPORATION, ET AL,) Defendants.)

ORDER EXTENDING TIME WITHIN WHICH TO FILE DEMAND
FOR JURY TRIAL

IT IS ORDERED that the time for filing demand for jury trial is enl
extended until the 1st day of August, 1941, in order to enable Oklahoma counsel for plainti
consult and advise with theofficers of plaintiff and their co-counsel residing in a foreign
respecting the subject of making such demand for jury trial.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed May 9 1941
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 SAPULPA, OKLAHOMA A MUNICIPAL CORPORATION,)
EX REL BRANDON BARRINGER, GEORGE A. RITZINGER)
AND WILLIAM W. ALLEN, JR.,) Plaintiffs,)
) Civil Action No. 484
vs.)
)
W. S. GLASBY, ET AL,) Defendants.)

ORDER GRANTING LEAVE TO SERVE AND FILE ANSWER

Now on this 9th day of May, 1941, upon motion of the defendant, Ear
and for good cause shown, said defendant, Earle Berryhill, is hereby permitted and granted

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

789

REGULAR JANUARY 1941 TERM

TULSA, OKLAHOMA

FRIDAY, MAY 9, 1941

serve and file an answer in the above entitled cause within _____ days from this date, with the understanding that the issues raised are to be decided upon the evidence heretofore introduced in this cause.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed May 9 1941
H. P. Warfield, Clerk
U. S. District Court ME

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

WALTER REED, JR.,

Plaintiff,)

vs.)

No. 438 Civil)

NASH-KELVINATOR CORPORATION, a
corporation, et al,

Defendants.)

O R D E R

Now, on this 9th day of May, 1941, this cause comes on for hearing upon the motions under Rule 12 (b) filed by the defendants on December 14, 1940, and upon the amendments to such motions filed by the defendants on February 11, 1941, and all of the parties appear by their counsel of record. The first paragraphs of the motions filed by the defendants on December 14, 1940, having been waived or overruled at the hearing herein on January 3, 1941, only the remaining paragraphs of said motions and the amendments to said motions were presented by the defendants. The Court having heard the arguments of counsel and being fully advised:

IT IS ORDERED that paragraphs numbered "II", "III", and "IV" of the motions filed herein on December 14, 1940, by the defendants Nash-Kelvinator Corporation and Kinnebrev Motor Company, paragraphs numbered "(2)" and "(3)" of the motion filed herein on December 14, 1940, by the defendant C. I. T. Corporation, and all paragraphs of the amendments to such motions filed herein by said defendants on February 11, 1941, with the exception of the paragraphs numbered "2" of such amendments, be and the same are hereby overruled, to which ruling the defendants except.

IT IS FURTHER ORDERED that paragraphs numbered "2" of the amendments to motion filed herein by the defendants Nash-Kelvinator Corporation, Kinnebrev Motor Company, and C. I. T. Corporation on February 11, 1941, be and the same are hereby sustained, to which ruling plaintiff excepts.

IT IS FURTHER ORDERED that Plaintiff be allowed 15 days in which to file an amended complaint, and that the defendants have 10 days to plead and 20 days to answer from the date of the filing of such amended complaint.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed May 17 1941
H. P. Warfield, Clerk
U. S. District Court B

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

WILKIE F. HAMMIT,

Plaintiff,)

vs.

) Civ. No. 536

DON C. PUTNAM

Defendant.)

JOURNAL ENTRY

NOW, on this the 9th day of May, 1941, the above matter coming on t heard on regular setting on the motion of the defendant to strike, for bill of particulars and miss, And the moving defendant appearing by his attorney, W. L. Coffey, and the plaintiff app his attorney, I. H. Cox, said matter was duly presented and argued.

After having heard said argument and being well and sufficiently ad the court finds and thereby orders that the defendant's motion be, and the same is hereby susha to that part of said motion which asks that all of paragraph four of said complaint be stricke being as follows:

"Plaintiff says that he is informed and believes and, therefore, alleges the fact to be that in making the arrest and placing him in confinement the said John F. Burnett ei her had no warrant for his arrest, or if he did have such warrant, the same was void and of no force nor effect."

The court further finds and hereby orders all of the remainder of motion be, and the same is hereby overrukd.

To all of which ruling, action and order of the court the defendant sofar as it is adverse to him and the plaintiff excepts insofar as such ruling, action and ord adverse to him and such exceptions are allowed.

WHEREUPON, Upon applicat ion of the plaintiff it is further ordered plaintiff be, and he is hereby allowed five (5) days from this date within which to file an ax plaint, and the defendant is allowed ten (10) days thereafter to plead to same or twenty (20) answer.

DONE in open court this the 9th day of May, 1941.

ROYCE H. SAVAGE
UNITED STATES DISTRICT JUDGE

ENDORSED: Filed May 12 1941
H. P. Warfield, Clerk
U. S. District Court ME

REGULAR JANUARY 1941 TERM

FRIDAY, MAY 9, 1941

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

FRANK WILLIAMS, a minor by his father, JOHN G.)	
WILLIAMS; as next friend, and JOHN G. WILLIAMS,)	
individually,	Plaintiffs,)
	)	No. 548 Civil
vs.)	
)	
MISSOURI-KANSAS-TEXAS RAILROAD COMPANY,)	
a corporation,	Defendant.)

O R D E R

Now, on this 9th day of May, 1941, comes on for hearing in its regular order the defendant's motion to dismiss and for summary judgment, both parties being present by counsel, and upon request of plaintiff's counsel, plaintiff is granted thirty (30) days from this date in which to obtain and file affidavits of depositions in opposition to defendant's motion and affidavits in support thereof, the defendant to be granted, upon application to the Court, additional time thereafter in which to obtain and file affidavits or depositions in rebuttal, and defendant's motion is hereby stricken from the docket, to be reset for hearing at a later date.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed May 13 1941
H. P. Warfield, Clerk
U. S. District Court JS

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

CLAUDE LINDUFF,	Plaintiff,)
)	
vs.	)	No. 564 - Civil
)	
PHILLIPS PETROLEUM COMPANY, a)	
corporation,	Defendant.)

O R D E R

This matter coming on to be heard on the oral application of the plaintiff to withdraw his Motion for More Definite statement heretofore filed herein, and there appearing to be no objections to said withdrawal on the part of the plaintiff, the court finds that defendant should be allowed to withdraw said motion and file an answer instanter.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that said motion for More Definite Statement heretofore filed herein by defendant Phillips Petroleum Company be and the same is hereby withdrawn, and said defendant is given permission to file its answer herein instanter.

ROYCE H. SAVAGE
UNITED STATES DISTRICT JUDGE

ENDORSED: Filed May 9 1941
H. P. Warfield, Clerk
U. S. District Court ME

Court adjourned to May 12, 1941

On this 12th day of May, A. D. 1941, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1941 Term at Tulsa, met pursuant to adjournment, Hon. Royce H. Savage and Hon. F. E. Kennamer, 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 proceeding had and entered, to-wit:

J. D. SIMMS,	Plaintiff,)
)
-vs-)
)
	No. 79 - Civil)
)
LOUIS P. ANDREWS, Deputy Collector, Internal Revenue, et al,	Defendants.)

Now on this 12th day of May, A. D. 1941, 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 J. D. Simms, Trustee, plaintiff and Louis P. Andrews, Deputy Collector of Internal Revenue, and H. C. Jones, Collector of Internal Revenue, defendants, No. 79 Civil, the judgment of the said district court in said cause entered February 3, 1940, was in the following words, viz:

* * * * *

"It is, therefore, ordered, adjudged and decreed that the plaintiff take nothing and that judgment be entered for H. C. Jones, Collector of Internal Revenue, and Louis P. Andrews, Deputy Collector of Internal Revenue, and for their costs heren expended, to which action of the court, the plaintiff excepts which exception is duly allowed.

It is further ordered, adjudged and decreed that the United States have and recover judgment against the plaintiff, J. D. Simms, Trustee, on its intervening complaint and,

It is further ordered, that J. D. Simms, Trustee, within twenty (20) days from the date this judgment becomes final, sell at public auction, the following described real estate, to-wit:

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

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

REGULAR JANUARY 1941 TERM

TULSA, OKLAHOMA

MONDAY, MAY 12, 1941

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

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

It is further ordered, adjudged and decreed that the judgment in favor of the United States entered herein be suspended for Twenty (20) days from this date.

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

And it is so ordered."

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 J. D. Simms, Trustee, agreeably to the act of Congress in such case made and provided, fully and at large appears;

AND WHEREAS, at the January Term, in the year of our Lord one thousand nine hundred and forty-one, 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 the court that the judgment of the said district court in this cause be and the same is hereby affirmed; and that Louis P. Andrews, Deputy Collector of Internal Revenue, and H. C. Jones, Collector of Internal Revenue, appellees, have and recover of and from J. D. Simms, Trustee, appellant, their costs herein.

-- April 3, 1941.

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 9th day of May, in the year of our Lord one thousand nine hundred and forty-one.

COSTS OF	APPELLEE	
Clerk,	\$10.65	
Printing Record	\$-- --	
Attorney	\$20.00	
	\$30.65	

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

ENDORSED: Filed May 12 1941
H. P. Warfield, Clerk
U. S. District Court H

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

RECONSTRUCTION FINANCE CORPORATION,
a corporation,

Plaintiff,

No. 505 - Civil

-vs-

WERTZBERGER DERRICK COMPANY, a
corporation, et al.,

Defendants.

JOURNAL ENTRY OF JUDGMENT

This cause coming on for trial this the 12th day of May, 1941, having been regularly assigned for trial on this date, the plaintiff, Reconstruction Finance Corporation, appeared with attorneys, Bohanon & Adams, and announced ready for trial; and the defendant, J. M. Kurn and John G. Lonsdale, Trustees in Bankruptcy of the St. Louis-San Francisco Railway Company, a corporation, appeared by their counsel Cruce, Satterfield & Grigsby, and announced ready for trial; and other defendants appeared not, but make default.

Whereupon, this cause proceeded to trial before the Court, without the intervention of a jury, and the plaintiff and defendants having introduced the testimony of witnesses sworn to in open court, together with the note and mortgages herein sued upon, and the Court having examined the files and pleadings in said cause, and being fully advised in the premises, finds:

(1) That the defendant, Wertzberger Derrick Company, a corporation, has duly filed herein its waiver of issuance and service of summons and entry of appearance, an answer; that the defendants, McNamar Boiler and Tank Company, a corporation, and the United States of America, and proper service of summons, have filed disclaimers herein, disclaiming any right, title or interest in and to the property herein involved; and the defendants J. M. Kurn and John G. Lonsdale, Trustees in Bankruptcy of the St. Louis-San Francisco Railway Company, a corporation, Debtor, have filed an answer herein; that this cause of action has been dismissed as to the defendant, H. C. Jones, Collector of Internal Revenue, by an order of this Court.

(2) That this is an action upon a promissory note, and for the foreclosure of said note upon certain real and personal property situated in Tulsa County, Oklahoma, and that this Court has jurisdiction of the person of each of said defendants herein named, and jurisdiction of the subject matter of this action; that this Court has assumed jurisdiction and control of the property, real and personal, hereinafter described, and has taken possession thereof, and is administering the same through M. C. Trimble, Receiver,

(3) That the allegations of the plaintiff's amended petition are true, and that the note and mortgages herein declared upon were duly executed by the Wertzberger Derrick Company, a corporation, as alleged in plaintiff's amended petition, and that the plaintiff is the owner and holder thereof; that default has been made in the payment of said note, as alleged, and that is now due from the defendant, Wertzberger Derrick Company, a corporation, to the plaintiff, Reconstruction Finance Corporation, upon said note, the sum of \$11,904.40, with interest thereon at a rate of 5% per annum from date hereof until paid, together with a reasonable attorneys' fee in the amount of \$600.00 and all costs herein, accrued and accruing.

(4) That the chattel mortgage herein declared upon in said amended petition is a valid first lien upon the personal property situated in Tulsa County, Oklahoma, as hereinafter more particularly described; and that the real estate mortgage herein declared upon in plaintiff's amended petition is a valid first lien upon the real premises situated in Tulsa County, Oklahoma, as hereinafter more particularly described, and that all the items herein sued on are included in and secured by said mortgages, which said mortgages are prior and superior to the rights, title, claim or interest of said defendants, Wertzberger Derrick Company, a corporation; McNamar Boiler and Tank Company,

corporation; J. M. Kurn and John G. Lonsdale, Trustees in Bankruptcy of the St. Louis-San Francisco Railway Company, a corporation, Debtor; and United States of America, and all persons claiming by, through or under them, or any of them, in and to said personal property and the real estate hereinafter more particularly described;

(5) That the defendants, J. M. Kurn and John G. Lonsdale, Trustees in Bankruptcy of the St. Louis-San Francisco Railway Company, a corporation, Debtor are the owners of a right of way easement for railroad purposes in and to the following described premises, to-wit:

Beginning at a point in the south line of Section 28, Township 19 North, Range 12 East, Tulsa County, Oklahoma, at Red Fork, 24.5 feet perpendicularly distant in a northwesterly direction from the center line of the westbound main track in the St. Louis-San Francisco Railway Company; thence northeasterly parallel to the center line of said main track 253 feet; thence northwesterly at right angles 248.5 feet; thence northeasterly at right angles 96 feet; thence northwesterly at right angles 27 feet; thence southwesterly at right angles 640 feet; thence easterly 401 feet to point of beginning. Contains 109,787 square feet, more or less,

acquired under an Act of Congress approved June 28, 1866, granting a right-of-way to the Atlantic and Pacific Railroad Company, and for other purposes, and that mesne conveyances of the title to the easement thereon for railroad purposes were transferred to and became the property of the St. Louis-San Francisco Railway Company under deed of the Receivers appointed by the United States District Court for the Eastern Division of the Eastern District of Missouri, on September 15, 1916; that by virtue thereof, these defendants, who are the duly appointed, qualified and acting Trustees in Bankruptcy of said St. Louis-San Francisco Railway Company, are in the possession and control of, and hold the trusteeship title to said right-of-way easement for said St. Louis-San Francisco Railway Company; that theretofore and on the 23d day of May, 1935, the said J. M. Kurn and John G. Lonsdale, Trustees in Bankruptcy of the St. Louis-San Francisco Railway Company, a corporation, Debtor, as Lessors, made, execute and delivered a certain written contract of lease to the defendant, Wertzberger Derrick Company, a corporation, as lessee, covering said premises, and that thereafter, and on July 18, 1938, and for the purpose of securing the indebtedness due and owing from the Wertzberger Derrick Company, a corporation, to the plaintiff herein, the said Wertzberger Derrick Company, a corporation, did assign said lease herein described to the plaintiff herein, the assignment of which was consented and agreed to by said lessors in writing, by reason whereof said plaintiff herein has a valid first lien upon said lease-hold estate.

(6) That the defendant, Wertzberger Derrick Company, waived, to the extent permitted by law, the benefit of all homestead, stay, exemption, redemption and moratorium laws then in force, or which might thereafter become law.

(7) That said mortgages and liens have become absolute, entitling plaintiff to a fore closure thereof; and, for good cause shown, it is, by the Court,

ORDERED, ADJUDGED AND DECREED:

(1) That the Court has jurisdiction of the person of each of the defendants herein, and has jurisdiction of the subject matter of this action.

(2) That the plaintiff, Reconstruction Finance Corporation, have and recover of and from the defendant, Wertzberger Derrick Company, a corporation, the sum of \$11,904.40, with interest thereon at the rate of 5% per annum from this date, until paid, together with the sum of \$600.00, as a reasonable attorneys' fee, and the costs of this action., accrued and accruing.

(3) That the chattel mortgage of the plaintiff, Reconstruction Finance Corporation, be, and the same is hereby established and adjudged to be a valid first lien upon the personal property located in Tulsa County, Oklahoma, and described as follows, to-wit:

MAIN SHOP BUILDING - constructed of steel and sheet iron, heavy concrete floor and part brick walls, size 50' x 100';

MACHINE SHOP BUILDING - constructed of steel and sheet iron, heavy concrete floor, size 31' x 205';

PAINT SHOP BUILDING - constructed of steel and sheet iron, heavy concrete floor, size 36' x 126';

CLAMP SHED BUILDING - composition roof, concrete floor, with 9' x 13' steel vault, size 18' x 68';

- 1 Steel Water Tower
- 4 Small Buildings
- 1 Garate Building
 - material racks and loading pier
- 1 Small building 12' x 15'
- 1 Steel Tool Room
- 1 Traveling Crane 200' in length
- 1 Small Crane
 - Various Air and Gasoline Pumps
- 1 Valley Buffer (Portable) 1/2 H.P. - 220-3 Volt
No. 17PR
- 1 Radial Drill Press, Fosdick and Holloway M. T. Co.
Belt Driven 5 H. P. 110-3 Volt - No. 125 - Howell Motor
- 1 Drill Press, Floor Type - W. F. and J. Barnes Co.
Belt Driven - 2 H. P. - F.E. Motor-220-3 Volt - No. 1883
- 1 Wall Hand or Power Drill - Buffalo Forge Co. 3 H. P.
220-3 Volt - No. 124
- 1 Grinder, Floor Type - Belt Driven - Buffalo Forge Co.
3 H. P. 220-3 Volt - No. 1407
- 1 Universal Shaping Saw with 3 tables - Peerless Machine
Co. - 2 H. P. - Fairbanks Morse - 220-3 Volt - Large
- 1 Universal Shaping Saw with 3 tables - Peerless Machine
Co. - 1 H. P. - Fairbanks Morse - Small
- 1 Valley Grinder - Floor Type - Motor Driver - 1 1/2 H.P.
220-3 Volt - No. 41 SP
- 1 Lincoln Stable Arc Welding Machine - 15 H. P. 500 Volt
No. A-10147
- 1 Fordson Tractor with Power Winch
- 1 W. N. Matthews Paint Machine with Air Tank - Air
Compressor 1 Cyl. Portable Stand 3 HP - 220-3 Volt #122
- 1 Erie Bench Vise - No. 30
- 1 Power Grind Stone - The Cleveland Stone Co. 1/2 H.P. - 110-3
Volt - No. 500
- 1 Bradle Stencil Machine - for Paper Stencils
- 2 Ajax Fire Extinguishers - Size 2 1/2 Gal. - Loose Stopple
Type - No. B0162935
- 3 Wright Hoists - 1000# Quick Life - BB Type
- 3 Anvils - Blacksmith
- 1 Meco Acetylene Outfit with all tips for welding - Rack
Wagon for Cyls. Type G Valves
- 1 Williams and White and Co. Punch - Size 1 1/2" with table
attachments and built on machine stencil - 5 HP - 220-3
Volt - No. 15
- 1 Geo. Whitting Co. Punch - Size 2 1/2" Inches with shearing
attachments and guards -- 7 1/2 HP - 220/440 Volt - No. 8
- 2 Wright Hoists 1 1/2 Tons - BB
- 1 Hanna Engineering Co. Air Reveter use as ladder machine
with table

- 1 Buffalo Hand Forge - No. 210
- 1 Canton Foundry and Machine Co. - Floor Hoist - #1
- 1 Worthington Air Compressor - 2 Cyls. Allis Chalmers - Size
5½ x 4½ - Four Tanks - 25 HP - 220-3 Volt - #L-35924
- 1 Wood Drill - J. A. Fay and Egan Co. - 5 HP - 220-3 Volt -
Lightning 545
- 1 Buffalo Punch - Armor Plate and Universal Iron Worker - 3 HP
220-3 Volt - No. 1/2
- 2 Pyle National Co. Yard Spot Light - small
- 3 Hoists - Chisholm-Moore Co. 1½ Ton (Cyclone) Model K
- 1 Two Wheel Freight Truck - Large
- 1 Ajax Fire Extinguisher on Two Wagon Wheels - No. 9681
- 1 Radial Drill Press - Morris Machine Tool Co. - Motor
Driver - 3 H. P. 220-3 Volt - Size Press
- 1 Riveting Machine - No. 1050
- 2 Blacksmith Forges with Motor and Blower and Special
Heating Layout Apparatus - 2 HP - 220-3 Volt No. 4½E
- 1 Bending Machine - Home Made with 10" Air Cyl.
- 1 National Machine Co. Bolt Threading Machine - Twin Check
Belt Driver - 5 HP 220-3 Volt - Large
- 1 National Machine Co. Bolt Threading Machine - Motor Driver -
2 HP - 220-3 Volt - Small
- 1 Workage Radial Saw - For Wood - ½ HP - 100-1 Volt - #1 - 995
- 1 Set Fairbanks Scales - Platform Scales
- 6 Wright Hoist Trolley - ½ Ton Capacity - Roller bearing
- 1 Wright Hoise Trolley - 1½ Ton capacity
- 13 Chisholm and Moore Hoist Trolley 1½ Ton capacity
- 1 Matthews Paint Pot - 5 Gal. capacity
- 1 Crown sprary gun complete with Pot (Mounted on wagon)
- 2 General Wheel Barrow Cast Iron Wheel - All Steel
- 1 F. E. Myers and Bro. Co. Self Oiling working Head water
Pump with Pressure Tank 1 HP - 220-3 Volt
- 1 Monitor Water Heater Tank - No. 2.
- 1 Gilbert and Baker Model T 175-50 229386 Gasoline Pump
with 500 Gal - Tank
- 1 Curtis Air Compressor - Size 3 x 3½ with switch and tank - 1½ HP-
220-3 volt - No. B-44A5078
- 9 Towsley - Cincinnati Freight Wagon - No. 4½ 36" x 84"
Roller Bearing
- 6 Springfield Wagon Heavy Duty Small Wheels

HAND TOOLS

- 1 Williams 3/4" x 7/8" Wrench #39
- 4 Shovels
- 5 Ball Pein Hammers
- 2 16 Lb. Sledges
- 1 Williams Wrench No. 45
- 2 36" Rigif Pipe Wrench
- 3 4 Lb. Hammers
- 1 Hand Alemite Grease Gun
- 2 Chicago Pneumatic Tool
- 2 Drop Cords
- 1 1/4" Electric Drill
- 4 Steel Squares
- 2 Hand Punches

L Pick
 8 Derrick Wrenches
 1 Screw Driver
 2 Blacksmith Hammers
 1 Post Hole Digger
 1 18" Rigid Pipe Wrench
 2 Hand Saws
 1 Red Giant Air Drill
 1 Chicago Pnematic Tool Riveter, Small Size
 3 Oil Cans
 1 Welding Helmet

Miscellaneous Small Tools

together with all buildings, fixtures, furnitue, machinery and equipment (except office furniture and fixtures and automotive equipment) acquired by the Mortgagor subsequent to the execution of this mortgage, together with all right, title and interest of Mortgagor from time to time in and to any and all buildings, improvements, fixtures, furniture, machinery and equipment;

and the real estate mortgage of the plaintiff, Reconstruction Finance Corporation, be, and is hereby, established and adjudged to be a valid first lien upon the real estate located in Tulsa County, Oklahoma, and described as follows, to-wit:

A part of the Southeast Quarter ($SE\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) of Section 28, Township 19 North, Range 12 East of the Indian Base and Meridian more particularly described as follows, to-wit: Beginning at a point on the Southeast Boundary of said Section 28, which point is 995.3 feet West of the Southeast corner of the Southwest Quarter ($SW\frac{1}{4}$) of said Section, said point being the intersection of said South Section Line with the Northwesterly right-of-way line of the St. Louis and San Francisco Railroad; thence Northeasterly on said right-of-way line a distance of 36.2 feet; thence West and parallel with said South Section Line a distance of 75 feet; thence North parallel to the West Section line a distance of 75 feet; thence East parallel to the said South Section line to the Northeasterly right-of-way line of the St. Louis and San Francisco Railroad; thence Southwesterly on said right-of-way line to place of beginning, according to the U. S. Survey the

together with all and singular the tenements, hereditaments and appurtenances to and above described property belonging or in any wise appertaining, together with the interest therein, consisting principally of:

MAIN SHOP BUILDING - constructed of steel and sheet iron, heavy concrete floor and part brick walls, size 50' x 100';

MACHINE SHOP BUILDING - constructed of steel and sheet iron, heavy concrete floor, size 31'9" x 206';

PAINT SHOP BUILDING - constructed of steel and sheet iron, heavy concrete floor, size 36' x 126';

CLAMP SHED BUILDING: - constructed of steel and wood with wooden floor, size 50' 6" x 16' 8";

FRAME OFFICE BUILDING - composition roof, concrete floor, with 9' x 13" steel vault, size 18' x 68";

and the lien of the plaintiff, Reconstruction Finance Corporation, be, and the same is hereby established as a valid first lien on the leasehold estate lying and situate in Tulsa County, Oklahoma, more particularly described as follows, to-wit:

That certain lease executed by J. M. Kurn and John G. Lonsdale, Trustees in Bankruptcy of the St. Louis-San Francisco Railway Company, a corporation, Debtor, as Lessors, to the Wertzberger Derrick Company, as Lessee, dated May 23, 1935, and covering the following described real estate lying and situate in Tulsa County, Oklahoma; Beginning at a point in the south line of Section 28, Township 19 North, Range 12 East, Tulsa County, Oklahoma, at Red Fork, 24.5 feet perpendicularly distant in a northwesterly direction from the center line of the westbound main track of the St. Louis San Francisco Railway Company; thence northeasterly parallel to the center line of said main tract 253 feet; thence Northwesterly at right angles 248.5 feet; thence northwesterly at right angles 96 feet; thence northwesterly at right angles 27 feet; thence Southwesterly at right angles 640 feet; thence southwesterly at right angles 640 feet; thence easterly 401 feet to point of beginning. Contains 109,787 square feet, more or less,

and that each of said liens is prior and superior to the rights, title, claim or interest of said defendants, Wertzberger Derrick Company, a corporation; McNamar Boiler and Tank Company, a corporation; J. M. Kurn and John G. Lonsdale, Trustees in Bankruptcy of the St. Louis-San Francisco Railway Company, a corporation, Debtor; and United States of America, and each of them, and all persons claiming by, through or under them, or any of them, in and to said personal property, leasehold estate and said real estate hereinbefore described.

(4) That unless said defendants, or some of them, shall pay the plaintiff the entire sum herein found due and owing from the Wertzberger Derrick Company to the plaintiff, as principal, interest, attorneys' fee and costs, accrued and accruing, said plaintiff may cause the personal property hereinbefore described to be sold as hereinafter directed in paragraphs (6), (7), (8), (9) and (10) thereof, and all right, title, interest, claim or lien and equity of redemption of said defendant, Wertzberger Derrick Company, its creditors and stockholders, and all other defendants herein, and all persons claiming by, through or under them, or any of them, and each and all of them, of, in and to said personal property, and every part and parcel thereof, shall be forever barred and foreclosed, and said defendants, and each of them, shall be forever restrained and enjoined from having or asserting any right, title, interest, claim or lien in or against said personal property, or equity of redemption therefor.

(5) That unless the said defendants, or some one of them, shall pay the plaintiff the entire sum herein found due and owing from the Wertzberger Derrick Company to the plaintiff, as principal, interest, attorneys' fee and costs, accrued and accruing, said leasehold estate and said real property hereinbefore described shall be sold as hereinafter directed, and all right, title, interest claim or lien and equity of redemption of said defendant, Wertzberger Derrick Company, its creditors, and stockholders, and all other defendants herein and all persons claiming by, through, or under them, or any of them, and each and all of them, of, in and to said mortgaged premises, and every part and parcel thereof shall be forever barred and foreclosed, and said defendants, and each of them, shall be forever restrained and enjoined from having or asserting any right, title, interest, claim or lien in or against said property, or equity of redemption therefor.

(6) That said sale shall be made at public auction to the highest bidder therefor at twelve o'clock, noon, at the mortgaged premises in Tulsa County, Oklahoma, on a day to be named by the Special Master herein appointed, in his Notice of Sale and that before making said sale, the said Special Master shall publish a notice thereof for once a week for four weeks prior to said sale, in a newspaper printed, regularly issued and having a general circulation in Tulsa County, Oklahoma, and that the said Special Master making such sale may, either personally or by some person to be designated by him to act in his name and by his authority, adjourn the sale from time to time without further advertisement; but only at the request of the plaintiff, or its attorneys, or by order of the Court.

(7) That said Special Master shall not accept any bid for such property unless the purchaser shall deposit with said Special Master the sum of \$100.00 in cash, or by certified check, as a pledge he will make good his bid, and the deposit received from such bidder shall be held and

applied on account of the purchase price of the property for which said bid was made; but if Court shall not confirm the sale for which the deposit shall have been made, such deposit shall be returned to the bidder, and in case said bidder shall fail to make good his bid upon acceptance by the Court, said deposit shall be forfeited as a penalty to said Special Master, for to make good said bid, the cash to be applied toward the expenses of a resale and toward making good and deficiency or loss in case the property shall be sold for a price less than that of prior sale; that in case any bidder shall fail to make the deposit herein requested upon acceptance of his bid the Special Master shall then and there again offer the property for sale without further notice or advertisement.

(8) That Frank Settle be, and he is hereby, designated and appointed Special Master to make the sale hereby ordered and decreed, and to execute and deliver a deed of conveyance, bill of sale and assignment of the property to be sold to the purchaser thereof on order confirming such sale; the Court, however, reserving the right to appoint another person as Special Master with like powers, in case of the death or disability to act of the Special Master herein designated, or in case of his resignation or failure to act or removal by the Court.

(9) That within fifteen days from the confirmation of said sale, or such further time as the Court may allow, the purchaser of such mortgaged property shall complete payment of the full amount bid to the said Special Master, and upon such payment, the said purchaser shall be entitled to receive a deed of conveyance and bill of sale and assignment thereof from said Special Master and to receive possession of the property so purchased, and upon execution and delivery of deed and bill of sale and assignment, the Receiver shall deliver all premises and personal property sold which may be in his possession over to the purchaser, his successors or assigns.

(10) That the proceeds arising from the sale of said property shall be applied by said Special Master as follows, to-wit:

- (a) To the payment of all proper expense attendant upon said sale, including the expenses and compensation of the Special Master to make such sale, as may be hereinafter fixed and allowed; and
- (b) To the payment of the amount due and owing to the plaintiff, including principal, interest, attorneys' fee and costs, accrued and accruing.

(11) That if, after making all the above payments, there shall be paid according to further order of the Court in that regard; and in case there shall be any deficiency in the amount required to be paid in full of the several amounts directed and allowed to be paid, the said Special Master shall report to the Court the amount of the deficiency, and the plaintiff shall have a lien against said defendant, Wertzberger Derrick Company, for the amounts due, and shall have execution therefor.

(12) That all the matters by this judgment not determined, are reserved by this Court for future determination upon the application of any party. The Court reserves the right to retain exclusive power and jurisdiction and determine all controversies as to the character, extent and validity of the title and possession of such property acquired under this judgment, or the execution thereof.

The present term of this Court is extended until after complete execution of the provisions of this judgment, and until after final determination and disposition of all matters reserved for future determination or action by the Court.

ROYCE H. SAVAGE
United States District Judge

ENDORSED: Filed May 1 1941
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-		) NO. 323 - Civil
)
ATCHISON, TOPEKA & SANTA FE RAILROAD COMPANY, a corporation,	Defendant.)

O R D E R

NOW, on this 14th day of May, 1941, the above cause came on for hearing upon the application of Whit Y. Mauzy, United States Attorney for the Northern District of Oklahoma, for additional time within which to file an amended complaint herein, and for good cause shown, the Court finds that the time should be extended to May 15, 1941.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the plaintiff herein, United States of America, be, and hereby is granted until May 15, 1941, within which to file an amended complaint herein.

ROYCE H. SAVAGE
UNITED STATES DISTRICT JUDGE

ENDORSED: Filed May 14 1941
H. P. Warfield, Clerk
U. S. District Court LN

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

UNITED STATES OF AMERICA,	Plaintiff,)
)
-vs-		) NO. 353 - CIVIL
)
MIDLAND VALLEY RAILROAD COMPANY, a Corporation,	Defendant.)

O R D E R

This matter coming on for hearing this 14th day of May, 1941, and it appearing to the Court that there has been some misunderstanding as to the Government amending its complaint herein and a mistake has been made in the obtaining of extensions of time in which to file an amended complaint and the United States Attorney for the Northern District of Oklahoma having advised the Court that the Government stood upon its original complaint.

IT IS, THEREFORE, ORDERED that this cause proceed upon the original complaint filed by the plaintiff and that the defendant's motion to dismiss and for summary judgment will be set for hearing upon the motion docket of the court for regular disposition.

AND IT IS SO ORDERED.

ROYCE H. SAVAGE
UNITED STATES DISTRICT JUDGE

ENDORSED: Filed May 14 1941
H. P. Warfield, Clerk
U. S. District Court LN

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

UNITED STATES OF AMERICA,	Plaintiff,)
)
-vs-		) NO. 354 - CIVIL
)
MISSOURI, KANSAS, TEXAS RAILROAD COMPANY,	Defendants.)

O R D E R

NOW, on this 14th day of May, 1941, the above cause came on for hearing upon application of Whit Y. Mauzy, United States Attorney for the Northern District of Oklahoma, for additional time within which to file an amended complaint herein, and for good cause shown, the court finds that the time should be extended to May 15, 1941.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the plaintiff herein, United States of America be, and hereby is granted until May 15, 1941, within which to file an amended complaint herein.

ROYCE H. SAVAGE
UNITED STATES DISTRICT JUDGE

ENDORSED: Filed May 14 1941
H. P. Warfield, Clerk
U. S. District Court LN

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

CITY OF SAPULPA, OKLAHOMA, a municipal corporation,)
ex rel Brandon Barringer, George A. Ritzinger)
and William W. Allen, Jr.,	Plaintiff,
	) No. 484 CIVIL
)
-vs-)
)
1ST TRACT: W. S. GLASBY, ET AL,	Defendants.

ORDER PERMITTING ANSWER TO BE FILED OUT OF TIME

On this 13th day of May, 1941, the defendant, C. M. Levy presents to the court his application for leave to file an answer herein out of time and the court, being fully advised, finds that this cause has been heretofore submitted to the court for decision and evidence introduced by all parties appearing in said cause, and that said defendant C. M. Levy, should be permitted to file answer herein setting up and pleading as a defense herein the bar of the time limitations and the plea of laches.

IT IS THEREFORE ORDERED that the defendant, C. M. Levy, be and he is hereby granted leave to therewith file his answer to the petition of Plaintiff in this cause but that the filing of such answer shall in nowise reopen said cause for further evidence and, in so far as said defendant, C. M. Levy, is concerned, said cause shall stand submitted to the court upon the evidence heretofore introduced by the parties to said cause.

ROYCE H. SAVAGE
JUDGE OF THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

ENDORSED: Filed May 14 1941
H. P. Warfield, Clerk, U. S. District Court B

On this 15th day of May, A. D. 1941, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1941 Term at Tulsa, met pursuant to adjournment, Hon. Royce H. Savage and Hon. F. E. Kenamer, 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, FOR THE NORTHERN DISTRICT
OF OKLAHOMA

M. P. PERRY, TRUSTEE,	Plaintiff,)	
)	
-vs-		)	No. C-265
)	
ASSOCIATED PETROLEUM PROPERTIES, a)	
Trust Estate; PROVIDENT TRUST, a)	
Trust Estate; E. R. PERRY and)	
S. L. DEDMAN,	Defendants.)	

O R D E R

Now, on this 15th day of May, 1941, this matter coming on before me;

IT IS ORDERED that the Receiver, Joseph R. McGraw, be, and he is hereby, authorized and directed to make regular distribution of 25% per unit to all unit-holders of Associated Petroleum Properties and Provident Trust, each a Trust Estate, during the month of May, 1941.

F. E. KENAMER
JUDGE

ENDORSED: Filed May 15 1941
H. P. Warfield, Clerk
U. S. District Court JS

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

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

O R D E R

On this 15th day of May, 1940, this matter coming on before me, the undersigned Judge of this court, upon the application of the Receiver for partial allowance to himself and to his attorney, Henry L. Fist, and the court having heard the testimony of the Receiver, and being fully advised in the premises, and no adverse interest appearing;

IT IS ORDERED that the Receiver, Joseph R. McGraw, be, and he is hereby, empowered and directed to pay to himself the sum of \$600.00, and to his attorney, Henry L. E the sum of \$600.00, each payment being a partial allowance and covering services rendered including the month of May, 1941.

F. E. KENNAMER
JUDGE OF THIS COURT

ENDORSED: Filed May 15 1941
H. P. Warfield, Clerk
U. S. District Court JS

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

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

O R D E R

On this 15th day of May, 1941, this matter coming on before me, the unders Judge, upon the application of the Receiver, and the Court being fully advised in the premis

IT IS ORDERED:

1. That the Receiver be, and he is hereby, authorized, directed and instr accept title to the furniture now in the possession of the Receiver and in return therefor, the indebtedness of Perry, Dedman & Perry, in the sum of One Thousand Eight Hundred Eighty-8 Dollars and Forty-four Cents (\$1,887.44) to the Trust Estates.

2. That the Receiver be, and he is hereby authorized to sell the following furniture for the price indicated after each, to-wit:

Lot #1

- 1 Typewriter, not in use, requiring repairs before it can be used.
 - 2 Leather Side Arm Chairs, in bad condition,
- Total offer - \$5.00

Lot #2

- 1 Walnut Desk
- 1 Walnut Flat Top Desk
- 1 Telephone Table
- 1 Swivel Arm Chair
- 1 Swivel Chair
- 3 Walnut Side Arm Chairs
- 1 Walnut Costumer
- 2 Waste Baskets

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

REGULAR JANUARY 1941 TERM

TULSA, OKLAHOMA

THURSDAY, MAY 15, 1941

- 2 Rubber Chair Pads
- 2 Desk Pads
- 1 Thermos Jug Set
- 1 Fountain Pen Desk Set

Total Offer, \$50.00

F. E. KENNAMER
JUDGE

ENDORSED: Filed May 15 1941
H. P. Warfield, Clerk
U. S. District Court JS

IN UNITED STATES DISTRICT COURT, 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; D. W. Humphrey, Lee Joliff, and Ray H. Applek, Members of the Board of Education of the town of Oilton; Robert L. Seaton, Treasurer of the Board of Education of the Town of Oilton; J. Clyde Staiger, County Assessor of Creek County, W. B. Key, County Clerk of Creek County; H. L. Payne, County Treasurer of Creek County; Leonard May; Cy Covey and Lucien B. Wright, Members of and constituting the Excise Board of Creek County, and their successors in office, Defendants.

No. 302 Civil

O R D E R

Now on this 15th day of May, 1941, this matter comes on to be heard upon oral application of R. J. Edwards, Inc., the assignee of plaintiff above named, to be substituted as plaintiff in above entitled cause, and for order for disbursement of funds on hand in Sinking Fund of defendant, Board of Education of the Town of Oilton, Oklahoma. The Court, being advised in the premises, finds that in decree herein this Court retained Jurisdiction over this cause, the parties hereto, their successors and assigns, and reserved the power and right to make such orders and enter such judgment from time to time as it may find to be just and equitable.

The Court finds that said plaintiff, by instrument in writing duly filed herein, for a valuable consideration, has sold, assigned and transferred its interest in the judgment herein to R. J. Edwards, Inc. with full power to collect said judgment, and that said assignee is entitled to be substituted as party plaintiff herein and succeeds to the rights and remedies to which plaintiff is entitled under and by virtue of the judgment and decree herein.

That there is on hand in the Sinking Fund of said defendant, Board of Education of the Town of Oilton at this time the sum of approximately \$14,800.00. That said Sinking Fund should be disbursed and applied as follows:

1. Interest on judgment rendered herein from date of judgment April 30, 1940 to May 1, 1941 \$5054.00

2. Unpaid coupons on \$30,000.00 outstanding Building Bonds to March 1, 1941	\$2400.00
3. Interest on \$30,000.00 outstanding Building Bonds for two months, March 1 to May 1, 1941	\$ 300.00
4. To other judgment creditors of said Board of Education	\$ 300.00
5. To apply and be credited upon principal of judgment herein	<u>\$6746.00</u>
TOTAL	\$14800.00

It is therefore ordered that the defendants herein, Robert L. Seaton, Treasurer of the Board of Education of the Town of Oilton, Oklahoma, H. L. Payne, County Treasurer of Creek County, Oklahoma, and W. B. Key, County Clerk of Creek County, Oklahoma, forthwith disburse funds on hand in the Sinking Fund of said defendant, Board of Education of the Town of Oilton, in the manner above provided, and that the other defendants herein perform any and all acts by law required of them to be performed to permit said disbursement.

It is further ordered that the injunction and restraining orders heretofore entered in this case be and the same are hereby modified so as to permit compliance with above and foregoing orders, and that the same otherwise to remain in full force and effect.

It is further ordered that R. J. Edwards, Inc., assignee of plaintiff above, be and hereby is substituted as party plaintiff herein.

F. E. KENNAMER
JUDGE

ENDORSED: Filed May 15 1941
H. P. Warfield, Clerk
U. S. District Court H

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; D. W. Humphrey, Lee Joliff and Ray N. Apple, Members of the Board of Education of the Town of Oilton; Robert L. Seaton, Treasurer of the Board of Education of the Town of Oilton; J. Clyde Staiger, County Assessor of Creek County; W. B. Key, County Clerk of Creek County; and Leonard May, Cy Covey and Lucien B. Wright, Members of and constituting the Excise Board of Creek County, and their successors in office,

Defendants.

No. 302 Civil

ASSIGNMENT

For and on consideration of \$1.00 and other good and valuable consideration

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

GRAND RIVER DAM AUTHORITY,	Petitioner,)	
)	
-vs-		)	CIVIL NO. 329
)	
PETER BAREHEAD, ET AL,	Defendants.	)	Tract No. 3

O R D E R

Now on this 15th day of May, 1941, this matter coming on before the Court the application of the United States of America for an order directing the disbursement of \$100.00, the same being the award of the Commissioners appointed by the court to appraise in this cause of action, and it appearing to the court that said sum should be disbursed to Sunderwirth, Disbursing Agent for the Five Civilized Tribes, for the use and benefit of the heirs of Lizzie Constitution, deceased.

IT IS THEREFORE, THE ORDER OF THE COURT that H. P. Warfield, Clerk of this court do disburse, to F. W. Sunderwirth, Disbursing Agent for the Five Civilized Tribes, said sum of \$100.00 for the use and benefit of the heirs of Lizzie Constitution, deceased.

F. E. KENMAMER
JUDGE

ENDORSED: Filed May 15 1941
H. P. Warfield, Clerk
U. S. District Court H

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

GRAND RIVER DAM AUTHORITY,	Petitioner,)	
)	
-vs-		)	CIVIL NO. 329 Tract No. 5
)	
PETER BAREHEAD, ET AL.,	Defendants.)	

O R D E R

Now on this 15th day of May, 1941, this matter coming on before the court the application of the United States of America for an order directing the disbursement of \$38.89, the same being the award of the Commissioners appointed by the court to appraise in this cause of action, and it appearing to the court that an undivided seven-ninths' interest in said land is unrestricted and that a two-ninths' interest therein is owned by restricted Indians of the Five Civilized Tribes, and it further appearing to the court that said sum should be disbursed to F. W. Sunderwirth, Disbursing Agent for the Five Civilized Tribes, for the use and benefit of the heirs of Elizabeth Starr, deceased.

IT IS THEREFORE, THE ORDER OF THE COURT that H. P. Warfield, Clerk of this court do disburse to F. W. Sunderwirth, Disbursing Agent for the Five Civilized Tribes, said sum of \$38.89 for the use and benefit of the heirs of Elizabeth Starr, deceased.

F. E. KENMAMER
JUDGE

ENDORSED: Filed May 15 1941
H. P. Warfield, Clerk

REGULAR JANUARY 1941 TERM

TULSA, OKLAHOMA

THURSDAY, MAY 15, 1941

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

GRAND RIVER DAM AUTHORITY,	Petitioner,)	
)	
-vs-		)	CIVIL NO. 329 Tract No. 7
)	
PETER BAREHEAD, ET AL,	Defendants.)	

O R D E R

Now on this 15th day of May, 1941, this matter coming on before the court upon the application of the United States of America for an order directing the disbursement of the sum of \$3300.00, the same being the sum of the verdict fixed by the jury in this cause of action, and it appearing to the court that said sum should be disbursed to F. W. Sunderwirth, Disbursing Agent for the Five Civilized Tribes, for the use and benefit of the heirs of Lucy Buzzard, deceased.

IT IS THEREFORE, THE ORDER OF THE COURT that H. P. Warfield, Clerk of this court, disburse to F. W. Sunderwirth, Disbursing Agent for the Five Civilized Tribes, said sum of \$3300.00 for the use and benefit of the heirs of Lucy Buzzard, deceased.

F. E. KENNAMER
JUDGE

ENDORSED: Filed May 15 1941
H. P. Warfield, Clerk
U. S. District Court H

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

MAUD HERRELL,	Plaintiff,)	
)	
vs.		)	No. 495 - Civil
)	
CENTRAL STATES LIFE INSURANCE COMPANY,	Defendant.)	

JOURNAL ENTRY OF JUDGMENT

THIS CAUSE coming on for hearing before me, F. E. Kennamer, Judge of said Court, on this the 15th day of May, 1941, for rendition of final decision herein, the plaintiff appearing by her attorneys, Yancey, Spillers & Bush by G. C. Spillers, and the defendant, Central States Life Insurance Company, and Ray B. Lucas, Superintendent of the Insurance Department of the State of Missouri, appearing not, but it appearing to the court that evidence was heretofore introduced in this cause on behalf of the plaintiff and the defendant and the case closed and now stands ready for final decision, And the court having considered the briefs submitted by both plaintiff and defendant, and being fully advised in the premises finds that the petitioner of the plaintiff should be denied and this cause dismissed without prejudice, to which the plaintiff excepts.

IT IS, THEREFORE, CONSIDERED, ORDERED, ADJUDGED AND DECREED by the Court that this cause be and the same is hereby dismissed without prejudice, at the cost of the plaintiff, to which the plaintiff excepts.

DONE IN OPEN COURT this the 15th day of May, 1941.

ENDORSED: Filed May 15 1941
H. P. Warfield, Clerk
U. S. District Court

F. E. KENNAMER
JUDGE

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

Dewey T. Ross Engineering Corporation,)
 Plaintiff,)
) Case No. 544 Civil
 -vs-)
 Grand River Dam Authority, a corporation,)
 Defendant.)

ORDER MAKING HARTFORD ACCIDENT AND INDEMNITY COMPANY A PARTY DEFENDANT IN THIS CAUSE

Now, on this the 15th day of May, 1941, upon Motion of the defendant Grand Dam Authority, filed in this cause before filing of its Answer to the plaintiff's Complaint, hereby ordered that the Hartford Accident and Indemnity Company, a corporation, be, and it made a party defendant to this cause and the Clerk is authorized and directed to issue summons said Hartford Accident and Indemnity Company, a corporation, and to serve and return same in with the rules of this court.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed May 15 1941
H. P. Warfield, Clerk
U. S. District Court H

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

HAROLD G. LEWIS,)
 Plaintiff,)
) No. 578 Civil
 vs.)
 TAYLOR PAPER COMPANY, a corporation,)
 Defendant.)

Order To File Complaint On Pauper's Affidavit

THIS MATTER COMING ON TO BE HEARD before the undersigned Judge of the District Court of the United States for the Northern District of Oklahoma, on an oral application by plaintiff for permission to file his complaint on his pauper's affidavit, as provided by law appearing to the Court that said plaintiff is unable to pay said filing fee or to obtain moneys wherewith to pay such fee, and that he has no property to give as security for the payment same.

IT IS HEREBY ORDERED that the Court Clerk receive and file the complaint plaintiff herein, upon his signing and having duly acknowledged his pauper's affidavit, as by law.

Dated this 15 day of May, 1941.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed May 15 1941

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

REGULAR JANUARY 1941 TERM

TULSA, OKLAHOMA

THURSDAY, MAY 15, 1941

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

A. & H. TRANSPORTATION AND INVESTMENT COMPANY, a Corporation, Plaintiff,)
)
) CIVIL ACTION NO. 579
)
 -vs-)
)
 JAP HOLLAND, Sheriff of Delaware County,)
 Oklahoma and MARION HENRY GOOCH, Defendants.)

ORDER APPOINTING A. C. SINCLAIR OF JAY, OKLAHOMA TO SERVE PROCESS

Whereas, A. & H. Transportation and Investment Company, a Missouri, Corporation, has commenced in this Court an action against Jap Holland, as Sheriff of Delaware County, Oklahoma, for replevin of certain good and chattels in the possession of the said Jap Holland, the said Sheriff, under a Writ of Attachment against others than the plaintiff;

Now, therefore, in order to save substantial costs of travel by the United States Marshall to Jay, Oklahoma to serve process on defendant, A. C. Sinclair of Jay, Oklahoma is hereby appointed to make service of all processes issued in said suit, including service of Writ of Replevin upon the defendant, Jap Holland, as Sheriff of Delaware County, Oklahoma, and to make return thereof with his costs of service, and with the same effect as if said service had been had by the United States Marshall.

Dated this 15 day of May, 1941.

ROYCE H. SAVAGE
Judge of the United States District Court
for the Northern District of Oklahoma.

ENDORSED: Filed May 15 1941
H. P. Warfield, Clerk
U. S. District Court ME

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

Elizabeth D. Wallace, et al., Complainants,)
)
 vs.) Cause No. 1244 in Equity
)
 Richard T. Daniel, Jr., et al., Defendants.)

ORDER AUTHORIZING RECEIVER TO PURCHASE WATER COOLER

On this 15th day of May, 1941, this cause comes on to be heard upon the application of the Receiver for permission to purchase one water cooler for the benefit of the tenants of said R. T. Daniel Building, located at Third and Boston Streets in the City of Tulsa, Oklahoma. And upon the hearing of said application, it appearing to the Court that the conditions set out in the application are such that said water cooler should be purchased and installed, and that said water cooler is necessary to said building;

IT IS THEREFORE ORDERED that Eben L. Taylor, Receiver herein be and he is hereby authorized and empowered to purchase said water cooler by paying the sum of \$45.24 with said order,

On this 16th day of May, A. D. 1941, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1941 Term at Tulsa, met pursuant to adjournment, Hon. Royce H. Savage, 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

Ella Carr, Lena Tiger and Emma Marshall,	Plaintiffs,)	
)	
vs.		)	No. 552 Civil
Lee Hoover, and the unknown heirs, executors, administrators, devisees, trustees and assigns, immediate and remote, of Willie Carr, deceased, Creek Roll No. 2985, full-blood,	Defendants)	
)	
The United States of America,	Intervenor.)	

D E C R E E

This cause comes on to be heard before me Royce H. Savage, United States District Judge in and for the Northern District of Oklahoma, on this 16th day of May, 1941. The plaintiffs appearing by their counsel, L. J. Burt; also appeared Whit Y. Mauzy, United States Attorney for the Northern District of Oklahoma, and Chester A. Breve, Assistant United States Attorney for said District for the Intervenor, the United States of America, and for an on behalf of Ella Carr, Lena Tiger and Emma Marshall, full-blood restricted Creek Indians, parties plaintiff in this action; and it appearing to the Court that this is an action to quiet title and to partition forty (40) acres of land in Tulsa County, Oklahoma, and was instituted in the District Court of Tulsa County. The United States intervened in that Court and under the provision of Section 3 of the Act of Congress of April 12, 1926, (44 Stat. L. 293) properly removed said cause to this Court.

And it appearing to the Court that the defendant, Lee Hoover, was served with summons in this cause and appeared and filed his disclaimer; the unknown heirs, executors, administrators, devisees, trustees and assigns, immediate and remote of Willie Carr, deceased, Creek Roll #2984, full-blood, were duly summoned by publication, printed in the Tulsa Daily Legal News, a newspaper published and of general circulation in Tulsa County, Oklahoma. The first publication appearing therein on February 12, 1941, and continuing daily to and including the 5th day of March, 1941. The answer day fixed in said notice being March 31, 1941, more than 41 days from the first publication notice, and said notice of publication is approved by this court; and said defendants, the unknown heirs, executors, administrators, devisees, trustees and assigns, immediate and remote of Willie Carr, deceased, appeared not, but made default.

Thereupon the plaintiffs submitted oral proof by witnesses sworn and examined in open court, and the Court being advised in the premises finds:

The lands involved in this Action are described as the

Southeast Quarter (SE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section Thirty-five (35), Township Seventeen (17) North, Range Thirteen (13) East, and containing 40 acres, more or less, located in Tulsa County, Oklahoma,

which was the homestead allotment of Willie Carr, deceased, who died intestate while a resident of Tulsa County, Oklahoma, on April 14, 1940, the owner and in possession of the above described

The court finds that said Willie Carr left as his sole and only surviving following persons, to-wit:

Ella Carr, nee Brown, surviving wife, 58 years of age;

Lena Tiger, nee Carr, daughter, 27 years of age;

Emma Marshall, nee Carr, daughter, 24 years of age;

and that said persons inherited the above described land, an un-divided one-third (1/3) each

That since the death of the said Willie Carr, no administration has been had of his estate and no determination of heirs has been obtained; that the land herein involved being a homestead of said deceased, was restricted and not subject to administration for payment of

The Court further finds from the evidence, and it is adjudged and decreed by the Court that the above named parties found by the Court to hold undivided interest in the above lands, are now in the actual, quiet and peaceable possession thereof; and that they are the equitable owners thereof in the respective shares or interests as above set forth; that their title thereto is valid and perfect, and superior to any right, title, interest or claim by any other persons hereinafter named and that the unknown heirs, executors, administrators, devisees, trustees and assigns, immediate and remote of Willie Carr, deceased, Creek Indian Roll #2985, and each of them, have no title or interest therein.

The Court further finds from the evidence, and it is Adjudged and Decreed by the Court that said lands should be partitioned, and the respective shares of said land set apart to the respective parties in kind if the same is susceptible of being partitioned in kind; that Commissioners be appointed to view and appraise said land and to make partition of same in kind if this can be done without manifest injury to the parties plaintiffs; that if same cannot be equitably partitioned then said Commissioners should make and return appraisement to the Court and the said lands should be sold and the proceeds thereof, after payment of the costs and attorneys fees, should be divided between the parties as their interests appear, unless one of the parties of this action should elect to take the same at its appraised value; if no election be made by anyone of the parties to take the same at its appraised value, then in that case the same should be advertised and sold and the proceeds therefrom divided as above set forth.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT that Walter Wetz and A. C. Wise and John Gardner, are hereby appointed as Commissioners to view and appraise said land and make partition of the same in kind, if same can be equitably done, otherwise make an appraisal and return the same under oath to this Court, without unnecessary delay.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed In Open Court
May 16 1941
H. P. Warfield, Clerk
U. S. District Court LN

A. By mailing a written notice thereof signed by said Receiver, to each known creditor and unitholder of said Seminole Provident Trust, as shown by the books and records thereof; and

B. By publication of notice of the time, manner and place in which said proof of claim must be made and filed, together with the time at which said claims will be heard, in the Tulsa Daily Legal News for Ten (10) consecutive days beginning on or before May 21, 1941.

C. Said notice by said receiver of the manner, time and place in which said claims shall be executed, verified and filed, shall be in substantially the following form, to-wit:

"TO THE CREDITORS, CLAIMS AND UNITHOLDERS OF SEMINOLE PROVIDENT TRUST, A TRUST ESTATE, AND ALL OTHER PERSONS INTERESTED:

You will take notice that on May 19th, 1941, an order was issued by the Honorable Franklin E. Kennamer, Judge of the United States District Court for the Northern District of Oklahoma, ordering that all creditors, claimants and unitholders and other persons interested in the Seminole Provident Trust, a trust estate, must file with Noble C. Hoodo Receiver of Seminole Provident Trust, a trust estate, 1611 National Bank of Tulsa Building, Tulsa, Oklahoma, on or before June 19th, 1941, their verified proof of claim against said trust estate, setting forth the facts, showing the amounts and circumstances of said claim and/or the number of units of said Seminole Provident Trust owned by each claimant (in which latter event the certificates representing said units must be attached to said proof of claim), or they shall be forever barred from asserting their claim against said trust estate, and/or its receiver; that said order further provided that said receiver shall, on or before June 30th, 1941, prepare, execute and file with the Clerk of the United States District Court for the Northern District of Oklahoma, a written report of his findings and recommendations with regard to said claims, and that, thereafter, on July 14th, 1941, a hearing will be had before said Court to adjudicate said claims, at which time all persons interested will be heard.

Dated, May 19th, 1941, at Tulsa, Oklahoma.

Noble C. Hoodo Receiver of Seminole Provident Trust, a Trust Estate

6. That after the time to file said claims has expired, and after said Receiver has made his written report and recommendations to this court in regard thereunto, said receiver notify each claimant of his said recommendations by either sending him a copy of the same, or him specific notice of said recommendations with regard to said claim.

Dated, May 19th, 1941, at Tulsa, Oklahoma.

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

ENDORSED: Filed May 19 1941
H. P. Warfield, Clerk
U. S. District Court B

DISTRICT OF OKLAHOMA
TULSA, OKLAHOMA

REGULAR JANUARY 1941 TERM

MONDAY, MAY 19, 1941

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 MAKING TEMPORARY ALLOWANCE
TO RECEIVER AND HIS ATTORNEY

Now on this 19th day of May, 1941, same being a regular judicial day of the January Term of the above indicated court, the application of Noble C. Hood, Receiver of Seminole Provident Trust, a trust estate, and Eugene O. Monnet, attorney for said receiver, for a temporary allowance coming on regularly for hearing, and the Court being fully advised in the premises, and finding as follows, to-wit:

1. That said Receiver should be forthwith paid a temporary allowance of \$750.00 to apply upon the ultimate compensation to which he shall be entitled when said receivership estate is closed; and
2. That his said attorney should also be forthwith entitled to a temporary allowance of \$750.00 to apply upon the ultimate compensation to which he shall be entitled which said receivership estate is closed;

NOW, THEREFORE,

IT IS HEREBY ORDERED AS FOLLOWS, TO-WIT:

1. That Noble C. Hood, Receiver of Seminole Provident Trust, a trust estate, is entitled to receive and shall be paid from the funds of said receivership estate, a temporary allowance of \$750.00, to be credited and applied against the ultimate compensation to which he shall be entitled when said receivership estate is closed.
2. That Eugene O. Monnet, attorney for said receiver, is entitled to receive and shall be paid from the funds of said receivership estate, a temporary allowance of \$750.00 to be credited and applied against the ultimate compensation to which he shall be entitled when said receivership estate is closed.
3. That said Receiver is hereby authorized and directed to forthwith pay unto himself as receiver and to his attorney the above indicated temporary allowance from the funds of said receivership estate.

Dated, May 19, 1941.

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

ENDORSED: Filed May 19 1941
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

THE CITY OF FAIRFAX, OKLAHOMA, a municipal corporation, ex rel Almeda Durgee,	Complainant,)	
)	
vs.		)	CIVIL #311
)	
Mrs. Jessie McInroy, et al.,	Respondents.)	

ORDER APPOINTING SPECIAL MASTER

Now on this 19th day of May, 1941, the above matter comes on for hearing, on application of the plaintiff for an Order appointing a Special Master to sell real estate to judgments rendered by this Court in this cause, and it appearing to the Court that John R. Pearson, Pawhuska, Oklahoma, is a proper person to serve as Special Master for such purpose.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED THAT John R. Pearson, of Pawhuska, Oklahoma, be, and he is hereby appointed Special Master for the purpose of levying execution, upon and selling the lots and tracts of real estate upon which judgments have been heretofore rendered by this Court and which have remained unpaid for more than six months, and said Special Master is hereby ordered and directed to perform all things as required by the laws of the United States of America and the State of Oklahoma in levying execution upon, appraising, and selling said real estate, and in return thereof, and in disbursing the proceeds of said sale in accordance with the judgments of this Court.

ROYCE H. SAVAGE
District Judge

ENDORSED: Filed May 19 1941
H. P. Warfield, Clerk
U. S. District Court ME

Court adjourned to May 20, 1941

On this 20th day of May, A. D. 1941, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1941 Term at Tulsa, met pursuant to adjournment, Hon. Royce H. Savage, 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

LILIA QUAPAW HANSON, Plaintiff,)
vs.) No. 538 - CIVIL
H. A. ANDREWS, Superintendent of)
Quapaw Indian Agency, Defendant.)

O R D E R

This matter coming on for hearing this 20th day of May, 1941 upon the plaintiff's motion to set aside judgment and the plaintiff appearing by it's attorney Dick Rice, and the defendant appearing by Whit Y. Mauzy, United States Attorney for the Northern District of Oklahoma, and the court being fully advised in the premises, after argument of counsel, finds that the Secretary of the Interior of the United States is an indispensable party to this action and that the court is without jurisdiction to hear and determine this cause and that the said motion should be overruled.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the motion to set aside judgment be and the same is hereby is overruled to which action of the court plaintiff excepts, which exception is duly allowed.

ROYCE H. SAVAGE
UNITED STATES DISTRICT JUDGE

ENDORSED: Filed May 20 1941
H. P. Warfield, Clerk
U. S. District Court H

Court adjourned to May 23, 1941

On this 21st day of May, A. D. 1941, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1941 Term at Tulsa, met pursuant to adjournment, Hon. Royce H. Savage, 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 THE STATE OF OKLAHOMA

JERRY GOSS, by her father and next friend,)
E. S. GOSS, Plaintiff,)
vs.) No. 532 - Civil
MISSOURI-KANSAS-TEXAS RAILROAD COMPANY, a)
corporation, Defendant.)

O R D E R

Now on this 21st day of May, 1941, comes on for hearing plaintiff's application for

permission to make additional party defendant, and to file an amendment to her first amended in the above entitled and numbered cause, both parties being present by counsel, and the court been said motion and hear argument of counsel, thereon finds that same should be overruled.

IT IS THEREFORE CONSIDERED, ORDERED AND ADJUDGED that plaintiff's application for permission to make additional party defendant, and to file amendment to her first amended be, and it is hereby overruled.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed May 27 1941
H. P. Warfield, Clerk
U. S. District Court JS

Court adjourned to May 22, 1941

On this 22nd day of May, A. D. 1941, the District Court of the United States Northern District of Oklahoma, sitting in Regular January 1941 Term at Tulsa, met pursuant to ment, Hon. Royce H. Savage and Hon. F. E. Kennamer, 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, to-wit:

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

JAMES T. SPENCER, Administrator of the Estate of Jackson Barnett, Deceased, Plaintiff,
vs. GYPSY OIL COMPANY, et al, Defendants. NO. 39 - Civil

O R D E R

THIS matter coming on for hearing this 19th day of May, 1941, upon pre-trial conference, all being represented by counsel and the court after discussion of the issues involved and upon r of the parties, finds that briefs should be filed to clarify the issues involved.

IT IS THEREFORE ORDERED that the United States of America be and it hereby i Thirty (30) days from this date in which to file brief covering the admissibility or materi evidence as to the incompetency of Jackson Barnett on March 5, 1912 on the hearing of the bill review, and

IT IS FURTHER ORDERED that the defendants and each of them be and they herel Thirty (30) days after the filing of the brief of the United States in which to file an answer thereto,

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

REGULAR JANUARY 1941 TERM.

EDMUND, OKLAHOMA

THURSDAY, MAY 22, 1941

IT IS FURTHER ORDERED that the Mid-Continent Petroleum Company and any other defendant who may wish, may file briefs on any pertinent questions that they deem pertinent to the issues involved herein, within thirty (30) days from the date hereof, and

IT IS FURTHER ORDERED that the United States may, if it desires, at any reasonable time before the date of trial, file a brief on any points that may be involved in the trial of this cause.

AND IT IS SO ORDERED.

ROYCE E. SAVAGE
UNITED STATES DISTRICT JUDGE

ENDORSED: Filed May 22 1941
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,)
Plaintiff,)
vs.) NO. 436 - CIVIL
BOARD OF COUNTY COMMISSIONERS, OF CREEK)
COUNTY, OKLAHOMA, ET AL,)
Defendants.)

O R D E R

NOW, on this 9th day of May, 1941, this matter coming on regularly to be heard, the court having had the matter under advisement and being fully advised in the premises, finds that said motion to quash service of summons on the Superintendent of the Five Civilized Tribes Agency should be sustained.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that said motion be and the same hereby is sustained, to which ruling of the court plaintiff excepts, which exceptions are duly allowed.

F. E. KENNAMER
UNITED STATES DISTRICT JUDGE

ENDORSED: Filed May 22 1941
H. P. Warfield, Clerk
U. S. District Court B

REGULAR JANUARY 1941 TERM

DISTRICT OF OKLAHOMA

TULSA, OKLAHOMA

THURSDAY, MAY 22, 1941

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

SALMONS-ROBERTSON COMPANY, a corporation,)
 Plaintiff,)
 v.) No. 443 Civil
 MASSMAN CONSTRUCTION COMPANY, a corporation,)
 Grand River Dam Authority, at al., Defendants.)

O R D E R

For good cause shown time for filing reply to answers herein is hereby extended to the 12th day of June, 1941.

ROYCE H. SAVAGE
United States District Judge

ENDORSED: Filed May 22 1941
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. 569 - CIVIL
 SIXTEEN (16) UNITS; EIGHTY-THREE (83)
 UNITS; THIRTY-SIX (36) UNITS AND FORTY-
 FIVE (45) UNITS WILLAT METHOD HEATLESS
 PERMANENT WAVING,)
 Defendants.)

JOURNAL ENTRY OF JUDGMENT

NOW, on this 19th day of May, 1941, this matter coming on before the court as appearing to the court that heretofore, on May 3, 1941, plaintiff filed its petition in libel Sixteen (16) Units, Eighty-three (83) Units, Thirty-six (36) Units and Forty-five (45) Units of Willat Method Heatless Permanent Waving, alleging that said merchandise was shipped on or about January 16, 1940 and January 15, 1941, January 31, 1941, February 17, 1941 and March 3, 1941, by Heatless Permanent Wave Company, San Francisco, California, via Interstate Motor Lines and Connections.

That said merchandise was shipped in interstate commerce and is now being held by Vandevors Beauty Salon, Tulsa, Oklahoma, Gills Beauty Shop, Tulsa, Oklahoma, The Little Shop, Oklahoma and Eugene's Beauty Salon, Tulsa, Oklahoma and is now in an adulterated condition in that said merchandise contains water solution of ammonium hydrogen sulfide and is a dangerous cosmetic and adulterated in violation of Section 361a, Title 21 U. S. C., in that it contains poisonous and deleterious substance ammonium hydrogen sulfide and is subject to seizure and confiscation under Section 364, 21 U.S.C.

The court further finds that said merchandise is now held by Jno. P. Logan, United States Marshal for the Northern District of Oklahoma, pursuant to an order of this court.

IT IS THEREFORE THE ORDER AND JUDGMENT OF THIS COURT that said Sixteen (16) Units, Eighty-three (83) Units, Thirty-six (36) Units and Forty-five (45) Units of Willat Method Heatless Permanent Waving be destroyed and that Jno. P. Logan, United States Marshal for the Northern District of Oklahoma be and he hereby is instructed and directed to destroy said merchandise and report to the court within ten days from this date.

REGULAR JANUARY 1941 TERM
1941

OKLAHOMA, OKLAHOMA

THURSDAY, MAY 22, 1941

IT IS THE FURTHER JUDGMENT OF THE COURT that plaintiff, United States of America, recover the costs of this action.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed May 22 1941
H. P. Warfield, Clerk
U. S. District Court H

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

THE MICHIGAN TRUST COMPANY, a
corporation, et al.,

Plaintiffs,

In Equity No. 972

vs.

AKDAR CORPORATION, ET AL.,

Defendants.

ORDER APPROVING REPORT OF SPECIAL MASTER

This matter coming on for hearing on the report of C. W. Bedit, Special Master, filed herein on May 22, 1941, and it appearing to the court that said Special Master has, pursuant to the order of this court entered herein on April 21, 1938, made payments from the funds in his possession of the fees and allowances therefor authorized and has said, as a first and final dividend, thirty per cent (30%) of the principal amount of all outstanding first mortgage bonds of Akdar Corporation, except on the following bonds which have not been surrendered to the Special Master, to-wit:

<u>Bond No.</u>	<u>Principal Amount</u>
M-330	\$1,000.00
M-331	1,000.00
M-332	1,000.00
D-185	500.00
C-63	100.00
C-64	100.00
C-65	100.00
C-66	100.00
C-67	100.00
Total Principal	
Aggregate Amount \$4,000.00	

That the Special Master has advertised for all bondholders to present their bonds in order that they might have the first and final dividend paid thereon and the proper endorsement made on said bonds, and has complied with all of the terms and provisions of said order of April 21, 1938, but has been unable to make payment on the above numbered bonds because he has been unable to ascertain the names and post-office addresses of the owners and holders thereof.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the report of the Special Master filed herein on the 22nd day of May, 1941, be and the same is hereby approved, and said Special Master is authorized and directed to deliver, and concurrently with the entry of this order, has delivered, to the Clerk of this Court, his check for Twelve Hundred Dollars (\$1200.00), being the balance on hand, as shown by said report, and the amount required to pay as a first and final dividend, 30% of the principal amount of the above numbered and described first mortgage bonds of Akdar Corporation. Said Special Master is hereby discharged and released.

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

DISTRICT OF OKLAHOMA

REGULAR JANUARY 1941 TERM

TULSA, OKLAHOMA

THURSDAY, MAY 23, 1941

IT IS FURTHER ORDERED AND ADJUDGED that said fund of \$1200.00 be held by the Clerk of this Court for the purpose of paying, as a first and final dividend, 30% of the principal amount of the above numbered and described bonds, and the Clerk of this Court is authorized to make said payment on said bonds when presented to him, and in making said payment, shall endorse on such bonds the date of the payment, the amount thereof and the fact that it represents a first and final dividend thereon.

ENTERED this 23 day of May, 1941.

F. E. KENNAMER
JUDGE

ENDORSED: Filed May 23 1941
H. P. Warfield, Clerk
U. S. District Court H

Court adjourned to May 23, 1941

REGULAR JANUARY 1941 TERM

TULSA, OKLAHOMA

FRIDAY, MAY 23, 1941

On this 23rd day of May, A. D. 1941, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1941 Term at Tulsa, met pursuant to adjournment, Hon. Royce M. Savage, Judge, present and presiding.

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

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

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

United States of America, Libelant,)
vs.)
One 1940 Model Ford Sedan Automobile, Motor) No. 535 CIVIL
No. 18-5,238,182, and approximately 33)
gallons of assorted taxpaid intoxicating liquor)
seized therein; J. J. Pappan, and General Motors)
Acceptance Corporation, Tulsa, Oklahoma, Claimants.)

JOURNAL ENTRY OF JUDGMENT

Now on this 23rd day of May, 1941, this cause of action having come on before the Court, pursuant to regular assignment, libelant appearing by Whit Y. Mauzy, United States Attorney for the Northern District of Oklahoma, and Joe W. Howard, Assistant United States Attorney for said District, and the claimants, J. J. Pappan and the General Motors Acceptance Corporation, Tulsa, Oklahoma, having each filed a waiver of the issuance and service of motion, made their general appearance herein and disclaimed any interest in and to the aforesaid described automobile and approximately Thirty-three (33) gallons of assorted taxpaid intoxicating liquor seized therein, and the Court being fully advised in the premises, finds that a forfeiture should be decreed.

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 1940 Model Ford Sedan Automobile, Motor No.

18-5,238,132 and said automobile is ordered delivered to the Treasury Department for the use of the Bureau of Internal Revenue in the enforcement of the Internal Revenue Laws, pursuant to Section 304 of the Liquor Law Repeal and Enforcement Act, together with all of its equipment and accessories.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT that a forfeiture herein be, and the same is hereby allowed as to the said approximately Thirty-three (33) gallons of assorted tax-paid intoxicating liquors seized in and with said described automobile, which intoxicating liquors are ordered delivered over to the Secretary of the Treasury of the United States for proper and lawful disposition.

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

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed May 23 1941
H. P. Warfield, Clerk
U. S. District Court H

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

DEWEY T. ROSS ENGINEERING CORPORATION, Plaintiff,)
vs.) No. 544 Civil
GRAND RIVER DAM AUTHORITY, a corporation,)
Defendant.)

ORDER GRANTING ENLARGEMENT OF TIME IN WHICH TO REPLY

Now on this 21st day of May, 1941, application having been made by the plaintiff, Dewey T. Ross Engineering Corporation, for an enlargement of time in which to reply in the above entitled cause, and the Court being well and sufficiently advised in the premises, finds that good cause for such good cause shown for such enlargement has been shown and that said application should be granted.

NOW, THEREFORE, IT IS HEREBY ORDERED that the plaintiff, Dewey T. Ross Engineering Corporation, be, and it is hereby granted and allowed until July 1, 1941, within which to prepare and file its reply to the answer of defendant herein.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed May 23 1941
H. P. Warfield, Clerk
U. S. District Court H

Court adjourned to May 24, 1941

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

REGULAR JANUARY 1941 TERM

TULSA, OKLAHOMA

SATURDAY, MAY 24, 1941

On this 24th day of May, A. D. 1941, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1941 Term at Tulsa, met pursuant to adjournment, Hon. Royce H. Savage, Judge, present and presiding.

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

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

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

Charley Thompson, Plaintiff,)
vs.)
Joe Thompson, and Lucy Smith, nee Thompson, and)
the heirs known and unknown, executors, adminis-)
trators, devisees, trustees, and assigns, immediate)
and remote, of the Estate of Nancy Thompson, de-)
ceased, Defendants.)
No. 526 - Civil

DECREE QUIETING TITLE AND AWARING PARTITION

The above case coming on for hearing in its regular order on this the 14th day of May, 1941, the plaintiff, Charley Thompson, appearing by his attorney of record, J. S. Severson, and the defendants, Joe Thompson and Lucy Smith, nee Thompson, appearing not, they having filed in said action their answer entering their appearance and admitting the allegations as to their relationship to the deceased, Nancy Thompson, and their ownership in and to the land involved herein as set out in plaintiff's petition. The United States of America appearing not.

And the Court having heard the evidence adduced by the plaintiff, and having examined all the pleadings and the exhibits thereto attached, and the testimony introduced, and the proof of publication, and being fully advised in the premises, finds:

That this action was originally filed in the District Court of Mayes County, State of Oklahoma; that publication to the known and unknown heirs, executors, administrators, devisees, trustees and assigns, immediate and remote, of the Estate of Nancy Thompson, deceased, was regularly made in the Pryor Jeffersonian, a newspaper of general circulation, published in Pryor, Mayes County, Oklahoma, for four consecutive issues, the first being published November 28, 1940, and the last publication being December 19, 1940, and that the answer date named therein, to-wit: January 10, 1941, was more than forty-one days after the first publication; and the said notice being in proper form is by the Court approved; and

It further appearing to the Court that defendants, Joe Thompson and Lucy Smith, nee Thompson, are properly before the Court by virtue of their voluntary waiver of summons and their entry of appearance herein.

The Court further finds that the allegations of said petition are true in this that the lands involved herein, to-wit:

The South Half of the Northeast Quarter of the Northeast quarter and the Southeast Quarter of the Northwest Quarter of the Northeast Quarter of Section 19, Township 19 North, Range 20 East, of the Indian land and Meridian, 1, Mayes County, Oklahoma,

were duly allotted to Nancy Thompson, nee Doolittle, a Full Blood Cherokee Indian, enrolled opposite

SATURDAY, MAY 24, 1941

Roll No. 20742, said land being allotted to her by virtue of her Cherokee blood and citizenship in said nation; that said Nancy Thompson died intestate upon the 12th day of April, 1916, and was at the time of her death a resident of Mayes County, Oklahoma; that she was the owner of the land hereinbefore described in fee simple; that she left surviving her as her sole and only heirs at law her husband, Charley Thompson, plaintiff herein, who is also a full blood Cherokee Indian, enrolled opposite Roll No. 17619, and their two children, Joe Thompson and Lucy Smith, nee Thompson, defendants above named, both of legal age, they being the only children born to said deceased and her husband, Charley Thompson; and that said land is now in the joint possession of the plaintiff and said named defendants, and owned by them in equal one-third undivided portions; that they are the sole and only heirs of said Nancy Thompson, deceased, and that the title to the land hereinbefore described should be quieted in them, and that plaintiff, Charley Thompson, and defendants, Joe Thompson and Lucy Smith, nee Thompson, are entitled to partition of said land.

The Court further finds that the persons named as unknown heirs of the said Nancy Thompson, deceased, and, if dead, their executors, administrators, devisees, trustees and assigns, both immediate and remote, have no right, title or interest in and to the premises involved herein, and any adverse right that could be claimed or awarded to them or either of them against the known heirs of said decedent are void and should be so decreed, and the title to said land should be equited against them and each of them.

The Court further finds that no administration was had over the estate of said Nancy Thompson, deceased, in the County Court of Mayes County, Oklahoma, and that more than three years have elapsed since her said death, and that there is now no cause or reason for administration of her said estate; and that the District Court of Mayes County, Oklahoma has jurisdiction of this action, and, upon transfer of the same to this court, this court obtained jurisdiction of the same and is now vested with full and complete jurisdiction of the parties to this action and the subject matter thereof.

The Court further finds that this action was transferred to this court upon proper motion filed by the United States of America by and through Whit Y. Mauzy, United States Attorney for the Northern District of Oklahoma, and Chester A. Brewer, Assistant United States Attorney for said district, pursuant to the provisions of Section 2 of the Act of Congress of April 12, 1936 (44 Stat. 230), notice of the pendency of this action having been served on the Superintendent of the Five Civilized Tribes at Muskogee, Oklahoma; that subsequent to the transferring and lodging of said action in this Court, a motion was duly filed by the United States of America to quash service of said notice served on the Superintendent of the Five Civilized Tribes for the reason that said notice was not issued or served within 10 days from the entry of the general appearance of the parties to said action; and on a hearing had of said motion, the same was by the Court overruled, and time granted to the United States of America within which to plead; and that no further pleading has been filed by the United States of America it having elected not to further plead, the said United States Attorney and the Assistant United States Attorney both being present in open court when plaintiff's evidence was submitted, but elected to take no part in the trial of said action.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT that the findings heretofore made be, and the same are made the judgment of this Court.

IT IS FURTHER ORDERED, Adjudged and Decreed by the Court that the plaintiff, Charley Thompson and the defendants, Joe Thompson and Lucy Smith, nee Thompson, are entitled to partition of the lands involved in this action and heretofore described, including all mineral rights in and under the same, so that each of them may have and hold a one-third thereof and value in severalty; that, if partition in kind cannot be made without manifest injury to the interests of said parties, that a sale of all the land involved herein be made and that the proceeds therefrom, after the payment of Court Costs, and Attorneys's Fees, be divided in equal one-third parts among them; and that Will Crockett, H. L. Burris and Thomas J. Harris on, disinterested free-holders of Mayes County, Oklahoma, be and they are hereby appointed Commissioners to partition the said land if the same can be done without manifest injury to the interests of the parties above named; otherwise to make an appraisement and valuation thereof and to file their report forthwith; and the Honorable H. P. Warfield, Clerk of this Court, is directed to issue to said Commissioners a Writ of Partition directing them to make the same without unnecessary delay.

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

REGULAR JANUARY 1941 TERM.

MUSKOGEE, OKLAHOMA

SATURDAY, MAY 24, 1941

IT IS FURTHER ORDERED, Adjudged and Decreed by the Court that the title of the plaintiff and of the defendants, Joe Thompson and Lucy Smith, nee Thompson, in and to said land be quieted in them against the adverse claims of the defendants named as the unknown heirs, executors and administrator devisees, trustees and assigns, immediate and remote, of Nancy Thompson, deceased, and each of them, the said unknown defendants and each of them are jointly and severally forever barred and enjoined from claiming or asserting any right, title or interest in and to said lands adverse to the right, title and interest of the plaintiff and the above named defendants.

IT IS FURTHER ORDERED, Adjudged and Decreed by the Court that the plaintiff, Charley Thompson, as the surviving husband, and Joe Thompson, and Lucy Smith, nee Thompson, the surviving children of said deceased, Nancy Thompson and the plaintiff herein, as such are her sole and only heirs and upon her death succeeded to and became the owners in equal one-third portions of the land involved herein, the same being the allotted lands of said deceased, Nancy Thompson, and cured and occupied by her at the time of her death.

IT IS FURTHER ORDERED, Adjudged and Decreed by the Court that this decree be binding in all respects on the United States of America to the same extent as such decree is binding on all other parties to said action, as provided by the Act of Congress of April 12, 1926, and the notice served pursuant thereto on the Honorable A. H. Landman, Superintendent of the Five Civilized Tribes at Muskogee, Oklahoma.

IT IS FURTHER ORDERED, Adjudged and Decreed by the Court that the publication service against the unknown defendants designated as the unknown heirs, executors, administrators, devisees, trustees and assigns, both immediate and remote, of the said Nancy Thompson, deceased, made in the Pryor Jeffersonian, and the Proof of Publication as filed in this case, be and the same is in all things approved and confirmed, and that the service of notice on the Superintendent of the Five Civilized Tribes at Muskogee, Oklahoma, as made and returned by the United States Marshall of the Eastern District of Oklahoma, be and the same is in all things confirmed, is valid and perfect, and made in accordance with the provisions of the Act of Congress of April 12, 1926.

ROYCE M. SAVAGE
United States Judge of the Northern
District of Oklahoma.

ENDORSED: Filed May 24 1941
H. P. Warfield, Clerk
U. S. District Court H

Court adjourned to May 26, 1941.

On this 26th day of May, A. D. 1941, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1941 Term at Tulsa, met pursuant to adjournment, Hon. Bryce H. Savage and Hon. F. E. Kemmerer, Judge, present and presiding.

H. P. Warfield, Clerk, U. S. District Court
Whit Y. Maury, 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

Evelyn Seber, otherwise known as)
Osharsha John, Jamie Powshiek and)
Juanita Deere, now McIntosh, Plaintiffs,)
) Number 436 Civil
vs.)

Board of County Commissioners of the County of)
Creek, State of Oklahoma, et al., Defendants.)

ORDER SUBSTITUTING PARTY

This cause comes on to be heard on this 26th day of May, 1941, upon the joint petition of plaintiffs and defendants, for the substitution of W. Howard Seay, County Assessor of the County of Creek State of Oklahoma, in lieu and in the stead of J. Clyde Staiger, County Assessor of said County, and upon the waiver of notice and consent of said W. Howard Seay to said order of substitution, and the Court being advised, finds:

That the term of office of the defendant, J. Clyde Staiger, as County Assessor of the County of Creek, State of Oklahoma, expired on the 7th day of January, 1941, and that he was succeeded in office by W. Howard Seay, who is now the duly qualified and acting County Assessor of said County.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that W. Howard Seay, County Assessor of the County of Creek, State of Oklahoma, be, and he is hereby substituted as a party defendant in the above numbered and styled cause in lieu and in the stead of the said J. Clyde Staiger, as such County Assessor.

F. E. KEMMERER
J U D G E

ENDORSED: Filed May 26 1941
H. P. Warfield, Clerk
U. S. District Court JS